



**AGENDA
PLANNING AND LAND USE COMMITTEE
MEETING OF AUGUST 21, 2014, AT 9:00 A.M.
COUNCIL CHAMBERS
CITY HALL, 1 CENTENNIAL SQUARE**

Page

CALL TO ORDER

APPROVAL OF AGENDA

CONSENT AGENDA

ADOPTION OF MINUTES

1. Minutes from the Meeting held on July 17, 2014.

DECISION REQUEST

2. Rezoning Application # 00405 for 2921, 2923 and 2937 Shelbourne Street 5 - 34
--D. Day, Director of Sustainable Planning & Community Development

Neighbourhood: Oaklands Recommendation: Forward to Public Hearing
3. Rezoning Application # 00448 and Development Permit Application for 508 Springfield Street 35 - 52
--D. Day, Director of Sustainable Planning & Community Development

Neighbourhood: Victoria West Recommendation: Forward to Public Hearing
4. Rezoning Application # 00429 and Development Permit with Variances for 605-607 Cornwall Avenue 53 - 99
--D. Day, Director of Sustainable Planning & Community Development

Neighbourhood: Fairfield Recommendation: Forward to Public Hearing

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| 5. | Rezoning Application # 00420 and Development Permit with Variances
Application for 367 Roberston Street
<i>--D. Day, Director of Sustainable Planning & Community Development</i>

<u>Neighbourhood:</u> Fairfield <u>Recommendation:</u> Forward to Public Hearing | 101 - 154 |
| 6. | Development Variance Permit Application # 00134 for 2640 Forbes
Street
<i>--D. Day, Director of Sustainable Planning & Community Development</i>

<u>Neighbourhood:</u> Oaklands <u>Recommendation:</u> Forward to Public Hearing | 155 - 168 |
| 7. | Development Variance Permit Application # 000136 for 125 Moss
Street
<i>--D. Day, Director of Sustainable Planning & Community Development</i>

<u>Neighbourhood:</u> Fairfield <u>Recommendation:</u> Forward to Public Hearing | 169 - 180 |
| 8. | Development Permit with Variances # 000366 for 105-230 Cook Street
<i>--D. Day, Director of Sustainable Planning & Community Development</i>

<u>Neighbourhood:</u> Fairfield <u>Recommendation:</u> Forward to Public Hearing | 181 - 194 |
| 9. | Development Permit with Variances Application # 000352 for 2353
Douglas Street
<i>--D. Day, Director of Sustainable Planning & Community Development</i>

<u>Neighbourhood:</u> Burnside-Gorge <u>Recommendation:</u> Forward to Public
Hearing | 195 - 217 |
| 10. | Development Permit with Variances Application # 000370 for 300
Michigan Street
<i>--D. Day, Director of Sustainable Planning & Community Development</i>

<u>Neighbourhood:</u> James Bay <u>Recommendation:</u> Forward to Public Hearing | 219 - 239 |
| 11. | Application for a Permanent Change to Occupant Load - Executive
House - 777 Douglas Street
<i>--R. Woodland, Director of Legislative & Regulatory Services</i>

<u>Neighbourhood:</u> Downtown <u>Recommendation:</u> Approve Application | 241 - 309 |

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| 12. | <p>Proposed Amendment to the Master Development Agreement for 1952 Bay Street</p> <p><i>--D. Day, Director of Sustainable Planning & Community Development</i></p> <p><u>Neighbourhood:</u> North Jubilee <u>Recommendation:</u> Amend MDA</p> | 311 - 322 |
| 13. | <p>Heritage Alteration Permit Application # 000191 for 1205 Wharf Street / 10 Bastion Square</p> <p><i>--D. Day, Director of Sustainable Planning & Community Development</i></p> <p><u>Neighbourhood:</u> Downtown <u>Recommendation:</u> To Decline</p> | 323 - 346 |
| 14. | <p>Request to Waive Council's Clean Hands Policy for Site Office Building at 80 Sagahlie Road</p> <p><i>--D. Day, Director of Sustainable Planning & Community Development</i></p> <p><u>Neighbourhood:</u> Victoria West <u>Recommendation:</u> To Waive Policy</p> | 347 - 356 |

PROPERTY MAINTENANCE BYLAW HEARING - 1:00 P.M.

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| 15. | <p>Work Without Permit - 865 View Street - 12th Floor</p> <p><i>--R. Woodland, Director of Legislative & Regulatory Services</i></p> <p><u>Neighbourhood:</u> Harris Green <u>Recommendation:</u> Place Notice on Title</p> | 357 - 369 |
| 16. | <p>Illegal Accessory Building - 755 Front Street</p> <p><i>--R. Woodland, Director of Legislative & Regulatory Services</i></p> <p><u>Neighbourhood:</u> Victoria West <u>Recommendation:</u> Place Notice on Title</p> | 371 - 385 |

MOTION TO CLOSE THE AUGUST 21, 2014, PLANNING & LAND USE STANDING COMMITTEE MEETING TO THE PUBLIC

That the Planning & Land Use Committee convene a closed meeting that excludes the public under Seciton 12 (6) of the *Council Bylaw* for the reason that the following agenda item deals with matters specified in Sections 12 (3) and/or (4) of the *Council Bylaw*; namely:

- Section 12 (3) (g) - Litigation or potential litigation affecting the City.
17. Minutes from the Closed Meeting held on July 17, 2014.
18. Statutory Right-of-Way
--D. Day, Director of Sustainable Planning & Community Development

ADJOURNMENT



Planning and Land Use Committee Report

For the meeting on August 21, 2014

Date: August 7, 2014 **From:** Lucina Baryluk, Senior Process Planner
Subject: **Rezoning Application #00405 for 2921, 2923 and 2937 Shelbourne Street –**
Application for an eight-unit townhouse development

Executive Summary

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application for the properties located at 2921, 2923 and 2927 Shelbourne Street. The proposal is to rezone the two lots from the R1-B Zone, Single Family Dwelling District, to the RK-6 Zone, Shelbourne Townhouse District, to permit the construction of an eight-unit townhouse development.

The following points were considered in assessing this application:

- The *Official Community Plan, 2012* places the subject properties within the Traditional Residential designation. This designation envisions multi-unit buildings up to three storeys, at a maximum floor space ratio (FSR) of 1:1. The proposed density is 0.6:1 FSR, which is below that maximum density. The lower density provides a good fit in the immediate context, transitioning to single-family dwellings.
- Since Shelbourne Street is classified as secondary arterial, multi-family residential developments are supportable. Within the context of the Shelbourne Street corridor, townhouses provide housing suitable for families and are consistent with recent rezoning applications in this area.
- The application is subject to Development Permit Area 7A, Corridors. One of the primary objectives of this Development Permit Area is to ensure that development along corridors is compatible with adjacent and nearby lower density residential neighbourhoods. This development generally complies with these objectives. The variances are minor in nature.

Staff recommend that the Planning and Land Use Committee advance this application, subject to the submission of a Development Permit Application showing refinements to the Shelbourne Street elevation.

Recommendations

1.
 - a. That Council instruct City Staff to prepare the necessary *Zoning Regulation Bylaw* amendments that would authorize the proposed development outlined in the Rezoning Application #00405 for 2921, 2923 and 2927 Shelbourne Street.
 - b. That Council consider giving first and second reading to this bylaw amendment after the bylaws have been drafted.

- c. That Council schedule a Public Hearing after the bylaw has received first and second reading, subject to submission of a Development Permit Application with refinements to the Shelbourne Street elevation, to the satisfaction of the Director of Sustainable Planning and Community Development.
2. Following consideration of Rezoning Application #000405, that Council consider authorizing the issuance of the concurrent Development Permit Application in accordance with:
 - a. revised plans showing refinements to the Shelbourne Street elevation;
 - b. development meeting all *Zoning Regulation Bylaw* requirements of the RK-6 Zone Shelbourne Townhouse District, except for:
 - i) Section 2.60.3 - Number of storeys relaxed from 2.5 maximum to 3,
 - ii) Section 2.3.14(c) - Side yard setback relaxed from 7.5 m for living rooms (Building A - north) to 4.59 m and (Building B - south) to 4.59 m,
 - iii) Section 2.3.17 - Separation space between Building A and Building B relaxed from 8.0 m to 7.8 m,
 - iv) Section 2.3.18(1) - Height for Building B relaxed from 8.5 m to 8.8 m to upper ceiling,
 - v) Section 2.3.19 - Third storey floor area relaxed from 60% of other floors to 100% (full third floor level) for Buildings A, B and C;
 - c. final plans to the satisfaction of the Director of Sustainable Planning and Community Development.

Respectfully submitted,

Lucina Baryluk
Senior Process Planner
Development Services Division

Deb Day, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

Jason Johnson

Date:

August 14, 2014

LB:aw

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1.0 Purpose

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application for the properties located at 2921, 2923 and 2927 Shelbourne Street. The proposal is to rezone the two lots from the R1-B Zone, Single Family Dwelling District, to the RK-6 Zone, Shelbourne Townhouse District, to permit the construction of an eight-unit townhouse development.

2.0 Background

2.1 Description of Proposal

The site is located on the east side of Shelbourne Street between Pearl Street and Myrtle Avenue. The applicant is proposing to construct eight townhouse units in three buildings. The units have the following features:

- The units are three storeys in height. The two buildings fronting Shelbourne Street have two units per building and Building C has four units.
- The main living area is on the second storey and the two bedrooms are on the third floor.
- The materials include a laminate shingle roof, cement board siding (including shingles and board and batten detailing) and cultured stone veneer detailing on the buildings fronting Shelbourne Street.
- One parking stall is provided within each unit and there are four surface parking stalls, thereby meeting the parking requirements of Schedule C.
- The landscape plan shows patios at grade for each unit, with cedar hedging marking the separation between the units. There is a lawn around the perimeter of the property, a number of new trees and a rain garden along the south boundary of the parking area.

2.1.1 Green Building Features

The applicant has provided a detailed list of green building features in the supporting documentation. The key features relate to the following:

- Envelope and Energy Systems (building envelope, mechanical systems, lighting and automation)
- Materials and Methods (Material efficient framing, environmentally preferable materials, durable construction)
- Indoor Air Quality
- Ventilation
- Waste Management
- Water Conservation, including landscaping.

2.2 Existing Site Development and Development Potential

The subject property at 2921/2923 Shelbourne Street has a duplex, constructed in 1955. The property at 2927 Shelbourne Street has a single family dwelling, constructed in 1954.

The current zoning of the subject properties is the R1-B Zone, Single Family Dwelling, and would allow construction of a dwelling unit of up to 300 m² on each lot including the potential for a secondary suite.

2.3 Land Use Context

The Shelbourne Corridor has seen significant changes over the last decade. However, in this block of Shelbourne Street, between Pearl Street to the south and Myrtle Street to the north, there has been very little redevelopment. The challenge has been that redevelopment can generally only occur by combining two or more lots to have adequate site area to accommodate a multi-unit residential development. On the east and west side of Shelbourne Street in this block, there has only been one redevelopment at 2918 Shelbourne Street for a seven-unit townhouse development. All of the other properties in this block of Shelbourne Street are single family dwelling or duplexes.

The east property boundary forms the border between the City of Victoria and the District of Saanich. The properties to the east, fronting on Townley Street, are generally single family dwellings.

2.4 Data Table

The following data table compares the proposal with the Shelbourne Townhouse District (RK-6 Zone). An asterisk is used to identify where the proposal requires relaxations from the comparative zone standard (RK-6).

Zoning Criteria	Proposal	Zone Standard RK-6
Site area (m ²)	1872	1800
Site area per unit (m ²) – minimum	234	225
Number of units – maximum	8	8
Density (Floor Space Ratio) – maximum	0.6:1	0.6:1
Total floor area (m ²) – maximum	1126	1126
Size of the third floor % – maximum	100*	60
Lot width (m) – minimum	36.5	18
Height (m) – maximum	8.5 Building A 8.8* Building B 8.5 Building C	8.5 (ceiling)
Storeys – maximum	3*	2.5
Site coverage % – maximum	30	33
Open site space % – minimum	48	45
Separation Space Between Buildings (within the site) (m) – minimum	7.8*	8

Setbacks (m) – minimum		6
Front building (Shelbourne)	7.5	1.6
Front projections (porch) – maximum	1.5	
Rear (east)	7.2	4 for habitable room 7.5 for living room
Side (north)	4.59* Building A	4 for habitable room 7.5 for living room
Side (south)	4.59* Building B	4 for habitable room 7.5 for living room
Parking – minimum	12	12 (1.5 stalls per unit)
Visitor parking – minimum Included in the overall units	1	1
Bicycle parking stalls – minimum	6	6 space rack

2.5 City Policies and Regulations

2.5.1 Official Community Plan (OCP) 2012 and Neighbourhood Plans

The *Official Community Plan, 2012* designates the area as Traditional Residential. Since Shelbourne Street is classified as a secondary arterial, the anticipated built-form for residential uses range from ground-oriented to multi-unit buildings up to three storeys, including both attached-residential and apartment-building forms. The corresponding density is up to approximately 1:1 FSR.

2.5.2 Neighbourhood Plans

Although the subject property is within the North Jubilee Neighbourhood, the plan policies relating to this area of Shelbourne Street are contained in the *Oaklands Neighbourhood Plan*. The *Oaklands Neighbourhood Plan* includes this site within an area of potential change where rezonings for townhouses with up to 18 units per acre with a 2.5 storey height limit can be considered. The site area required per townhouse unit is 225 m², which is the standard in the RK-3 Zone and the RK-6 Zone, Shelbourne Townhouse Districts.

2.5.3 Design Guidelines

The property is within Development Permit Area 7A, Corridors, Shelbourne Street, which provides guidance for form and character of multi-unit residential developments. The guidelines referenced for all corridors are the *Advisory Design Guidelines for Buildings, Signs and Awnings* (1981). In addition, specific guidelines from the *Oaklands Neighbourhood Plan* are applicable to the analysis.

2.6 Community Consultation

The North Jubilee Community Association Land Use Committee (CALUC) hosted a Community Meeting regarding this application May 29, 2013. The attached record provides details of this discussion. Since that time, the applicant has refined the development, the details of which are captured in the applicant's letter. Consistent with the normal process, updated plans have been sent to the CALUC.

3.0 Issues and Analysis

3.1 Issues

The following issues were identified with this application:

- siting and design
- landscaping.

3.2 Analysis

3.2.1 Siting and Design

The preferred form of housing along Shelbourne Street is townhouses, with the intent of creating a strong residential presence along the street. The ideal design response would be a number of units directly facing the street and an internal driveway (parallel to Shelbourne Street) servicing the units. The initial review of the application requested that the applicant consider this design solution, however, the design response has been to create more prominent unit entries facing Shelbourne Street.

While a Development Permit Application has not been submitted for this application, the submission provides adequate detail to be analysed for compliance with the applicable design guidelines. The property is within Development Permit Area 7A, Corridors, Shelbourne Street, which provides guidance to the form and character of multi-family residential development. The main objective of this Development Permit Area is to ensure that development along corridors is compatible with adjacent and nearby lower-density residential neighbourhoods through human-scaled urban design and a sensitive transition in building form and place character.

The relationship and transition of the proposal to the immediate context are difficult to assess, as the adjacent properties are all single family dwellings. From the Shelbourne Street elevation, the buildings appear significantly larger than the neighbouring buildings. This issue may be somewhat addressed by refinement of this elevation to simplify the pattern and materials. There is some articulation of these two units, however, further articulation would do little to reduce the building mass on this elevation. As the two units facing Shelbourne Street will have prominent entries facing Shelbourne Street, these two units do present as single family dwellings, therefore, are keeping with the context in terms of building form. The buildings are adequately set back from Shelbourne Street (7.5 m) so a consistent setback with the single family dwellings on that section of the street is maintained.

3.2.2 Landscaping

The subject property is within the Bowker Creek catchment area. As the City has endorsed the *Bowker Creek Blueprint*, it would be appropriate that a low-impact development approach to managing rainwater be implemented. The project is dominated by the main drive aisle which will introduce a large amount of hard surface. The landscape plan has indicated permeable pavers to increase the pervious surfaces on the site and an on-site rain garden. These features will be secured through the landscape security deposit.

4.0 Resource Impacts

There are no resource impacts anticipated.

5.0 Conclusions

The proposed development meets the intent of the *Official Community Plan, 2012* in terms of built-form and density. Ground-oriented townhouses provide more opportunity for housing suitable for families in comparison to an apartment type of building, noting that both types of multi-unit housing are considered in the OCP directions. Significant townhouse development has already occurred along the Shelbourne Street Corridor.

Since the two units facing Shelbourne Street have prominent entries facing Shelbourne Street, these two units do present as single family dwellings with a stronger relationship to the street than to the internal drive aisle. In addition, the buildings are adequately set back from Shelbourne Street (7.5 m), so a consistent setback with the single family dwellings on that section of the street is maintained. Staff are recommending that the materials and design of these units be further refined, which will contribute to a better fit in the immediate context.

The landscaping plan indicates that the low-impact development techniques of an on-site rain garden and permeable pavers will be installed. Overall, the landscaping plan will help minimize the impact on adjacent properties, as an adequate planting area is provided between the buildings and adjacent properties.

On balance, the proposal meets the objectives of the relevant policy and staff recommend that Committee advance the application to a Public Hearing, subject to submission of a Development Permit Application that addresses the architectural details and materials along the Shelbourne Street frontage.

6.0 Recommendations

6.1 Staff Recommendations

1.
 - a. That Council instruct City Staff to prepare the necessary *Zoning Regulation Bylaw* amendments that would authorize the proposed development outlined in the Rezoning Application #00405 for 2921, 2923 and 2927 Shelbourne Street.
 - b. That Council consider giving first and second reading to this bylaw amendment after the bylaws have been drafted.
 - c. That Council schedules a Public Hearing after the bylaw has received first and second reading subject to submission of a Development Permit Application, with refinements to the Shelbourne Street elevation, to the satisfaction of the Director of Sustainable Planning and Community Development.
2. Following consideration of Rezoning Application #000405, that Council consider authorizing the issuance of the concurrent Development Permit Application in accordance with:
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- v) Section 2.3.19 - Third storey floor area relaxed from 60% of other floors to 100% (full third floor level) for Buildings A, B and C.
- c. Final plans to the satisfaction of the Director of Sustainable Planning and Community Development.

6.2 Alternate Recommendation

That Council decline Rezoning Application #00405 for 2921, 2923 and 2927 Shelbourne Street.

7.0 List of Attachments

- Subject map and air photograph
- Development Plans date stamped April 11, 2014
- Letter from applicant dated August 30, 2013
- Comments from the North Jubilee Community Association dated June 30, 2013, and October 24, 2013.



CITY OF
VICTORIA

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2921, 2923 and 2927 Shelbourne Street

Rezoning #00405

Bylaw #



Rezoning Application # 00405 for 2921, 2923 and 2937 Shelbou...

Bowker Park Estates
c/o #1-1702 Quadra Street
Victoria, BC V8W 2L8
Tel. 250-388-9904
Fax. 250-385-9902



August 30, 2013

1 Centennial Square
Victoria, BC
V8W 1P6

Dear Mayor and Council

Re: 2921, 2923 and 2927 Shelbourne Street - Bowker Creek Estates (site)

We are the owner/builders of the noted caption.

In an effort to help grow and improve the community, we are pleased to present you with plans to develop the site of 2921, 2923 and 2927 Shelbourne St. This site has a number of characteristics that provide some great opportunities for those in the area.

The first new official community plan (OCP) released in 20 years has changed the landscape for builders and homeowners alike and sets the stage for development through 2041. It recognizes that Victoria is running out of usable land for residences and notes that density is necessary to keep housing affordable for families in the Victoria area. This policy will help to mitigate the urban sprawl that forces young families further and further out of the city. We will increase the density of the site, while maintaining the detached dwelling look that is present and also new along the street.

Our proposal seeks to fit well in the overall feel of the neighbourhood. This site is large enough to accommodate townhome units and provide sufficient parking for those living there. Going forward with this will complete the streetscape and stay in character with the surrounding neighbourhood. We will be moving and/or recycling the existing structures and materials as much as possible.

The landscape of Victoria is constantly changing and must keep pace with growth if it is to remain among the most vibrant and desirable cities in the world. Home-ownership encourages pride in one's neighbourhood and a true sense of place for the new residents.

This proposal is one that we feel has a positive impact on the community. It has great access to downtown, parks, the newly renovated expanded Hillside Mall, Thrifty Foods, Target and Shoppers Drug Mart and secondary schools including Camosun College and the University of Victoria, while still increasing density along a major transportation corridor.

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August 30, 2013

Re: 2921, 2923 and 2927 Shelbourne Street - Bowker Park Estates

The proposal started at 10 townhomes. However, after careful consideration and consultation with neighbours and the City Planning Dept., we felt 8 units would address the Official Community Plan and fit best into the site with good green space and the required parking on site.

We have also had the Community Meeting (CM) hosted by the North Jubilee Neighbourhood Association on May 29, 2013. We appreciated the positive responses and comments. The plans were described at the meeting with two units oriented with their entrances facing Shelbourne St., to give a single family dwelling feel.

To clarify, a plan showing the existing property and surrounding property was presented at the CM with the two adjacent properties on Shelbourne St. The proposed plans show the site contains an apple and a cherry tree with several wild small plum trees growing mainly through fencing and some fir trees and small hawthorns at the rear of the property. We have contacted the City arborist Brook Daitl, Park Development Officer in February, who has checked the site with no tree preservation required. The two London Plains adjoining the site on the boulevard along Shelbourne St., will be protected as per the building permit regulations.

In an effort to accommodate a more esthetic and functional development we will be applying for three variances as follows:

1. 2.5 - 3 stories. We are allowed roughly 12000 sq ft in 8 units. In trying to provide appropriate parking and maximize the yard size and green space as well as get some spatial separation from neighboring properties it was necessary to go to 3 stories. The RK zoning allows this and an example is across the street at 2916 Shelbourne St. In trying to conform to the 2.5 storey bylaw in the RK-6 zone we decided to reduce the upper floors to a two bedroom layout. The rooflines were brought down to make the exterior appear as a 2.5 storey building. We request a variance for the 3 storey.
2. Height. A concern was voiced at the community meeting regarding flooding of Bowker Creek. We felt it is necessary to maintain a consistent ground floor elevation to provide more even time for permeable pavers to take effect and a more aesthetically pleasing street appeal. As such we are requesting a height variance on building "B" only, from 8.5 meters in height to 8.9 meters.
3. Side yard setback for living room windows on buildings A and B. The current design evolved as a result of looking at other projects and trying to maintain street appeal. We believe that the current design gives the appearance of single family dwellings along Shelbourne Street. It was felt at the community meeting that this design fits

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August 30, 2013

Re: 2921/2923 and 2927 Shelbourne Street - Bowker Park Estates

the neighborhood well. The design gives maximum amenity space in each unit's backyard and we believe that the living room windows are best oriented there. Another objective was to not have them face each other or lookout into parking. Buildings A and B are oriented towards Shelbourne street but we felt that due to noise from Shelbourne we would leave them facing the sideyard. Therefore, we are asking for the setback be relaxed to 4.5 meters.

Photos can be supplied however houses to the rear of the site are hidden to a good extent by neighbouring trees. Fencing will be provided with professional landscaping while replanting existing cedars. Each unit will be fenced with natural good neighbour products. The driveway will consist of permeable material as shown on the diagram. We are also looking into the feasibility possibility of a property storm recovery tank to hold water for landscaping purposes. This will help in reduced water consumption from the city and retention of some ground water. We will certainly look into some building towards Leeds. The units will be sold to residents whom wish to be near all amenities. The strata will decide if a unit can be a rental but this will not change the green space of which is proposed. The green space gives privacy to the neighbours. All property management will be addressed by the strata.

Parking requirements have been met / exceeded the city regulation. This location, includes BC Transit in the same block and walking and bicycling distance to all amenities including the noted above. It is also far enough from side streets and residential parking is available on both sides of Shelbourne St.

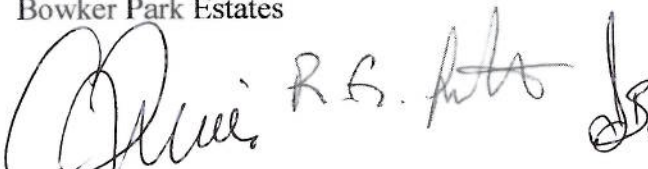
In accordance with Green Building Indicators, these will be incorporated into the development. Appropriate documentation is attached.

The project will be managed by experience builders whom have been involved in many projects.

If you have any questions please contact us. Thank you.

We sincerely hope for your support.

Yours truly,
Bowker Park Estates



Chris Travis, Rick Zaharia and Jim Burrows
/tc

*Bowker Creek Park
Townhome Project
2921- 2927 Shelbourne St
Victoria, B.C.*

Key Green features of Bowker Creek Park include:

Envelope and Energy Systems

Building Envelope

- Use of insulated heaters/lintels (either manufactured or site built insulated headers) with a minimum insulation value of R10
- Install manufactured insulated rim/band joist, or use on-site built header wrap detail for continuous air barrier.
- Advanced sealing package, non HCFC expanding foam around window and door openings and all exterior wall penetrations.
- All sill plates sealed with foam sill gaskets or a continuous sandwiched bead of acoustical sealant.
- Install weather-stripped and insulated (R15 minimum) manufactured interior attic hatch or no interior attic access
- Attached garage overhead door is insulated with R8 to R12 or greater than R12.
- All windows in home are ENERGY STAR labeled (or equivalent) for the climatic zone of the home or for a higher zone (eg: zone C windows on a home in zone B).

Mechanical Systems

- Programmable thermostat with dual set back.
- Install sealed combustion direct vent 2 pipe tank system or condensing DHW tank system.
- Insulate the hot water lines with flexible pipe insulation, first six feet from hot water tank, including the heat trap or all hot water lines.
- All gas fireplaces are sealed and have electronic ignition, or no combustion-based fireplaces are provided.
- Rough-in a properly supported and wired ceiling fan and a wall mounted switch for future installation.

Lighting and Automation

- Minimum 75% of interior and exterior light fixtures are fluorescent, compact fluorescent light bulbs or LEDs.
- Air tight, insulation contact-rated recessed lights are used in all insulated ceilings, or insulated ceilings have no recessed lights.
- Install interior motion sensor light switches.

Materials and Methods

Material Efficient Framing

- Exterior and interior wall stud spacing at 19.2" on-center or 24" on-center.
- Elimination of headers at non-bearing interior and exterior walls.
- Deck or veranda surfaces and/or structure made from a third party certified sustainably harvested wood source.
- Dimensional lumber from a third-party certified sustainably harvested source used for wall framing. (CSA, FSC, or SFI).
- Dimensional lumber from a third-party certified sustainably harvested source used for roof framing. (CSA, FSC, or SFI).
- Use manufactured wood products for floor systems instead of dimensional lumber, from third party certified sustainably harvested sources, (CSA, FSC, or SFI).
- Reduce dimensional lumber use by using engineered product for all load bearing beams and columns, from third party certified sustainably harvested sources, (CSA, FSC, or SFI).

Environmentally Preferable Materials

- Recycled and/or recovered content gypsum wallboard, minimum of 15% post-consumer recycled content.
- All insulation used in home is certified by a third-party to contain a minimum recycled content of 25%- 50%.
- Interior doors with a minimum of 15% recycled and/or recovered content.
- Exterior window frames contain a minimum of 10% recycled content.
- MDF and/or finger jointed casing and baseboard used throughout the homes and all jams.

Durable Construction

- Minimum 30 year manufacturer warranty roofing material.
- Exterior trim materials are made from alternatives to solid lumber.
- Lifetime finish on door hardware.
- Lifetime finish on all faucets.
- Exterior Cladding is low maintenance cement – cellulose fiberboard

Indoor Air Quality

- All insulation in the home is third-party certified or certified with low or zero formaldehyde.
- Low formaldehyde sub floor sheathing (less than 0.18 ppm)
- Low formaldehyde underlayment is used in home (less than 0.18 ppm)
- All interior wire shelving is factory coated with low VOC/no off gassing coatings.
- All wood or laminate flooring in home is factory finished.
- Interior paints used have low VOC content (less than 200 grams/litre of VOCs).
- Carpet and rug institute (CRI) IAQ label on all carpet used in home.
- Carpet and rug institute (CRI) IAQ label on all underlay used in home.

Ventilation

- Install all ventilation fans (bath or in-line type) to meet or exceed the ENERGY STAR requirements.
- Install a programmable timer or humidistat controlled ventilation fan.
- Install permanent (de) humidification control (ERV's are considered acceptable)
- All bath fans used throughout the home have a noise level of 1 sone or less.

Waste Management

- Comprehensive recycling program during construction for building site including education, site signage and bins.
- Suppliers and trades recycle their own waste, including leftover material and packaging.

Water Conservation

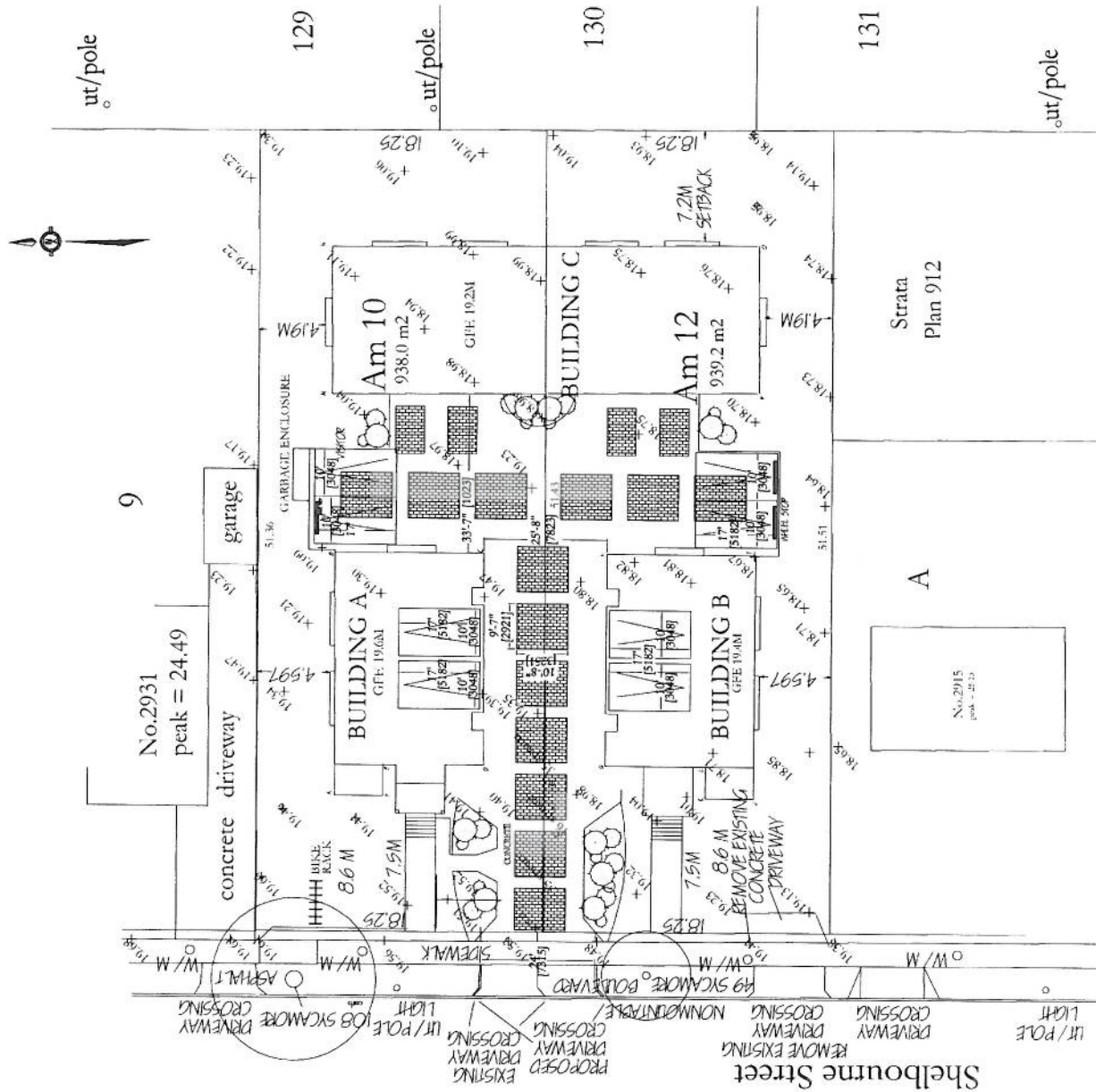
- Install a 1.28 GPF toilet in one or more bathrooms.
- Install low flow faucets for all kitchen faucets and lavatories, all showers & tubs/showers.
- Provide front loading clothes washer, or condensing combination wash/dry unit.
- Provide a list of drought tolerant plants and a copy of the local municipality water usage guide to homebuyers with closing package.
- Rainwater will be collected from roofs and stored in reservoir for use as irrigation water
- Permeable driveway material to be used to reduce impact on rainwater in storm system

There are currently two dwellings on the proposed sight 2921-2927 Shelbourne St. These dwellings will be removed in an effort to improve the streetscape of the sight and offer a viable alternative to renovating the existing dwellings.

Excavation of all topsoil during site prep will be reclaimed and then reused in the landscaping phase. We will be working with the current owners and the Restore Store on recycling as much of the materials as possible. Any and all of the left over wood products will be chipped to sawdust and hauled off the site.

Bowker Creek Park Townhomes are located in the North Jubilee Neighborhood, which is the 10th most walkable neighborhoods in Victoria.

- In an effort to promote this walkable neighborhood we will be installing a bicycle facility.
- There will also be an electric car charging station roughed in for future consideration.
- In addition, our location promotes the following walk scores:
 - Walk Score – 75...most errands can be accomplished on foot
 - Transit Score – 58...very good
 - Bike Score – 59...very flat



BC Land Surveyors Site Plan of Proposed
2021-2023 and 2027 Shelbourne Street
Legal - Amended Lot 12 and Amended Lot 10, Block 8,
Section 8A, Victoria District, Plan 959
Parcel Identifiers: 008-133-361 and 008-132-674
OWNER: CHRIS TRAVIS

2021/27 SHELFBOURN ST	PROPOSAL	IN A USE
ZONE: RL-B	IN A	
LOT SIZE	20.50 AC	20.50 AC
LOT AREA	2220	2220
LOT SPACE RATIO	60/3	60/3
FLOOR SPACE	50 AC	50 AC
FLOOR COVERAGE	20/4	20/4
LOT COVERAGE	60/4	60/4
OPEN SPACE	50 AC	50 AC
LOT SPACE	21/2	21/2
BUILDING HEIGHT	21/2	21/2
BUILDING HEIGHT	21/2	21/2
NUMBER OF STORES	2	2
NUMBER OF PARKING SPACES	2	2
NUMBER OF BIKE SPACES	2	2
SETBACKS	20 AC	20 AC
FRONT	20 AC	20 AC
SIDE (A & B)	20 AC	20 AC
REAR	20 AC	20 AC
SIDE WALKING	20 AC	20 AC
COMBINED SIDEWALK	20 AC	20 AC
NUMBER OF UNITS	20 AC	20 AC
UNIT TYPE	20 AC	20 AC
LAND SURFACE AREA	20 AC	20 AC

Summary of the Type			Size
Int	Type		
1	5 BED + GARAGE		15 M2
2	5 BED + GARAGE		140 M2
3	5 BED + GARAGE		155 M2
4	5 BED + GARAGE		190 M2
5	5 BED + GARAGE		140 M2
6	5 BED + GARAGE		140 M2
7	5 BED + GARAGE		140 M2

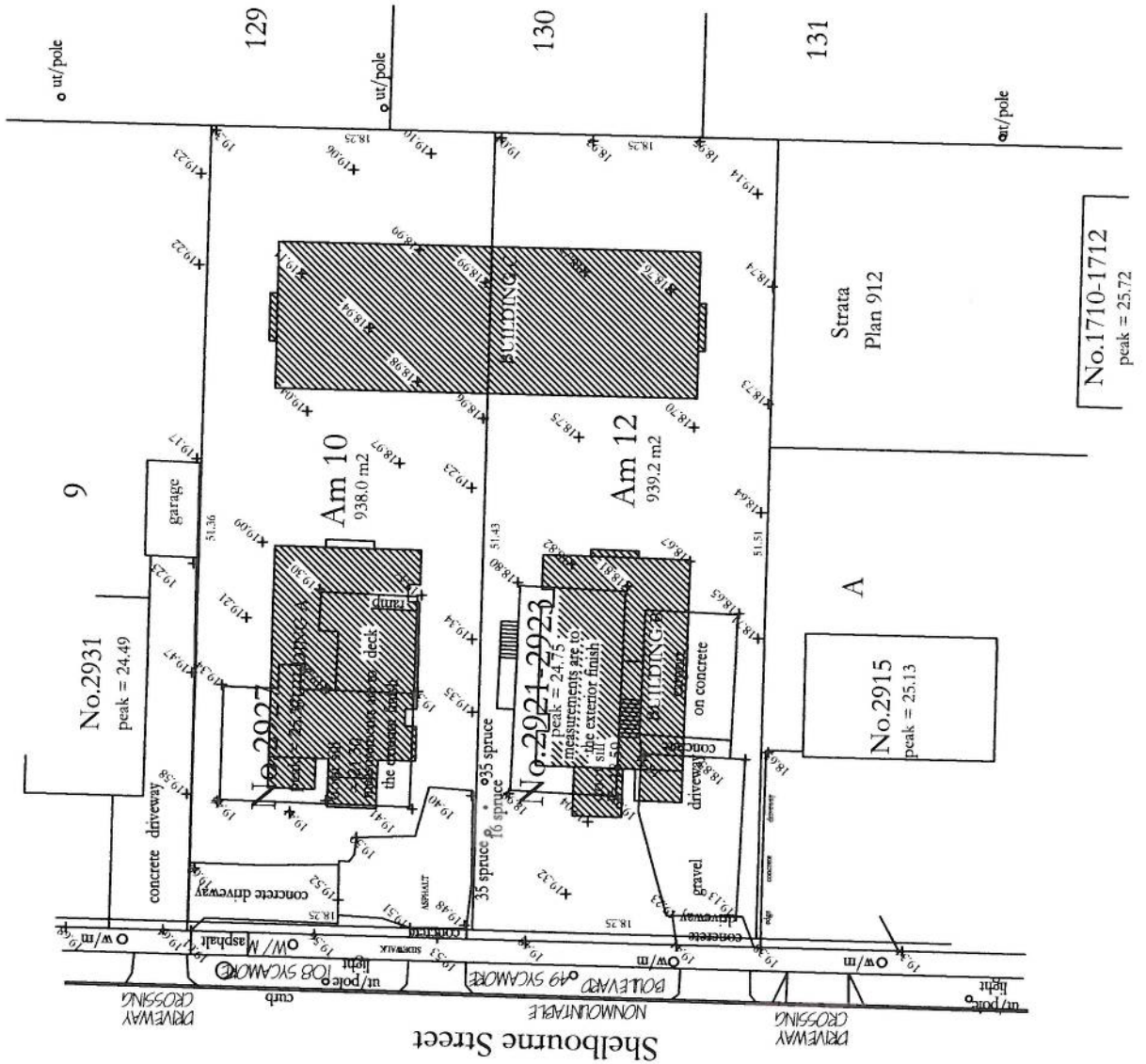
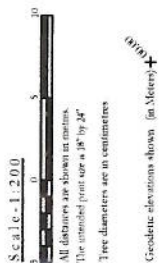
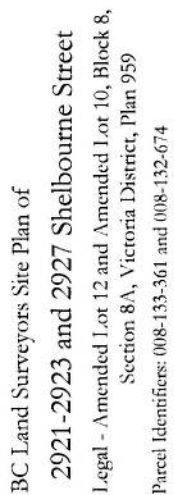
AVERAGE GRADE CALCULATIONS

[illegible]BUILDING B

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SHI DONG C

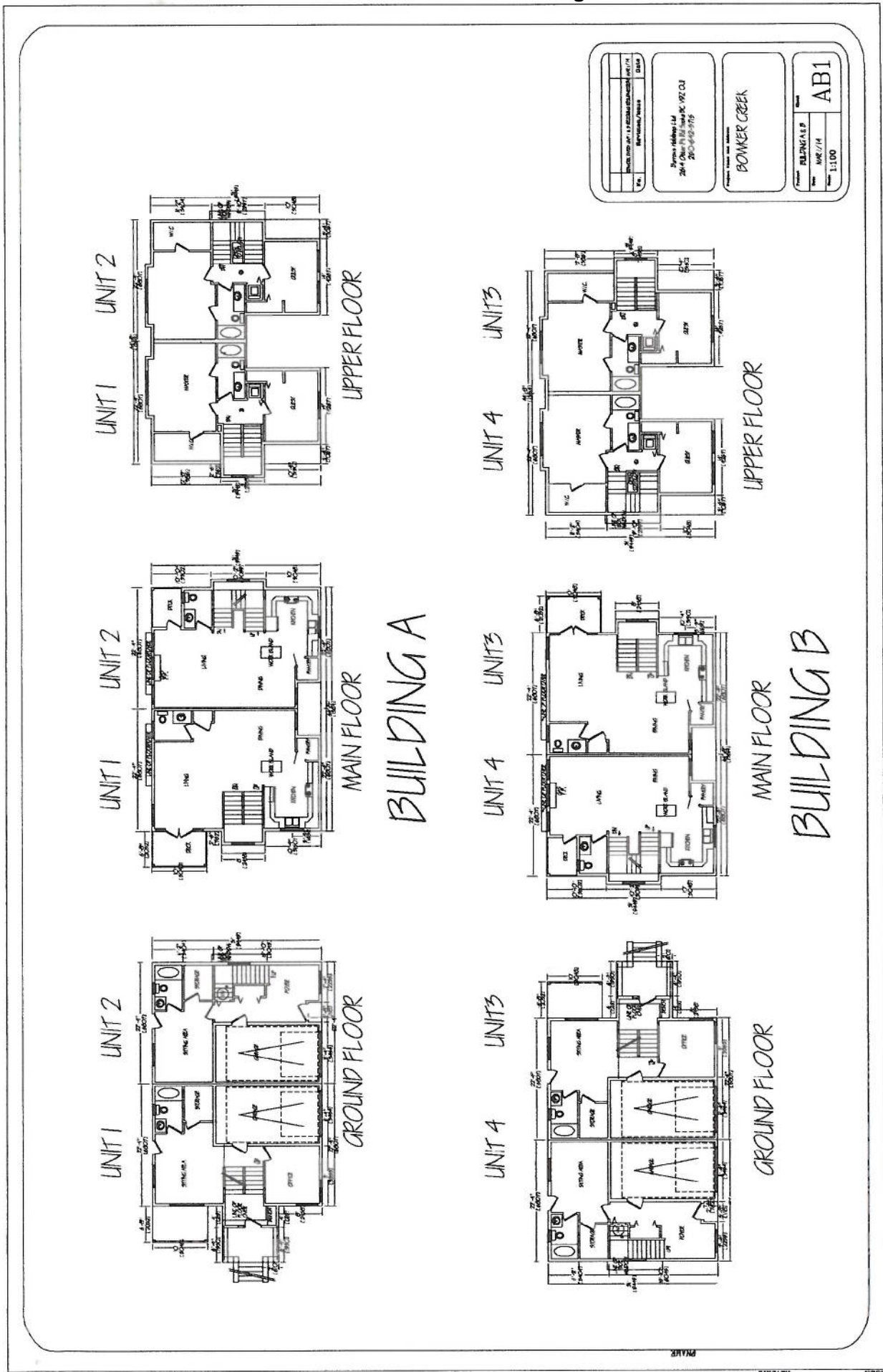
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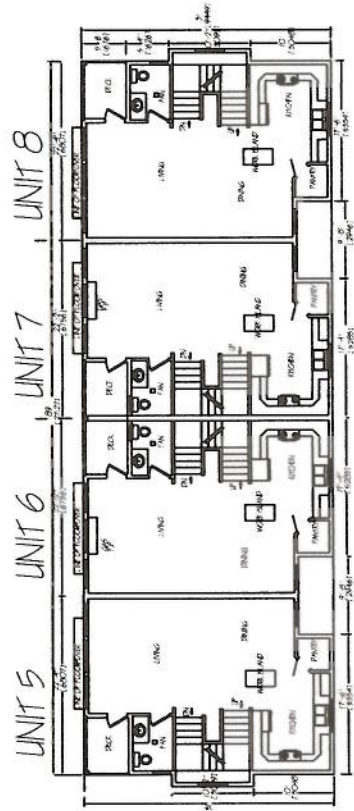


July 23, 2013

File: 11,650 Site (26)

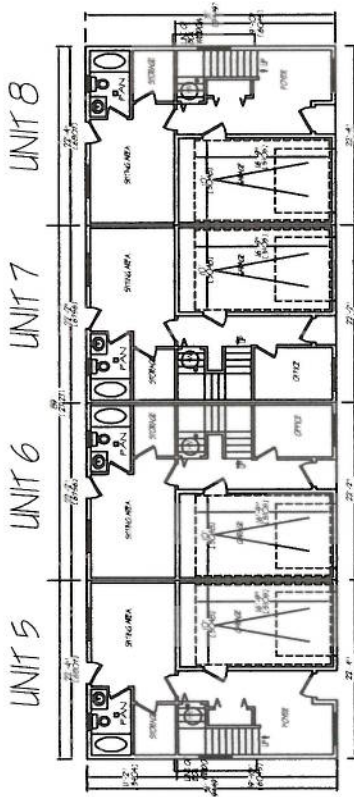
POWELL & ASSOCIATES
BC Land Surveyors
250-2950 Douglas Street
Victoria, BC V8T 4N4
phone (250) 382-8855





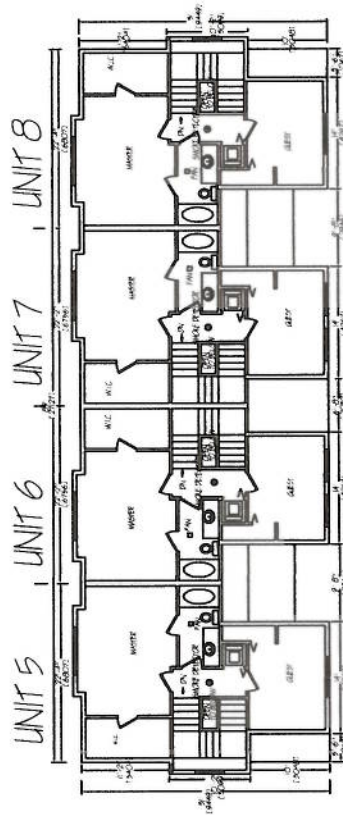
MAIN FLOOR

BUILDING C



GROUND FLOOR

BUILDING C



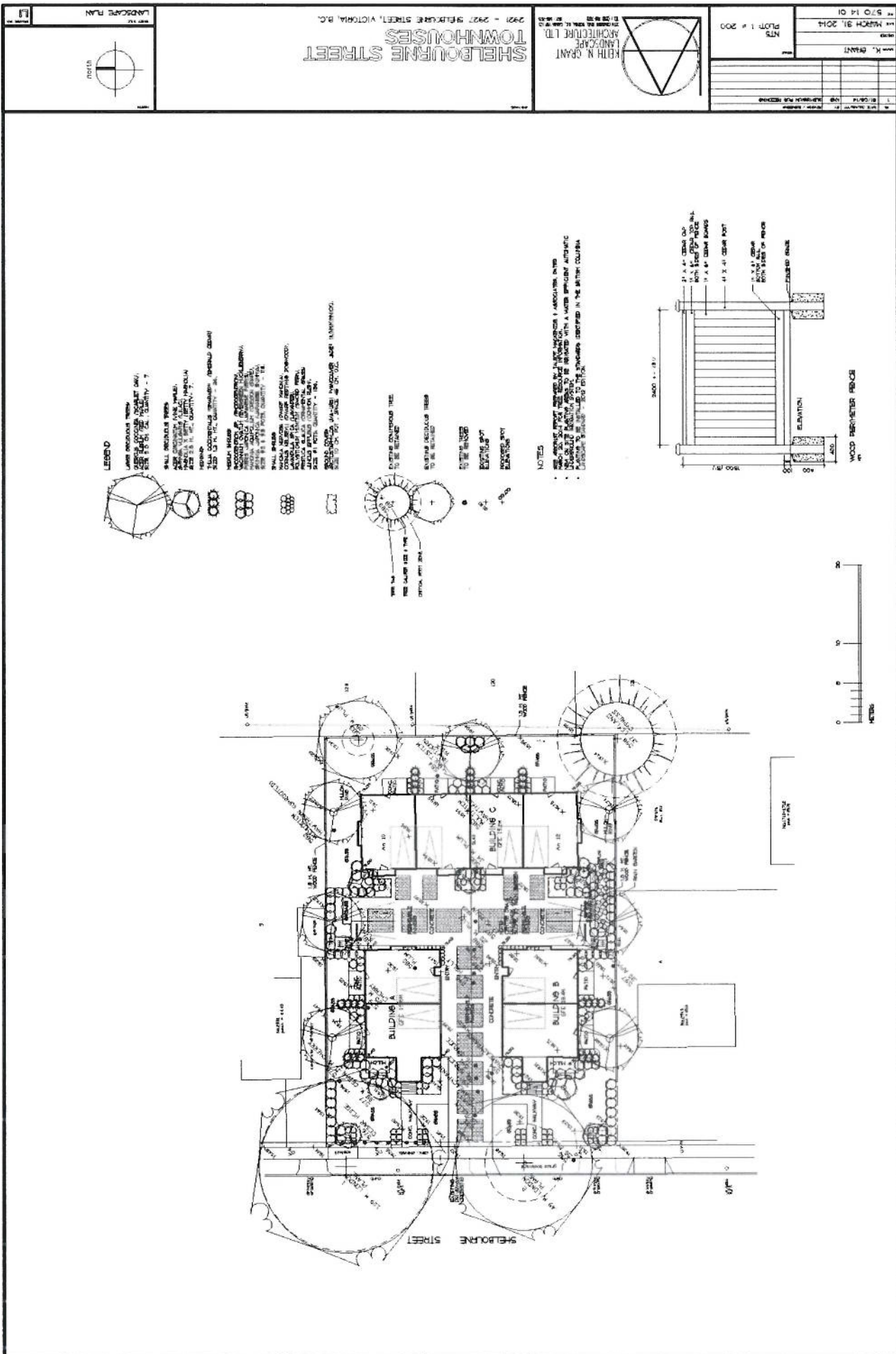
UPPER FLOOR

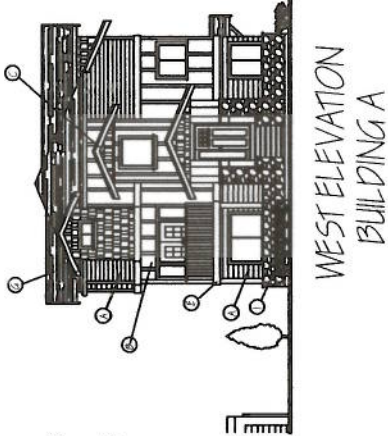
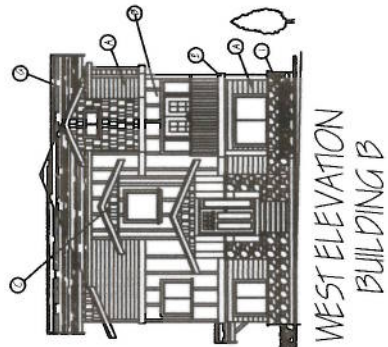
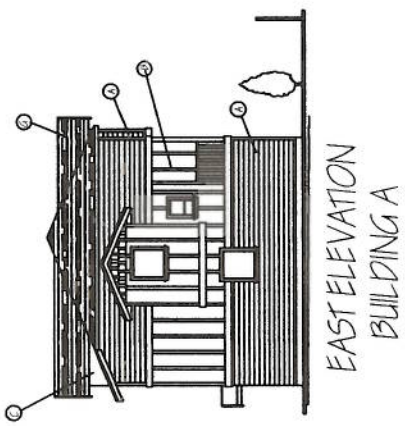
BUILDING C

NAME PARSONS HOLDINGS LTD		ADDRESS 2614 Oaker Pl, Red Bank, DC 19221		PHONE 252-642-5719	
DATE 10/1/98		EMPLOYMENT STATUS EMPLOYEE		CREDIT RISK YES	

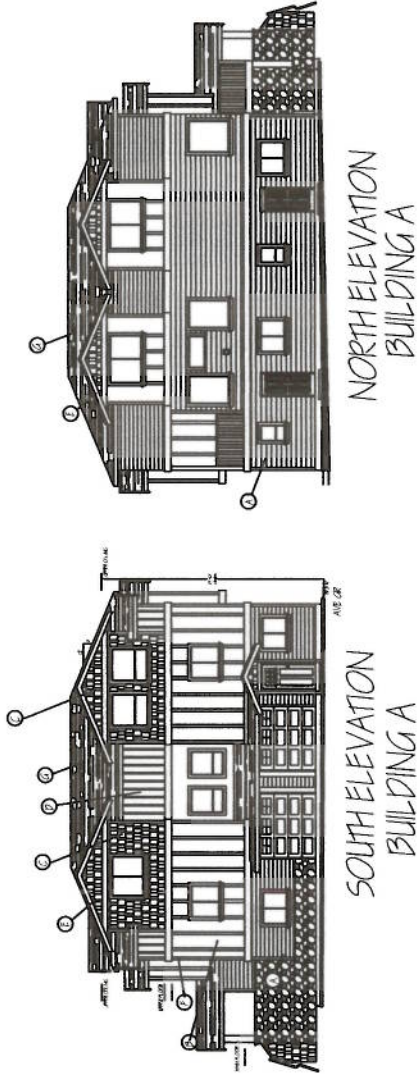
PROJECT NAME AND ADDRESS BOMMER CREEK	
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PROJECT BOMMER C	NAME C1
DATE 10/1/98	RATE 1100

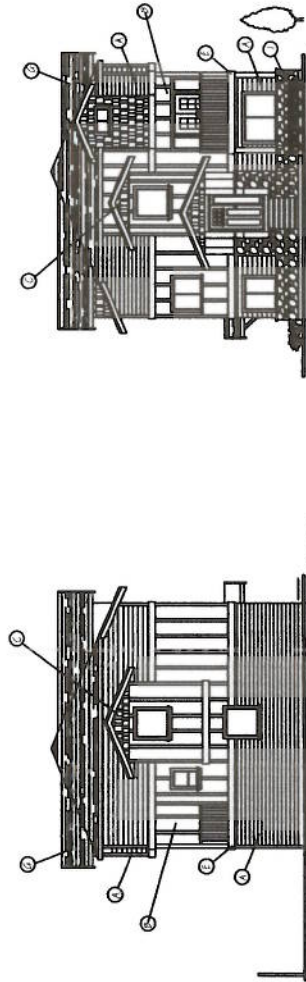




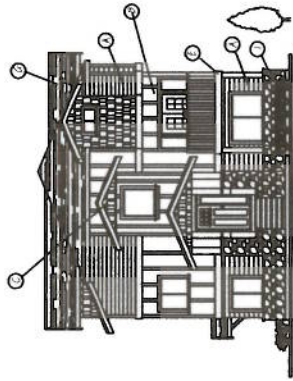
- A HARDBLANK SIDING
- B HARDPANEL SIDING C / W 1/4 BATTENS
- C HARDF SHINGLE
- D HARDPANEL SIDING C / W 1/2 BATTENS
- E ZNO COMB FACE
- F 1/4 TRIM BOARDS
- G LAMINATE SHINGLES
- H HARDF PANEL
- I CULTURED STONE VENEER

[illegible]

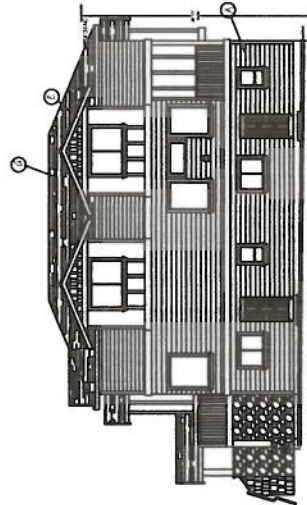
- A HARDPLANK SIDING
- B HARDIPANEL SIDING C/ W 1X4 BATTENS
- C HARD SHINGLE
- D HARDIPANEL SIDING C/ W 1X2 BATTENS
- E 2X10 COMB FACE
- F 1X4 TRIM BOARDS
- G LAMINATE SHINGLES
- H HARDI PANEL
- I CULTURED STONE VENEER



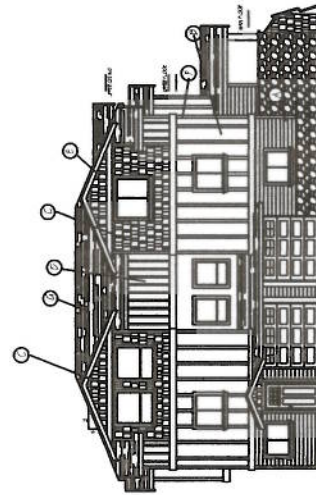
EAST ELEVATION
BUILDING B



WEST ELEVATION
BUILDING B

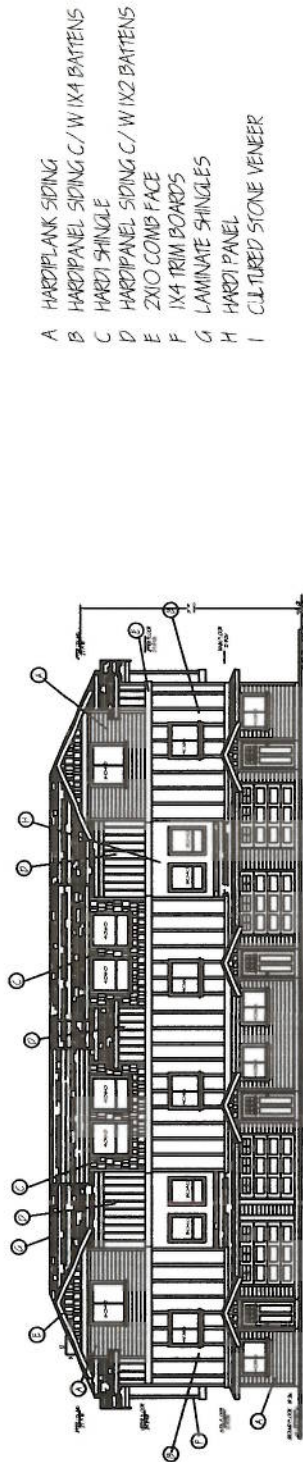


SOUTH ELEVATION
BUILDING B



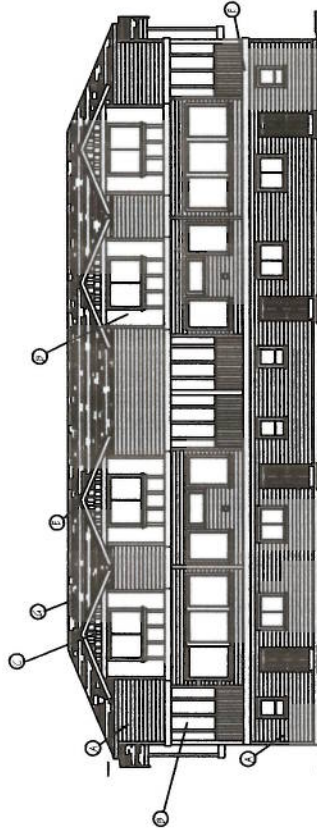
NORTH ELEVATION
BUILDING B

Project Name	BONNER CREEK
Project Address	2937 Shelbourne Ave. S. #102, Shelbourne, NB E1A 1A1
Project Owner	Bonner Creek Ltd.
Project Manager	204-442-2115
Project Architect	204-442-2115
Project Engineer	204-442-2115
Project Designer	204-442-2115
Project Draftsman	204-442-2115
Project Date	2014
Project Scale	1:100

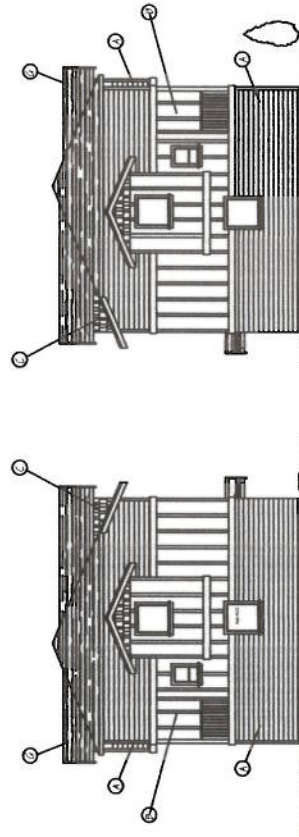


WEST ELEVATION
BUILDING C

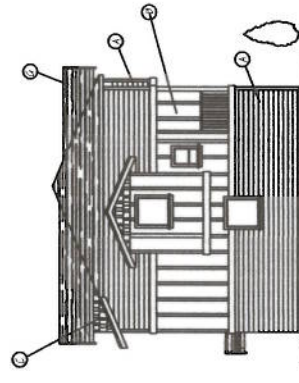
- A HARDPLANK SIDING
- B HARDIPANEL SIDING C/ W 1X4 BATTENS
- C HARD SHINGLE
- D HARDIPANEL SIDING C/ W 1X2 BATTENS
- E 2X10 COMB FACE
- F 1X4 TRIM BOARDS
- G LAMINATE SHINGLES
- H HARDIPANEL
- I CULTURED STONE VENEER



EAST ELEVATION
BUILDING C

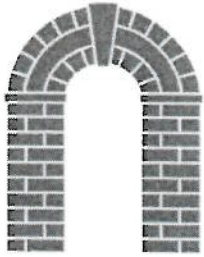


NORTH ELEVATION
BUILDING C



SOUTH ELEVATION
BUILDING C

Project Name	Project Number	Project Date
Project Location	Project Description	Project Status
Project Name: BOWKER CREEK Project Number: 00405 Project Date: 08/21/2014 Project Location: 2921, 2923, and 2937 Shelbou... Project Description: Rezoning Application Project Status: In Progress		

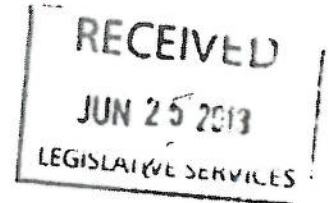


North Jubilee Neighbourhood Association

c/o 1766 Haultain Street

Victoria, B.C., V8R2L2

June 20, 2013



Mayor Dean Fortin and City Council

1 Centennial Square

Victoria, B. C. V8W 1P6

Re: Proposed Rezoning Application...2921/2923/2927 Shelbourne Street

Dear Mayor and Council:

On May 29, 2013 a Community Meeting was hosted by the North Jubilee Neighbourhood Association Land Use Committee to discuss a proposed rezoning application of the properties located at 2921/2923 and 2927 Shelbourne Street to an 8-unit development. Plans shown have two bedrooms on the upper level plus office and storage space on the ground floor. Each unit has a garage; 4 units also have a parking pad; and there are 4 additional parking spaces planned. The main entrance for each of the two unit buildings will face Shelbourne Street and thus appear as a single family dwelling from the street. The applicant advised that the exterior finishing will be hardy plank and shingles; sundecks to be 6 to 8 feet; and landscaping will be done by a professional. It is noted that several copies of the 11"x17" plans were provided for the residents attending this meeting, but they were very basic with an error in one elevation and floor plan. Applicant advised they had been redesigned within last two days. For the lay person this presented difficulties in visualizing the finished development including the exterior details and the finish.

The 2'x3' plans that have been provided for previous Land Use Meetings have contained detailed information. The smaller scale presented at this time did not contain site and landscape plans to scale and parcel size and dimensions were not shown or the property line. Existing trees were not indicated nor were details of future landscaping. Surface treatments were also not shown or the locations and height of any fencing. It would have been helpful to have photos of the residences at the rear of the property available in addition to the two partial photos of the houses flanking the property at the front.

Resident's concerns, comments and questions from this meeting (this property is on the border of three neighbourhoods...North Jubilee, Oaklands and Camosun.) The North Jubilee Land Use Committee invited Oaklands and Camosun residents to attend this meeting:

1. Residents would like to see a 6-foot wood fence at the back of the property.
2. Strata to be formed by owners. Residents concerned that Strata be established by a Property Management Company and that the Strata be responsible for landscaping.
3. Parking is an issue for the surrounding streets...especially Pearl and Myrtle.
4. Will proposal be completely fenced? Will each unit be fenced separately? If so, type of fencing to be used.
5. Due to proximity to Bowker Creek, permeable material for the driveway access and parking pads was discussed including the Bowker Creek Initiative due to environmental concerns.

6. Questions re preservation on trees on property. Applicant working around heritage plane trees on Shelbourne Street.
7. Resident asked if they were aiming for any LEED certification, but this was not considered due to costs.
8. Security lighting at the back of the property was a request.
9. How will garbage and recycling be handled?
10. General comments...concerns about the height of the units...that 8 units is too much density...noise and privacy concerns with decks overlooking surrounding properties...loss of sense of community due to multi-family units...negative impact on property values...residents want development to be properly managed to maintain property values in the area.
11. Perception of proposal is that these units could be purchased and turned into rentals and loss of green space.
12. Houses on Townley Street at the rear of this proposal have been flooded in the past. Has this been researched?

We understand from the applicant that there is a plan for disposal of building materials from the site and that they will reuse or recycle building elements where possible. The applicants and the builder were forthcoming at the meeting and answered all questions as fully as possible based on the preliminary plans available at the time. The two units facing Shelbourne Street located so as to appear as a single family dwelling met with approval.

In order to have a clearer picture of this proposed development, the Land Use Committee will rely on the "bubbled plans" illustrating changes made since our May 29th meeting with the applicant.

Yours truly,



Jean Johnson, Chair

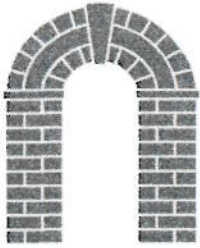
Wilma Peters

Pat May

Cc: Lucina Baryluk, Sr. Process Planner

Councillor Shellie Gudgeon, North Jubilee Liaison

Rick Zaharia, Applicant



North Jubilee
Neighbourhood
Association

c/o 1766 Haultain Street

Victoria, B.C., V8R2L2

October 24, 2013

Mayor Dean Fortin and City Council

1 Centennial Square

Victoria, B.C., V8W1p6

Re: Rezoning #00405 for 2921, 2923 and 2927 Shelbourne Street

Dear Mayor and City Council:

In reply to the Sustainable Planning and Community Development Department's September 19, 2013 re the proposed rezoning of this property, please be advised that the Association's Land Use Committee had 24 pages of 8 1/2" x 11" plans to study where the written details were often too small to read. We did have enlargements made which were studied at a later Land Use Committee meeting. At the May 29, 2013 Community Meeting we were provided with 8 pages of basic outlines whereas these latest set of plans are extremely detailed. We brought this to the attention of the NJ Planner, Lucina Baryluk with our e-mail on October 8, 2013.

The layout of these units on the site is favoured by the community, as the two units facing Shelbourne Street appear as single family dwellings. However, the latest plans indicate some changes. How do the current heights for the three buildings compare to the neighbouring homes? Units now appear to have three bedrooms in comparison with initial plans which proposed two plus storage and office space on ground level. Back doors are now shown in Building C. Rental of the units or spaces within are always a concern for neighbours.

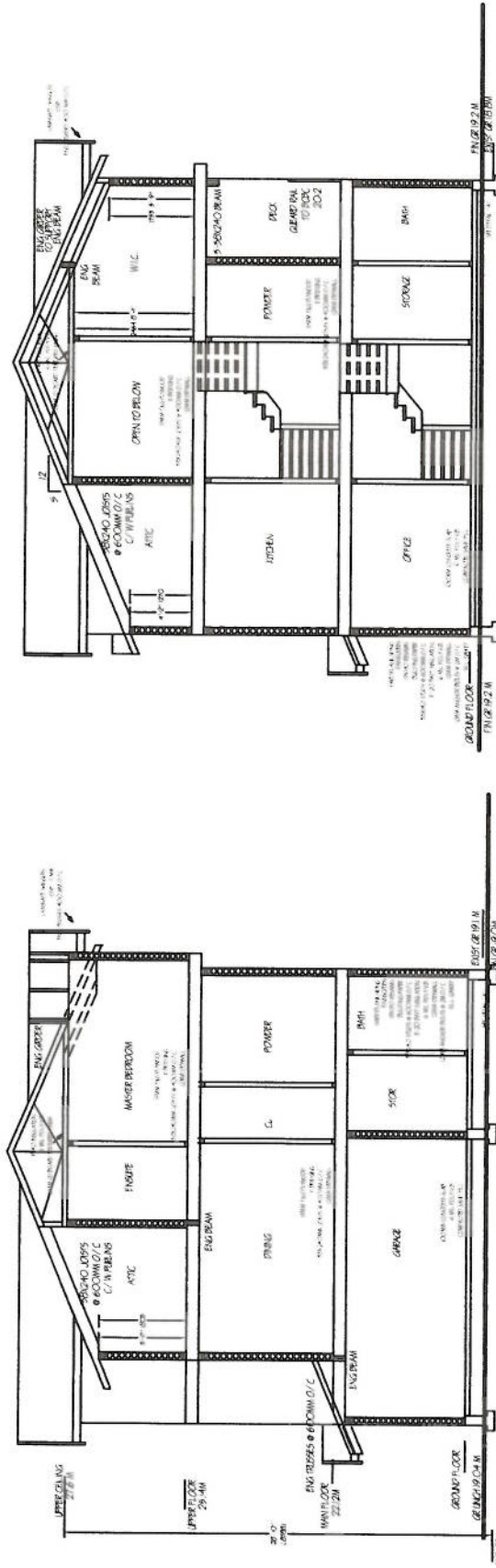
As this proposed development is on the boundary for both the Oaklands and Camosun neighbourhoods, their residents were invited to our Community Meeting. Due to the volume of these latest plans, they have not been shared with these Associations.

Yours truly,

Jean Johnson

Land Use Chair

Cc: Lucina Baryluk, North Jubilee Planner



CROSS SECTION "BD"

CROSS SECTION "BB"

BUILDING B

AVE OR CALCS

BUILDING A: 19.4 + 19.4 + 19.1 + 19.3 = 19.3

BUILDING B: 18.95 + 18.82 + 18.7 + 18.8 = 18.83

BUILDING C: 19.04 + 19.1 + 18.95 + 18.7 = 18.95

DATE	2014-08-21	BY	11/14
PROJECT	BOWKER CREEK		
SCALE	1:50		

Planning and Land Use Standing Committee Report

For the meeting of August 21, 2014

Date: August 10, 2014 **From:** Mike Wilson, Senior Planner – Urban Design

Subject: **Rezoning Application #00448 and Development Permit Application for 508 Springfield Street** – Application to permit the construction of a garden suite

Executive Summary

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application for the property located at 508 Springfield Street. The application is to rezone the property from the R1-B Zone, Single Family Dwelling District to the R1-B-GS2 Zone, Single Family Dwelling with Garden Suite District in order to permit the construction of a garden suite.

The following points were considered in assessing this application:

- the proposal is consistent with the Traditional Residential Urban Place Designation in the *Official Community Plan 2012* (OCP) and related objectives for sensitive infill in Development Permit Area 15E Intensive Residential Garden Suites.
- the proposed design and siting of the garden suite is consistent with the *Garden Suite Policy, 2011*.

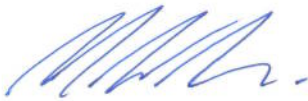
Staff recommend that the Planning and Land Use Committee advance this Rezoning Application to a Public Hearing because the proposal is consistent with the OCP land use policy and applicable design guidelines.

Recommendation

1. That staff be instructed to prepare the necessary *Zoning Regulation Bylaw* amendment that would authorize the proposed development outlined in Rezoning Application #00448 for 508 Springfield Street;
2. That Council consider giving first and second reading to the *Zoning Regulation Bylaw* amendment after the bylaws have been drafted;
3. That Council schedule a Public Hearing after the *Zoning Regulation Bylaw* amendment has received first and second reading;

4. Following the Hearing, and subject to adoption of the *Zoning Regulation Bylaw* amendments for 508 Springfield Street, that Council consider the issuance of the Development Permit generally in accordance with:
- a. plans for Development Permit Application #000448, stamped July 18, 2014, and the development meeting all *Zoning Regulation Bylaw* requirements;
 - b. final plans to be generally in accordance with plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

Respectfully submitted,

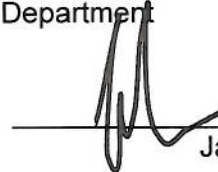


Mike Wilson
Senior Planner – Urban Design
Development Services Division



Deb Day, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Jason Johnson

Date:



August 14, 2014

MW:af

S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\REZ\REZ00448\PLUSC PLANNING REPORT 508 SPRINGFIELD DOC.DOC

1.0 Purpose

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning and Development Permit Application for the property at 508 Springfield Street.

2.0 Background

2.1 Description of Proposal

The applicant proposes to rezone the property at 508 Springfield Street from the R1-B Zone (Single Family Dwelling District) to the R1-B-GS2 Zone (Single Family Dwelling with a Garden Suite District). The proposal is to demolish an existing accessory building and to construct a garden suite.

2.2 Land Use Context

The subject property is located in Victoria West, where the place character is predominantly single family dwellings and duplexes. In the immediate area to the west, east, north and south, all of the land parcels are in the R1-B Zone, Single Family Dwelling District.

2.3 Community Consultation

In accordance with the Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning Applications, the applicant consulted the Victoria West CALUC at a Community Meeting held on April 15, 2014. At the time of writing this report, a letter from the CALUC had not been received.

2.4 Existing Site Development and Development Potential

The data table (below) compares the proposal with the R1-B-GS2 Zone (Single Family Dwelling with a Garden Suite District). The proposal is already legal non-conforming in relation to the standard zone for the criteria identified with an asterisk below.

Zoning Criteria	Proposal	Zone Standard R1-B-GS2
Site area (m ²) – minimum	572	460
Total floor area (m ²) – maximum	109.2	280
Site coverage (%) – maximum	30.8	40
Storeys – maximum	1	2
Setbacks (m) – minimum		
west (rear)	17.7	11.7
east (front)	4.4*	7.5
north (side)	7.3	3
south (side)	0.5*	1.713
Parking – minimum	1	1

Garden Suite	Proposal	Zone Standard R1-B-GS2
Height (m) – maximum	5.5	5.5
Storeys	1	1.5
Floor area (m ²) – maximum	56	56
Setbacks (m) – minimum		
west (rear)	5.6	0.6
north (side)	1.2	0.6
Separation space from main building (m) – minimum	3.1	2.4

2.5 Legal Description

Lot 58, Section 31, Esquimalt District, Plan 52B

2.6 Consistency with City Policy

2.6.1 Official Community Plan, 2012

The proposed development is consistent with the relevant land use policies of the *Official Community Plan 2012 (OCP)*.

In accordance with the OCP, new garden suites are subject to DPA 15E Intensive Residential – Garden Suites. The proposal is also consistent with the objectives of DPA 15E, to achieve new infill that respects the established character in residential areas.

2.6.3 Garden Suite Policy, 2011

The proposed development is consistent with the relevant land use policies of the *Garden Suite Policy*. Further details are provided in the following section of this report.

2.7 Consistency with Design Guidelines

2.7.1 Siting and Shading

The existing accessory building is located adjacent to the north property line with eaves that encroach over the property line. The proposed garden suite would be sited in the general area of the existing accessory building; however, it would be set back 1.2 m from the property line. Although the guidelines recommend that garden suites be located in the southern portion of the rear yard, the applicant has located it in the northern portion of the yard in order to maintain existing mature landscaping. As a result, there will be a shadow impact on the property to the north. However, the applicable design guidelines establish that the protection of mature landscaping on the subject property is of significant importance and should be considered before impact of shading on adjacent properties.

2.7.2 Windows and Entries

The proposed garden suite includes a front door facing Springfield Street. Window openings have been maximized on the southern elevation in order to provide access to natural light. Windows have been minimized on both the north and west elevations to reduce potential privacy impacts on neighbouring properties.

2.7.3 Outdoor Space and Landscape

Landscape features include a new permeable driveway and a new path to the front entryway of the garden suite while maintaining existing trees at the front and rear yard. The south side of the garden suite includes a private concrete patio.

2.7.4 Character

Proposed finishes for the garden suite include a mix of cement board siding on all sides with shingle details on the south, east and west elevations. The proposed exterior cladding will result in an appropriate design response to both the existing single family dwelling and the immediate context.

3.0 Resource Impacts

There are no anticipated resource impacts associated with this development.

4.0 Conclusions

This proposal to construct a new garden suite is consistent with the OCP objectives and guidelines for sensitive infill in the form of garden suites within established residential areas. While the proposed garden suite is located on the north property line, its location maintains much of the existing mature landscaping on the property.

Staff recommend that the Planning and Land Use Committee advance this Rezoning Application to a Public Hearing.

5.0 Recommendations

5.1 Staff Recommendations

1. That staff be instructed to prepare the necessary *Zoning Regulation Bylaw* amendment that would authorize the proposed development outlined in Rezoning Application #00448 for 508 Springfield Street;
 - a. That Council consider giving first and second reading to the *Zoning Regulation Bylaw* amendment after the bylaws have been drafted;
 - b. That Council schedule a Public Hearing after the *Zoning Regulation Bylaw* amendment has received first and second reading;
2. Following the Hearing, and subject to adoption of the *Zoning Regulation Bylaw* amendments for 508 Springfield Street, that Council authorize the issuance of the Development Permit generally in accordance with:

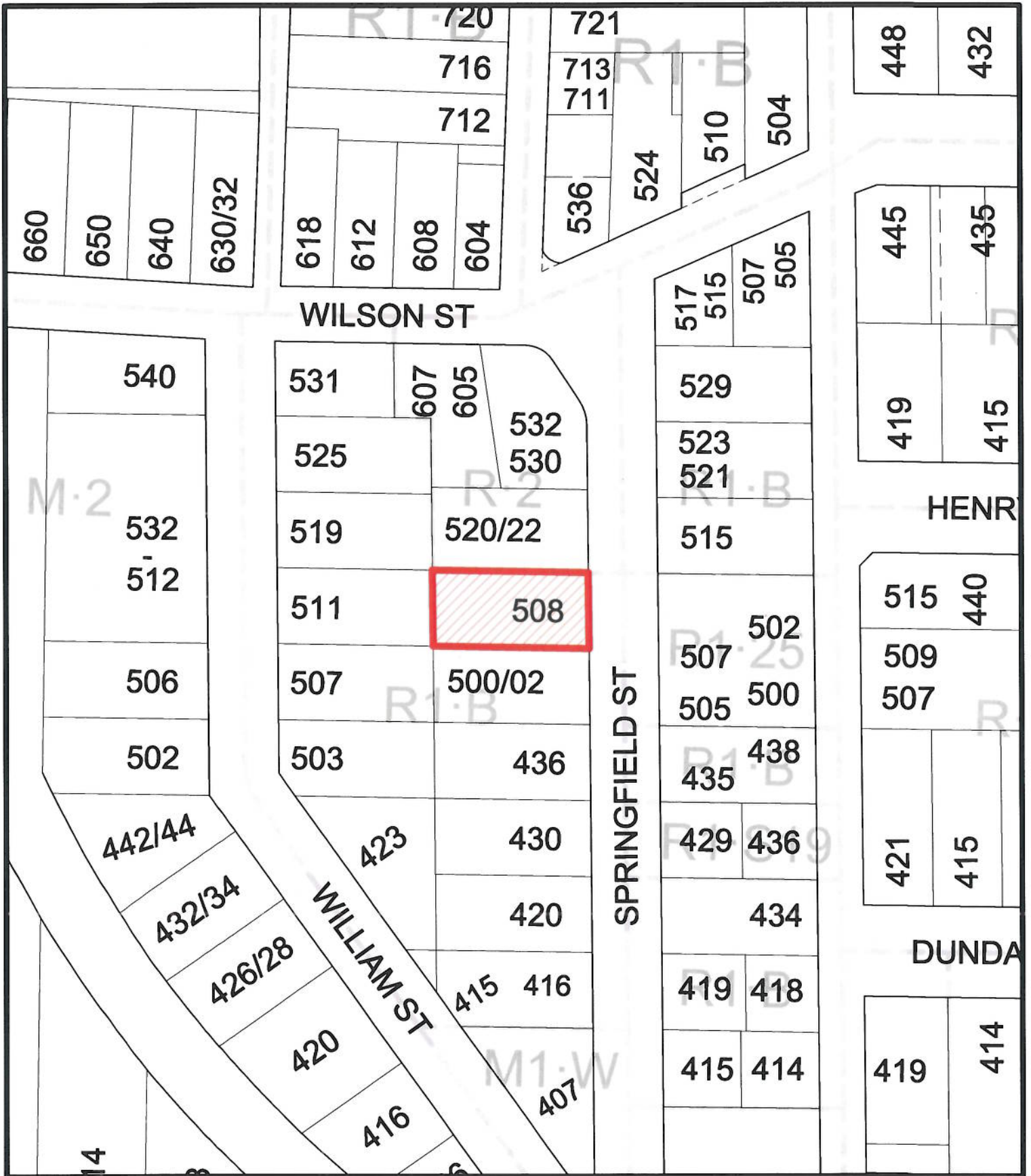
- a. plans for Development Permit Application #000448, stamped July 18, 2014, and the development meeting all *Zoning Regulation Bylaw* requirements;
- b. final plans to be generally in accordance with plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

5.2 Alternate Recommendations

That Rezoning and Development Permit Application #00448 for be 508 Springfield Street be declined.

6.0 List of Attachments

- Zoning map
- Aerial photo
- Letter from Applicant
- Plans for Rezoning Application #00448, stamped July 18, 2014



508 Springfield Street
Rezoning #00448
Bylaw #



Rezoning Application # 00448 and Development Permit Applicat...







508 Springfield Street

Rezoning #00448

Bylaw #



Rezoning Application # 00448 and Development Permit Applicat...

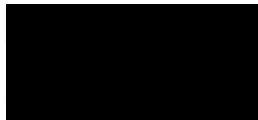
My name is Susan Duhamel and I have resided at 508 Springfield Street for 36 years, and raised my daughter here. My application is to build a garden suite (600 square feet) on my lot in which my daughter and son-in-law would live. I would continue to live in the existing house until such a time as my mobility became limited. At this time the ground level garden suite would suit me, and my daughter and her family would move into the house.

The existing zoning is R1-B and the property is on a street of primarily single family homes, most of which are lived in by owners with a few rentals. At the south end of Springfield there is a two story condominium. I contacted all my neighbours before going to the Vic West Community Land Use meeting in April, and all have been supportive of my endeavour, nine of them attending the meeting. The meeting was positive with many questions asked and answered. In the end it is my understanding that all those present were in support.

My lot size is 572.1m² qualifying as a Plus Size location for a garden suite. My proposal is to demolish an accessory building and replace it with the garden suite. The accessory building was the original garage with many add ons, has a comparable footprint to the new suite and is sited very close to where the new suite is proposed. The garden suite would be visible and accessible from the front street, and doesn't negatively impact existing landscaping. I am presently having a tree impact study completed. Existing landscaping which includes fruit and vegetable gardens, shade and sun gardens and grass for play area would be complimented with changes to make the yard more efficient. The building design compliments the existing house which was built in 1896, by echoing the roof lines and copying the original scallop detail on the roof peaks.

Your consideration of my application is appreciated.

Susan Duhamel



An aerial photograph of a residential neighborhood. Red lines are overlaid on the image to delineate individual property lots. The lots contain various types of houses, some with large roofs and others smaller. There are trees and green spaces interspersed among the buildings. A road with parked cars runs along the top edge of the image.

OWNER: SUSAN DUHAMEL

GROSS FLOOR AREA: ALLOWABLE		PROPOSED
MAIN FLOOR	566 ²	566 ²
LOT COVERAGE:		PROPOSED
OVERALL	40%	HOUSE 162.96 ² GARDEN SUITE: 177.36 ² / 572.14 ² TOTAL 311%
REAR YARD:	25%	GARDEN SUITE 74.46 ² / 248.96 ² 24.9%
HEIGHT:		PROPOSED
GARDEN SUITE:	5.5m	5.5m
RETRACTS:		PROPOSED
REAR (N)	0.6m	0.6m
SIDE (S)	0.6m	0.6m
SIDE (N)	0.6m	1.2m
ACCESSORY SEPARATION	2.4m	3.1m

[illegible]

A0.0 

Percentage

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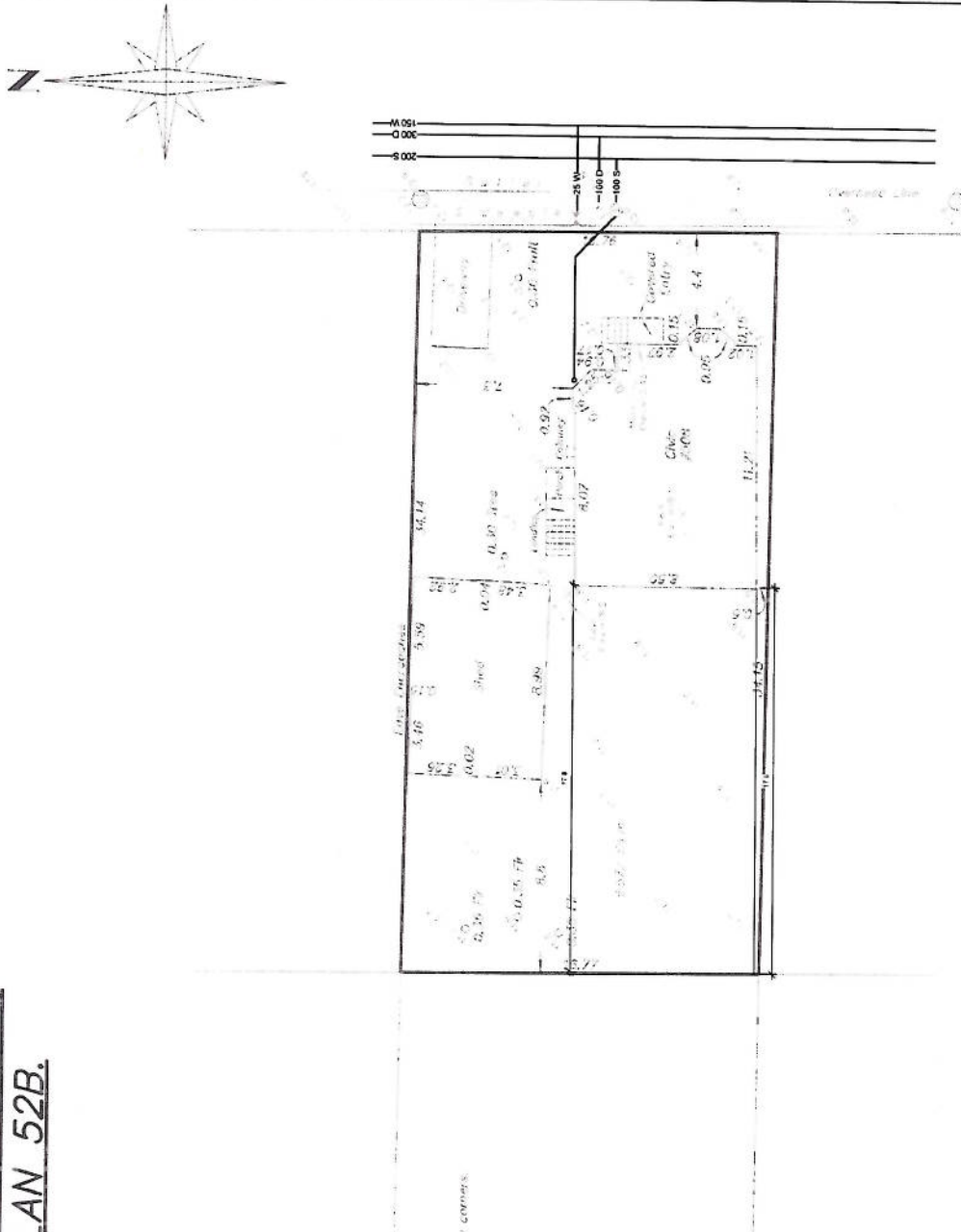
15-24 25-34 35-44 45-54 55-64 65-74 75-84 85+

Source: U.S. Bureau of Economic Analysis, *Current Population Reports*, 1997. All figures are in millions.

values shown are to be added to the value based upon movement in 30 which has an absolute of 0.4869.

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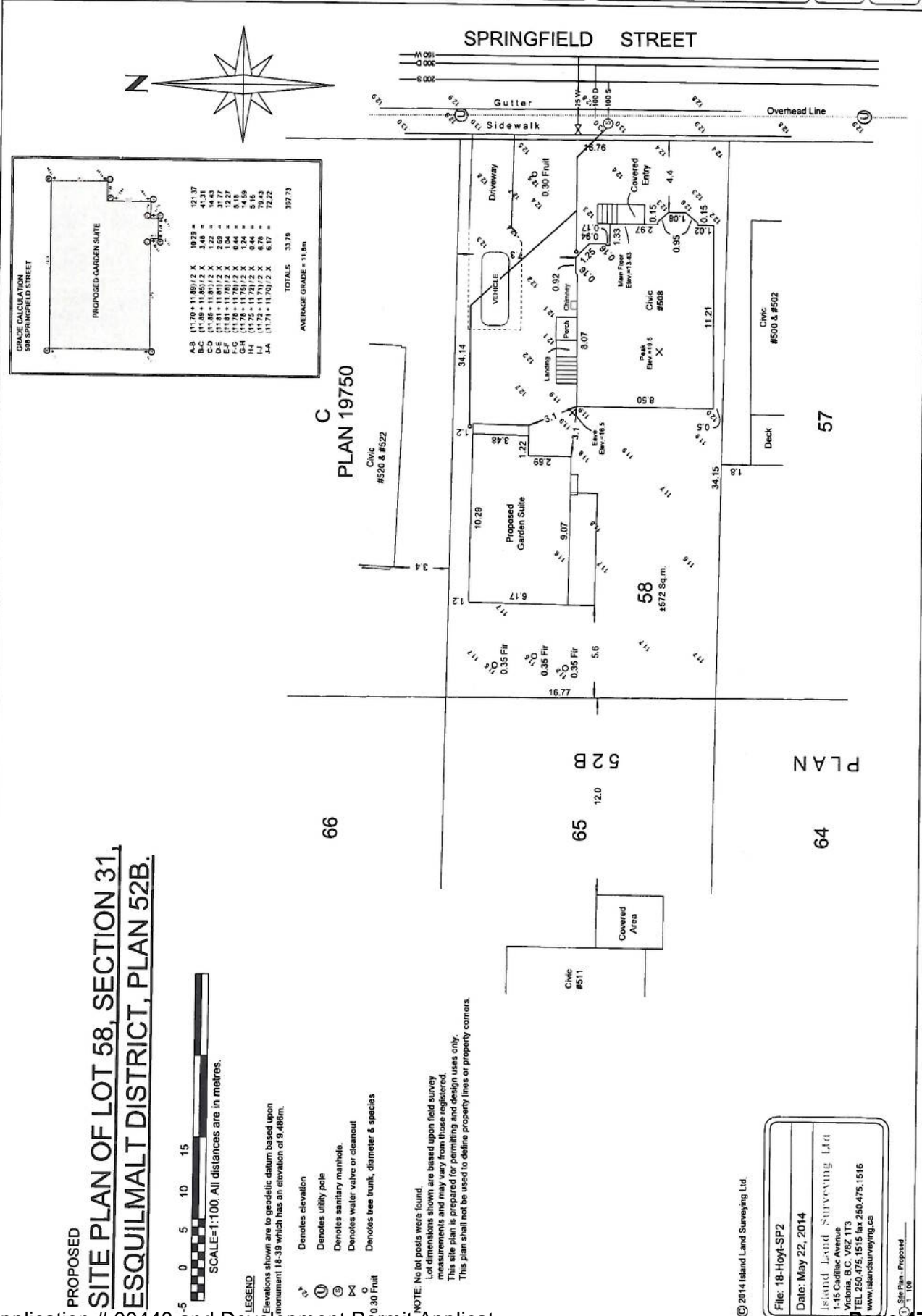
little; the lot posts were found. Lot dimensions shown are based upon field survey measurements and may vary from those indicated. This site plan is prepared for permitting and design uses only. This plan should not be used to define property lines or property corners.



© 2015 Island Lead Surveying Ltd.

Fax: 18 704 138
 Date: December 30, 2013
 1-15 Cadillac Avenue
 Westboro, CT, 01581
 Tel: 250-429-7191 Fax: 250-429-0515
www.hendrickson-vestibula.co

508 Springfield Garden Suite Site Plan - Proposed Sketch Title		Project No. 1365 Sheet A1.2
Date: _____ Issue for Review: _____ Revision: _____ By: _____ No: _____	Description: _____	



PROPOSED
SITE PLAN OF LOT 58, SECTION 31,
ESQUIMALT DISTRICT, PLAN 52B.



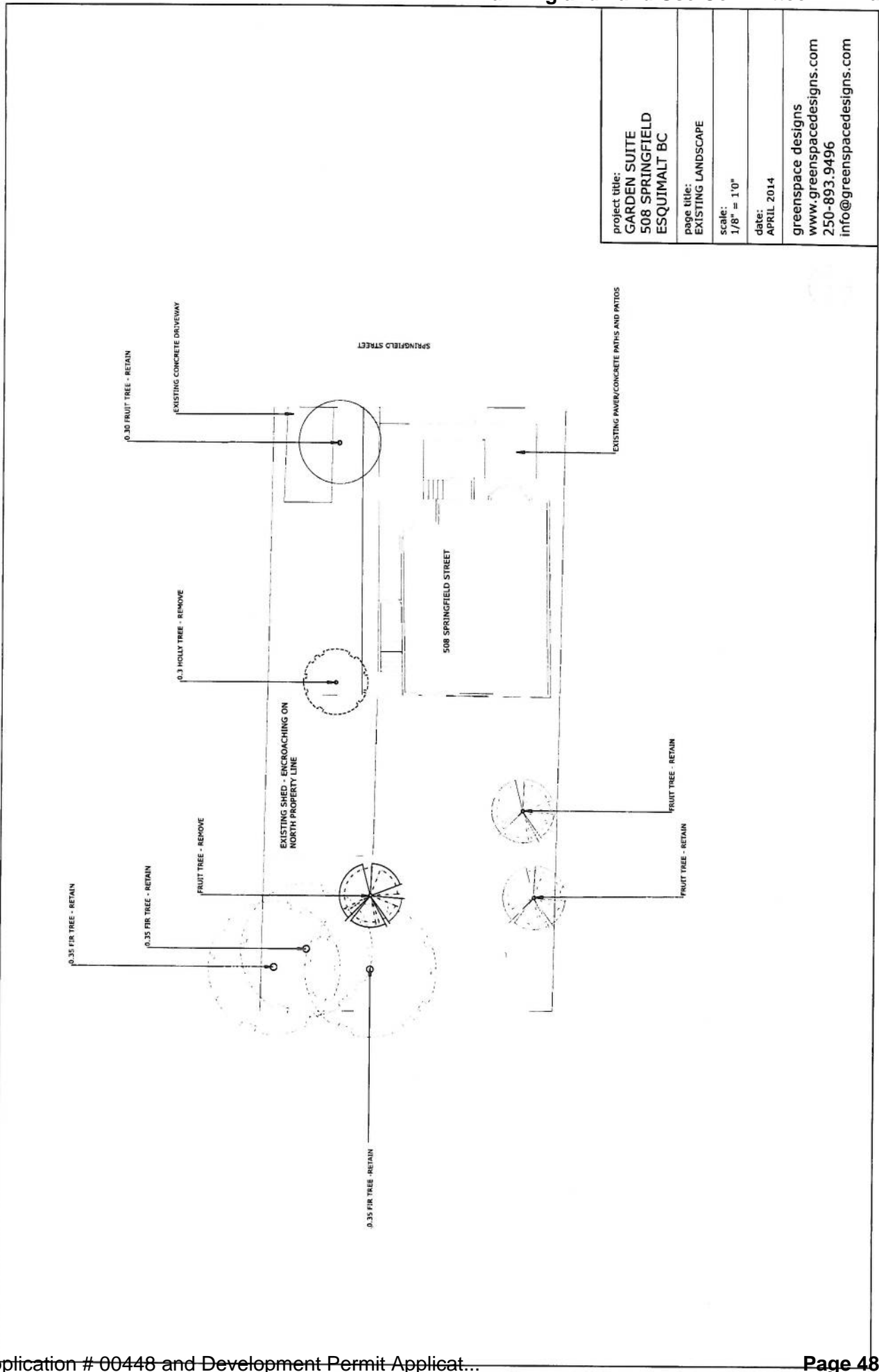
- LEGEND**
- Denotes elevation
 - Denotes utility pole
 - Denotes sanitary manhole
 - Denotes water valve or cleanout
 - Denotes tree trunk, diameter & species

NOTE: No lot posts were found. Lot dimensions shown are based upon field survey measurements and may vary from those registered. This site plan is prepared for permitting and design uses only. This plan shall not be used to define property lines or property corners.

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File: 18-Hoyt-SP2
Date: May 22, 2014
Island Land Surveying Ltd.
1515 Cadell Avenue
Victoria, B.C. V8X 1T3
TEL 250.475.1515 fax 250.475.1516
www.islandsurveying.ca

Site Plan - Proposed
 1:100

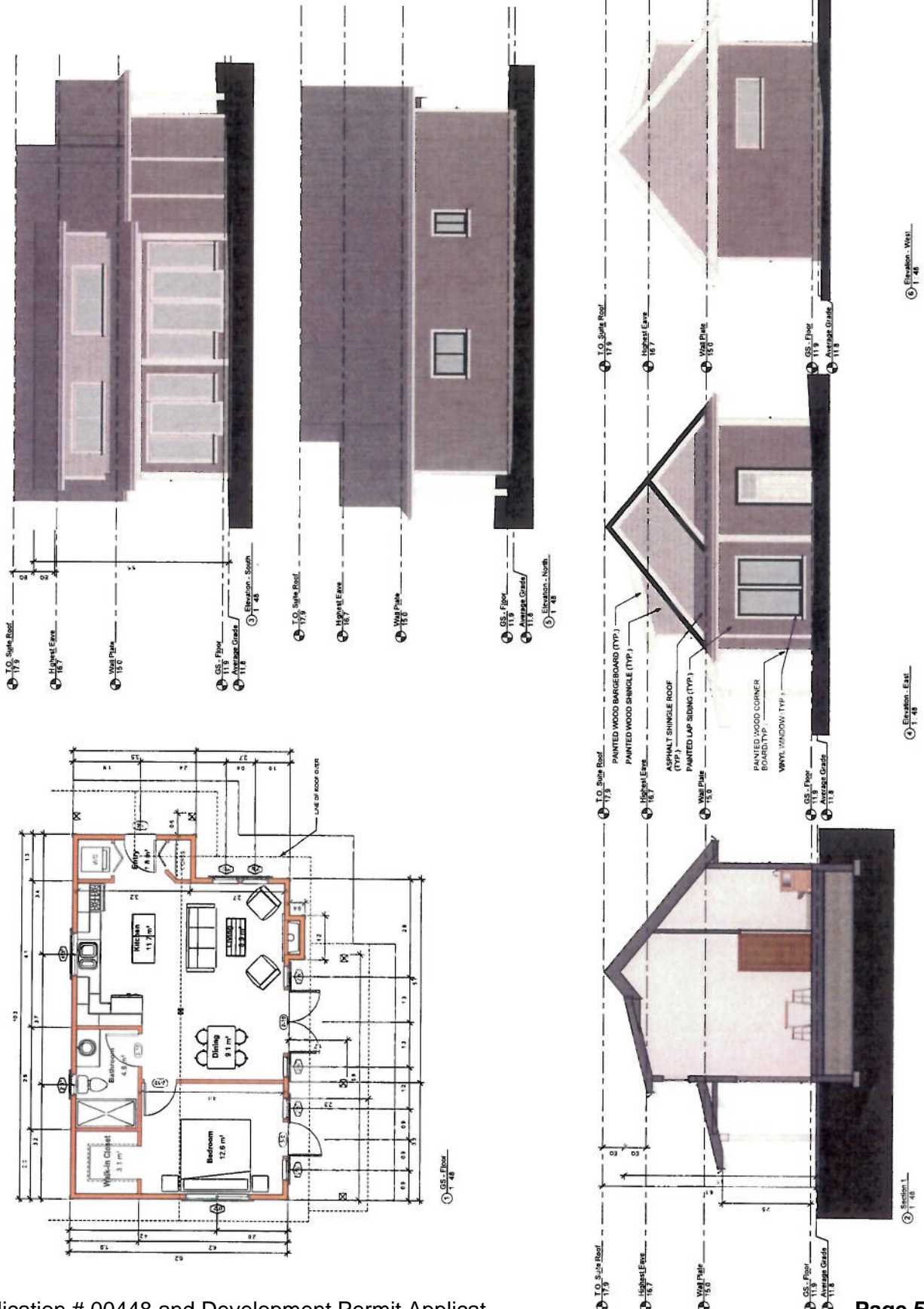




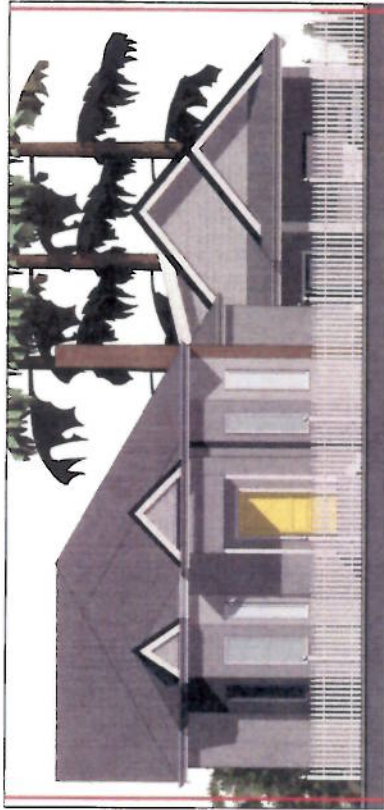
Planning and Land Use Committee – 21 April 2024

508 Springfield
Garden Suite
Sheet Title
Garden Suite Plans

2700, 2800 &
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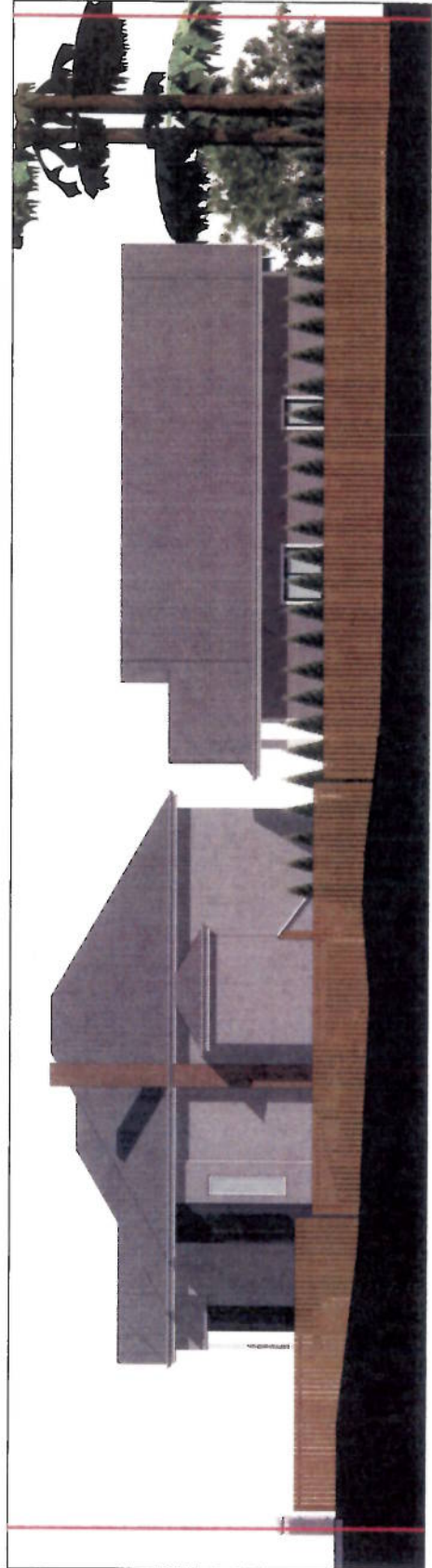
Project 508 Springfield Garden Suite		Sheet Title Site Elevations	
508 Springfield Garden Suite 2500 99th Ave North, BC V8C 7K2 Ryan Hays Design Inc. 7800 170th Street, Suite 100 Richmond, BC V6V 1A2		1365 A4.3	
Date 10/13/13 Description ISSUE FOR CALLO REVIEW 1 2 3		By No.	



① Site Elevation - East
1/48

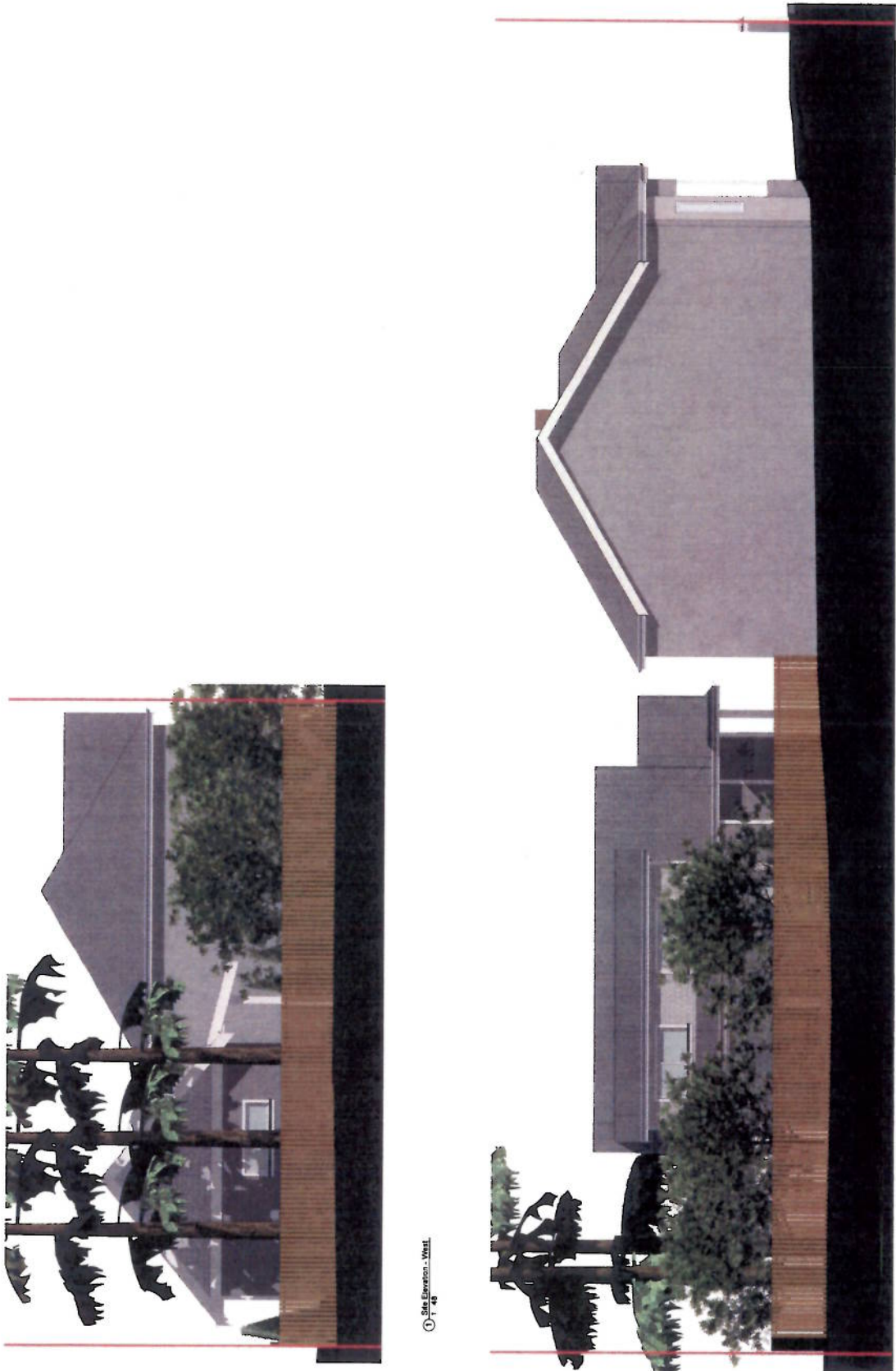


EXISTING VIEW FROM SPRINGFIELD STREET (EAST)



② Site Elevation - North
1/48

508 Springfield Garden Suite Project		Street Title Site Elevations		Ryan Ryan Design Inc. 1780 W. 17th Avenue Vancouver, BC V6M 1Y2 Tel: 604.275.1885 www.ryanryandesign.com		Sheet A4.4	
508 Springfield Garden Suite Project		Street Title Site Elevations		Ryan Ryan Design Inc. 1780 W. 17th Avenue Vancouver, BC V6M 1Y2 Tel: 604.275.1885 www.ryanryandesign.com		Sheet A4.4	
508 Springfield Garden Suite Project		Street Title Site Elevations		Ryan Ryan Design Inc. 1780 W. 17th Avenue Vancouver, BC V6M 1Y2 Tel: 604.275.1885 www.ryanryandesign.com		Sheet A4.4	



Planning and Land Use Committee Report

For Meeting of August 21, 2014

Date: August 7, 2014 **From:** Helen Cain, Senior Planner

Subject: **Rezoning Application #00429 and Development Permit with Variances for 605-607 Cornwall Avenue**
Application to rezone from the R1-B Zone (Single Family Dwelling District) to the R1-S2 Zone (Restricted Small Lot Two Storey District). Concurrent Development Permit with Variances.

Executive Summary

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application and Development Permit for the property located at 605-607 Cornwall Avenue. The applicant proposes to rezone from the R1-B Zone (Single Family Dwelling District) to the R1-S2 Zone (Restricted Small Lot Two Storey District) and to construct two new small-lot houses, which also require a Development Permit with Variances.

The following points were considered in assessing this application:

- The proposal to rezone is compatible with the OCP objectives for sensitive infill and the proposed design will comply with applicable guidelines in Development Permit Area 15A, Intensive Residential Small Lot Development.
- Each proposed small lot would be larger than the minimum size of 260 m² identified in the *Small Lot House Rezoning Policy, 2011*.
- The variances proposed in conjunction with the Development Permit are minor and would have little impact on the adjacent properties and public realm.

Staff recommend that the Planning and Land Use Committee support the Rezoning Application advancing to a Public Hearing and subsequent consideration of the Development Permit with Variances Application at a Hearing.

Recommendations

1. a. That Council instruct staff to prepare the necessary *Zoning Regulation Bylaw* amendment that would authorize the proposed development outlined in Rezoning Application #00429 for 605-607 Cornwall Street;
- b. That Council consider giving first and second reading to the bylaw amendment after the bylaw has been drafted;
- c. That Council schedule a Public Hearing after the bylaw has received first and second reading.
2. a. That Council schedule a Hearing to consider a Development Permit with Variances for 605-607 Cornwall Street concurrently with Rezoning Application #00429;
- b. Following the Hearing and subject to the adoption of the bylaw amendment for 605-607 Cornwall Street, that Council consider authorizing the issuance of the Development Permit with Variances for 605-607 Cornwall Street, in accordance with:

- i. plans for Rezoning Application #00429, stamped July 17, 2014,
- ii. development meeting all *Zoning Regulation Bylaw* requirements, except for the following rear, side and front yard setbacks:
 - Part 1.23 – R1-S2 Zone, Restricted Small Lot Two Storey District
 - minimum rear yard setback for principal building relaxed from 6.00 m to 5.17 m
 - minimum side yard setback from habitable room with windows relaxed from 2.40 m to 1.50 m
 - minimum front yard setback for accessory building relaxed from 18.0 m to 14.50 m
 - minimum rear yard setback for accessory building relaxed from 0.60 m to 0.25 m
 - minimum side yard setback for accessory building on flanking street relaxed from 7.50 m to 2.70 m,
- iii. final plans to be generally in accordance with plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

Respectfully submitted,



Helen Cain
Senior Planner
Development Services Division



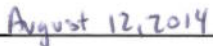


Deb Day, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

 Jason Johnson

Date:

 August 12, 2014

HC:aw

S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\REZ\REZ00429\PLUC_CORNWALLAVENUE_606&607_JUNE19_2014.DOC

1.0 Purpose

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application and Development Permit with Variances for the properties located at 605-607 Cornwall Street.

2.0 Background

2.1 Description of Proposal

The subject site is a corner lot at the intersection of Cornwall Street and Carnsew Street. The applicant proposes to rezone the property from the R1-B Zone (Single Family Dwelling District) to the R1-S2 Zone (Restricted Small Lot Two Storey District) to permit two small lot houses. One of the houses (Lot A House) would comply with all the criteria for the proposed zone except for a rear yard setback of 5.17 m, where the standard is 6.00 m, and the setback on the south side of the building, where windows are proposed, would be 1.70 m rather than the usual 2.40 m.

With respect to the second small-lot house (Lot B House), located on the corner, it would comply with the zone other than the side yard setback from the north elevation with windows, which is proposed as 1.50 m instead of the standard 2.40 m. In addition, the detached garage would be deficient with respect to east side, rear and front yard setbacks. However, the requested front and rear variances for the accessory building are in part needed to accommodate a future road dedication of 2.86 m along Carnsew Street at the subdivision stage, subject to Council approval of the Rezoning Application. It should be further noted that both lots would be larger than 260 m², which is the minimum site area for this type of development identified in the *Small Lot House Rezoning Policy, 2011*.

The proposed site plan, house design and landscaping would include:

- two-storey houses that are rectangular in form and massing
- the Lot A House has a garage built into the front facade and Lot B House has a detached garage, which is closer to the street than is typical for a small lot house but will enable the creation of a rear yard with ample space
- house siding is cedar boards and cedar shake with accent panels in pebbled stucco (white, grey) and roofs are metal
- garage doors are wood to blend these entrances with the houses' facades
- soft landscaping is trees and plantings in the front and rear yards and between Lots A and B, surface treatment for the paths and patios are interlocking bricks.

2.2 Green Building Features

The applicant proposes permeable materials for hard surfaces in the landscape plan and has identified in the attached letter that natural materials are being used for exterior finishes. At the Building Permit stage, the proposal would also include natural materials for building construction and pre-wiring for electric cars in each garage.

2.3 Demolition of Existing Building

This proposal includes the demolition of an existing legally non-conforming duplex. The applicant has provided a third-party condition report (attached) which assessed the foundation and main floor of the building and determined that the structure could not bear any upper floor addition without extensive upgrades to comply with the *British Columbia Building Code* regulations. A second consultant report (also attached) has been submitted to assess the "as is conditions" which indicates that major upgrades would be required to meet seismic requirements and that portions of the duplex were built without the proper foundations.

2.4 Existing Site Development and Development Potential

The data table (below) compares the proposal with the R1-S2 Zone (Restricted Small Lot Two Storey District). The proposal is less stringent than zone standards for the criteria identified with an asterisk.

Zoning Criteria	Proposed Lot A	Proposed Lot B	Zone Standard R1-S2
Site area (m ²) – minimum	289.80	263.20	260
Lot width (m) – minimum	16.74	16.74	10.00
Total floor area (m ²) – maximum	117.06	111.67	190
Density (Floor Space Ratio) – maximum	0.41:1	0.43:1	0.6:1
Height (m) – maximum	6.80	6.80	7.50
Storeys – maximum	2	2	2
Site coverage (%) – maximum	25.30	31.20	40
Setbacks (m) – minimum			
Front	6.13	6.13	6.00
Rear	5.17*	6.08	6.00
Side (south)	1.70*	2.78	2.40 ¹
Side (north)	2.08	1.50*	2.40 ¹
Vehicle Parking – minimum	1 space	1 space	1 space
Accessory building front yard setback (m) - minimum	n/a	14.64*	18.00
Accessory building rear yard setback (m) - minimum	n/a	0.28*	0.60
Accessory building side yard setback from flanking street (m) - minimum	n/a	2.74*	7.50

¹ Requirement for a habitable space which has a window

2.5 Land Use Context

Land uses in the surrounding area are single family dwellings, duplexes and single family small lots. Immediately adjacent land uses include:

- North: single family dwelling in the R1-B Zone (Single Family Dwelling District)
- South: single family dwelling in the R1-B Zone (Single Family Dwelling District)
- East: legal non-conforming duplex in the R1-B Zone (Single Family Dwelling District)
- West: single family dwellings in the R1-B Zone (Single Family Dwelling District).

2.6 Legal Description

Lot 22, Fairfield Farm Estate, Victoria City, Plan 138.

2.7 Consistency with City Policy

2.7.1 Official Community Plan, 2012

The proposed development is consistent with the relevant land use policies of the *Official Community Plan 2012* (OCP). The property at 605-607 Cornwall Street is designated as Traditional Residential in the OCP where ground-oriented housing, such as small lot single family dwellings, are enabled as appropriate forms of infill.

2.7.2 Design Guidelines

Also in accordance with the OCP, the two small lot houses are subject to control and regulation under DPA 15A, Intensive Residential Small Lot. The proposal for 605-607 Cornwall Street is aligned with DPA 15A objectives for infill that respects established character in neighbourhoods and complies with relevant design guidelines.

2.8 Community Consultation

The applicant consulted with the Fairfield Gonzales Community Association Land Use Committee (CALUC) on November 18, 2013. A letter from the CALUC is attached to this report. With respect to the *Small Lot House Rezoning Petition*, the required poll of immediate neighbours was completed in December 2013 and yielded very strong support (100%) for this proposal.

3.0 Issues

The key issues related to this application are:

- design review and analysis
- adjacency impacts
- setback variances.

4.0 Analysis

4.1 Design Review and Analysis

The proposal is subject to review under DPA 15A Intensive Residential Small Lot Development. Building form, character, exterior finishes and landscaping details are controlled and regulated in relation to the *Design Guidelines for Small Lot Houses, 2002*. Overall, the proposed houses comply with these Guidelines as summarized below.

- The front setback patterns and architectural styles surrounding the subject property are varied, so a variety of setbacks and designs are appropriate to this context.
- The proposed house design is contemporary in composition and finishes. The palette would be neutral with a variety of materials and textures.
- The new houses would be rectangular in form and massing, similar in height and roof pitch to adjacent houses on Cornwall Street, while one storey taller, but smaller in building footprint, to the neighbouring dwelling on Carnsew Street.
- With respect to the appearance of the street frontages, the main entryways of these houses would be clearly visible and each dwelling would be well-balanced in proportion of windows to solid-wall surfaces. The Lot A House would have a built-in front garage with finishes that blend with the upper façade, minimizing the visual prominence of the garage door.
- The landscape design would connect the private and public realms through new plantings in the front yards and would also provide private gardens in the rear yards. Privacy of the occupants of the new houses and immediate neighbours would be protected through new plantings to provide screening between Lots A and B and Lot A and adjacent properties to the north and east along shared property lines. All hard surfaces would be permeable with interlocking bricks for pathways and patio areas, and driveways would be surfaced in "grasscrete".

4.2 Adjacency Impacts

The proposal would have few impacts on the occupants of the adjacent properties. While the Lot A House would have windows in the east elevation, the building would be sited with adequate distance from the rear property line to reduce, if not prevent, overlooks into the back yard of the adjacent property at 1268-1270 Carnsew Street. There may be some impacts on liveability from the proposed side yard setbacks, where the south elevation of the Lot A House would face the north elevation of the Lot B House, but overlook from the windows would be limited given their small size, narrow shape and location toward the top of the building wall. Lastly, the two-storey height of these houses would have very little shadowing effect because the Lot A House is 5.17 m from the rear yard of the neighbouring house on Carnsew Street and shadows from the Lot B House would be cast onto neighbouring side yards and Cornwall Street.

4.3 Setback Variances

There are six variances requested in this proposal related to the rear and side yards for the small lot houses and detached garage on Lot B. Although the Lot A House south elevation and Lot B House north elevation would have habitable rooms behind, liveability impacts of the substandard side yard setbacks between the houses would be limited given the proposed height of the small, narrow window openings for both buildings. The variance for the rear yard setback is 5.17 m rather than the standard 6.0 m and is the result of design revisions to improve the street appearance of the Lot A House through pulling the front garage back to align with the façade. Lastly, the three variances for the detached garage on Lot B would result in a larger yard at the rear of the house. The east side yard setback would not have privacy or shadow impacts in relation to the adjacent neighbours.

5.0 Resource Impacts

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

6.0. Conclusions

Staff recommend that the Planning and Land Use Committee support this Rezoning Application as the proposal is aligned with the OCP land use policy and design guidelines for new infill in low-density residential areas. While the proposed site plan includes variances for rear yard and side yard setbacks for the small lot houses and the detached garage, the form, massing and location of the buildings would have little shading or privacy impact on the adjacent properties and would be compatible with the surrounding context.

7.0 Recommendation

7.1.1 Staff Recommendations

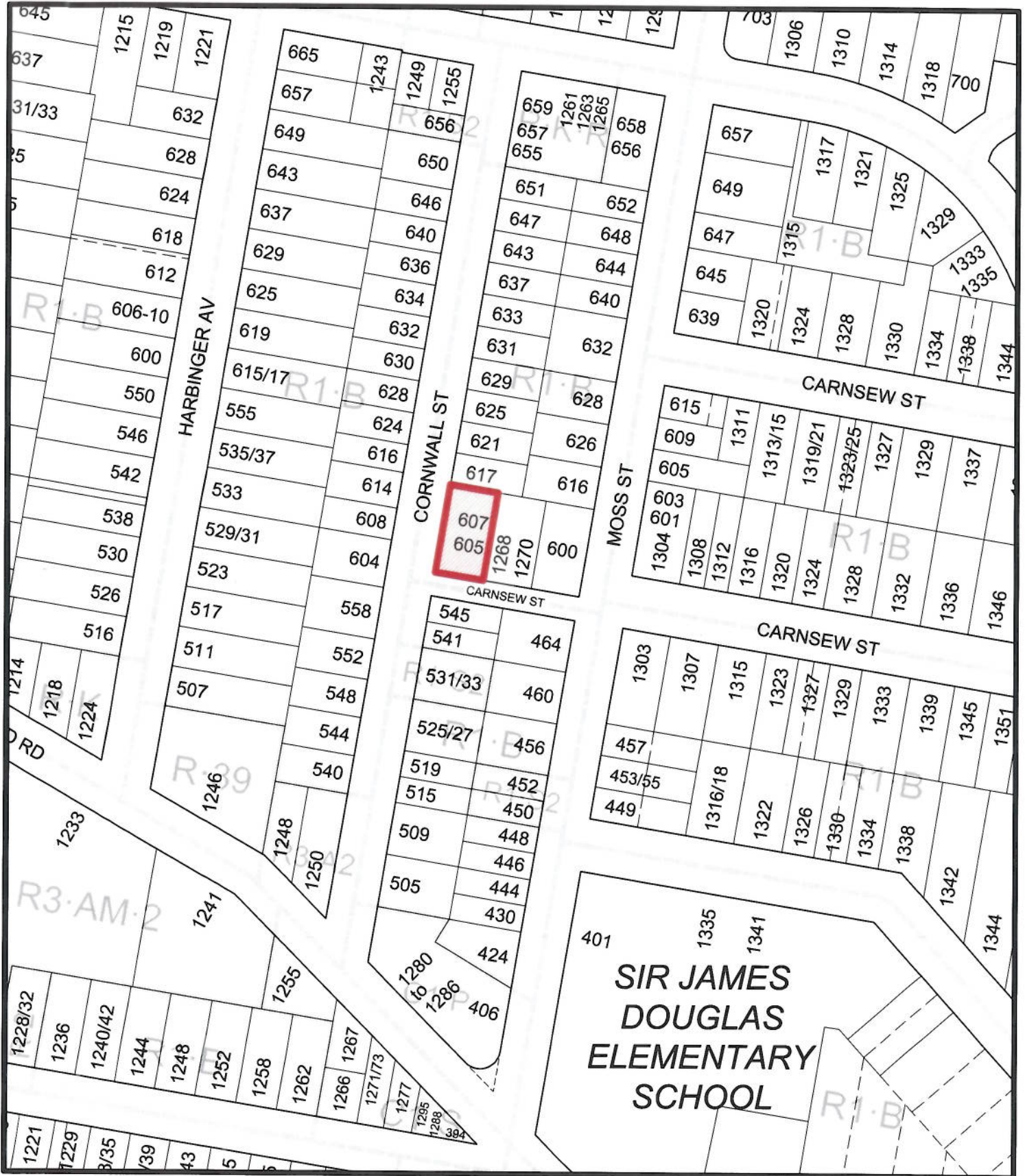
1.
 - a. That Council instruct staff to prepare the necessary *Zoning Regulation Bylaw* amendment that would authorize the proposed development outlined in Rezoning Application #00429 for 605-607 Cornwall Street;
 - b. That Council consider giving first and second reading to the bylaw amendment after the bylaw has been drafted;
 - c. That Council schedule a Public Hearing after the bylaw has received first and second reading.
2.
 - a. That Council schedule a Hearing to consider a Development Permit with Variances for 605-607 Cornwall Street, concurrently with Rezoning Application #00429;
 - b. Following the Hearing and subject to the adoption of the bylaw amendment for 605-607 Cornwall Street, that Council consider authorizing the issuance of the Development Permit with Variances for 605-607 Cornwall Street, in accordance with:
 - i. plans for Rezoning Application #00429, stamped July 17, 2014
 - ii. development meeting all *Zoning Regulation Bylaw* requirements, except for the following rear, side and front yard setbacks:
 - Part 1.23 – R1-S2 Zone, Restricted Small Lot Two Storey District
 - minimum rear yard setback for principal building relaxed from 6.00 m to 5.17 m
 - minimum side yard setback from habitable room with windows relaxed from 2.40 m to 1.50 m
 - minimum front yard setback for accessory building relaxed from 18.0 m to 14.50 m
 - minimum rear yard setback for accessory building relaxed from 0.60 m to 0.25 m
 - minimum side yard setback for accessory building on flanking street relaxed from 7.50 m to 2.70 m,
 - iii. final plans to be generally in accordance with plans identified above to the satisfaction of the Director of Sustainability Planning and Community Planning.

7.2 Alternate Recommendation (decline)

That Council decline Rezoning Application #00429 and a Development Permit with Variances for the property located at 605-607 Cornwall Avenue.

8.0 List of Attachments

- Zoning map
- Aerial photo
- Letters from Ryan Goodman, ARYZE Developments, Inc., stamped July 17, 2014, May 1, 2014, February 28, 2014, and February 7, 2014
- Plans for Rezoning Application #00429, stamped July 17, 2014
- Building Condition Assessment Reports from Read Jones Christoffersen, stamped July 17, 2014, and May 1, 2014
- Minutes of Fairfield Gonzales Community Meeting on November 18, 2013, stamped February 7, 2014
- Summary and Responses to Small Lot House Rezoning Petition.

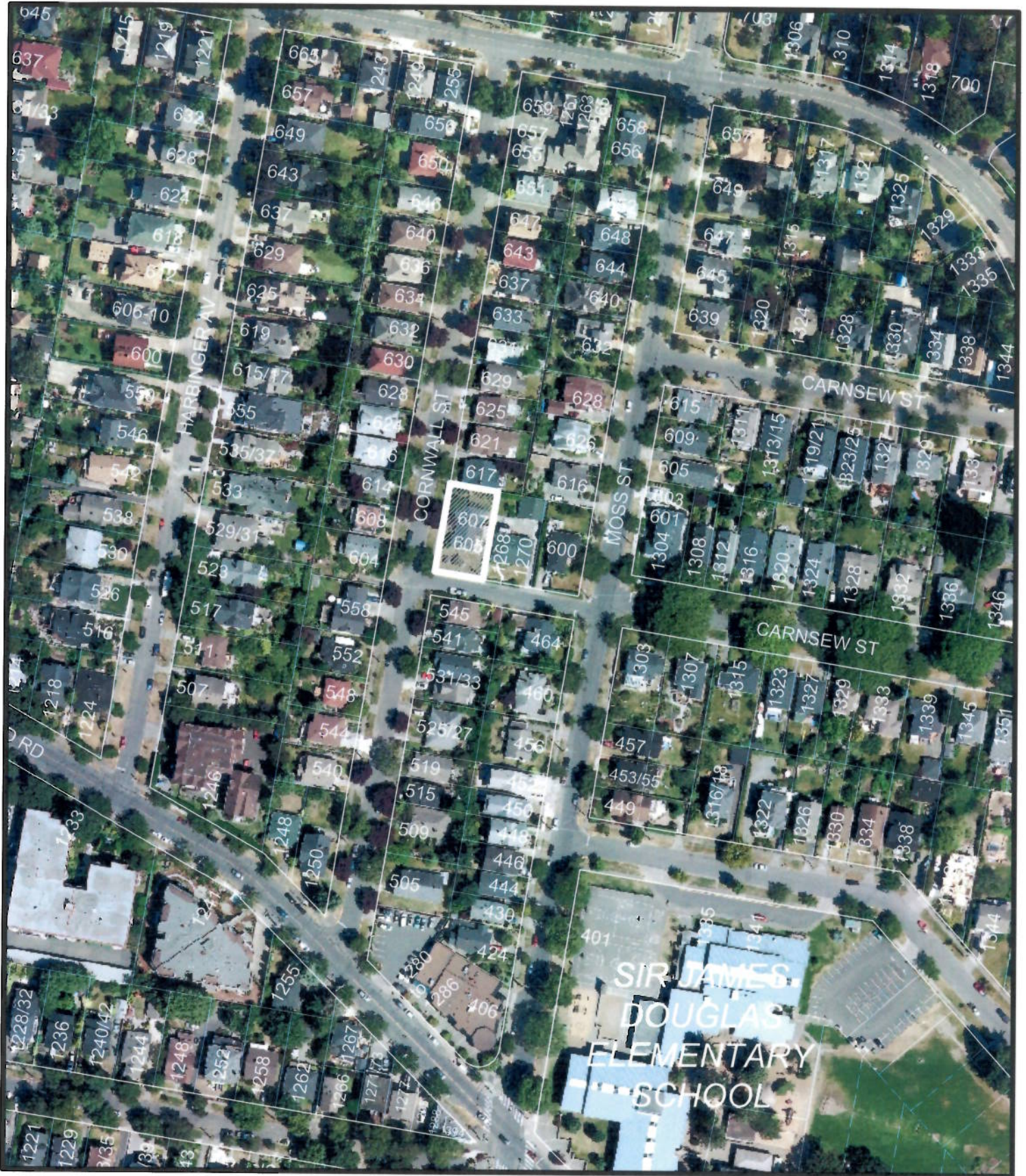


605-607 Cornwall Street

Rezoning #00429

Bylaw #





605-607 Cornwall Street

Rezoning #00429

Bylaw #



Rezoning Application # 00429 and Development Permit with Var...



Ryan Goodman
ARYZE Developments Inc.
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Victoria BC

(778) 977-1977
ryan@aryze.ca

aryze-ca.tumblr.com
www.facebook.com/aryze

July 15, 2014

Mayor Dean Fortin and Council

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

RE: 605-607 Cornwall St. Application for Small Lot Subdivision.

Dear Mayor Fortin and Council,

Thank you for considering our application for rezoning, we are excited about the opportunity to improve the streetscape of Cornwall and Carnsew street and look forward to continuing to work with the neighbourhood to deliver a project that embodies the values of the local community.

This project is lead by ARYZE Developments, a specialized small volume home builder with a focus on innovative design, planning and high quality green building techniques. With a deep network of Victoria's finest sub-contractors and a team craftsmen, ARYZE is large enough to handle complex custom builds, but small enough that its owners are personally involved in every aspect of the project.

A. Introduction

We are seeking your support to rezone 605-607 Cornwall st. from R1-B to R1-S2 to accommodate the construction of two small single family homes in the place of an older duplex. Our proposal is for high quality, pedestrian oriented housing which considers and respects the architectural style and materials of the neighbourhood and conforms to the Official Community Plan.

The development is in the lively, family oriented neighbourhood of West Fairfield, within walking distance to Cook St. Village. It is located on the corner of Cornwall and Carnsew streets and the current site of an older rental duplex which is largely in original condition and in need of redevelopment. Our proposal to improve the property and replace the duplex with single family homes more typical to the street has garnered broad neighbourhood support and the feedback received is that the project will be a welcome improvement to the streetscape.

About the existing property:

- 605-607 Cornwall was constructed in 1947-48 as a purpose built side-by-side duplex and has always operated as a 2 family home.

ARYZE

Development and Construction Services | aryze.ca

- The structure is a single story, with approximately 1450 sq ft of floor space across two units.
- Prior to being acquired by ARYZE in November 2013, the home was owned by an out-of-town investor for close to 30 years and is in disrepair and in need of redevelopment.
- The structure is in mostly original condition and our Project Engineer, Read Jones Christoffersen (RJC), reviewed property and found significant age related and structural deficiencies and the home does not comply with today's building code. Remediating and restoring the home to today's standard is not economically viable.

B. Need and Demand

- Quality infill housing is highly sought after in urban neighbourhoods across Canada. With a strong demand for modern, energy efficient, secure housing in pedestrian oriented neighbourhoods with close access to transit and amenities. The Moss St. Neighbourhood of West Fairfield is no exception, and there is high demand for suitable housing in the area.
- The existing property is in largely original condition with antiquated insulation, oil heat and little living space with less than 1400 sq ft between the two units, the home in its current form does not meet the housing needs of a majority of people looking to live and work in Fairfield.

C. Services

- As a purpose built 2 family home, the land density and a majority of service and parking requirements will not change with our proposal.
- Public transportation, a community centre as well as a number of amenities are within close walking distance to the property. As such, there is adequate infrastructure and services in place to meet our proposal.

D. Neighbourhood

- Cornwall Street and the surrounding neighbourhood has many recent examples of successful small lot subdivision and R1-S2 zoning.
- Cornwall Street is a lovely, diverse street with varied housing style, age.
- The immediate neighbourhood is made up of smaller lot sizes on average (3600 sq ft), subdivided many years ago from the original plots. Our building site is nearly twice the size of adjacent parcels.
- New, high quality homes on R1-S2 re-zoned lots in close proximity (656 Cornwall, 1249, 1255 Richardson, 450, 452 Moss st.) have respected the fit and character of the neighbourhood and our proposal is to do the same.

F. Design

- Proposal is to construct high quality homes, designed to match the fit and finish of neighbouring properties.
- The proposed roofline will match approximate height of adjacent homes (545 Cornwall and 614 Cornwall).
- Careful consideration paid to neighbours in our design and landscaping choices. The side yard setback of home A was increased to limit shading on 617 Cornwall, as well, homes have been lowered in gade to reduce total height and ensure roofline is inline with adjacent neighbours.
- Proposal integrates green building elements, including natural, healthy materials inside and out, permeable driveway and walkways and purpose built bike storage.
- In consideration of our target customers desire for a healthy, environmentally conscientious, urban lifestyle, both garages will be pre-wired for electric car charging stations.
- Our goal is to move and retain existing mature shrubs and small tree's and integrate landscaping to enhance the corner of Cornwall, Carnsew st and create the appearance of lush semi-public space.

G. Request for Variance(s)

The following variances are requested:

Accessory Garage - Front yard setback, Home B

- Proposed small lot configuration leaves parcels which are long and wide, but not deep, which limits options for off-street parking and garage space. Garages are a desirable and very sought after feature and we have proposed a detached accessory garage for Home B.
- A corner lot, with side yard access to the garage from Carnsew St., accessory buildings are governed by front yard setback and a variance is required to include an accessory garage in our proposal. The zone standard requires 18m front yard setback, whereas our proposed garage resides 14.52M from the front property line along Cornwall st.
- To reduce shadowing, and the visual appearance of the garage, we've proposed a flat roof, materials and landscaping elements to help this structure blend into its environment. The adjacent neighbours at 1268/1270 Carnsew st. are on side and fully support our proposal and request for variance.

Side yard setback - Home A, Home B

- As requested by Sr. Planner, Helen Cain, to reduce the perceived bulk / massing of the interior elevation's, we have added two linear windows on each home (south elevation of home A, north elevation of home B). These windows break up / add interest to the exterior elevations and bring light to interior living space while retaining privacy. The zone standard side yard setback where windows are present is 2.4m, and 1.5m when there are no windows. Our proposed setback for each home is 1.5m, and we are seeking a variance to retain this City of Victoria recommended design element, which we appreciate and support.

Rear yard setback - Home A

- As requested by Sr. Planner, Helen Cain, we have taken steps to reduce the vertical appearance of home A as well as the prominence of the garage.
- Changes include altering the material selected for the garage door as well as setting the garage back in the home and cantilevering the 2nd floor over the garage door. This change requires a variance in that to accommodate the cantilever and while retaining a usable garage depth, we have pushed out the rear wall of the garage 0.91m. This has reduced our proposed rear yard setback to 5.17m from the zone standard of 6.0m, requiring a variance.

Conclusion

Thank you for your consideration of our application to rezone 605-607 Cornwall st. from R1-B to R1-S2 to accommodate the construction of two small single family homes in the place of an existing duplex. We are excited about the opportunity to continue to establish our construction company's reputation in the Fairfield Community and look forward to the opportunity to build attractive homes that are a long standing testament to the vision and talent of our team.

Sincerely,

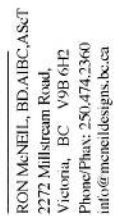


Ryan Goodman, BA, MBA
Partner, ARYZE Developments Inc.



1. Reoriented entrance of home B to face prominently on Cornwall St.
2. Improved amenity space for both rear yards.
3. Improved entrance for both home A and B to increase pedestrianisation of home B.
4. Improved orientation of homes and ensure that home's entrance is dominant over driveway / garage door.
5. Reduced prominence of garage doors through wood material selection to blend with the home's siding.
6. Reduced driveway / parking setting back garage door of home A and creating a second floor.
7. Reduced perceived bulk/massing by adding additional windows on interior elevations (south elevation home A, north elevation home B) as well as additional architectural screening elements.
8. Siding revised for softer, more natural finish.
9. Window boxes revised for more traditional styling.
10. Homes lowered further in grade to reduce total height and match neighbouring homes.

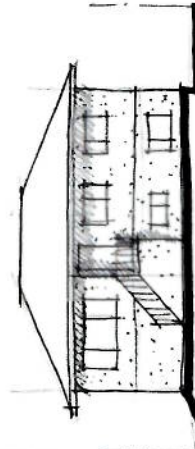
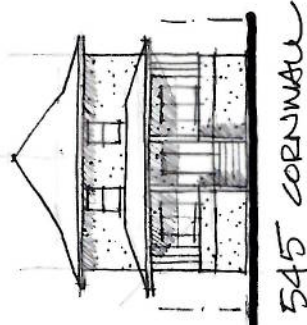
ARYZE DEVELOPMENTS LTD.
605/607 Cornwall @ Carnsew, Victoria City, BC



P2

10813 P2 - 14 12
 10813 P2 - 14 12
 10813 P2 - 14 12

REV 3 28 MAR 2014
 REV 2 06 FEB 2014
 REV 1 01 JAN 2014
 Misc changes, end elevation presentation, lot B entry to Cornwall, set back acc gar, etc
 Add End Elevations of homes, add plan and elevation of garage on sep sheet
 Revisions following neighbourhood consultation
 PLOT 11 A/B
 14670142 28-10-14
 D:\EVT PROJECTS\14670142\28-10-14\14670142\14670142.dwg
 RAM
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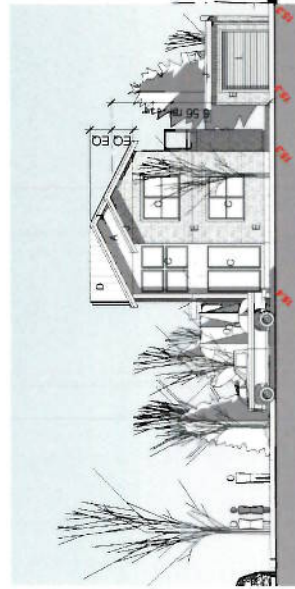
- Material Legend:
- A - Natural Grey Dash Stucco
 - B - Natural Cedar Screening
 - C - Black Vinyl Windows/ Casing
 - D - Roof Material: Zinc Grey standing seam metal roof
 - E - Behr DP-337 Semi Transparent Cedar Shake
 - F - Natural White Dash Stucco
 - G - Behr DP-317 Semi Transparent Cedar Shake
 - H - Roof Material: Charcoal Gray standing seam metal roof
 - I - Fascia / Flashing Material: Charcoal Gray
 - J - Natural fir pivot door
 - K - Natural fir pivot door
 - L - Wood garage door



3 3D View Cornwall corner



1 Cornwall Streetscape West Elevation
 1/8" = 1'-0"



2 South Carnsew Street Elevation
 1/8" = 1'-0"

Proposed 2 Small Lot Subdivision for :

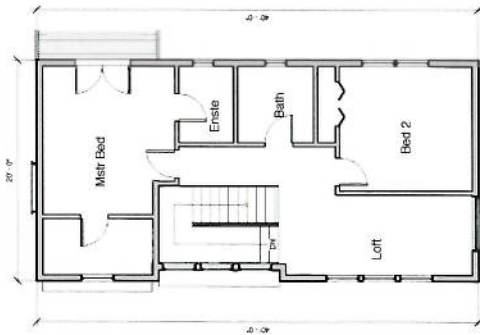
ARYZE DEVELOPMENTS LTD.
 605/607 Cornwall @ Carnsew, Victoria City, BC



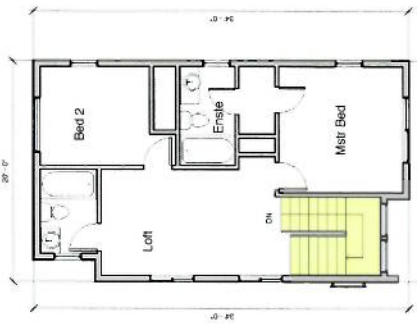
RON McNEIL, BDAIBC, ASCT
 2272 Millstream Road,
 Victoria, BC V9B 6H2
 Phone/Fax: 250.474.2360
 info@mcneilbuildings.com

RAM	Numbered Bubbles in conjunction with "Conditions to be met prior to PLUC
RAM	Misc changes, and elevation fenestration, lot B entry to Cornwall, set back acc gar, etc
RAM	Add End Elevations of homes, add plan and elevations of garage on sep sheet
RAM	Revisions following neighbour consultation

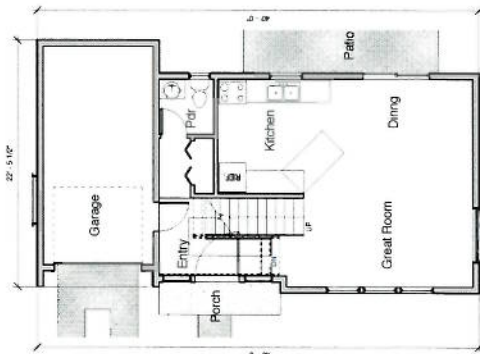
REV 3	28 MAR 2014
REV 3	28 MAR 2014
REV 3	28 MAR 2014
REV 2	06 FEB 2014
REV 1	01 JAN 2014



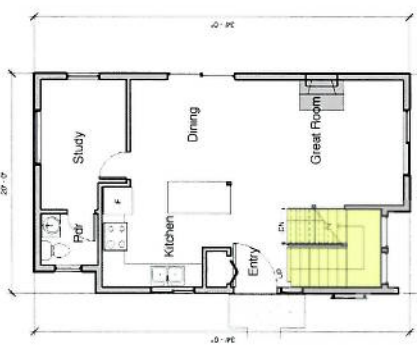
607 Cornwall - Lot A 730 sf



605 Cornwall - Lot B 601 sf

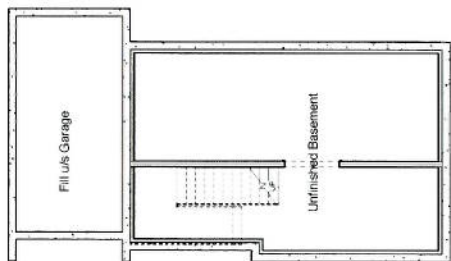
2. Second Floor
 $2 \cdot 3/16" = 1'-0"$ 

Main Flr - Lot A 530 sf

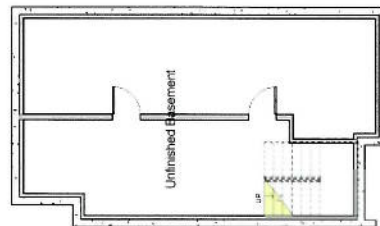


Main Floor - 1st B 601 sf

1 Main Floor
3,118'² = 1'0"



607 Cornwall - Lot A 516 sq



605 Cornwall - Lot B 584 sf

3. Basement
3/16" - 1" n°

(masured per City definition incl stairs)

Proposed 2 Small Lot Subdivision for :

ARYZE DEVELOPMENTS LTD.
605/607 Cornwall @ Carnsew, Victoria City, BC

**McNEIL
BUILDING
DESIGNS
LIMITED**

RON McNEIL, BD.AIBC.AScT
2272 Millstream Road,
Victoria, BC V9B 6H2
Phone/Fax: 250.474.2360
info@mcneildesigns.bc.ca

RAM
RAM

- A - Natural Grey Dash Stucco
- B - Natural Cedar Screening
- C - Black Vinyl Windows/ Casing
- D - Roof Material: Zinc Grey standing seam metal roof
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- H - Roof Material: Charcoal Grey standing seam metal roof
- I - Fascia / Flashing Material: Charcoal Gray
- J - Fascia / Flashing Material: Zinc Gray
- K - Natural fir pivot door
- L - Wood orange door

Project Data - Proposed Lot B	
Proposed Zoning	R1-S2 (Small Lot 2 Storey)
Proposed Lot Size	268.2 sm (2886 sf)

Proposed Site Coverage : 655 + 264 = 919 sf = 32.4 %
Max Permitted : 40 %

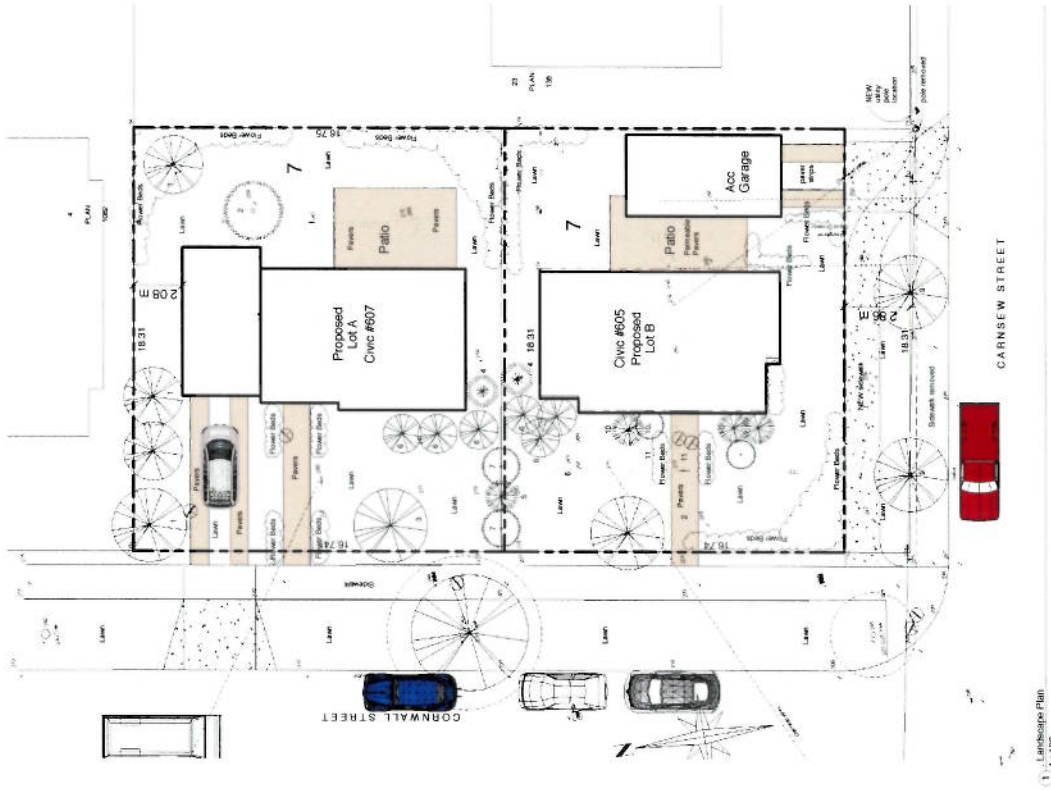
Proposed Floor Areas : (measured per City definition)

Second Flr	601 sf	
Main Flr	500 sf	
Total	1202 sf	$= 111.67 \text{ sm} = 0.424 \text{ FAR}$
Max Permitted	190 sm	Max Permitted GFA: 0
Basement	504 sf	
Detached Garage	264 sf	
Average Grade	15.1 m	
Proposed Building Height	6.80 m	

RON McNEIL, BD.AIBC, A.Sc.T
2272 Millstream Road,
Victoria, BC V9B 6H2
Phone/Fax: 250.474.2360
info@mcneildesigns.bc.ca

REV 3 28 MAR 2014 Misc changes, end elevation fenestration, lot B entry to Cornwall, set back acc gar, etc

RAM



Plant List		
Sym	Name	Size
1	Existing Syringa Vulgare	3 m
2	Acer Palmatum 'Ozakazuki'	5 m
3	Acer Japonicum 'Aureum'	5 m
4	Hydrangea macrophylla 'Blue Wave'	1.5 m
5	Hibiscus Syriacus 'Blue Bird'	3 m
6	Siermnia Japonica Rubella	1.5 m
7	Azalea 'Mother's Day'	1 m
8	Existing Cornus 'Cappuccino Royal'	3 m
9	Cornus 'Eddies White Wonder'	4 m
10	Rhododendron 'Goddess Yellow'	2 m
11	Exbury Azalea 'Knap Hill'	1.5 m

Notes

Planting will follow national nursery standards
Irrigation by automatic sprinkler system in multiple zones

Proposed 2 Small Lot Subdivision for :

ARYZE DEVELOPMENTS LTD.
605/607 Cornwall @ Camsew, Victoria City, BC

PL

DATE: 28 MAR 2014
DRAWN BY: RAM
SCALE: 1:100



RON McNEIL, B.D.A.I.B.C.A.S.C.T
2272 Millstream Road,
Victoria, BC V9B 6H2
Phone/Fax: 250.474.2360
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Second Floor
12' - 5"

Second Floor
12' - 5"

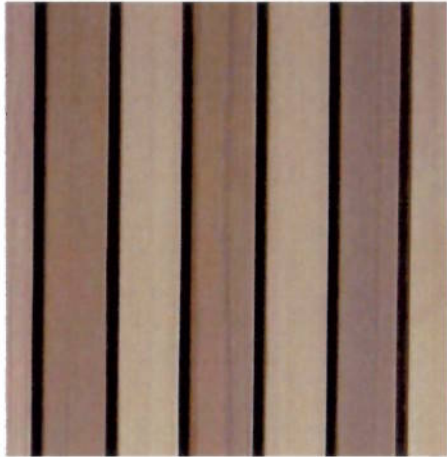
Main
3' - 6"

Basement Floor
5' - 5"

Foundation
6' - 9"



605/607 CORNWALL: Home A



B - Natural Cedar Screening



C - Black Vinyl Windows/ casing



G -Behr DP-317 Semi Transparent Cedar Shake



I - Fascia / Flashing Material: Charcoal Gray



H - Roof Material: Charcoal Gray standing seam metal roof



K - Front door - large fir pivot doors

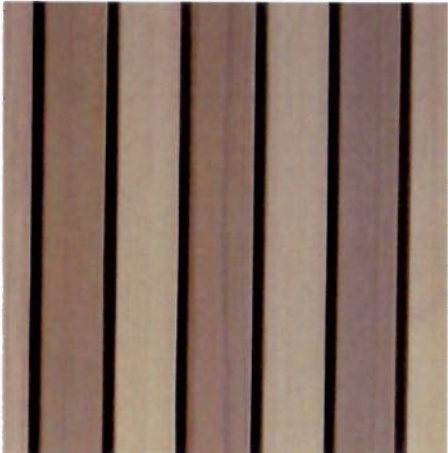


F - White Dash Stucco

605/607 CORNWALL: Home B



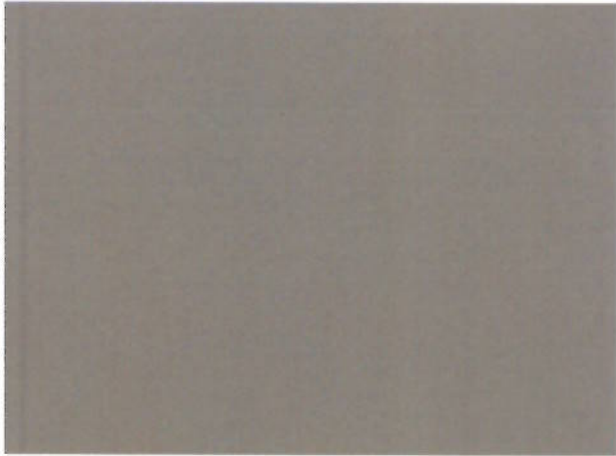
A - Grey Dash Stucco



B - Natural Cedar Screening



C - Black Vinyl Windows/ casing



D - Roof Material: Zinc Grey s
tanding seam metal roof



J - Fascia / Flashing Material: Zinc Gray



E - Behr DP-337 Semi Transparent Cedar Shake



K - Front door - large fir pivot doors



Ryan Goodman
ARYZE Developments Inc.
1580 Despard Ave.
Victoria BC

(778) 977-1977
ryan@aryze.ca
www.aryze.ca

April 30, 2014

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

RE: 605-607 Cornwall St. Application for Small Lot Subdivision.

Dear Mayor Fortin and Council,

Thank you for considering our application for rezoning, we are excited about the opportunity to improve the streetscape of Cornwall and Carnsew street and look forward to continuing to work with the neighbourhood to deliver a project that embodies the values of the local community.

This project is lead by ARYZE Developments, a specialized small volume home builder with a focus on innovative design, planning and high quality green building techniques. With a deep network of Victoria's finest sub-contractors and a team craftsmen, ARYZE is large enough to handle complex custom builds, but small enough that its owners are personally involved in every aspect of the project.

A. Introduction

This application is to rezone 605-607 Cornwall st. from R1-B to R1-S2 to accommodate the construction of two small single family homes. Our proposal is for high quality, ground oriented housing which considers and respects the architectural style and materials of the neighbourhood and conforms to the Official Community Plan.

About the existing property:

- 605-607 Cornwall was constructed in 1947-48 as a purpose built side-by-side duplex.
- The property has always operated as purpose-built 2 family home.
- The structure is a single story, with approximately 1450 sq ft of floor space across two units.
- The structure is in mostly original condition and our Project Engineer, Read Jones Christoffersen (RJC), reviewed property and found that significant enhancements are required to comply with today's building code.
- The cost to remediate and modernize existing structure far exceeds the value of the home.

B. Project Benefits

- Our proposal to improve the property garnered broad neighbourhood support. The feedback received is that the project will be a welcome improvement to the streetscape.
- Project replacing an existing property that was neglected for many years by its prior owner, an

absentee investor.

C. Need and Demand

- Quality infill housing is highly sought after in urban neighbourhoods across Canada. With a strong demand for modern, energy efficient, secure housing in pedestrian oriented neighbourhoods with close access to transit and amenities. The Moss St. Neighbourhood of Fairfield is no exception, and there is high demand for suitable housing in the area.
- The existing property is in largely original condition with antiquated insulation, oil heat and little living space with less than 1400 sq ft between the two units, the home in its current form does not meet the housing needs of a majority of families or elderly looking to live and work in Fairfield.

D. Services

- As a purpose built 2 family home, the land density and a majority of service and parking requirements will not change with our proposal.
- Public transportation, a community centre as well as a number of amenities are within close walking distance to the property. As such, there is adequate infrastructure and services in place to meet our proposal.

E. Neighbourhood

- Cornwall Street and the surrounding neighbourhood has many recent examples of successful small lot subdivision and R1-S2 zoning.
- Cornwall Street is a lovely, diverse street with varied housing style, age.
- The immediate neighbourhood is made up of smaller lot sizes on average (3600 sq ft), subdivided many years ago from the original plots. Our building site is nearly twice the size of adjacent parcels.
- Recent new homes on R1-S2 re-zoned lots constructed to date (656 Cornwall, 1249, 1255 Richardson, 450,452 Moss st.) have respected the fit and character of the neighbourhood and our proposal is to do the same.

F. Impacts

- Through design, high quality and green building features and landscaping, the proposed project will improve the streetscape of the surrounding neighbourhood.

G. Design

- Proposal is to construct high quality homes, designed to match the fit and finish of neighbouring properties.
- The proposed roofline will match approximate height of adjacent homes (545 Cornwall and 614 Cornwall).
- Proposal integrates green building elements, including natural, healthy materials inside and out, permeable driveway and walkways and purpose built bike storage.
- In consideration of our target customers desire for a healthy, environmentally conscientious, urban lifestyle, both garages will be pre-wired for electric car charging stations.
- Our goal is to move and retain existing mature shrubs and small tree's and integrate landscaping to enhance the corner of Cornwall, Carnsew st and create the appearance of lush semi-public space.

H. Request for Variance(s)

Two Variances are requested in relation to the garage configuration on the proposed lots:

Accessory Garage - Home B

- Proposed small lot configuration leaves parcels which are long and wide, but not deep, which limits options for off-street parking and garage space. Garages are a desirable and very sought after feature and we have proposed a detached accessory garage for Home B.
- To reduce shadowing, and visual appearance of garage, we've proposed a flat roof and reduced the garage's height by setting it down in ground as much as is allowable.
- Due to narrow proposed lot, to maintain separation between accessory garage and house and preserve private amenity space, Home B's proposed garage requires a variance as it resides 0.14M from 1268/1270 Carnsew st. lot line.
- 1268/1270 Carnsew st. homeowner's are on side and fully support our proposal and request for variance.

Attached Garage - Home A

- As requested by Sr. Planner, Helen Cain, we have taken steps to reduce vertical appearance of home A as well as the prominence of the garage of Home A.
- Changes include altering the material selected for the garage door as well as setting the garage back in the home and cantilevering the 2nd floor over the garage door. This change requires a variance in that to accommodate the cantilever and while retaining a usable garage depth, we have pushed the rear wall of the garage 0.91m into the rear yard setback.

Conclusion

Thank you for your consideration of our application to rezone 605-607 Cornwall st. from R1-B to R1-S2 to accommodate the construction of two small single family homes. We are excited about the opportunity to continue to establish our construction company's reputation in the Fairfield Community and look forward to the opportunity to build attractive homes that are a long standing testament to the vision and talent of our team.



Ryan Goodman
ARYZE Developments Inc.
1580 Despard Ave.
Victoria BC

(778) 977-1977
ryan@aryze.ca
www.aryze.ca

January 29, 2014

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

RE: 605-607 Cornwall St. Application for Small Lot Subdivision.

Dear Mayor Fortin and Council,

Thank you for considering our application for rezoning, we are excited about the opportunity to improve the streetscape of Cornwall and Camsew street and look forward to continuing to work with the neighbourhood to deliver a project that embodies the values of the local community.

This project is lead by ARYZE Developments, a specialized small volume home builder with a focus on innovative design, planning and high quality green building techniques. With a deep network of Victoria's finest sub-contractors and a team craftsmen, ARYZE is large enough to handle complex custom builds, but small enough that its owners are personally involved in every aspect of the project.

A. Introduction

This application is to rezone 605-607 Cornwall st. from R1-B to R1-S2 to accommodate the construction of two small single family homes. Our proposal is for high quality, ground oriented housing which considers and respects the architectural style and materials of the neighbourhood and conforms to the Official Community Plan.

About the existing property:

- 605-607 Cornwall was constructed in 1947-48 as a purpose built side-by-side duplex.
- The property has always operated as purpose-built 2 family home.
- The structure is a single story, with approximately 1450 sq ft of floor space across two units.
- The structure is in mostly original condition and our Project Engineer, Read Jones Christoffersen (RJC), reviewed property and found that significant enhancements are required to comply with today's building code.
- The cost of remediation and upgrading far exceeds the value of the home.

B. Project Benefits

- Our proposal to improve the property garnered broad neighbourhood support. The feedback received is that the project will be a welcome improvement to the streetscape.
- Project replacing an existing property that was neglected for many years by its prior owner, an

absentee investor.

C. Need and Demand

- Quality infill housing is highly sought after in urban neighbourhoods across Canada. With a strong demand for modern, energy efficient, secure housing in pedestrian oriented neighbourhoods with close access to transit and amenities. The Moss St. Neighbourhood of Fairfield is no exception, and there is high demand for suitable housing in the area.
- The existing property is in largely original condition with antiquated insulation, oil heat and little living space with less than 1400 sq ft between the two units, the home in its current form does not meet the housing needs of a majority of families or elderly looking to live and work in Fairfield.

D. Services

- As a purpose built 2 family home, the land density and a majority of service and parking requirements will not change with our proposal.
- Public transportation, a community centre as well as a number of amenities are within close walking distance to the property. As such, there is adequate infrastructure and services in place to meet our proposal.

E. Neighbourhood

- Cornwall Street and the surrounding neighbourhood has many recent examples of successful small lot subdivision and R1-S2 zoning.
- Cornwall Street is a lovely, diverse street with varied housing style, age.
- The immediate neighbourhood is made up of smaller lot sizes on average (3600 sq ft), subdivided many years ago from the original plots. Our building site is nearly twice the size of adjacent parcels.
- Recent new homes on R1-S2 re-zoned lots constructed to date (656 Cornwall, 1249, 1255 Richardson, 450,452 Moss st.) have respected the fit and character of the neighbourhood and our proposal is to do the same.

F. Impacts

- Through design, building features and landscaping, the proposed project will improve the streetscape of the surrounding neighbourhood.

G. Design

- Proposal is to construct high quality homes, designed to match the fit and finish of neighbouring properties.
- The proposed roofline will match approximate height of adjacent homes (545 Cornwall and 614 Cornwall).
- Proposal integrates green building elements, including natural materials inside and out, permeable driveway and walkways and purpose built bike storage.
- Move and retain existing mature shrubs and small tree's where possible. Integrate landscaping to enhance corner of Cornwall, Carnsew and create the appearance of semi-public space.

H. Request for Variance

- Due to narrow proposed lot, to maintain separation between accessory garage and house, Home B's proposed garage requires a variance as it resides 0.14M from 1268/1270 Carnsew st. lot line.
- 1268/1270 Carnsew st. homeowner's are on side and fully support our proposal and request for variance. To reduce any shadowing and limit the visual size of the garage, we've proposed a flat roof and reduced the garage's height by setting it down in ground as much as is possible.
- Proposed small lot configuration leaves lots which are long and wide, but not deep, which limits options for accessory garage. This is a desirable and sought after feature of Home B.

Conclusion

Thank you for your consideration of our application to rezone 605-607 Cornwall st. from R1-B to R1-S2 to accommodate the construction of two small single family homes. We are excited about the opportunity to continue to establish our construction company's reputation in the Fairfield Community and look forward to the opportunity to build attractive homes that are a long standing testament to the vision and talent of our team.

Ryan Goodman
ARYZE Developments Inc.
1580 Despard Ave.
Victoria BC

(778) 977-1977

ryan@aryze.ca

www.aryze.ca

January 29, 2014

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



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605/607 CORNWALL: Home A



B - Natural Cedar Screening



C - Black Windows/ casing



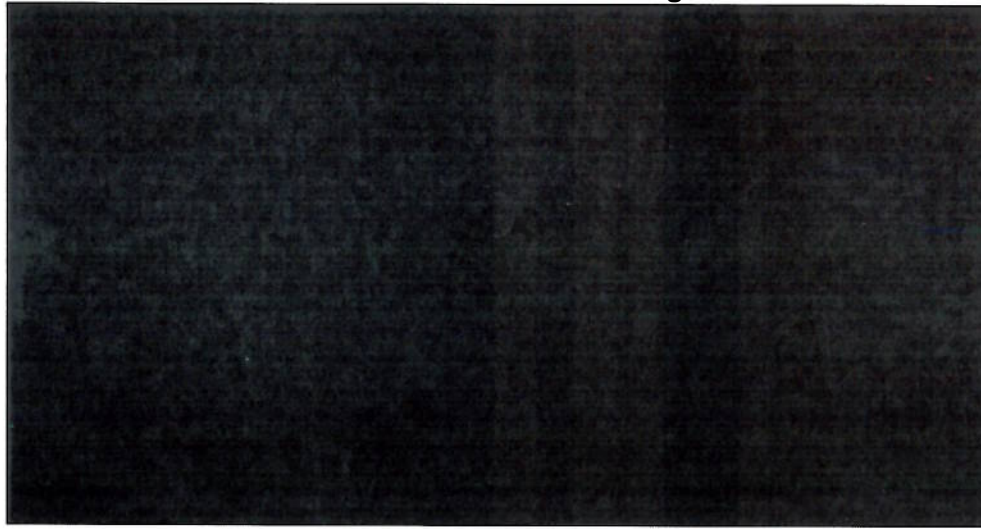
G - Behr DP-317 Semi Transparent Shake



I - Fascia / Flashing Material: Charcoal Gray



F - White Dash Stucco



H - Roof Material: Charcoal Gray

605/607 CORNWALL: Home B



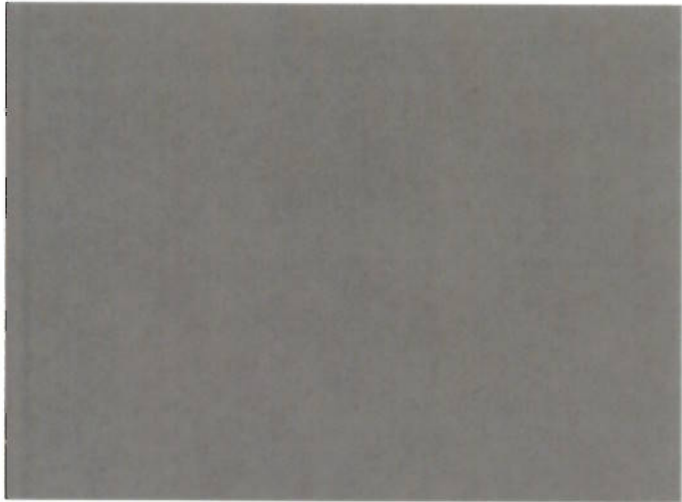
A - Grey Dash Stucco



B - Natural Cedar Screening



C - Black Windows/ casing



D - Roof Material: Zinc Grey



J - Fascia / Flashing Material: Zinc Gray



E - Behr DP-337 Semi Transparent Shake



Read Jones Christoffersen
Consulting Engineers

Suite 220
645 Tyee Road
Victoria, BC V9A 6X5
Canada

250 386-7794
Fax 250 381-7900
www.rjc.ca



January 14, 2014

Matthew Jardine
Aryze Developments Ltd.
1580 Despard Ave
Victoria BC V8S 1T3

Attn: Matthew

**RE: 605 Cornwall Street, Victoria, BC - Structural Review of
Existing Structures**

RJC No.: VIC104120.0009

Read Jones Christoffersen Ltd. (RJC) was asked by Aryze Developments Inc. to review the existing structure located at 605 Cornwall Street in Victoria, BC for its structural adequacy to support an additional level plus roof atop the existing main floor walls and foundations from a lateral (wind/seismic) and gravity perspective.

605 Cornwall is a conventional wood framed building (duplex) circa 1949, with poured concrete foundations stick framed 2x4 walls and hand cut wood roof. RJC performed both a visual and preliminary analytical review of the structure and our findings are as follows:

The existing foundations of the structure are of typical construction for the era, the foundation is comprised of poured concrete walls placed directly on grade with no strip footings, which is adequate for the current loading conditions, concrete spread footings are located at the interior of the building to support the main floor beams their size and spacing are also adequate for the current loading applied. We noted that moisture is present in the crawl space which has saturated the surrounding gravel throughout the crawl space on the northern side of the duplex (photo 1) whereas there is a concrete skim coat on the southern side. Adding additional load to the structure would require extensive modification/replacement of the foundations.



Photo 1 - Saturated gravel

The existing wood framing members appear to be fair to good condition, the main floor framing on the north half has visible moisture problems and what appears to be organic growth present (Photo 2). If the main floor walls where to be altered the existing floor joists/beams would need to be upgraded to support the new loading conditions. RJC was unable to determine the spacing of the wall studs at time of review, but conventional



Photo 2 - Potential organic growth

Practical results.

Innovative thinking.

605 Cornwall Street, Victoria, BC - **Structural Review of Existing Structures**

January 14, 2014
RJC No.: VIC104120.0009

Page 2

framing suggests 16"(400mm) on centers which would be adequate to support an additional load depending on the floor framing configurations. RJC also noted some renovations/additions to the rear of both sides of the duplex have been constructed without proper foundations (Photo 3). No additional loading would be permitted on these portions of the structure without either reconstruction of the addition or underpinning of a new foundation.

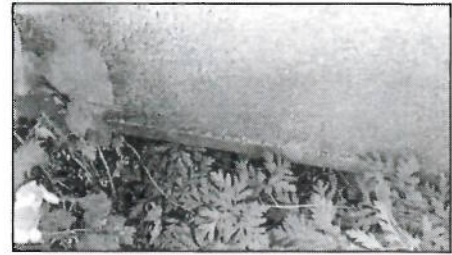


Photo 3 - Addition without foundations

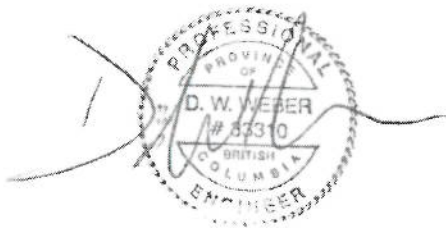
A lateral review of the structure was completed against the 2012 BC Building Code Part 9 requirements as RJC felt the level of renovation planned for the structure would warrant compliance with that portion of the building code. Our review shows some challenges with meeting the requirements from a Part 9 perspective with the amount of openings (window and doors) and their locations to the corners of the building. Likely a Part 4 lateral design would be required to allow an additional level to the structure. With a Part 4 Lateral design additional foundations would also be required support the lateral loads imposed as well interior finishes would need to be removed to accommodate the lateral bracing systems.

In our experience the level of foundation and main floor upgrading required to allow for an additional floor and roof would exceed the cost of teardown and rebuilding all new.

If you require any further assistance please feel free to contact us at your convenience.

Yours truly,

Read Jones Christoffersen Ltd.



Dan Weber P.Eng., LEED®AP
Project Engineer

DW

Read Jones Christoffersen Ltd.



Read Jones Christoffersen
Consulting Engineers

Suite 220
645 Tyee Road
Victoria, BC V9A 6X5
Canada

250 386-7794
Fax 250 381-7900
www.rjc.ca

July 16, 2014

Matthew Jardine
Aryze Developments Ltd.
1580 Despard Ave
Victoria BC V8S 1T3



Attn: Matthew

RE: 605 Cornwall Street, Victoria, BC - Structural Review of Existing Structures

RJC No.: VIC104120.0009

Read Jones Christoffersen Ltd. (RJC) was asked by Aryze Developments Inc. to review the existing structure located at 605 Cornwall Street in Victoria, BC to evaluate the existing structure and its current, original condition.

605 Cornwall is a conventional wood framed building (duplex) circa 1949, with poured concrete foundations stick framed 2x4 walls and hand cut wood roof. RJC performed both a visual and preliminary analytical review of the structure and our findings are as follows:

The existing foundations of the structure are of typical construction for the era, the foundation is comprised of poured concrete walls placed directly on grade with no strip footings, which is adequate for the current loading conditions, concrete spread footings are located at the interior of the building to support the main floor beams their size and spacing are also adequate for the current loading applied. We noted that moisture is present in the crawl space which has saturated the surrounding gravel throughout the crawl space on the northern side of the duplex (photo 1) whereas there is a concrete skim coat on the southern side.



Photo 1 - Saturated gravel

The existing wood framing members appear to be fair to good condition, the main floor framing on the north half has visible moisture problems and what appears to organic growth present (Photo 2). RJC was unable to determine the spacing of the wall studs at time of review, but conventional framing suggests 16"(400mm) on centers which is adequate to support the load imposed from the roof framing. RJC also noted some renovations/additions to the rear of both sides of the duplex have been constructed without proper foundations (Photo 3) confirmation of permits is recommended.



Photo 2 - Potential organic growth

A lateral review of the structure was completed against the 2012 BC Building Code Part 9 requirements. Our review shows some challenges with meeting the requirements from a Part 9 perspective with the amount of openings (window and doors) and their locations to the corners of the building. To bring the building in its current condition up to the current Part 9 seismic requirements, extensive modifications to the interior or exterior of the building would be required. Based on the accessible areas the building appears to be lacking in amount of anchorage of the wood framing members to the concrete foundation.

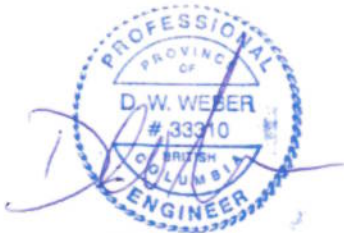


Photo 3 - Addition without foundations

If you require any further assistance please feel free to contact us at your convenience.

Yours truly,

Read Jones Christoffersen Ltd.



Dan Weber P.Eng., LEED®AP
Project Engineer

DW

FAIRFIELD – GONZALES COMMUNITY ASSOCIATION (FGCA)

**Minutes of the community meeting held by the Planning and Zoning Committee.
7 pm Nov. 18th 2013**

Subject development proposal: 605-607 Cornwall Street.

Presenters: Ryan Goodman & Matthew Jardine

Members of the Planning and Zoning Committee present:

George Zador (Chair)

Jim Masterton

Bill Rimmer



Project scope: existing side by side duplex over 60 years old to be removed and replaced by two single family homes. Rezoning from R1-B to R1-S2

Questions and comments from 25 attendees:

There were no objections raised to this project and most questions had to do with the esthetics of the structures, except:

one question each: will it meet the OCP and zoning requirement
concern about potential increase in curbside parking

other comments: type of roof and maintenance
is the floor plan the maximum allowed area
roof-line comparisons to neighboring structures
boxiness of design
exterior finishes
how will be heated
expected project start date and duration
any plans to reuse materials salvaged from tear-down
developer accommodated the wishes of neighbor, appreciated
"nicely done"

Meeting adjourned at 8:25 pm

Minutes prepared by G. Zador

**SUMMARY
SMALL LOT HOUSE REZONING PETITION**

I, Ryan Goodman, have petitioned the adjacent neighbours* in compliance with _____
(applicant)

the *Small Lot House Rezoning Policies* for a small lot house to be located at 605-607 Cornwall st.
(location of proposed house)

and the petitions submitted are those collected by Dec 1/2013 .**
(date)

Address	In Favour ✓	Opposed ✓	Neutral (30-day time expired) ✓
604 Cornwall st.	✓		
616 Cornwall st.	✓		
558 Cornwall st.	✓		
608 Cornwall st.	✓		
1208 Carnsew st.	✓		
631 Cornwall st.	✓		
614 Cornwall st.	✓		
545 Cornwall st.	✓ ✓		
617 Cornwall st.	✓		

not immediate neighbour

not immediate neighbour

SUMMARY	Number	%
IN FAVOUR	98	100%
OPPOSED	0	0%
TOTAL RESPONSES	98	100%

*Do not include petitions from the applicant or persons occupying the property subject to rezoning.

**Note that petitions that are more than six months old will not be accepted by the City. It is the applicant's responsibility to obtain new petitions in this event.

SMALL LOT HOUSE REZONING PETITION

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

Ryan Goodman (print name), am conducting the petition requirements for the

property located at 605-607 Cornwall

to the following Small Lot Zone: R1-S2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) MARY DIANE KING (see note above)

ADDRESS: 1268 CARNSEW 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:

Nov 19, 2013
Date

Mary Diane King
Signature

SMALL LOT HOUSE REZONING PETITION

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

Ryan Goodman (print name), am conducting the petition requirements for the

property located at 615 - 607 Cornwall St.

to the following Small Lot Zone: R1-S2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) KEU VINCENT
KRISOULA VINCENT (see note above)

ADDRESS: 545 CORNWALL ST, VICTORIA, BC, V8V 4K9

Are you the registered owner? Yes ☒ No ☐

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


☒ ^{WE} support the application.

☐ I am opposed to the application.

Comments:

WE SUPPORT THE APPLICATION.
HOWEVER, WE ALSO REQUEST THAT THE DEVELOPER
TAKE INTO SERIOUS CONSIDERATION THAT THE NEW
"PROJECT" BLEND IN WITH THE EXISTING HERITAGE
STREETSCAPE AND LOCAL AREA CHARACTER, ETC.

21 NOV 2013
Date


Signature
K. Vincent

WHILST WE REALIZE THAT "CERTAIN COMPROMISES" WILL OBVIOUSLY HAVE TO BE MADE ON BOTH SIDES, WE STRONGLY FEEL THAT AN EFFORT SHOULD BE TAKEN TO ENSURE THAT THE NEW CONSTRUCTION WILL BE CONGRUENT AND "FIT IN" WELL WITH THE LOCAL AREA, ETC.

UTILIZING "NATURAL" PRODUCTS IS A GOOD THING, HOWEVER, IT IS THE ACTUAL "DESIGN" ITSELF OF THE NEW PROJECT THAT WILL DETERMINE, WHETHER OR NOT, THE HOMES BLEND IN WITH THE SURROUNDING PROPERTIES.

THERE ARE SEVERAL FEATURES TO CONSIDER, THAT WE BELIEVE WOULD HELP PROMOTE A SENSE OF THE OLD WORLD CHARM AND TRADITIONAL AMBIENCE.

THESE INCLUDE:

OUTSIDE (EXTERIOR) SHINGLES/SHAKES.

FRONT PORCHES.

BAY WINDOWS (OR BOW WINDOWS).

INDIVIDUAL PANED WINDOWS WITH CHARACTER STYLE TRIMS.

RECESSED EXTERIORS/LEVELS TO CREATE MORE DEPTH PERSPECTIVE AND TO AVOID THAT FLAT "BOXY" LOOK.

ORNATE/CHARACTER DOORS.

WINDOW SILLS

EXTERIOR SHUTTERS.

CASEMENT/SASH WINDOWS

SMALL LOT HOUSE REZONING PETITION

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Please review the plans and indicate the following:

NAME: (please print) Malcolm Dew-Jones (see note above)

ADDRESS: 606 Cornwall 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:

Nov 25 '13
Date

[Signature]
Signature

SMALL LOT HOUSE REZONING PETITION

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

Ryan Goodman, am conducting the petition requirements for the
(print name)

property located at 605-607 Cornwall St.

to the following Small Lot Zone: R1-S2

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Please review the plans and indicate the following:

NAME: (please print) CLEMENT LAVIE (see note above)

ADDRESS: 608 CORNWALL 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'D LIKE TO SEE FURTHER DRAWINGS!

Nov 19, 2014
Date

[Signature]
Signature

SMALL LOT HOUSE REZONING PETITION

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Ryan Goodman (print name), am conducting the petition requirements for the

property located at 605-607 Cornwall St.

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Please review the plans and indicate the following:

NAME: (please print) Kristi Pepperdine (see note above)

ADDRESS: 614 Cornwall St. Victoria, BC

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:

Nov 24, 2013
Date

K Pepp
Signature

SMALL LOT HOUSE REZONING PETITION

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

Ryan Goodman, am conducting the petition requirements for the
(print name)

property located at 605-607 Cornwall St.

to the following Small Lot Zone: R1-S2

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Please review the plans and indicate the following:

NAME: (please print) Jon Willis (see note above)

ADDRESS: 616 Cornwall 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:

24/11/13
Date

[Signature]
Signature

SMALL LOT HOUSE REZONING PETITION

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Ryan Goodman (print name), am conducting the petition requirements for the

property located at 605-607 Cornwall St.

to the following Small Lot Zone: R1-S2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) JOANNE SMART (see note above)

ADDRESS: 617 CORNWALL 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:

- As long as it continues to adhere to: (as per drawings shown)
- a 2.09m setback on the North Side
 - a 21'-1" Building Height
 - a green wall outside the living room window at 617 Cornwall
 - a green roof on the garage
 - natural materials (wood on North Elevation)

19 Nov 2013
Date

Joanne Smart
Signature



Planning and Land Use Committee Report

For the August 21, 2014 Meeting

Date: July 24, 2014 **From:** Brian Sikstrom, Senior Planner
Subject: **Rezoning Application #00420 and Development Permit with Variances Application for 367 Robertson Street**
 Application to rezone from R1-G Zone, Gonzales Single Family Dwelling District to the R1-G2 Zone, Gonzales Small Lot District to permit subdivision and construction of a new small lot house with retention of an existing house

Executive Summary

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application and Development Permit with Variances Application for the property located at 367 Robertson Street. The proposal is to rezone the property from the R1-G Zone (Gonzales Single Family Dwelling District) to the R1-G2 Zone (Gonzales Small Lot District) in order to permit construction of a new small lot house. The proposal includes the retention of the existing house and its return to a single family detached dwelling from a duplex conversion.

The following points were considered in assessing this application:

- This proposal is in keeping with the *Official Community Plan, 2012* and *Gonzales Neighbourhood Community Plan, 2002* objectives for sensitive infill development.
- The proposed design complies with the *Design Guidelines for Small Lot House, 2002*. The traditional design and massing of the new house fits in with the existing older houses in the area.
- The requested variances for rear yard setbacks are in part due to the provision of rear decks and stairs as well as the lot configuration. The rear yards of both houses provide sufficient rear yard green space with landscaping providing sufficient screening and privacy for residents and neighbouring properties.

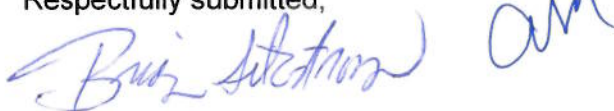
Given the proposal's consistency with land use policies and design guidelines, staff recommend that the Planning and Land Use Committee support the application advancing to Public Hearing.

Recommendation

1. a. That staff be instructed to prepare the necessary *Zoning Regulation Bylaw* amendments that would authorize the proposed development outlined in Rezoning Application #00420 for 367 Robertson Street;
- b. That Council consider giving 1st and 2nd reading to the bylaw amendment after the bylaw has been drafted;

- c. That Council schedule a Public Hearing after the *Zoning Regulation Bylaw* amendments have received 1st and 2nd reading.
2. a. That Council schedule a Public Hearing to consider a Development Permit with Variances Application for 367 Robertson Street concurrently with Rezoning Application #00420;
- b. Following the Public Hearing, and subject to adoption of the *Zoning Regulation Bylaw* amendment for 367 Robertson Street, that Council authorize the issuance of the Development Permit with Variances for 367 Robertson Street in accordance with:
 - i. plans for Rezoning Application #00420, stamped March 6, April 1 and July 10, 2014, development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - Part 1.96.9(1)(b) R1-G2 Zone, Gonzales Small Lot District minimum rear yard setback is relaxed from 9.00 m to 5.72 m for the proposed new house and from 9.00 m to 2.70 m for the existing house;
 - ii. final plans to be generally in accordance with plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

Respectfully submitted,

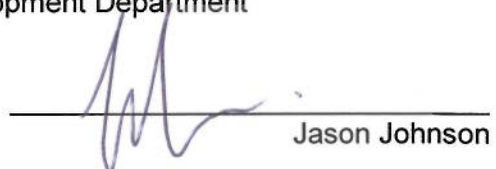


Brian Sikstrom,
Senior Planner
Development Services Division



Deb Day, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Jason Johnson

Date: August 12, 2014

BMS:lw

S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\REZ\REZ00420\PLUSC PLANNING REPORT TEMPLATE REZ2.DOC

1.0 Purpose

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application and Development Permit with Variances Application for the property located at 367 Robertson Street. The application is to construct a new small lot house on a subdivided lot while retaining the existing house and returning it to a single family detached dwelling from a duplex conversion.

2.0 Background

2.1 Description of Proposal

The proposed new, three-bedroom small lot house would have its frontage on Fairfield Road. It is one and a half storeys with a basement, pitched roof and shed dormers. Materials include cedar siding and shingles, wood panels and wood barge board. The existing house is two storeys with a high basement, which technically is considered a storey. With interior renovations to return the house to a single family dwelling, it will include three bedrooms. Proposed exterior changes include new painted stucco and double-paned windows and the removal of a rear addition.

The proposed site plan includes:

- privacy fencing between the new house and the existing house
- new planted areas and lawns
- retention of most existing trees and a hedge
- concrete driveways, stairs and walkways.

Side yard parking is proposed for both the new and existing house with driveway access from Fairfield Road.

The applicant has provided a list of green initiatives (attached) that are being considered as part of this proposal. These include energy efficient windows, appliances, lighting and ventilation, as well as low flow plumbing.

2.2 Existing Site Development and Development Potential

The existing 686.92 m² lot is at the corner of Fairfield Road and Robertson Street. It is currently occupied by a house, built in 1911, which was converted to a duplex. The house was used as a triplex without the benefit of a Building Permit but the third suite has been removed.

The property is in the R1-G Gonzales Single Family Dwelling District Zone, which permits single family dwellings of up to 300 m² which can also include a secondary suite. The lot size and location meet the criteria for consideration of a rezoning to duplex.

2.3 Data Table

The following data table compares the proposal with the proposed R1-G2 Gonzales Small Lot District Zone. An asterisk is used to identify where the proposal is less stringent than the proposed zone. A double asterisk is used to identify an existing legal non-conformity.

Zoning Criteria	Proposed House (Fairfield Rd.)	Existing House (Robertson St.)	R1-G2 Zone Standard
Site area (m ²) – minimum	305.92	381.00	300.00
Total floor area (m ²) – maximum	113.77	154.61	190.00
Density (Floor Space Ratio) – maximum	0.37:1	0.41:1	0.55:1
Height (m) – maximum	7.44	8.65**	7.50
Storeys – maximum	1.5 – with basement	3**	1.5 – basement 2 – no basement
Site coverage (%) – maximum	29.76	26.93	30.00
Open site space (%) – minimum	59.47	64.42	50.00
Setbacks (m) – minimum			
Front	6.00	7.75	6.00
Rear	5.72*	2.70*	9.1
Side	1.5 (east)	1.46**/1.85**	1.5/2.4
Side	2.80 (west)	(south) 5.66 (north)	2.4
Parking – minimum	1	1	1
Note: Secondary suites are not permitted in the R1-G2 Zone.			

2.4 Land Use Context

The primary land use in the area is largely a mix of single-detached dwellings, conversions and duplexes. The adjacent house to the south of the existing house is a one and a half-storey single family dwelling. The two adjacent lots to the east are occupied by a three-storey apartment building with a parking garage on its west property line and a single family dwelling with a rear yard of at least 8 metres in depth. There is a duplex to the west across Robertson Street and a seniors' care facility to the north across Fairfield Road.

2.5 Legal Description

Lot 14, Section 68, Victoria District, Plan 678

2.6 Consistency with City Policy

2.6.1 Official Community Plan, 2012

The proposed development is consistent with the relevant land use policies of the *Official Community Plan, 2012* (OCP). The property is designated as Traditional Residential in the OCP, where ground-oriented housing, such as small lot single family dwellings is envisioned. In accordance with the OCP, the new small lot dwellings are subject to DPA 15A, Intensive Residential Small Lot.

Fairfield Road is designated a collector street. Robertson Street is designated a local street.

2.6.2 Gonzales Neighbourhood Community Plan, 2002

The *Gonzales Neighbourhood Community Plan* recommends consideration of small lot infill development in compliance with the *Small Lot House Design Guidelines* as well as the standards set out in the R1-G2 Zone, Gonzales Small Lot District. This small lot zoning differs from the R1-S2 Zone, Restricted Small Lot (Two Storey) District, by requiring larger lots (300 m² minimum), smaller houses (160 m² maximum), reduced site coverage (30% maximum) and an increased rear yard setback (9 m).

The proposal meets the Gonzales small lot standards with respect to lot size. The proposed floor areas and floor space ratios are at or below the maximum permitted. The only bylaw standard that is not achieved for either of the proposed lots is the provision of a 9 metre rear yard setback. The rear yard setback for the proposed new house is 5.72 metres due to the provision of a rear deck. The rear setback of the existing house is technically 2.7 m due to the shape of the lot.

2.7 Consistency with Design Guidelines

The proposal is subject to review under DPA 15A, Intensive Residential Small Lot Development. The applicable design guidelines are the *Design Guidelines for Small Lot Houses, 2002*. Staff have reviewed this small lot house proposal for compliance with applicable guidelines and are generally satisfied with the design of the proposed new house which fits in with the existing context of older houses with a traditional massing and design.

2.8 Community Consultation

In accordance with the Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning Applications, a Community Meeting was held with the Fairfield Gonzales Community Association on September 16, 2013. The comments from this meeting are attached to this report.

In accordance with the *Small Lot House Rezoning Policy*, the applicant has polled the voting-age residents and owners of neighbouring lots. The summary results indicate a level of support above the 75% considered to be satisfactory. The summary of the polling results and completed petition sheets have been provided by the applicant and are attached.

2.9 Issues

The only issue associated with this application is the appropriateness of the proposed rear yard setback variances.

3.0 Analysis

The applicant proposes a reduction in the rear setback for the new house from 9.00 m to 5.72 m and from 9.00 m to 2.70 m for the existing house. These rear setback variances are measured from the deck and stairs of the proposed new house and from the northeast corner of the existing house to the angled property line on the east side. The measurement from the rear wall of the new house to the rear property line is 9.10 m. Similarly, the measurement from the rear wall of the existing house is set back 3.00 m to 6.50 m from its rear property line; the

measurement for this property varies because of the angle of the rear lot line. The rear yards of both houses provide sufficient rear yard green space with the landscaping as shown on the plans providing sufficient screening and privacy for residents and neighbouring properties. Given these circumstances, in this instance, these variances are considered acceptable.

4.0 Resource Impacts

There are no resource impacts anticipated with this application.

5.0 Conclusions

This proposal to rezone to the R1-G2 Zone in order to allow the construction of one new small lot house with retention of the existing house as a single-detached dwelling is in keeping with the OCP and *Gonzales Neighbourhood Community Plan, 2002* objectives for sensitive infill development.

The proposed design complies with the *Design Guidelines for Small Lot House, 2002* referenced in Development Permit Area 15A, Intensive Residential Small Lot Development. The traditional design and massing of the new house fit in with the existing context of older houses.

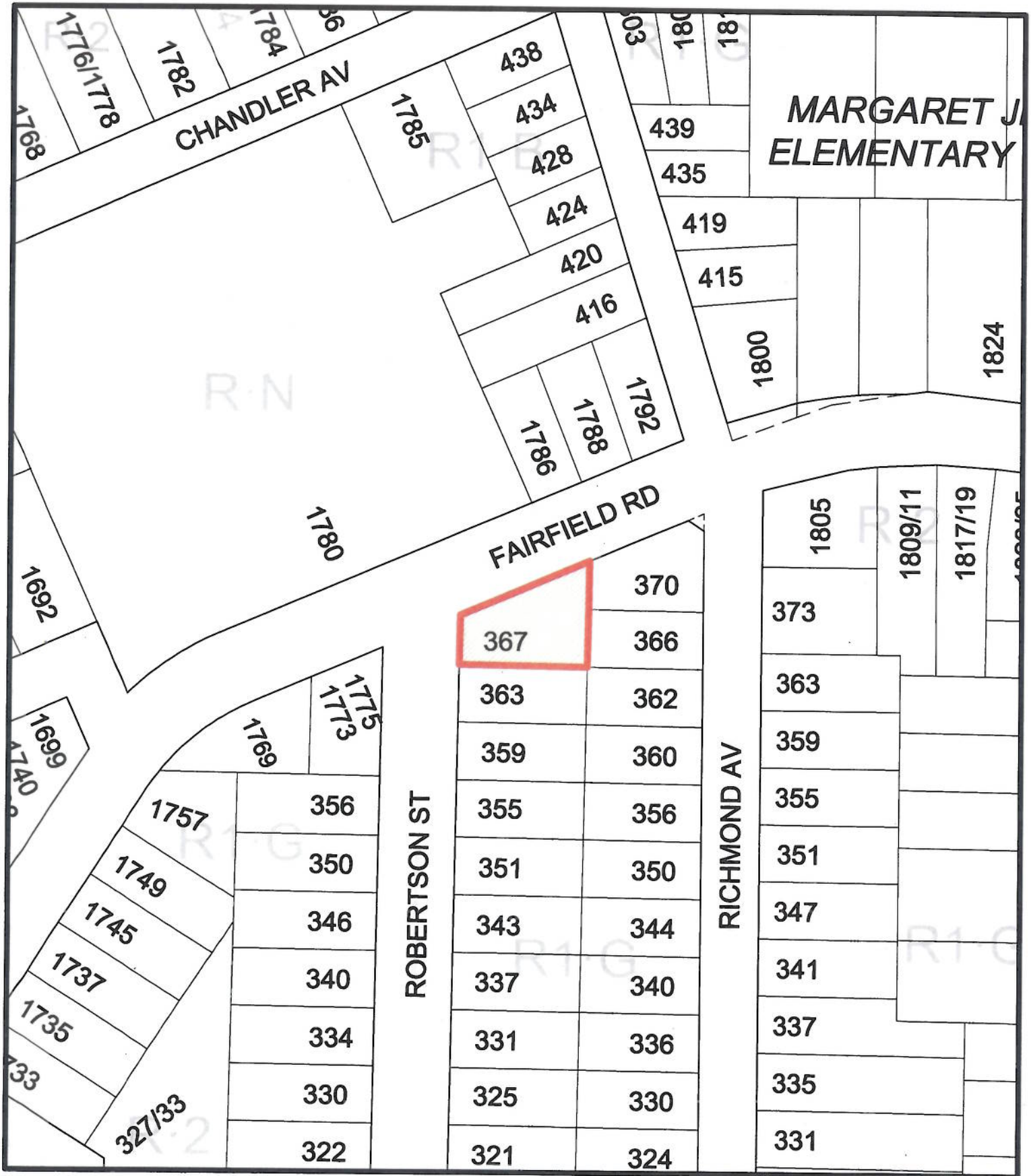
The requested variances for rear yard setbacks are in part due to the provision of rear decks and stairs as well as the lot configuration. The rear yards of both houses provide sufficient rear yard green space with landscaping providing sufficient screening and privacy for residents and neighbouring properties

Staff, therefore, recommend that the Planning and Land Use Committee support the application advancing to a Public Hearing.

6.0 Recommendations

6.1 Staff Recommendations

1.
 - a. That staff be instructed to prepare the necessary *Zoning Regulation Bylaw* amendments that would authorize the proposed development outlined in Rezoning Application #00420 for 367 Robertson Street;
 - b. That Council consider giving 1st and 2nd reading to the bylaw amendment after the bylaw has been drafted;
 - c. That Council schedule a Public Hearing after the *Zoning Regulation Bylaw* amendments have received 1st and 2nd reading.
2.
 - a. That Council schedule a Public Hearing to consider a Development Permit with Variances Application for 367 Robertson Street concurrently with Rezoning Application #00420;
 - b. Following the Public Hearing, and subject to adoption of the *Zoning Regulation Bylaw* amendment for 367 Robertson Street, that Council authorize the issuance of the Development Permit with Variances for 367 Robertson Street in accordance with:
 - i. plans for Rezoning Application #00420, stamped March 6, April 1 and July 10, 2014, development meeting all *Zoning Regulation*



367 Robertson Street
 Rezoning #00420
 Bylaw #



Rezoning Application # 00420 and Development Permit with Var...



367 Robertson Street
Rezoning #00420
Bylaw #



Rezoning Application # 00420 and Development Permit with Var...



March 5, 2014

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

RE: Rezoning proposal, 367 Robertson Street, Victoria B.C.

Dear Honourable Mayor and Members of Council,

The rezoning proposal for 367 Robertson Street falls within the Gonzales Neighbourhood Community Plan, and is shaped by the guidelines and recommendations of that plan. We are requesting a rezoning from a single R1 G lot to two R1 G2 lots. Currently, the existing house is a legal non-conforming duplex at the corner of Fairfield Road and Robertson Street.

Our proposal would retain the existing house in its entirety (converting it back to single family occupancy) with some improvements, and allow for the construction of a new home on the newly created adjacent lot. The property owner has circulated the rezoning proposal in accordance with the guidelines for the rezoning procedure and has received very good support for the proposal (petitions enclosed).

The Gonzales neighbourhood community includes a diverse variety of attractive residences and wishes to maintain its predominance of detached dwellings. In terms of the style of the new house design, we have sought to maintain coherence with nearby architectural styles utilizing a pitched roof and traditional forms, with slightly contemporary finishes which include horizontal wood siding, narrow trim windows, painted barge boards and panels, a suspended canopy over the rear entry as well as other natural materials such as cedar shingles. The scale of the home is in keeping with the surrounding neighbourhood in terms of height, site coverage and floor area. Because of the almost wedged shape of the new lots, two variances would be required for the Robertson Street (existing house) lot, for rear yard and side yard to habitable room setbacks.

This property is in a central location in close proximity to an elementary school, bus routes, neighbourhood amenities such as a shopping plaza, as well as numerous parks and natural outdoor recreation areas. It is an ideal residential location in numerous respects and the houses themselves would be suitable for a wide variety of people. A small lot rezoning in this area seems appropriate, and in keeping with the Regional Growth Strategy recommendation that "the majority of future population be housed in existing urban areas". We believe that the attributes both of the neighbourhood, and of the existing and proposed new house will contribute to the likelihood of long-term residency at this location.

Thank you for your consideration of our proposal and we look forward to receiving your feedback.

Sincerely,

Rus Collins, Zebra Design



Date: March 5, 2014

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

RE: Rezoning proposal, 367 Robertson Street, Victoria B.C.

Attn: Planning and Development Department

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

The 'Green Initiatives' focus on:

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

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

Operational Systems:

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

Building Materials:

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

Interior and Exterior Finishes:

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



MAR. 04, 2014

367 ROBERTSON ST. REZONING

Exist. SINGLE FAMILY HOME LANDSCAPE L 1.0

SITE PLAN OF LOT 14, SECTION 88, VICTORIA DISTRICT, PLAN 978

ALL dimensions are in meters unless otherwise specified. Dimensions are to the centerline of the road or to the centerline of the lot, unless otherwise specified. The site plan is for information only and does not constitute a guarantee of accuracy. The site plan is subject to change without notice.

LEGEND

- Existing lot lines
- Proposed lot lines
- Proposed driveway
- Proposed parking area
- Proposed building footprint
- Proposed building footprint with porch
- Proposed building footprint with porch and deck
- Proposed building footprint with porch, deck and stairs
- Proposed building footprint with porch, deck, stairs and ramp
- Proposed building footprint with porch, deck, stairs, ramp and driveway
- Proposed building footprint with porch, deck, stairs, ramp, driveway and parking area
- Proposed building footprint with porch, deck, stairs, ramp, driveway, parking area and landscaping
- Proposed building footprint with porch, deck, stairs, ramp, driveway, parking area, landscaping and trees/shrubs
- Proposed building footprint with porch, deck, stairs, ramp, driveway, parking area, landscaping, trees/shrubs and lawn
- Proposed building footprint with porch, deck, stairs, ramp, driveway, parking area, landscaping, trees/shrubs, lawn and planted area
- Proposed building footprint with porch, deck, stairs, ramp, driveway, parking area, landscaping, trees/shrubs, lawn, planted area and fence
- Proposed building footprint with porch, deck, stairs, ramp, driveway, parking area, landscaping, trees/shrubs, lawn, planted area, fence and egress
- Proposed building footprint with porch, deck, stairs, ramp, driveway, parking area, landscaping, trees/shrubs, lawn, planted area, fence, egress and main entry
- Proposed building footprint with porch, deck, stairs, ramp, driveway, parking area, landscaping, trees/shrubs, lawn, planted area, fence, egress, main entry and secondary entry
- Proposed building footprint with porch, deck, stairs, ramp, driveway, parking area, landscaping, trees/shrubs, lawn, planted area, fence, egress, main entry, secondary entry and patio/permeable pavers
- Proposed building footprint with porch, deck, stairs, ramp, driveway, parking area, landscaping, trees/shrubs, lawn, planted area, fence, egress, main entry, secondary entry, patio/permeable pavers and concrete driveway/crossing
- Proposed building footprint with porch, deck, stairs, ramp, driveway, parking area, landscaping, trees/shrubs, lawn, planted area, fence, egress, main entry, secondary entry, patio/permeable pavers, concrete driveway/crossing and concrete stairs
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File: 10-01-0000-SP
Date: May 21, 2013
Prepared by: [Name]
Checked by: [Name]
Reviewed by: [Name]
Approved by: [Name]



LANDSCAPE PLAN LEGEND

TREES/SHRUBS

- BOULEVARD TREE (EXISTING)
- DECIDUOUS TREE (EXISTING)
- EVERGREEN TREE (EXISTING)

GROUND COVER

- LAWN
- PLANTED AREA
- PLANTING (NEW)
- GROUND COVER (NEW)
- GROUND COVER (EXISTING)
- HEDGE (EXISTING)

HARD LANDSCAPING

- CONCRETE DRIVEWAY & CROSSING
- CONCRETE STAIRS & WALKWAYS
- PAVED SIDEWALK
- PATIO PERMEABLE PAVERS

FENCES

- CEDAR FENCE (MAX 6' HIGH) (NEW)
- CEDAR FENCE (MAX 6' HIGH) (EXISTING)

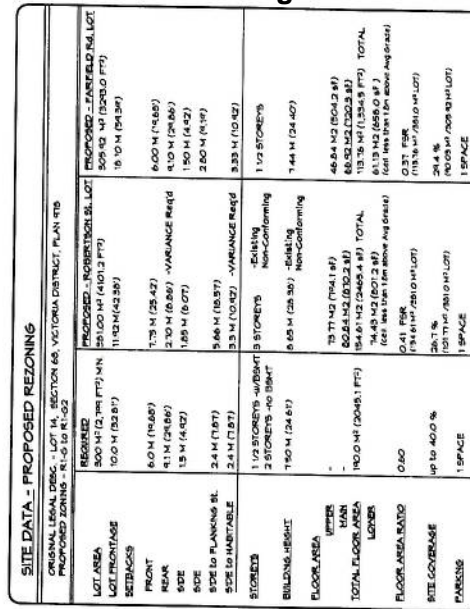
EGRESS

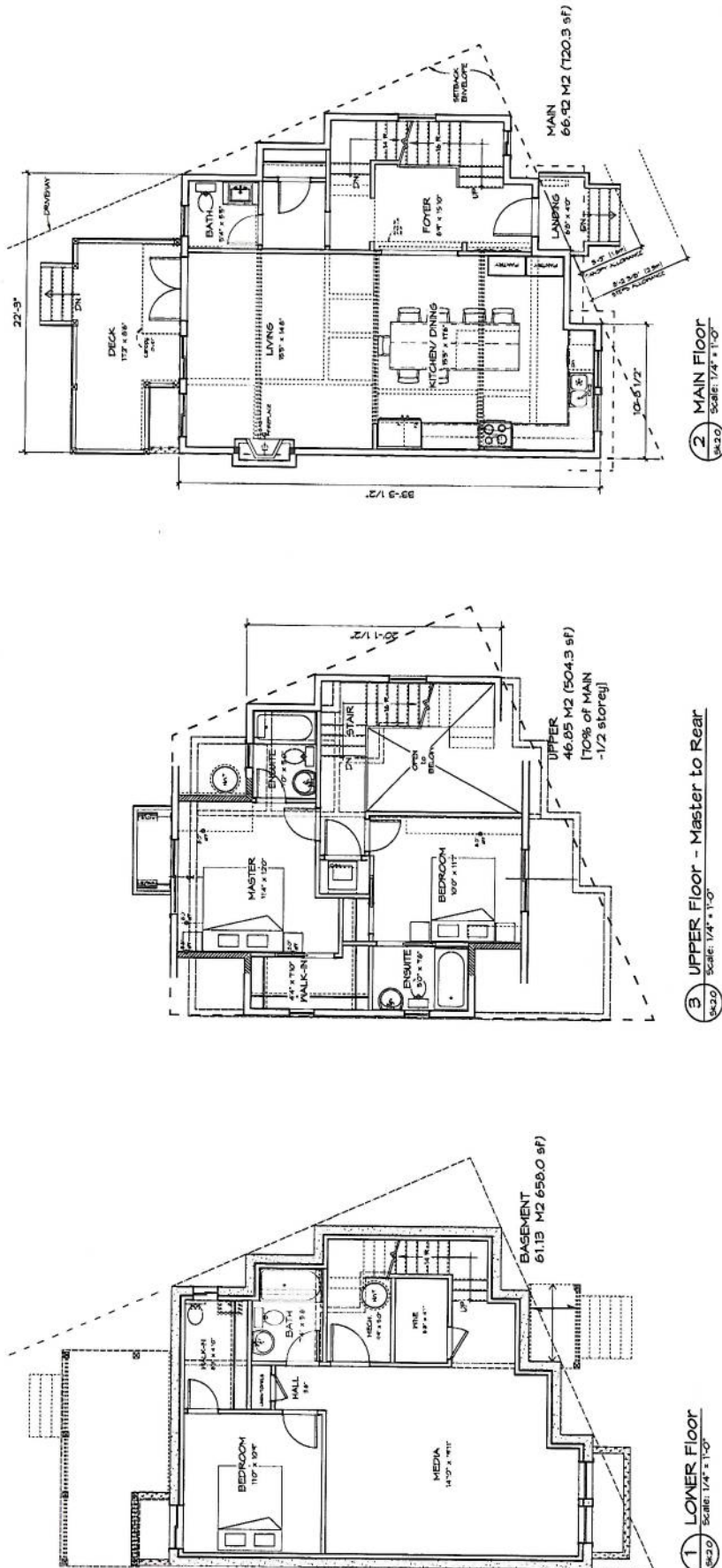
- MAIN ENTRY
- SECONDARY ENTRY

NOTES:

1. LANDSCAPING INDICATED IS CONCEPTUAL ONLY AND REQUIRES INSTALLATION BY A QUALIFIED LANDSCAPING CONTRACTOR.
2. CONTRACTOR TO IDENTIFY UTILITIES PROVIDED THROUGH UNDERGROUND PIPING AND AVOID CONFLICT WITH EXCAVATIONS.
3. ALL LANDSCAPING SHALL BE PERFORMED TO B.C.A. B.C.M.A. STANDARDS.
4. EXISTING TREES TO REMAIN UNLESS NOTED OTHERWISE.
5. CEDAR FENCE TO BE MAX HEIGHT OF: 1.22M (4'-0") BETWEEN FRONT PROPERTY LINE AND FRONT OF BUILDING 1.52M (5'-0") BETWEEN FRONT OF BUILDING AND REAR PROPERTY LINE.

367 ROBERTSON ST. REZONING

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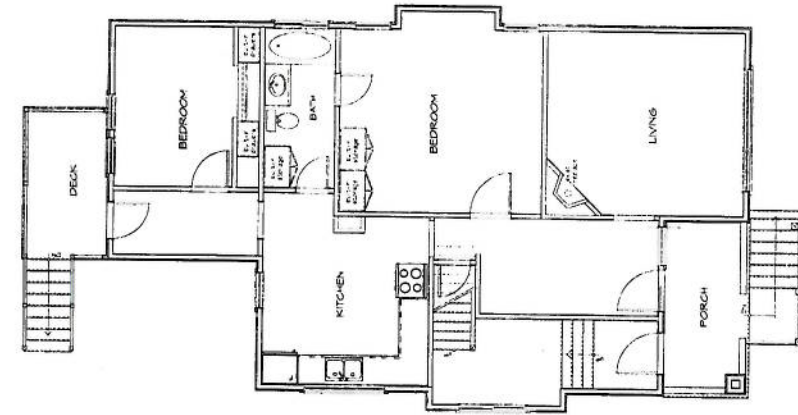
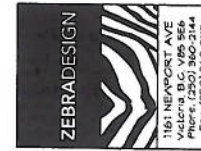
SINGLE FAMILY HOME - FAIRFIELD RD.

PLANS

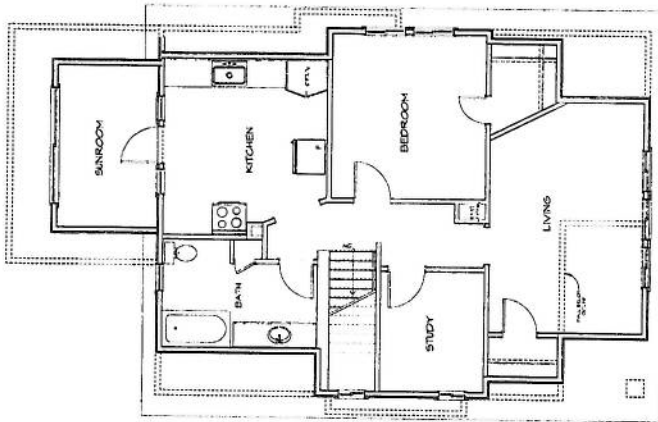
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MAR. 04, 2014

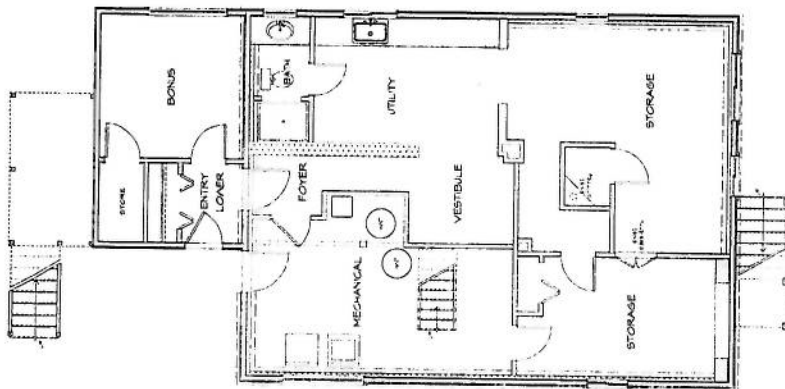
367 ROBERTSON ST. REZONING



2 MAIN Floor -exist.
SCALE: 1/4" = 1'-0"



3 UPPER Floor -exist.
SCALE: 1/4" = 1'-0"



1 LOWER Floor -exist.
SCALE: 1/4" = 1'-0"

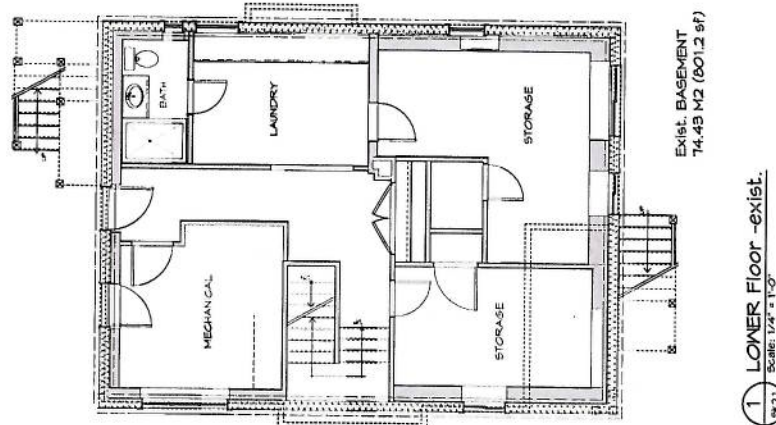
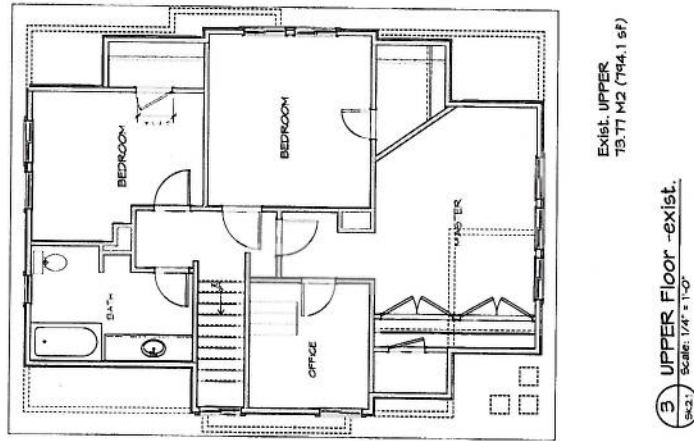
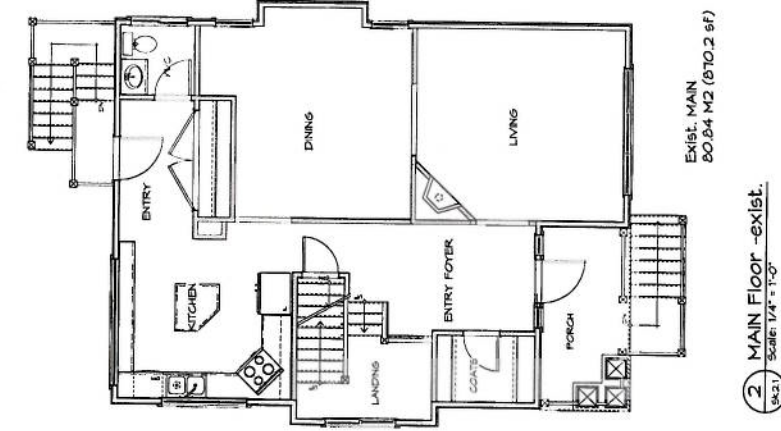
EXIST. HOUSE DUPLEX

PLANS

AS BUILTS 2.0

MAR. 31, 2014

367 ROBERTSON ST. REZONING



Exist. SINGLE FAMILY HOME
PLANS
SK 2.1

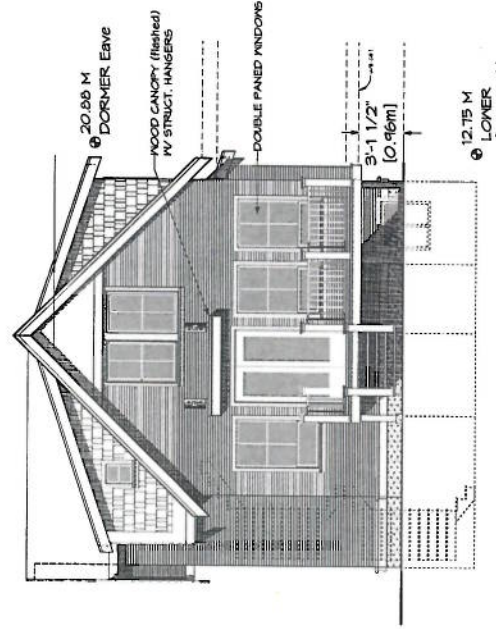
MAR. 04, 2014
367 ROBERTSON ST. REZONING



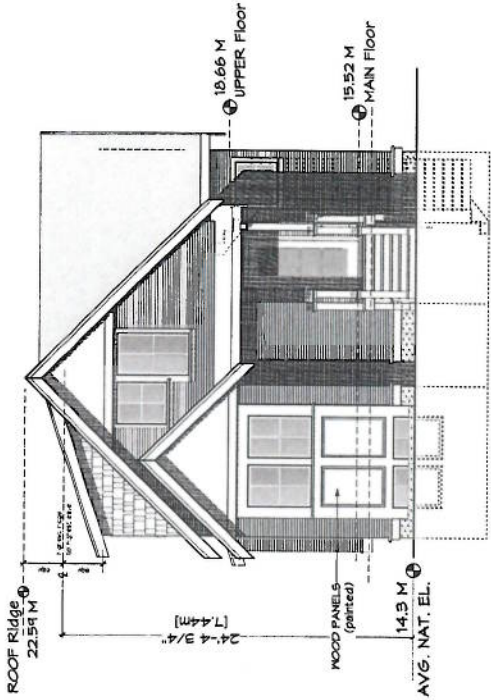
367 ROBERTSON ST. REZONING

MAR. 04, 2014

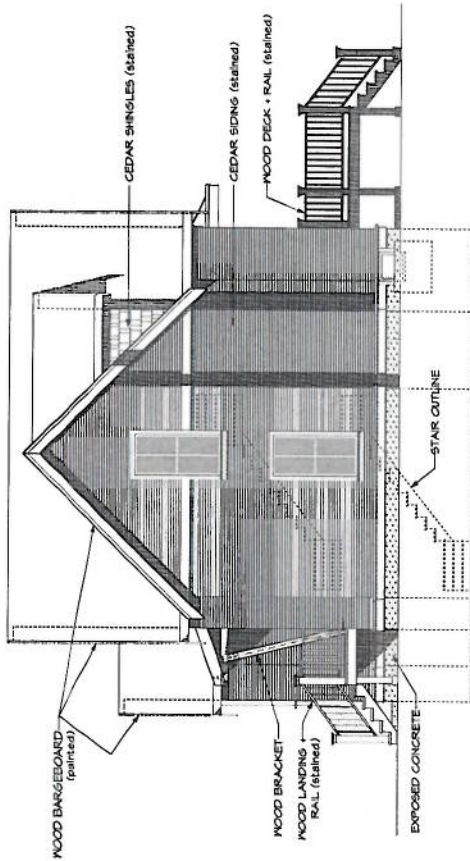
5 REAR Elev.
Scale: 1/4" = 1'-0"



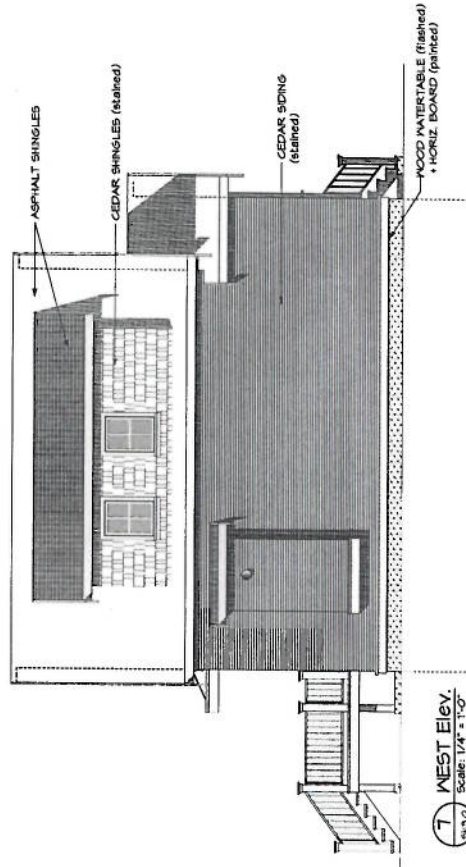
4 FRONT-NORTH Elev.
Scale: 1/4" = 1'-0"



6 EAST Elev.
Scale: 1/4" = 1'-0"



7 WEST Elev.
Scale: 1/4" = 1'-0"



SINGLE FAMILY HOME - FAIRFIELD RD. ELEVATIONS SK 3.0



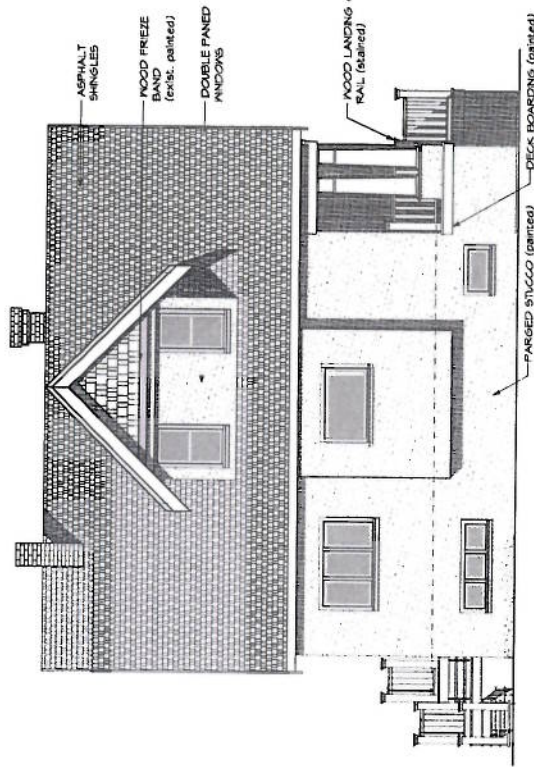
MAR. 04, 2014

367 ROBERTSON ST. REZONING

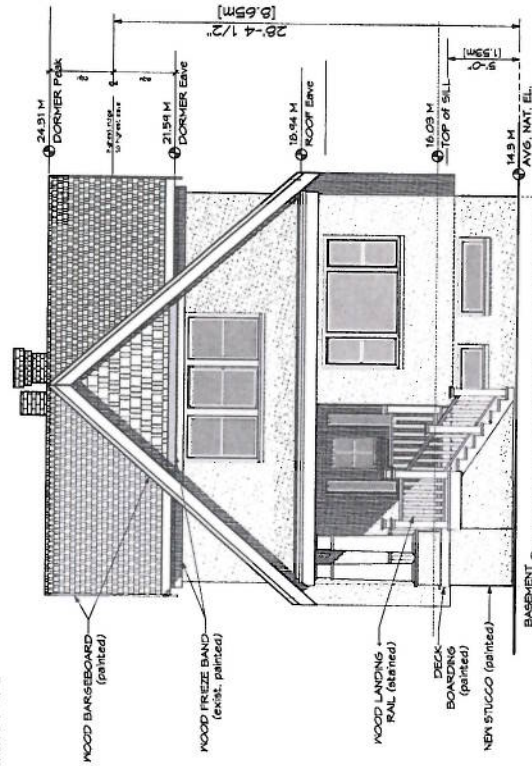
Exist. SINGLE FAMILY HOME

ELEYS

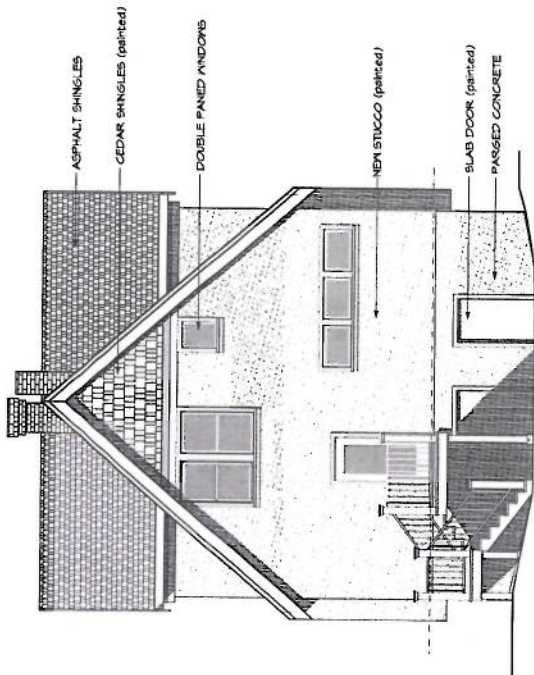
SK 3.1



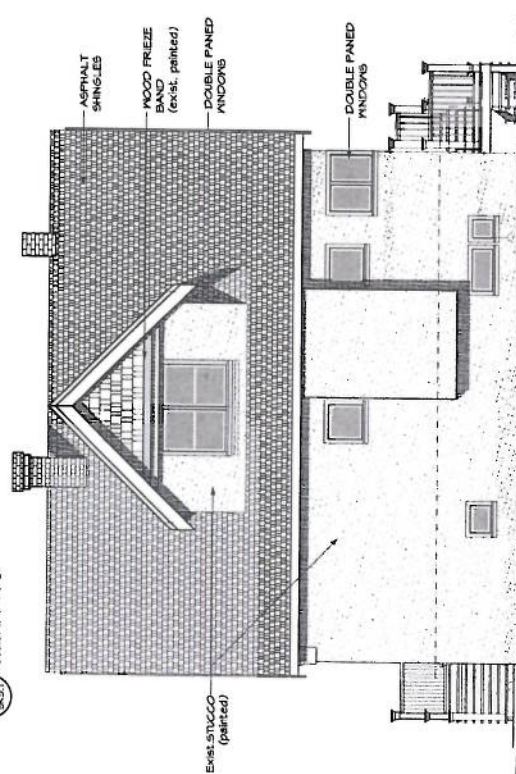
4 NORTH Elev.
Scale 1/4" = 1'-0"



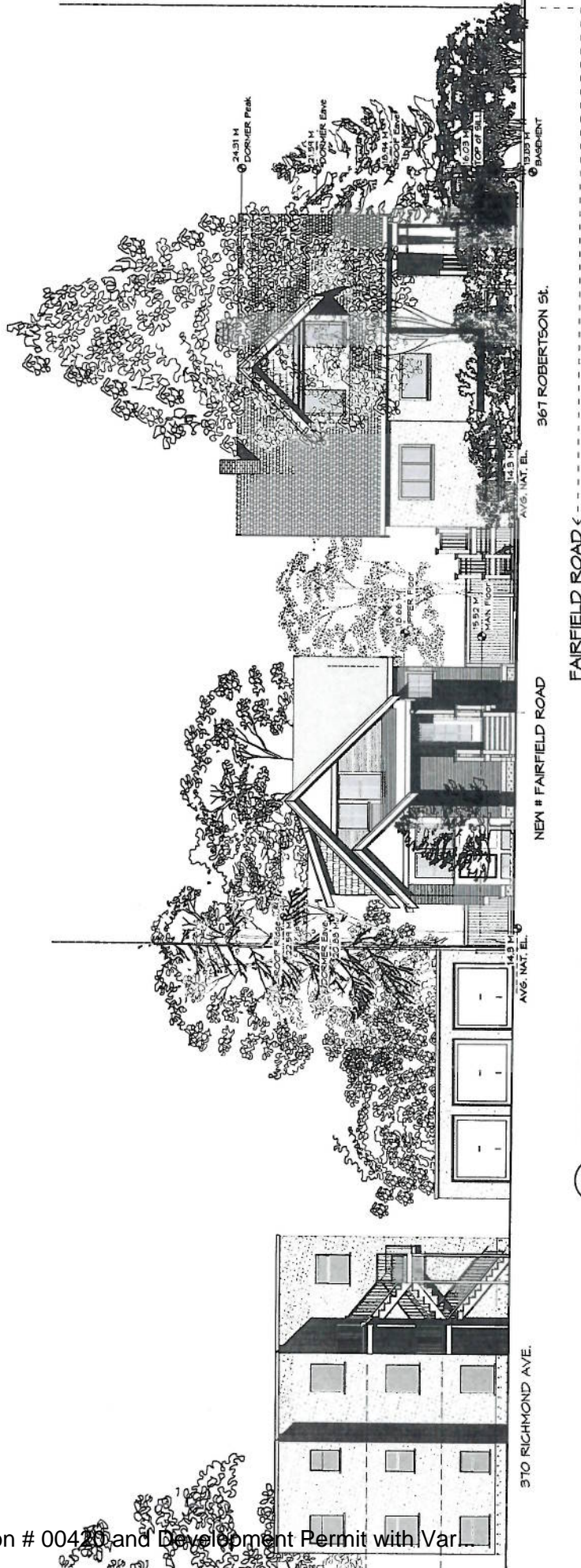
5 FRONT-WEST Elev.
Scale 1/4" = 1'-0"



7 REAR - EAST Elev.
Scale 1/4" = 1'-0"



5 SOUTH Elev.
Scale 1/4" = 1'-0"

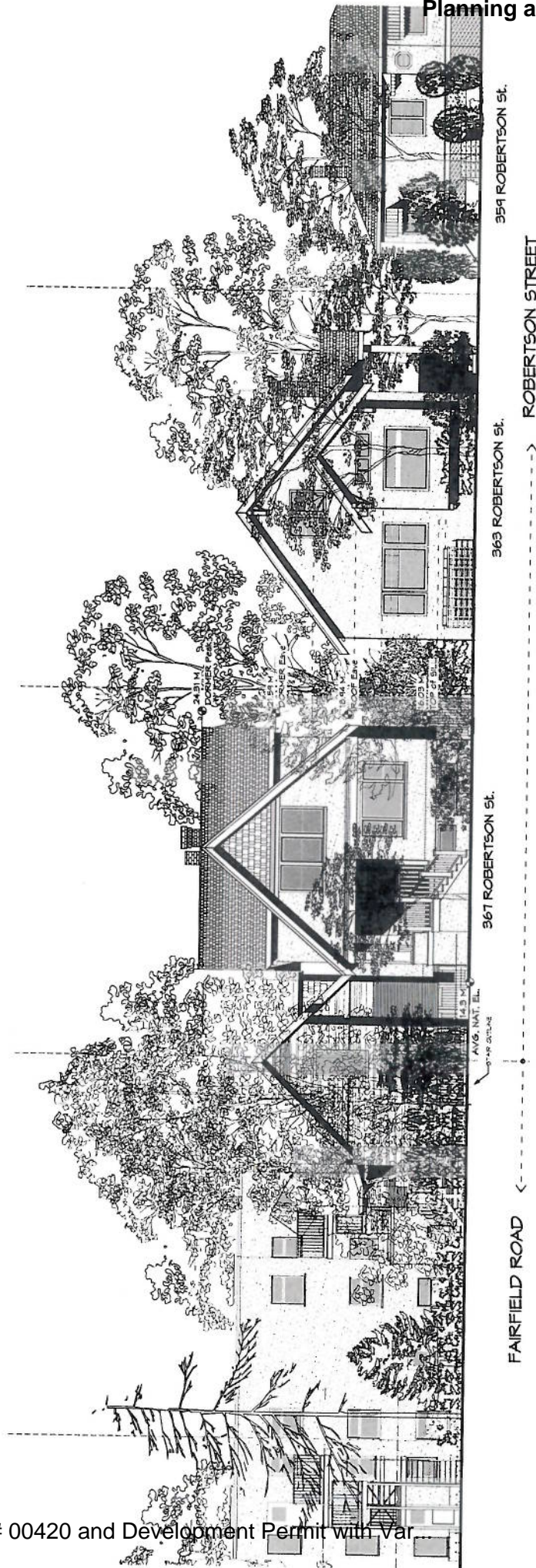


3 FAIRFIELD ROADScape
Scale 3/16" = 1'-0"

**SINGLE FAMILY HOMES -FAIRFIELD Rd.
FAIRFIELD ROADScape**

Sk 3.2

367 ROBERTSON St. REZONING



1 ROBERTSON STREETSCAPE
Scale: 3/8" = 1'-0"



MAR. 04, 2014

367 ROBERTSON ST. REZONING

SINGLE FAMILY HOME -ROBERTSON ST. ROBERTSON STREETSCAPE

Sk 3.3

Rezoning and subdivision of 367 Robertson Street.txt
From: Stan Benjamin [REDACTED]
Sent: Sunday, September 15, 2013 9:42 PM
To: planandzone@fairfieldcommunity.ca
Subject: Rezoning and subdivision of 367 Robertson Street

Dear Chair:

CONCERNING THE APPLICATION TO SUBDIVIDE AND REZONE TO R1-G2 THE LOT AT 367 ROBERTSON STREET

I am the owner of 363 Roberson Street adjoining this property on the south. I will be moving into my house in November, thus the opinions on this matter solicited from my tenants, one of whom has already vacated and the other by the end of the month should be disregarded.

I was informed of this proposal by the owner of 367 Robertson, Brian Glennon, and asked to sign a form..."SMALL LOT HOUSE REZONING PETITION...either supporting or opposing the application.

Due largely to a lack of understanding of the community context and of the intent of R1-G2 zoning, I find it difficult to make an informed decision. Nonetheless, let me offer the following observations, with the hope that they will add to the Committee's deliberations:

I can certainly support the proposal to upgrade the existing house in keeping with its historic character, in addition to covenanting it to become and remain a single family dwelling. However, the proposed set back relaxations particularly of south and east the set backs, combined with the Floor Space Ratio relaxation, do crowd the much reduced lot...and this crowding is compounded by the proposed new house.

The proposed new single family dwelling appears to conform to a subdivided new lot, under R1-G2 zoning...so my concern here is primarily with the intent of the zoning which seems to seek a change in the character of R1 zoned areas of the community...a densification of these areas. This may not be appropriate in this particular area of the city or this particular case.

Finally, as the owner of a property that...if the proposal is approved...will have to endure at least a year of construction noise and inconvenience, and then have an additional, second house adjoining and over looking the back of my house and especially my back yard...I am quite concerned. Again, I am not sure that the R1-G2 zoning has foreseen, or is intended to result in, this sort of oversight situation.

I trust you will make these comments known to members of the Committee.

Many thanks.

Sincerely,

Stan Benjamin

Sent from my iPad

Planning and Zoning Committee
Fairfield Gonzales Community Association
September 16, 2013



Members of FGCA Planning and Zoning Committee: Paul Brown and George Zador

Present: 13 attendees signed in

Subject Property: 147 Olive Street proposed garden suite.

Attendee Questions & Comments from Attendees:

- Concern expressed that building is well along in construction. Proponent acknowledged such and indicated zoning allows for an ancillary building. Application is to use it as a garden suite.
- Concern expressed that allowing such will establish a precedent for more garden suites in neighbourhood – “are we going to see a lot more of this?”
- Concern expressed that proposed garden suite building is too visible with peaked roof and when combined with with size of the house on the lot also under construction it is too much for the lot
- Proponent indicated that cedar hedging could be provided to lessen visibility of garden suite
- Concern expressed that garden suite will impact quality of life for neighbouring properties
- Concern expressed regarding location of parking on property
- Neighbour directly behind subject property very supportive of proponent’s application
- Concern expressed regarding short notice given for this meeting

Subject Property: 367 Robertson Street proposed small lot subdivision

Attendee Questions & Comments:

- Proponent stated intention is convert/revert existing triplex building to single family and construct a second single family home on a proposed small lot. No trees will be removed, only scrubby bush to be removed. Existing home will be renovated. Roof pitch of new home will be the same as that of existing dwelling
- Bus stop will remain where it is and will not be compromised by new driveway for proposed small lot
- Variances requested: building size, height and set back
- One neighbour expressed strong concern that the new home will create shadow/shade from sun for their property and would prefer the property remain the way it is. The proponent and his designer assured the neighbour that based on their projections, the neighbour’s property would not be shaded. Both parties agreed to disagree
- Proponent stated there will be change on the lot one way or the other and what is being proposed is the best for the situation
- Proponent gave assurance that neither dwelling will have ability to put in suites
- Two neighbours expressed support for what is being proposed

Subject Property: 1315 Richardson Street proposed garden suite on a panhandle lot

Attendee Questions & Comments

- Discussion regarding regulations for garden suite on a panhandle lot: set-backs and height. Suggestion from attendee that what is being proposed does not meet these regulations. Proponent believed they did.
- 8 adjacent lots will be impacted.
- Concern expressed regarding placement of windows
- Parking will be provided on the property
- Existing coverage 12% will increase to 16% with garden suite
- Proponent will be digging up driveway in order to upgrade water service(for existing home and garden suite) and will bury hydro lines
- Proponent has no plan to renovate/upgrade existing dwelling (originally a farmhouse)

**SUMMARY
SMALL LOT HOUSE REZONING PETITION**

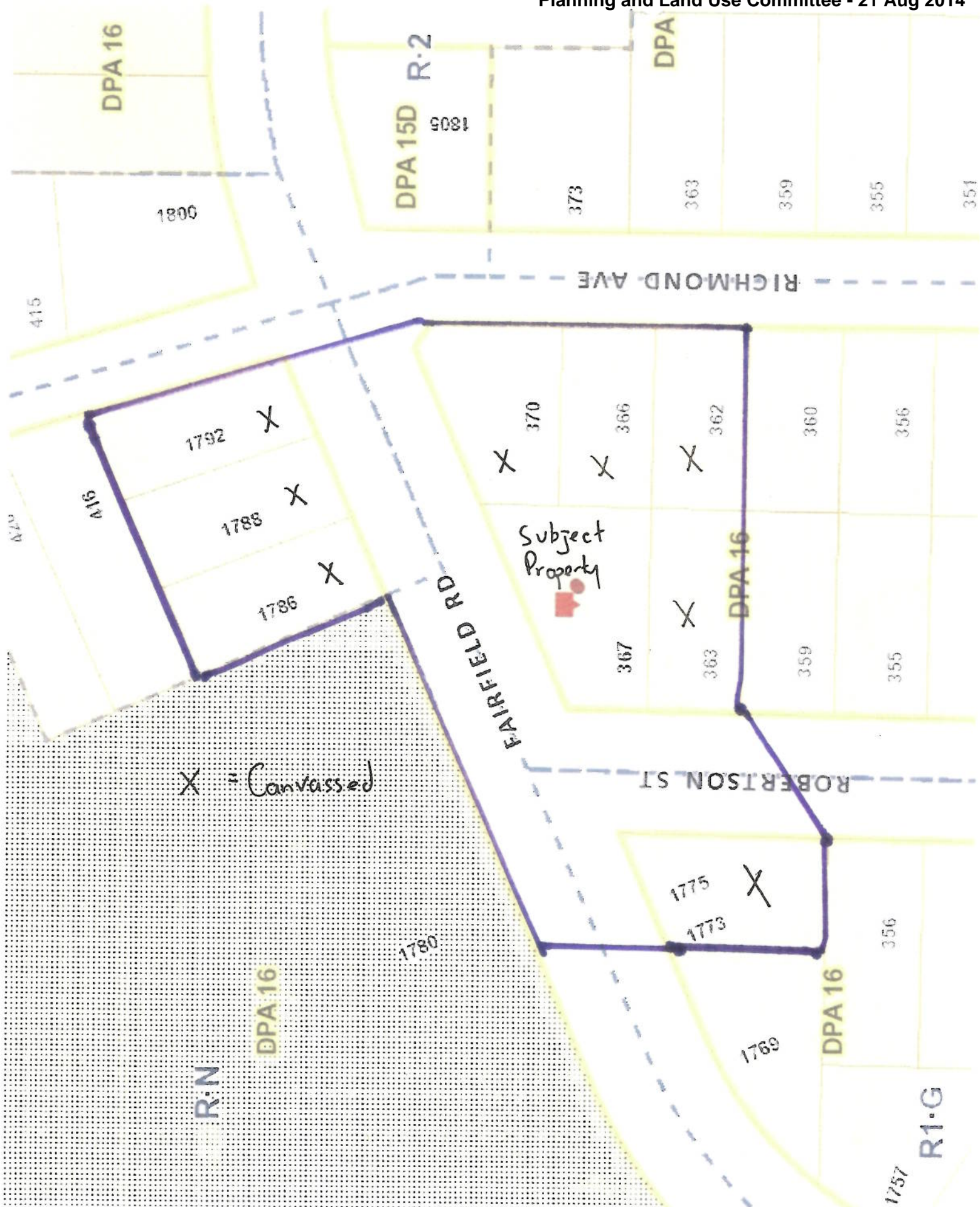
I, Brian Glennon
(applicant), have petitioned the adjacent neighbours* in compliance with
the Small Lot House Rezoning Policies for a small lot house to be located at 367 Robertson St.
(location of proposed house)
and the petitions submitted are those collected by September 22 2013
(date) . **

Address	In Favour	Opposed	Neutral (30-day time expired)
363 Robertson Street	5	0	2
1773/1775 Fairfield Road	5	0	0
1786 Fairfield Road	1	0	0
1788 Fairfield Road	2	0	0
1792 Fairfield Road	4	0	0
370 Richmond Avenue	7	1	0
366 Richmond Avenue	0	1	1
362 Richmond Avenue	0	0	1

SUMMARY	Number	%
IN FAVOUR	24	92%
OPPOSED	02	8%
TOTAL RESPONSES	30	100%

*Do not include petitions from the applicant or persons occupying the property subject to rezoning.

**Note that petitions that are more than six months old will not be accepted by the City. It is the applicant's responsibility to obtain new petitions in this event.



SMALL LOT HOUSE REZONING PETITION

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

Brian Glennon
(print name)

, am conducting the petition requirements for the

property located at 367 Robertson Street Victoria B.C.

to the following Small Lot Zone: R1 G2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighboring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) NIGEL DIVINGSTON (see note above)

ADDRESS: 1,363 Robertson St.

Are you the registered owner? Yes ☐ No ☒

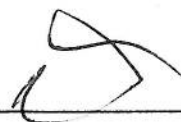
I have reviewed the plans of the applicant and have the following comments:

☒ I support the application.

☐ I am opposed to the application.

Comments:

Aug 20/13
Date


Signature

SMALL LOT HOUSE REZONING PETITION

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

Brian Glennon

(print name)

, am conducting the petition requirements for the

property located at 367 Robertson Street Victoria B.C.

to the following Small Lot Zone: R1 G2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighboring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) Caroline Geoffroy (see note above)

ADDRESS: 3-363 Robertson

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:

Aug 21/13

Date

[Signature]

Signature

SMALL LOT HOUSE REZONING PETITION

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

Brian Glennon

(print name)

, am conducting the petition requirements for the

property located at 367 Robertson Street Victoria B.C.

to the following Small Lot Zone: R1 G2

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Please review the plans and indicate the following:

NAME: (please print) Mark Bodnar (see note above)

ADDRESS: 3-363 Robertson

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:

Aug 21/13
Date

[Signature]
Signature

SMALL LOT HOUSE REZONING PETITION

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

Brian Glennon
(print name)

, am conducting the petition requirements for the

property located at 367 Robertson Street Victoria B.C.

to the following Small Lot Zone: R1 G2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighboring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) ben Dorrington (see note above)

ADDRESS: 2-363 Robertson St

Are you the registered owner? Yes ☐ No ☒

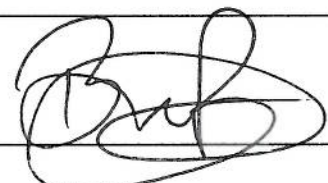
I have reviewed the plans of the applicant and have the following comments:

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

Comments:

Sounds Great.

21/8/13
Date


Signature

SMALL LOT HOUSE REZONING PETITION

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

Brian Glennon, am conducting the petition requirements for the
(print name)

property located at 367 Robertson Street Victoria B.C.

to the following Small Lot Zone: R1 G2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighboring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) Jessie Gill (see note above)

ADDRESS: #2-363 Robertson 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:

Aug. 22, 2013

Date

Jessie Gill

Signature

SMALL LOT HOUSE REZONING PETITION

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

Brian Glennon, am conducting the petition requirements for the
(print name)

property located at 367 Robertson Street Victoria B.C.

to the following Small Lot Zone: R1 G2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: Stan Benjamin

ADDRESS: 363 Robertson Street

Are you the registered owner? Yes

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

~~I support the application.~~

~~I am opposed to the application.~~

Comments:

Due largely to a lack of understanding of the community context and of the intent of R1-G2 zoning, I find it difficult to make an informed decision. Nonetheless, let me offer the following observations, with the hope that they will add to the deliberations:

I can certainly support the proposal to upgrade the existing house in keeping with its historic character, in addition to covenanting it to become and remain a single family dwelling. However, the proposed set back relaxations particularly of south and east the set backs, combined with the Floor Space Ratio relaxation, do crowd the much reduced lot...and this crowding is compounded by the proposed new house.

The proposed new single family dwelling appears to conform to a subdivided new lot, under R1-G2 zoning...so my concern here is primarily with the intent of the zoning which seems to seek a change in the character of R1 zoned areas of the community...a densification of these areas. This may not be appropriate in this particular area of the city or this particular case.

Finally, an owner of a property that...if the proposal is approved...I will have to endure at least a year of construction noise and inconvenience, and then have an additional, second house adjoining and over looking the back of my house and especially my back yard...I am quite concerned. Again, I am not sure that the R1-G2 zoning has foreseen, or is intended to result in, this sort of overview situation.

22 Sept 03
Date

Signature 

SMALL LOT HOUSE REZONING PETITION

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

Brian Glennon, am conducting the petition requirements for the
(print name)

property located at 367 Robertson Street Victoria B.C.

to the following Small Lot Zone: R1 G2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: Patty Benjamin

ADDRESS: 363 Robertson Street

Are you the registered owner? Yes

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

~~I support the application.~~

~~I am opposed to the application.~~

Comments:

Due largely to a lack of understanding of the community context and of the intent of R1-G2 zoning, I find it difficult to make an informed decision. Nonetheless, let me offer the following observations, with the hope that they will add to the deliberations:

I can certainly support the proposal to upgrade the existing house in keeping with its historic character, in addition to covenanting it to become and remain a single family dwelling. However, the proposed set back relaxations particularly of south and east the set backs, combined with the Floor Space Ratio relaxation, do crowd the much reduced lot...and this crowding is compounded by the proposed new house.

The proposed new single family dwelling appears to conform to a subdivided new lot, under R1-G2 zoning...so my concern here is primarily with the intent of the zoning which seems to seek a change in the character of R1 zoned areas of the community...a densification of these areas. This may not be appropriate in this particular area of the city or this particular case.

Finally, an owner of a property that...if the proposal is approved...I will have to endure at least a year of construction noise and inconvenience, and then have an additional, second house adjoining and over looking the back of my house and especially my back yard...I am quite concerned. Again, I am not sure that the R1-G2 zoning has foreseen, or is intended to result in, this sort of overview situation.

Date

Signature

Patty Benjamin
Sept. 22 / 13

SMALL LOT HOUSE REZONING PETITION

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

Brian Glennon
(print name)

, am conducting the petition requirements for the

property located at 367 Robertson Street Victoria B.C.

to the following Small Lot Zone: R1 G2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighboring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) Ron Bahrey (see note above)

ADDRESS: 1773 Fairfield Rd

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:

Fully support the project, it would be a great benefit to the community. It would improve the street scape and provide wonderful housing for residents that live in the Fairfield Area

August 26, 2013

Date

[Signature]

Signature

SMALL LOT HOUSE REZONING PETITION

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

Brian Glennon
(print name)

, am conducting the petition requirements for the

property located at 367 Robertson Street Victoria B.C.

to the following Small Lot Zone: R1 G2

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Please review the plans and indicate the following:

NAME: (please print) Sylvia Illingworth (see note above)

ADDRESS: 1773 Fairfield Unit C

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:

21 Aug 2013

Date



Signature

SMALL LOT HOUSE REZONING PETITION

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

Brian Glennon, am conducting the petition requirements for the
(print name)

property located at 367 Robertson Street Victoria B.C.

to the following Small Lot Zone: R1 G2

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Please review the plans and indicate the following:

NAME: (please print) AARON POPE (see note above)

ADDRESS: B-1773 Fairfield Rd

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:

Aug 21/13

Date

[Signature]

Signature

SMALL LOT HOUSE REZONING PETITION

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

Brian Glennon
(print name)

, am conducting the petition requirements for the

property located at 367 Robertson Street Victoria B.C.

to the following Small Lot Zone: R1 G2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighboring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) Angela Blaser (see note above)

ADDRESS: 1773-4 Fairbaird Rd

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:

Aug 22/13
Date


Signature

SMALL LOT HOUSE REZONING PETITION

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

Brian Glennon
(print name)

, am conducting the petition requirements for the

property located at 367 Robertson Street Victoria B.C.

to the following Small Lot Zone: R1 G2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighboring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) DON CROCKER (see note above)

ADDRESS: 1786 FAIRFIELD

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:

AUG 21/13

Date



Signature

SMALL LOT HOUSE REZONING PETITION

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

Brian Glennon, am conducting the petition requirements for the
(print name)

property located at 367 Robertson Street Victoria B.C.

to the following Small Lot Zone: R1 G2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighboring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) KATHY PHASEY (see note above)

ADDRESS: 1788 FAIRFIELD RD

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:

August 24, 2013
Date

Kathy Phasey
Signature

SMALL LOT HOUSE REZONING PETITION

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

Brian Glennon, am conducting the petition requirements for the
(print name)

property located at 367 Robertson Street Victoria B.C.

to the following Small Lot Zone: R1 G2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighboring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) Hazel Slack (see note above)

ADDRESS: 1773-B Fairfield Rd.

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:

08/21/13
Date

Hazel Slack
Signature

SMALL LOT HOUSE REZONING PETITION

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

Brian Glennon, am conducting the petition requirements for the
(print name)

property located at 367 Robertson Street Victoria B.C.

to the following Small Lot Zone: R1 G2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighboring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) Nicolaas Oegema (see note above)

ADDRESS: 1788 Fairchild Rd

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:

X Aug 22/2013
Date

[Signature]
Signature

SMALL LOT HOUSE REZONING PETITION

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

Brian Glennon, am conducting the petition requirements for the
(print name)

property located at 367 Robertson Street Victoria B.C.

to the following Small Lot Zone: R1 G2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) Monte Prior (see note above)

ADDRESS: 1792 Fairfield Road, Victoria, B.C.

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:

The applicant has proposed a development that fits well with the surrounding properties generally and the home that is on the property currently specifically. I think that the development enhances the neighborhood and, on that basis, I am in support of this application.

August 27, 2013

Date

maucci

Signature

SMALL LOT HOUSE REZONING PETITION

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

Brian Glennon
(print name)

, am conducting the petition requirements for the

property located at 367 Robertson Street Victoria B.C.

to the following Small Lot Zone: R1 G2

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Please review the plans and indicate the following:

NAME: (please print) David Allan (see note above)

ADDRESS: 1792 Fairfield Rd

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:

08/21/13

Date

DA

Signature

SMALL LOT HOUSE REZONING PETITION

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

Brian Glennon, am conducting the petition requirements for the
(print name)

property located at 367 Robertson Street Victoria B.C.

to the following Small Lot Zone: R1 G2

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Please review the plans and indicate the following:

NAME: (please print) Lauren McKinnon (see note above)

ADDRESS: 1702 Fairfield Rd

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:

Aug 22 / 13

Date

Alle

Signature

SMALL LOT HOUSE REZONING PETITION

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

Brian Glennon, am conducting the petition requirements for the
(print name)

property located at 367 Robertson Street Victoria B.C.

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Please review the plans and indicate the following:

NAME: (please print) KENT MCKINNON (see note above)

ADDRESS: 1792 FAIRFIELD RD. VIC BC

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:

Aug 21, 2013

K. McKinnon

Date

Signature

SMALL LOT HOUSE REZONING PETITION

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

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(print name)

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Please review the plans and indicate the following:

NAME: (please print) David Gordon (see note above)

ADDRESS: 370 Richmond Ave

Are you the registered owner? Yes ☒ No ☐

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

☐ I support the application.

☒ I am opposed to the application.

Comments:

No room - too close to my property
Loss of trees
Increased traffic to busy corner
Loss of privacy

12/9/13

D Gordon

Date

Signature

SMALL LOT HOUSE REZONING PETITION

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

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(print name)

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Please review the plans and indicate the following:

NAME: (please print) Eyle Schultz (see note above)

ADDRESS: 2370 Richmond Ave

Are you the registered owner? Yes ☐ No ☒

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

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

Comments:

Date



Signature

SMALL LOT HOUSE REZONING PETITION

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

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Please review the plans and indicate the following:

NAME: (please print) Rachael Merrick (see note above)

ADDRESS: #4- 370 Richmond Ave

Are you the registered owner? Yes ☐ No ☒

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

☒ I support the application.

☐ I am opposed to the application.

Comments:

21- Aug - 2013
Date

Rachael Merrick
Signature

SMALL LOT HOUSE REZONING PETITION

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

Brian Glennon, am conducting the petition requirements for the
(print name)

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Please review the plans and indicate the following:

NAME: (please print) SENGU GALHOTA (see note above)

ADDRESS: #3, 320 RICHMOND AVE - 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:

06057/22/2013

Date

[Signature]

Signature

SMALL LOT HOUSE REZONING PETITION

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

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(print name)

property located at 367 Robertson Street Victoria B.C.

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Please review the plans and indicate the following:

NAME: (please print) Theo Biggs (see note above)

ADDRESS: apt. 5-370 Richmond ave, Victoria BC, V8S 3Y1

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:

09/04/2013

Date

Theo Biggs

Signature

SMALL LOT HOUSE REZONING PETITION

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

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(print name)

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Please review the plans and indicate the following:

NAME: (please print) Barb Hall (see note above)

ADDRESS: APT #5 - 370 Richmond 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:

Aug 26th / 13

Date



Signature

SMALL LOT HOUSE REZONING PETITION

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

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(print name)

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Please review the plans and indicate the following:

NAME: (please print) Neal Godfrey (see note above)

ADDRESS: 370 Richmond Ave #1

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:

Aug 20/2013
Date

[Signature]
Signature

SMALL LOT HOUSE REZONING PETITION

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

Brian Glennon
(print name)

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to the following Small Lot Zone: R1 G2

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Please review the plans and indicate the following:

NAME: (please print) Sherrin Neudorf (see note above)

ADDRESS: #6-370 Richmond Ave.

Are you the registered owner? Yes ☐ No ☒

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

☒ I support the application.

☐ I am opposed to the application.

Comments:

Aug. 28/13
Date

S. R. Neudorf
Signature

SMALL LOT HOUSE REZONING PETITION

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

Brian Glennon
(print name)

, am conducting the petition requirements for the

property located at 367 Robertson Street Victoria B.C.

to the following Small Lot Zone: R1 G2

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Please review the plans and indicate the following:

NAME: (please print) Judith Fischer (see note above)

ADDRESS: 366 Richmond Ave

Are you the registered owner? Yes ☒ No ☐

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

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

Comments:

Sept 16 2013

Date

Judith Fischer

Signature

SMALL LOT HOUSE REZONING PETITION

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

Brian Glennon
(print name)

, am conducting the petition requirements for the

property located at 367 Robertson Street Victoria B.C.

to the following Small Lot Zone: R1 G2

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Please review the plans and indicate the following:

NAME: (please print) Miklos Fischer (see note above)

ADDRESS: 366 Richmond Ave

Are you the registered owner? Yes ☒ No ☐

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

☐ I support the application.

☒ I am opposed to the application.

See comment below

Comments:

A duplex is preferable to a small lot single home.

Sept 12 2013

Miklos Fischer

Date

Signature

SMALL LOT HOUSE REZONING PETITION

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

Brian Glennon, am conducting the petition requirements for the
(print name)

property located at 367 Robertson Street Victoria B.C.

to the following Small Lot Zone: R1 G2

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Please review the plans and indicate the following:

NAME: (please print) LYNNE SHIELDS (see note above)

ADDRESS: 362 RICHMOND AVE

Are you the registered owner? Yes ☒ No ☐

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

- ☐ I support the application.
☐ I am opposed to the application. *neither*

Comments:

I would rather have just the one house on the lot but I think the proposal is quite sensitively done.

Sept 4/13

Date

[Signature]

Signature



Planning and Land Use Committee Report

For Meeting on August 21, 2014

Date: July 29, 2014 **From:** Lucina Baryluk, Senior Process Planner

Subject: **Development Variance Permit Application #00134 for 2640 Forbes Street**
 Application to vary the R1-B Zone, Single Family Dwelling and the Secondary Suite Regulations to allow a secondary suite with an existing single family dwelling

Executive Summary

The purpose of this report is to present Council with information, analysis and recommendations regarding the Development Variance Permit Application for the property located at 2640 Forbes Street. The application is to vary the side yard setbacks and the size of an addition to allow a secondary suite in the R1-B Zone, Single Family Dwelling District.

The following issues were considered in assessing this application:

- The application is consistent with the *Official Community Plan 2012* and the *Oaklands Neighbourhood Plan*, which support gradual infill in the form of secondary suites.
- The application is consistent with the Secondary Suite Design Guidelines, which are intended to ensure secondary suites are introduced in a manner that is compatible with and does not significantly alter the character of Victoria's neighbourhoods. As the addition to accommodate the suite will be within the rear yard, the streetscape remains unchanged.
- The setback variances are supportable as the expansion will follow the established footprint of the building and will have minimal impact on the adjacent neighbours. The additional floor area is supportable as it is a logical expansion of the main floor, which will enhance the liveability of the suite.

For the above reasons, staff recommend that the Committee support this application.

In accordance with the City's *Land Use Procedures Bylaw*, this Development Variance Permit Application requires notification, sign posting and a Hearing.

Recommendations

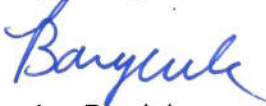
1. That Council schedule a Hearing to consider Development Variance Permit Application #00134 for 2640 Forbes Street.
2. Following the Hearing, that Council consider passing the following resolution:

That Council authorize the issuance of Development Variance Permit #00134 subject to:

- a) plans dated June 4, 2014, for Development Variance Permit Application #00134;
- b) the development meeting all *Zoning Regulation Bylaw* requirements, except for the following:

- (i) Part 1.2, Section 1.2.5.c – Side yard setback (south) reduced from 1.52 m to 0.65 m,
 - (ii) Part 1.2, Section 1.2.5.d – Combined side yard setbacks relaxed from 4.50 m to 3.55 m,
 - (iii) Schedule J - to allow changes to the exterior of the building within a five-year period prior to the installation of a secondary suite,
 - (iv) Section 2.a – Additional floor area relaxed from 20 m² maximum to 33 m².
- c) Final plans to be generally in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

Respectfully submitted,



Lucina Baryluk
Senior Process Planner
Development Services Division



Deb Day, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Jason Johnson

Date:

August 12, 2014

LB:lw

S:\Tempest_Attachments\Prospero\PI\Dvp\Dvp00134\Pluc Planning Report Template Dvp.Doc

1.0 Purpose

The purpose of this report is to present Council with information, analysis and recommendations regarding the Development Variance Permit Application for the property located at 2640 Forbes Street. The application is to vary the side yard setbacks and the size of an addition to allow a secondary suite in the R1-B Zone, Single Family Dwelling District.

2.0 Background

The existing house was built in 1912 as a single family dwelling. The *Zoning Regulation Bylaw* was introduced after this date, and some of the setbacks and the height of the existing dwelling do not conform to the current regulations, making these variances from the *Zoning Regulation Bylaw* legal non-conforming. In January 2014, an application was made to the Board of Variance, which approved some variances. However, since that date, the applicant's plans have changed and further approvals are required, but are in keeping with the original intent of the Board of Variance approvals. These are detailed in the Data Table below.

2.1 Description of Proposal

The proposal is to create a secondary suite on the main floor (at grade). The creation of this secondary suite involves an addition of 33 m² of floor area (extending further into the rear yard). As the addition will be an extension of the existing footprint, side yard setback relaxations are required.

Previous Board of Variance approvals have been obtained for this property. In order to achieve the required ceiling to floor height clearance of 2.4 m, the building has to be raised and the Board of Variance approved this building height relaxation.

2.2 Existing Site Development and Development Potential

The subject site currently contains a single family dwelling. The property is within the R1-B Zone, which permits a single family dwelling with a suite. With the proposed additional floor area for the suite, the dwelling will remain within the maximum permitted total floor area of 300 m².

2.3 Data Table

The following data table compares the proposal with the existing R1-B Zone. An asterisk is used to identify the variances requested. Please refer to the side notes for an explanation.

Zoning Criteria	Proposal <i>New variances noted by asterisk</i>	Zone Standard R1-B	Explanatory notes on Board of Variance approvals
Site area (m ²) – minimum	571	460	
Combined floor area (m ²) – maximum (Total area includes additional area for suite)	286	300	
Additional floor area allowable for a secondary suite (m ²) - maximum	33*	20	

Zoning Criteria	Proposal New variances noted by asterisk	Zone Standard R1-B	Explanatory notes on Board of Variance approvals
Height (m) – maximum	8.60	7.60	Height relaxation previously approved by Board of Variance
Storeys - maximum	2.5 Existing non-conforming	2	
Site coverage (%) – maximum	27.20	40.00	
Setbacks (m) – minimum			
Front	7.20	7.50	Setback relaxation approved by Board of Variance
Rear	14.52	9.37	
Side (south)	0.65*	1.52	Further setback relaxation required due to change from previous plans
Side (north)	2.90	3.00	Setback relaxation approved by Board of Variance
Combined side yards	3.55*	4.50	Further relaxation required due to change from previous plans
Parking – minimum	1	1	

2.4 Land Use Context

The immediate neighbourhood is characterized by single family homes and many have suites. The property is in close proximity to Oaklands Elementary School and faces David Spencer Park.

2.5 Consistency with City Policy

The proposed development is consistent with the relevant land use policies of the *Official Community Plan 2012 (OCP)*. The property is designated as Traditional Residential in the OCP where secondary suites are identified as appropriate forms of infill.

The *Oaklands Neighbourhood Plan* (1993) makes provision for a range of housing types and sizes in the Oaklands Neighbourhood through limited infill, redevelopment and new housing. Secondary suites are considered supportable in the plan.

2.6 Secondary Suites

The *Zoning Regulation Bylaw*, Schedule J, contains Secondary Suite Regulations. The regulations stipulate that within a five-year period before the date of installation of a secondary suite, no more than 20 m² of additional floor area can be created. The request is for 33 m² of additional floor area.

The *Secondary Suite Design Guidelines* are also applicable to this application. The proposal is generally consistent with these Guidelines for the following reasons:

- Exterior changes to front facade are minimal.
- The entrance is located on the side of the existing dwelling and demarcated by a path and a roof overhang.
- Most of the existing landscaping will remain intact.
- A private outdoor space is provided for the suite.

2.7 Community Consultation

In compliance with the Community Association Land Use Committee Procedures for Processing Variances, the application was referred to the Oaklands Community Association on April 8, 2014 for a 30-day comment period. No comments were received at the time of writing this report.

In accordance with the City's *Land Use Procedures Bylaw*, a Development Variance Permit Application requires notification, sign posting and a Hearing.

3.0 Issues

There are no major issues associated with this application.

4.0 Resource Impacts

There are no resource impacts anticipated with this application.

5.0 Conclusions

As the expansion of the ground floor for the secondary suite is an extension of the existing building footprint into the rear yard of the property, the impact on the streetscape and adjacent neighbours is minimal. The increase to the size of the unit will improve its liveability, and the suite is generally compliant with the Secondary Suite Design Guidelines. For these reasons, staff recommend that Council advance this application to a Hearing.

6.0 Recommendations

6.1 Staff Recommendation

1. That Council schedule a Hearing to consider Development Variance Permit Application #00134 for 2640 Forbes Street.
2. Following the Hearing, that Council consider passing the following resolution:

That Council authorize the issuance of Development Variance Permit #00134 subject to:

- a) plans dated June 4, 2014, for Development Variance Permit Application #00134;
- b) the development meeting all Zoning Regulation Bylaw requirements, except for the following:
 - (i) Part 1.2, Section 1.2.5.c – Side yard setback (south) reduced from 1.52 m to 0.65 m,

- (ii) Part 1.2, Section 1.2.5.d – Combined side yard setbacks relaxed from 4.50 m to 3.55 m,
 - (iii) Schedule J - to allow changes to the exterior of the building within a five year period prior to the installation of a secondary suite,
 - (iv) Section 2.a – Additional floor area relaxed from 20 m² maximum to 33 m².
- (c) Final plans to be generally in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

6.2 Alternate Recommendation

That Council decline Development Variance Permit Application #00134 for 2640 Forbes Street.

7.0 List of Attachments

- Zoning map
- Aerial map
- Letter from applicant dated May 10, 2014
- Plans dated June 4, 2014.

2715-19	2716		2717	2718/20		2721	2714		27
2711	2712		2711	2712		2715	2710		27
2709	2708		2705	2706		2707	2706		27
2701	2704		2701	2702		2701	2702		27
KINGS RD									
2665	2690		2665	2662		2665	2662		26
2661	2666		2663	2658		2657	2658		26
2655	2658		2655	2650		2651	2654		26
2649	2650		2651	2646		2647	2650		26
2643	2644		2643	2642		2643	2646		26
2635	2640		2639	2640		2641	2642		26
2629	2634		2635	2636		2631	2636		26
2625	2628		2621	2632		2621	2630		26
2621	2624		2617	2624		2617	2624		26
2615	2620		2613	2620		2613	2620		26
2611	2614		2609	2614		2607	2612		26
2605	2608		2605			2605	2606/08		26
2603	1438 to 46, 2606, 2604		1500, 1510, 1514, 1518, 1520, 1522			1526, 1528, 1530			1560
HAULTAIN ST									
1439	1441 to 447		1501, 1503, 1505			515, 2574			257

BELMONT AV

FORBES ST

VICTOR ST

HAULTAIN ST

2640 Forbes Street

Development Variance Permit #00134

Development Variance Permit Application # 00134 for 2640 For...



2640 Forbes Street

Development Variance Permit #00134

Development Variance Permit Application # 00134 for 2640 For...





2640 Forbes St
Victoria, BC V8R 4C1
May 10, 2014

The Mayor and City Council,
City of Victoria
c/o 1 Centennial Square
Victoria, BC V8W 1P6

Dear Mayor Fortin and Councillors,

Our property at 2640 Forbes Street has a 2½ storey Craftsman house circa 1912. The Southwest corner of the foundation has settled and we propose to replace the foundation.

While replacing the foundation we would like to take the opportunity to increase the ceiling height of the first floor from 6' 6" to 8'. Also, expanding the house allows for more ergonomic and comfortable living, a better layout, improved storage, an efficient laundry area, a downstairs recreation room and a secondary suite. At the same time, we wish to maintain the streetscape and character of the house.

Developing a variety of additions and layouts led to a house of 285m² and a secondary suite of 70m² as functional, comfortable, and attractive. To achieve this, 33m² is added to the first floor. The streetscape is unchanged except for the increase in height of the house, the addition of architectural trim on the belt line and a walkway to the secondary suite.

On January 31, 2014, the Board of Variance allowed our appeal #499, with the following relaxations that enable an 8' ceiling on floor one and enable the house to be sited at the existing location on the lot:

1. Height relaxed from 7.6m to 8.6m
2. Front yard setback relaxed from 7.5m to 7.2 m
3. Side yard setback (south) relaxed from 1.52m to 0.65m and side yard set back (north) from 3.0m to 2.9m
4. Combined side yard setbacks relaxed from 4.5m to 3.55m

Today, to achieve the advantages of the developed design, we are applying for a variance on Schedule J.2. a.:

- Relaxation of expansion when adding a secondary suite from 20m² to 33m².

While the Board of Variance allowed for the setbacks below, we now request your approval for those variances in order to maximize the floor space under the back deck by extending the Floor 1, west wall 0.72m beyond the extension submitted to the Board of Variance.

The two extra requests for relaxations are as follows:

- Side yard set back (south) relaxed from 1.52m to 0.65m for extension
- Combined side yard setbacks relaxed from 4.5m to 3.55m for extension

Yours sincerely,

A handwritten signature in blue ink, consisting of two distinct, stylized parts. Below the signature, the names "Menno and Leslie Van Mil" are printed in a black, sans-serif font.

Menno and Leslie Van Mil



View looking SW



View Looking NW

PROPOSED IMPROVEMENTS
2640 Forbes St
Adjacent Properties Photos
Owners: Menno and Leslie Van Mil
250 595 8354
Contact: Phil Jackson 250 595 3811
p.jackson@computer.org
Scale - N/A
Feb 24, 2014



SOUTH FACING ELEVATION



NORTH FACING ELEVATION



WEST FACING ELEVATIONS



EAST FACING ELEVATION

Peak 27.02 Proposed
Peak 26.48 Existing
Dormer 25.50 Proposed
Dormer 24.98 Existing
Eave 22.83 Proposed
Eave 22.29 Existing

22.36 Eave over Kitchen Porch Proposed
21.82 Eave over Kitchen Porch Existing
20.33 Top of Sill Proposed
19.79 Top of Sill Existing

17.55 Av Grd El



EXISTING



PROPOSED

(13m² extra first floor space. Requesting relaxation of expansion from 20m² to 33m² when adding a secondary suite)

PROPOSED IMPROVEMENTS
2840 Forbes St
Elevations
Owners: Menno and Leslie Van Mil
250 595 8354
Contact: Phil Jackson 250 595 3811
p.jackson@compuser.com
Scale: 1/8" = 1'-0"
Dec 21, 2013, rev5, 2014-05-20

TABLE OF CALCULATIONS

	Grade Point	Grade Point	Grade Point
A	4.0	3.75	3.5
B	3.0	2.75	2.5
C	2.0	1.75	1.5
D	1.0	0.75	0.5
F	0.0	0.0	0.0

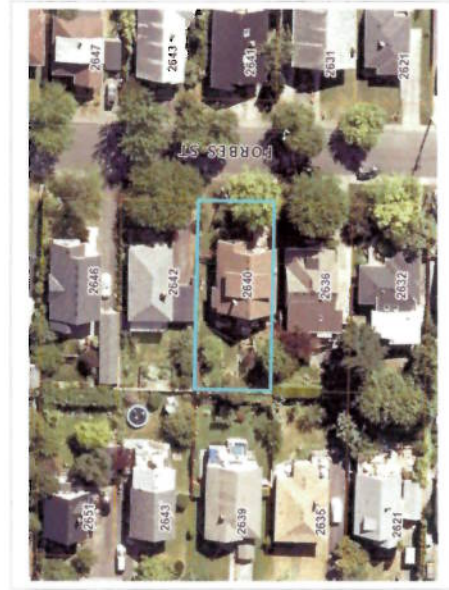
Calculations

Crash Priority & Y	Distance Between Crashes (miles)	Total Crashes/100 mi
A	14.38	262.835
B	4.40	77.663
C	1.56	27.443
D	6.21	108.086
E	13.38	237.488
F	5.00	89.655
G	50.920	909.565
H		17.66
I		9.44
J		8.00
K		12.00
L		10.00
M		10.00
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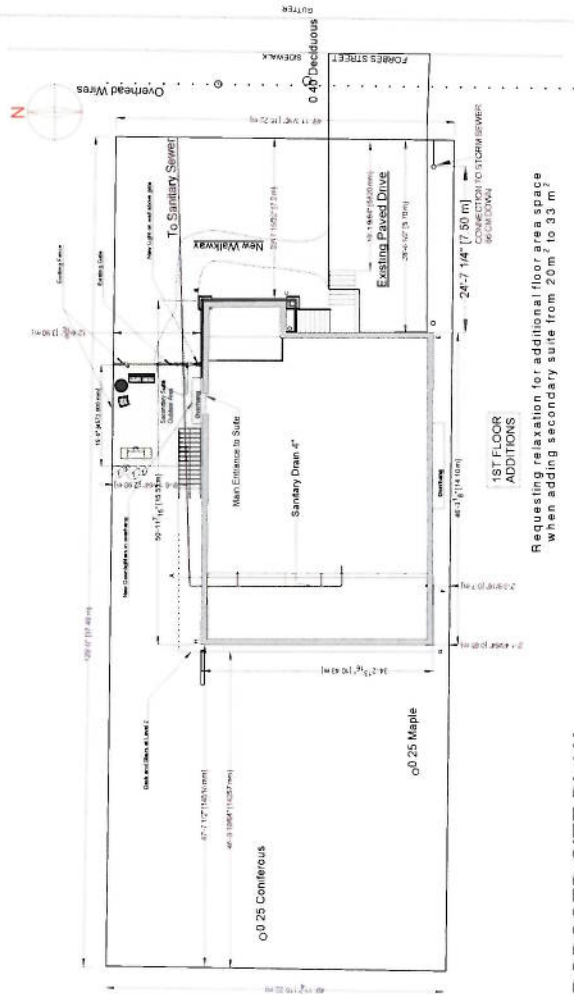
PROJECT DATA

[illegible]

SITE CONTEXT



PROPOSED SITE PLAN



EXISTING SITE PLAN



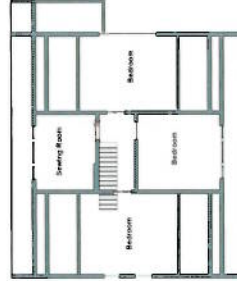
Received
City of Victoria
JUN 04 2014
Planning & Development Department
Development Services Division

PROPOSED IMPROVEMENTS
2640 Forbes St
Site Plans
Owners: Menno and Leslie Van Mil
250 595 8354
Contact: Phil Jackson 250 595 3811
p.jackson@computer.org
Scale: 1:100
Dec 20, 2013 rev'd: May 10, 2014

THIRD FLOOR



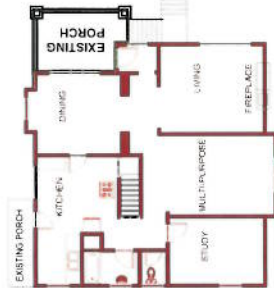
EXISTING: 60 sq m



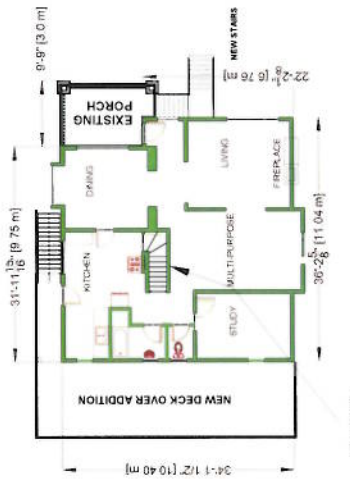
PROPOSED: 60 sq m

No change in floor space

SECOND FLOOR



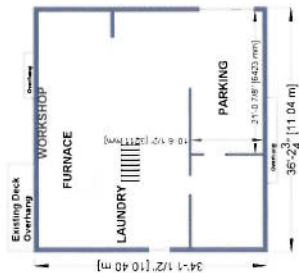
EXISTING: 106 sq m



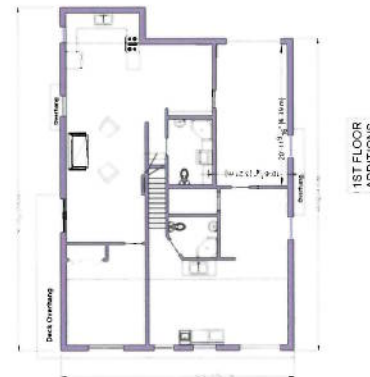
PROPOSED: 106 sq m

No change in floor space

FIRST FLOOR



EXISTING: 107 sq m



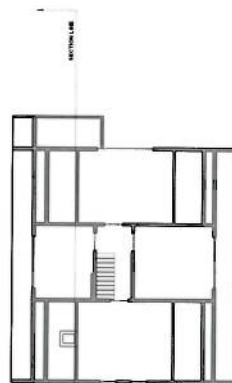
PROPOSED: 140 sq m

Requesting relaxation for additional floor space when adding secondary suite from 20 sq m to 33 sq m

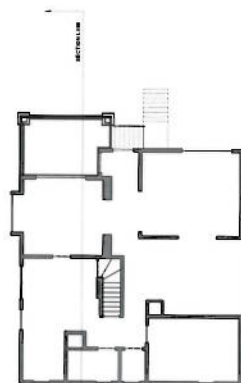
Received
City of Victoria
JUN 04 2014

Planning & Development Department
Development Services Division

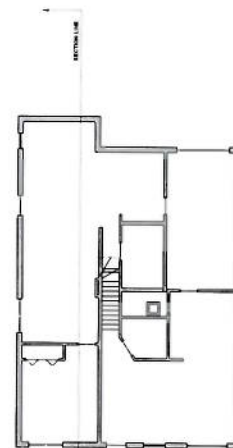
PROPOSED IMPROVEMENTS
2640 Forbes St
Floor Plans: Existing and Proposed
Owners: Menno and Leslie Van Mil
250 595 8354
Contact: Phil Jackson 250 595 3811
p.jackson@computer.org
Scale - 1:100
Date: 2014-02-18, rev'd: 2014-05-10



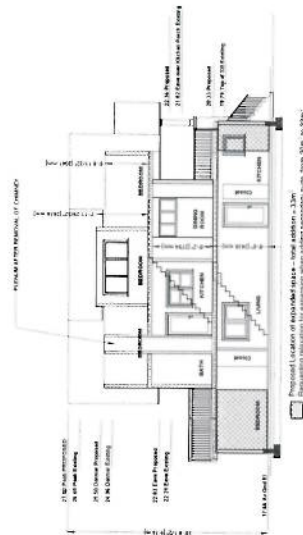
THIRD FLOOR



SECOND FLOOR



FIRST FLOOR



PROPOSED SECONDARY SUITE
2640 Forbes St
Sections
Owners: Memo and Leslie Van Mil
250 595 8354
Contact: Phil Jackson 250 595 3811
p.jackson@computer.org
Scale: 1/100
Date: Feb 13, 2014, rev4 June 24, 2014

Planning and Land Use Committee Report

For the meeting of August 21, 2014

Date: July 30, 2014 **From:** Charlotte Wain, Senior Planner – Urban Design
Subject: **Development Variance Permit #000136 for 125 Moss Street** - Application to allow parking in the front yard, relocation of deck stairs to the rear yard and removal of an accessory building.

Executive Summary

The purpose of this report is to present Council with information, analysis and recommendations regarding a Development Variance Permit Application for the property located at 125 Moss Street. The application is to relocate the rear deck staircase, remove an existing accessory building and allow one parking stall to be located in the front yard.

The following factors were considered in reviewing this application:

- A variance to the parking standard in the R1-B Zone is being requested, to allow one parking stall to be located in the front yard.
- A set of stairs was constructed without the required permits and the application proposes to remove this and reconstruct the stairs towards the rear of the building.
- The impacts of the proposed variances on the surrounding neighbourhood will be minimal.

For the above reasons, staff recommend that the Committee support this application.

In accordance with the City's Land Use Procedures Bylaw, this Development Permit Application has variances, therefore it requires notification, sign posting and a hearing.

Recommendations

1. That Council schedule a Hearing to consider Development Variance Permit #000136 for 125 Moss Street.
2. Following the Hearing, that Council consider passing the following resolution to authorize the Development Variance Permit #000136, subject to:
 - a. plans dated July 30, 2014 for Development Variance Permit #000136;
 - b. development meeting all *Zoning Regulation Bylaw* requirements, except for the following:
 - i. Section 1.2.5.c - Side yard setback (north) relaxed from 3.0 m to 1.66 m,
 - ii. Section 1.2.5.d – Combined side yard setbacks relaxed from 4.5 m to 3.63 m,
 - iii. Schedule "C" Section 3 - Relaxation to permit required parking in the front yard;

- c. Final plans to be generally in accordance with the plans identified above, to the satisfaction of the Director of Sustainable Planning and Community Development.

Respectfully submitted,

C.R. Wain

BMS

Planner
Development Services

DE Day

Deb Day, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

[Signature]

Jason Johnson

Date:

August 14, 2014

CW:af

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1.0 Purpose

The purpose of this report is to present Council with information, analysis and recommendations regarding a Development Variance Permit for the property located at 125 Moss Street.

2.0 Background

2.1 Description of Proposal

The application is to relocate an existing illegally constructed rear deck staircase, remove an existing accessory building and allow one parking stall to be located in the front yard.

2.1.1 Sustainability Features

The proposal includes the reuse of an existing building and provision of a parking stall constructed of permeable pavers. No other green building features are proposed.

2.2 Existing Site Development and Development Potential

The existing site has an area of 552 m² and is currently occupied by a single family dwelling. The former garage has been converted to provide accommodation for a home share resident, which has resulted in the owners using the space in front of the house for parking vehicles. The application site is located within the R1-B (Single Family Dwelling) Zone, which permits single family dwellings, and up to a maximum of four roomers or boarders.

2.3 Data Table

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

Zoning Criteria	Proposal	Zone Standard
Site area (m ²) – minimum	552.40	460.00
1 st and 2 nd storey floor area (m ²) – maximum	178.65	280.00
Combined floor area (m ²) – maximum	178.65	300.00
Height (m) – maximum	5.74	7.60
Site coverage (%) – maximum	26	40
Setbacks (m) – minimum		
North (side)	1.66**	3.00
South (side)	1.97	1.50
East (rear)	13.85	9.14
West (front)	7.56	7.50

Zoning Criteria	Proposal	Zone Standard
Combined side yard setbacks (m) – minimum	3.63*	4.5
Separation Space Between Buildings (m) – minimum	10	2.4
Parking – minimum	1	1
Parking location	Front yard*	Sch. C (rear yard)
Driveway parking material	Concrete strips	Asphalt, concrete or permeable surface

2.4 Land Use Context

The site is located along Moss Street, south of Moss Street Village. It is surrounded on all sides by single family residences zoned R1-B (Single Family Dwelling) District.

2.5 Legal Description

Lot 7, Block A, Fairfield Farm Estate, Victoria City, Plan 340.

2.6 Relevant History

Certain improvements have been made to the property without the necessary permits. This includes the conversion of the former garage into living accommodation, the rear deck, exterior door and alteration of the driveway. This unlawful construction has triggered the need for the City's *Clean Hands Policy*, with which the applicant has conformed.

2.7 Community Consultation

In compliance with the Community Association Land Use Committee Procedures for Processing Variances, the application was referred to the Fairfield Gonzales Association on May 1, 2014 and July 24, 2014 (revisions) for a 30 day comment period. No comments were received at the time of writing this report.

A number of letters of support from neighbours have been received, which reference the front yard parking and the encroachment into the side yard setback.

This Development Variance Permit Application requires notification, sign posting and a Hearing.

3.0 Issues

The following issues are associated with this application:

- impact of front yard parking
- impact of the side yard setback variances on the adjacent neighbours.

4.0 Analysis

4.1 Front Yard Parking

Currently, two vehicles are unlawfully parked in the front of the property. This has resulted in damage to the municipal boulevard. The applicant is proposing to remove one parking stall, seek a variance for the remaining stall, and install a combination of concrete and permeable "grasscrete" pavers. The remaining stall will be aligned with the existing drive aisle away from the hedge that runs along the south property line. This will result in improved sightlines for vehicle movement, compliance with the *Highway Access Bylaw* and improved safety within the site.

The impact of allowing one front yard parking stall on the streetscape is considered to be relatively minor, especially since the applicant is proposing to remove the additional stall that is surplus to the requirements of Schedule C in the *Zoning Regulation Bylaw*. Although there will be increased demand for on-street parking as a result of the proposal, this is considered minor and staff recommend that the Committee support this aspect of the proposal.

4.2 Side Yard Setback

A variance to the side yard setback (north) is being proposed from the permitted 3.0 m to 1.66 m for the original stairs to the house. This triggers a proposed reduction in the required combined side yard setbacks from the permitted 4.5 m to 3.63 m. The rear portion of the unauthorized deck will be removed as part of the proposal. There will be no impacts to adjacent properties as a result of the proposed front setback variance.

5.0 Resource Impacts

There are no resource impacts anticipated with this application.

6.0 Conclusions

The proposed variance to allow one parking stall in the front yard will have a minimal impact on the streetscape and will create a safer alternative than the existing situation. The side yard setback variance to allow for the original stairs and porch will have no negative impacts on the adjacent neighbor at 127 Moss Street, and the removal of the non-conforming portion of deck will improve the interface between these two properties. For these reasons, staff recommend that the Committee support this application.

7.0 Recommendations

7.1 Staff Recommendations

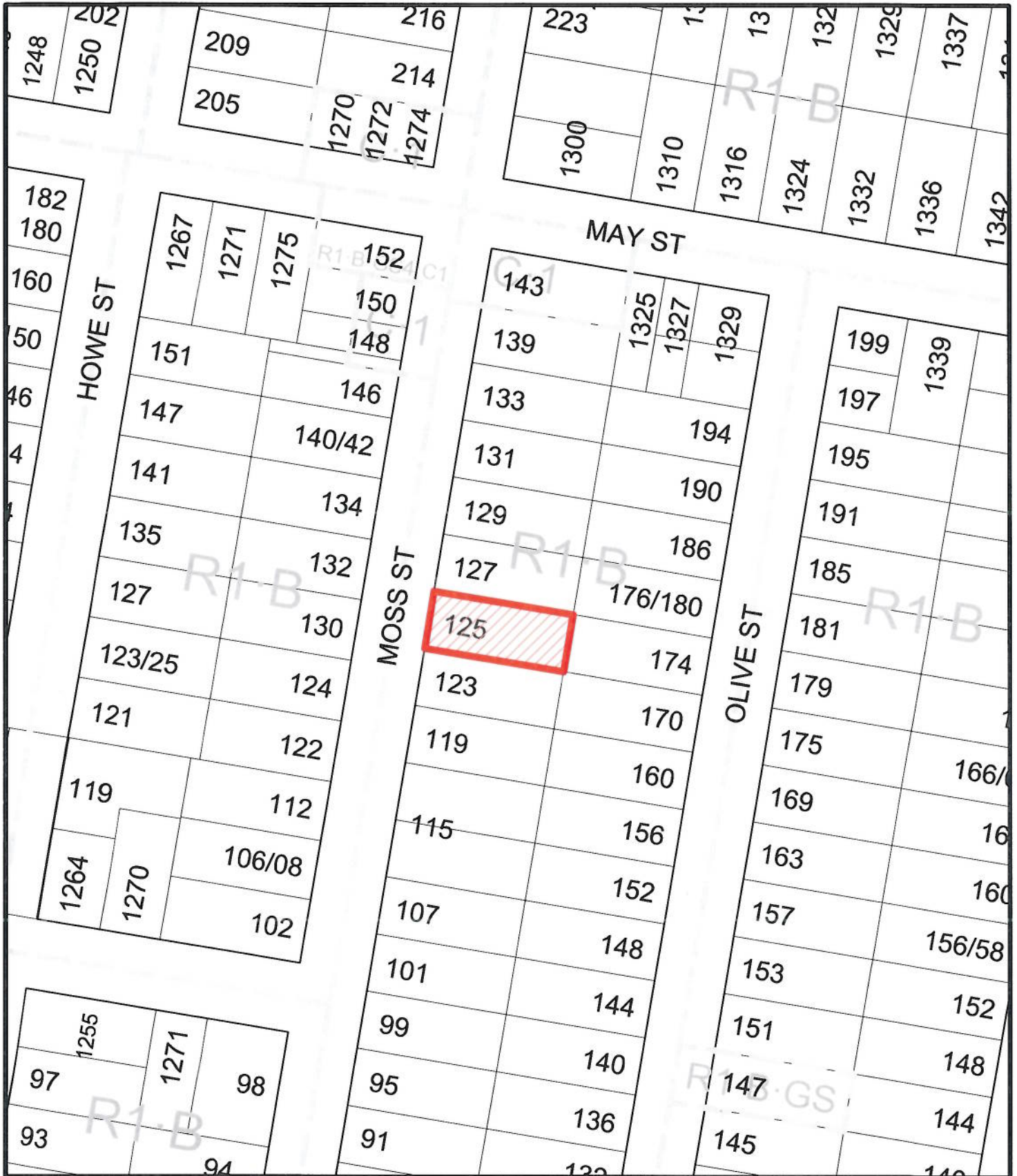
1. That Council schedule a Hearing to consider Development Variance Permit #000136 for 125 Moss Street.
2. Following the Hearing, that Council consider passing the following resolution to authorize the Development Variance Permit #000136, subject to:
 - a. plans dated July 30, 2014 for Development Variance Permit #000136;
 - b. development meeting all *Zoning Regulation Bylaw* requirements, except for the following:
 - i. Section 1.2.5.c - Side yard setback (north) relaxed from 3.0 m to 1.66 m,
 - ii. Section 1.2.5.d – Combined side yard setbacks relaxed from 4.5 m to 3.63 m,
 - iii. Schedule "C" Section 3 - Relaxation to permit required parking in the front yard;
 - c. Final plans to be generally in accordance with the plans identified above, to the satisfaction of the Director of Sustainable Planning and Community Development.

7.2 Alternate Recommendation

That Council decline Development Variance Permit Application #00136 for 125 Moss Street.

8.0 List of Attachments

- Zoning map
- Aerial map
- Letter from applicant dated April 15, 2014
- Plans dated July 30, 2014
- Streetscape photograph.



125 Moss Street
Development Variance Permit #00136





125 Moss Street
Development Variance Permit #00136



15-Apr-14

His Worship Mayor Dean Fortin and Councillors,
Corporation of the City of Victoria,
1 Centennial Square,
Victoria, B.C.

RE: Development Variance Permit, residence of Susan and Joe Schiphorst,
125 Moss Street, Lot 7, Block A, Fairfield Farm, Victoria City, Plan 340

We hereby request Council's consideration of a Development Variance Permit to permit parking for the residence to be located in the front yard, and to allow the retention of a small section of deck and walkway which extends an existing encroachment into the north side yard. The present condition, which has existed for over seven years was the result of unauthorised construction, and the owners have wrestled with several other options for the property. The former garage space has been used to provide part of accommodation for a home share resident; so its reversion to garage would result in disruption to that living arrangement. In addition, the original "garage" was one of those open basements containing largely unfinished space, used for a car, a furnace, and laundry tubs; my clients have obtained a "clean hands" permit to allow this application. The neighbours have been advised of this application, and are supportive, as the Schiphorsts take some trouble to park off the street, which is very congested. Many of the houses [this one included] are of an age such that, while garages are provided, they really do not accommodate modern vehicles, resulting in on street parking for most. The use is long established, well screened and drained, and does not create a particular precedent, as other neighbourhoods/ zones do permit such a use.

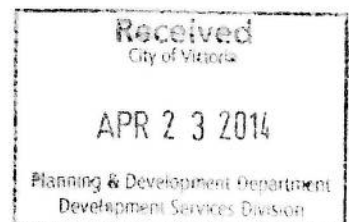
With respect to the deck element, the original back door, and the stairs which served it, actually encroached slightly more into the side yard, and when they were replaced, the landing was actually reduced a few inches in width, but it was extended on the same line to connect with a deck at the rear, which was also reconstructed; it appears that the original deck was constructed without a permit. In discussion with Staff, it seemed logical to include this element in the DVP, as it does not worsen rear yard access since the house is more or less centrally located on the lot.

This application will allow the owners to continue to provide accommodation for sharing their space, and support to their neighbourhood by keeping their vehicles off the street. We further believe the proposal is generally in keeping with neighbourhood policies, and that this is a reasonable proposal for this particular property, given the context of surroundings and the sense of neighbourhood support.

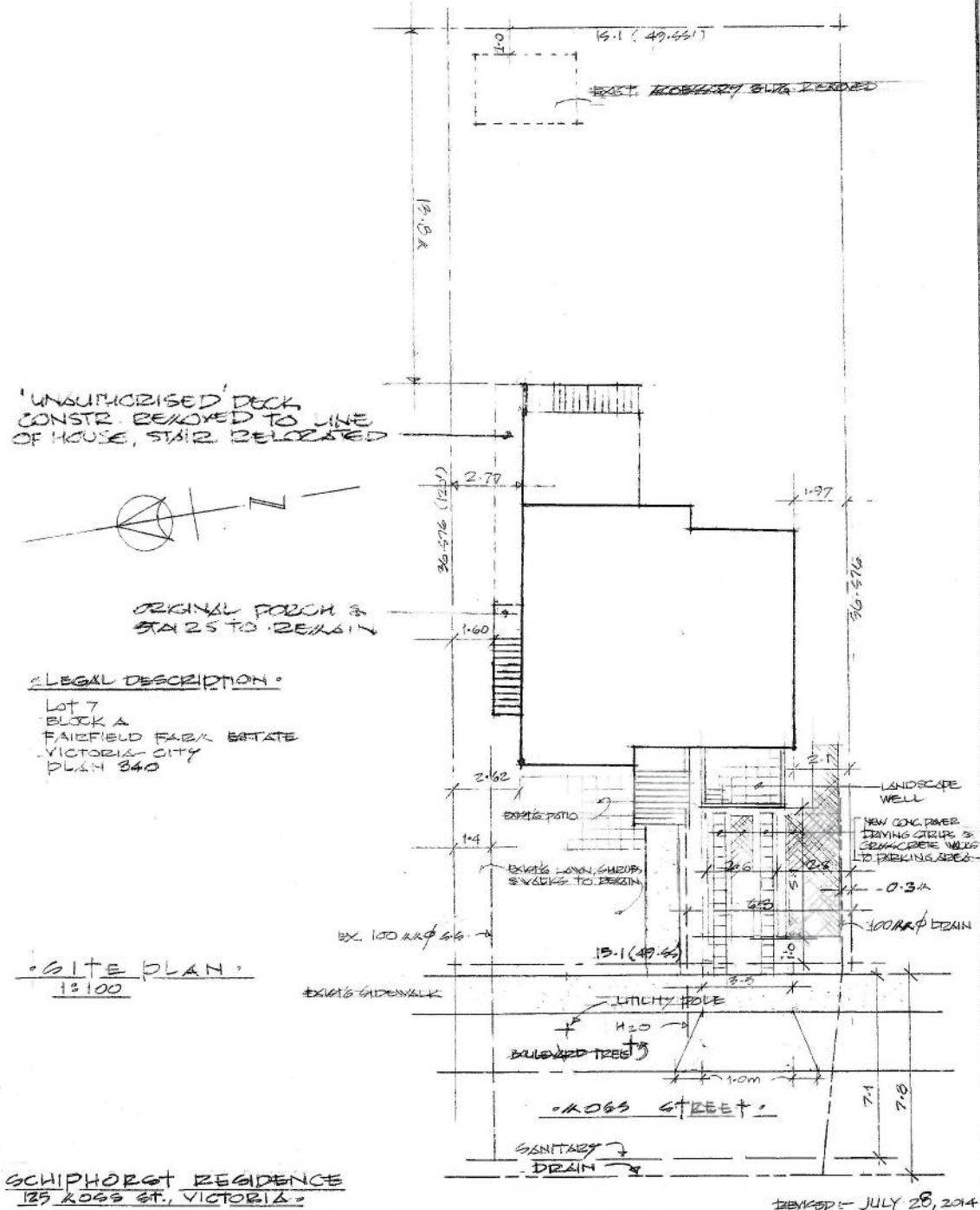
Thank you for your consideration of this application.

Yours Very Truly,

Nigel Banks
Nigel Banks,
on behalf of Susan and Joe Schiphorst



250-386-3331



Development Variance Permit #000136 for 125 Moss Street

Existing Streetscape Photograph



Planning and Land Use Committee Report

For the meeting of August 21, 2014

Date: August 7, 2014 **From:** Charlotte Wain, Senior Planner – Urban Design
Subject: **Development Permit with Variances #000366 for 105 – 230 Cook Street**
Application to increase the number of seats at an existing restaurant from 30 seats to 60 seats.

Executive Summary

The purpose of this report is to present Council with information, analysis and recommendations regarding a Development Permit with Variances Application for the property located at 105 – 230 Cook Street (Pizzeria Prima Strada). The applicant proposes to increase the seating in the existing restaurant from 30 seats to 60 seats. The applicant further proposes a reduction in the required number of parking stalls.

The following points were considered when reviewing the proposal:

- The application to vary the required number of parking stalls is a result of the proposed increase in the number of seats and to account for the removal of two parking stalls that were previously decommissioned, without a permit, to create a garbage and recycling storage area.
- The site is located within a Large Urban Village and is in close proximity to walking, cycling and public transit facilities.
- The applicant has proposed additional bicycle facilities, exceeding the requirements set out in Schedule C of the *Zoning Regulation Bylaw*.

In accordance with the City's *Land Use Procedures Bylaw*, this Development Permit Application with Variances requires notification, sign posting and a Hearing.

Recommendations

1. That Council schedule a Hearing to consider Development Permit with Variances #000366 for 105 – 230 Cook Street.
2. Following the Hearing, that Council consider passing the following resolution to authorize the Development Permit with Variances, subject to:
 - a. plans stamped July 29, 2014, for Development Permit with Variances #000366;

- b. development meeting all *Zoning Regulation Bylaw* requirements, except for the following:
- Schedule C.16.C.12 – Required parking is reduced from 12 stalls to 5 stalls.
- c. final plans to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

Respectfully submitted,


C.R. Wain

Charlotte Wain
Senior Planner – Urban Design
Development Services

Deb Day

Deb Day, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Jason Johnson
Date: August 14, 2014

CW:aw

S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\DP\DP000366\PLUSC PLANNING REPORT TEMPLATE DP DVP3 DOC.DOC

1.0 Purpose

The purpose of this report is to present Council with information, analysis and recommendations regarding a Development Permit Application with Variances for the property located at 105 – 230 Cook Street (Pizzeria Prima Strada).

2.0 Background

2.1 Description of Proposal

The applicant proposes to increase the seating in an existing restaurant from 30 seats to 60 seats. The applicant further proposes a reduction in the required number of parking stalls. The property is currently legally non-conforming with respect to parking and contains a total of 28 stalls located at the rear of the property (a deficiency of four stalls). The City's parking regulations require an additional five parking stalls to account for the increase in seating. In addition, the applicant is seeking to remove a further two stalls which were previously decommissioned, without a permit, to create a garbage and recycling storage area. The applicant has included plans to enclose these bins as part of the proposal. An application has been made to vary the required number of parking stalls from 12 stalls to 5 stalls.

It is to be noted that the existing parking lot at the rear is a paid parking lot, managed by a third party, and is not currently operating at full capacity.

2.1.1 Sustainability Features

The proposal includes the reuse of an existing building and provision of bicycle parking for staff and members of the public. No other green building features are proposed.

2.2 Existing Site Development and Development Potential

The existing site is currently occupied by a restaurant and commercial uses, with surface parking located at the rear of the building, accessed from Oliphant Avenue. The application site is in the CR-3M-1 Zone, Commercial Residential Apartment (Cook Street Village) District, which permits restaurants and retail stores.

2.3 Data Table

The following data table compares the proposal with the existing CR-3M-1 Zone. An asterisk (*) is used to identify where the proposal is less stringent than the existing zone. A double asterisk (**) is used to identify the existing non-conforming situation.

Zoning Criteria	Proposal	Zone Standard
Combined floor area (m ²) – maximum	1198.45	N/A
Unit floor area (m ²) – maximum	133.00	N/A
Existing Parking – minimum	28**	32
Proposed Parking – minimum	26	37

Zoning Criteria	Proposal	Zone Standard
Parking – Variance	7*	-
Bicycle storage (Class 1) – minimum	11 (existing)	3
Bicycle rack (Class 2) – minimum	6 (existing)	3

The parking variance considered in this application is for the proposed increase in occupancy, which is calculated on the difference between the existing use (32 stalls) and the proposed increase in occupancy (37 stalls). The removal of two stalls currently occupied by garbage bins brings the total requested reduction in parking to seven stalls.

2.4 Land Use Context

The property is located in the Cook Street Village and is surrounded by commercial uses along Cook Street and residential uses to the rear. The immediate land use context includes:

- to the north (along Cook Street) is commercial use zoned CD-7, Cook Street Village
- to the south (along Cook Street) is a commercial building zoned CR-3M-1, Commercial Residential Apartment (Cook Street Village), with residential buildings zoned R3-A2, Low Profile Multiple Dwelling District, further south across Oliphant Avenue
- to the east (across Cook Street) is a commercial building zoned CR-3M-1, Commercial Residential Apartment (Cook Street Village), containing a supermarket
- to the west (along Oliphant Avenue) are properties that are zoned R-2, Single Family Dwelling District.

2.5 Legal Description

Lot 1, Fairfield Farm Estate, Victoria City, Plan 13651.

2.6 Relevant History

The current occupancy permitted for the building is 30, although the tenant has been operating above this capacity for some years. The applicant has been working with the City's Permits and Inspections Division and has received confirmation that the current illegal occupancy layout of 60 will comply with *BC Building Code* standards. A concurrent Occupancy Permit has been submitted to the City, but has been put on hold pending approval of this application.

Where illegal occupancy is in evidence, the City's *Clean Hands Policy* requires a restrictive covenant to be registered on title stating that the illegal occupancy will be vacated. Given the advancement of the Occupancy Permit, the applicant has submitted a letter to Council requesting to waive the *Clean Hands Policy*, confirming that occupancy will be returned to the original capacity (30), should the parking variance be denied. A copy of this letter has been included with this report.

2.7 Community Consultation

In compliance with the Community Association Land Use Committee Procedures for Processing Variances, the application was referred to the Fairfield Gonzales Association on July 21, 2014, for a 30-day comment period. No comments were received at the time of writing this report.

This Development Permit Application with Variances requires notification, sign posting and a Hearing.

3.0 Issues

The following issues are associated with this application:

- adequacy of parking
- provision for alternative modes of travel.

4.0 Analysis

A Transportation Demand Management study has not been submitted for this requested reduction in parking due to the fact that no additional floor space will be added to the existing restaurant as part of the proposal and the building is located in a Large Urban Village in close proximity to transit facilities. It is anticipated that the majority of customers will use alternative modes of travel to the restaurant. The applicant has reviewed travel preferences with current staff and has noted that out of the 11 staff, only two currently drive vehicles. The remaining nine walk, bike or use public transit. The owners have explored the possibility of subsidized bus passes for staff but the dominant mode of travel is walking or cycling, therefore, this initiative was not considered viable.

The restaurant is already operating at the increased capacity of 60, therefore, any parking impacts on the surrounding streets will already be occurring. However, the applicant is proposing to mitigate the demand for off-street parking by providing for alternative modes of travel. Relying heavily on the walking and cycling options for staff and customers, the applicant has referenced the following mitigation measures:

- Inclusion of a secure bike storage facility – 11 stalls, which is above the minimum requirement of 8 listed in Schedule C of the *Zoning Regulation Bylaw*, located within the building for staff use. This facility has already been installed and is well used by staff.
- Use of publicly accessible bike racks. Three racks are provided around the building. These are existing racks and the locations are identified on the plans.

In addition to the cycling facilities, the applicant is proposing to enclose the garbage bins which are currently located in the rear parking area. A security deposit will be required to ensure these facilities are installed.

It should be noted that a comprehensive review of the parking standards, as set out in Schedule C of the *Zoning Regulation Bylaw*, will commence later this year. As this is a major work program item requiring significant research, analysis and consultation, recommendations for changes to the Bylaw are not anticipated to be presented to Council until later in 2015.

Staff has reviewed the proposal and recommend that Council advance the application, based on the provision of bicycle facilities in excess of the minimum zoning requirements. Staff, therefore, recommend that Council support the proposed parking variance.

5.0 Resource Impacts

There are no resource impacts anticipated with this application.

6.0 Conclusions

The applicant has confirmed the increase in occupant load to 60 will meet current *BC Building Code* requirements. With this increase in capacity, there is a parking shortfall of seven stalls relative to the requirements. In order to mitigate any parking impacts, the applicant has noted an existing secure bike storage facility for staff use, which includes provision in excess of the requirements listed in Schedule C of the *Zoning Regulation Bylaw*.

Given that the development is in an existing commercial building in a Large Urban Village located in close proximity to transit facilities and given the provision of existing bicycle facilities exceeds Bylaw requirements, staff recommend that Council support this application.

7.0 Recommendations

7.1 Staff Recommendations

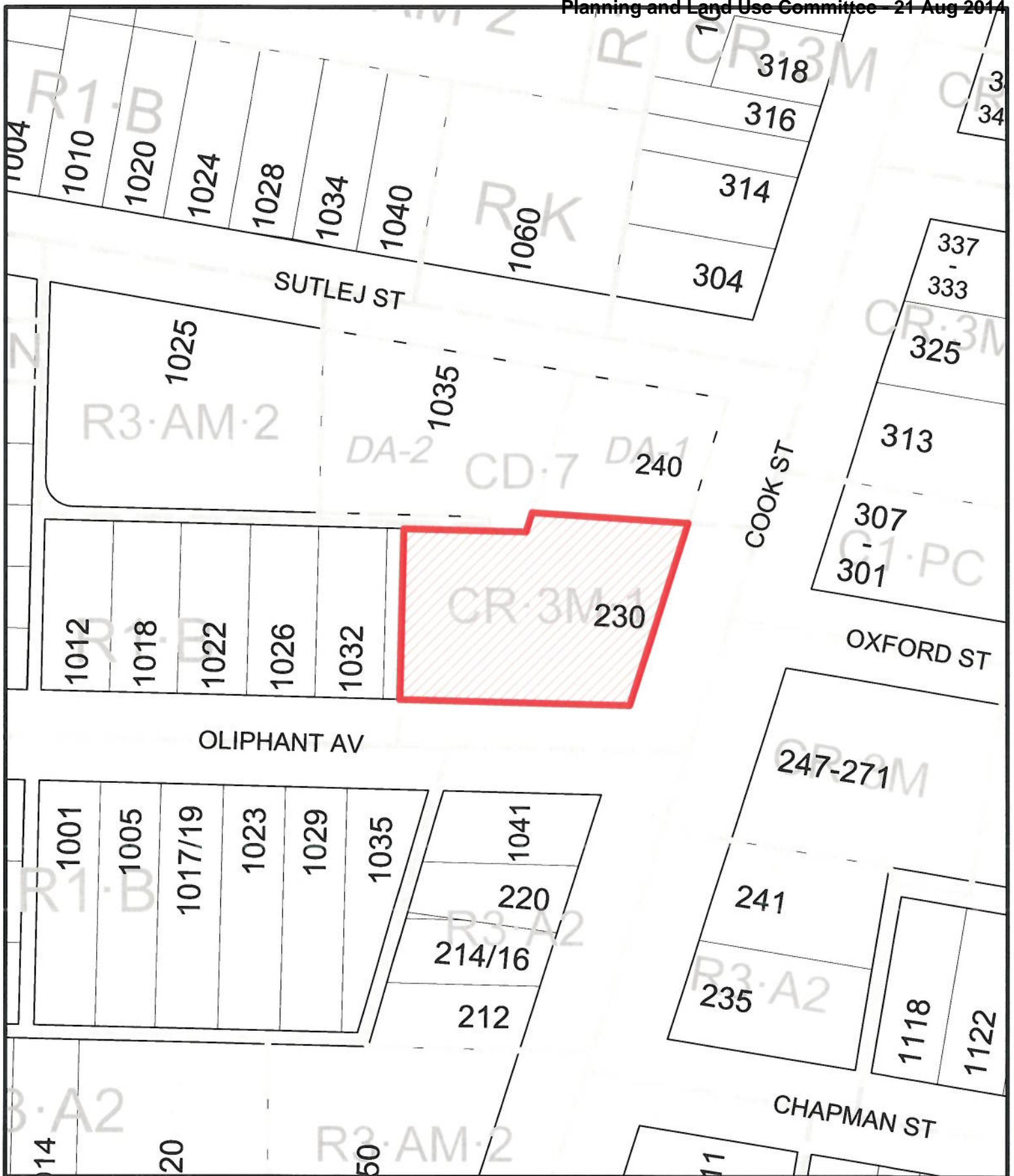
1. That Council schedule a Hearing to consider Development Permit with Variances #000366 for 105 – 230 Cook Street.
2. Following the Hearing, that Council consider passing the following resolution to authorize the Development Permit with Variances, subject to:
 - a. plans stamped July 29, 2014, for Development Permit with Variances #000366;
 - b. development meeting all *Zoning Regulation Bylaw* requirements, except for the following:
 - Schedule C.16.C.12 – Required parking is reduced from 12 stalls to 5 stalls.
 - c. final plans to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

7.2 Alternate Recommendation

That Council decline Development Permit with Variances #000366 for 105 – 230 Cook Street.

8.0 List of Attachments

- Zoning map
- Aerial map
- Letter from applicant dated July 31, 2014
- Letter from applicant referencing the Clean Hands Policy, dated July 25, 2014
- Letter from Praxis Architects dated April 9, 2014
- Plans dated July 29, 2014.



105 - 230 Cook Street

Development Permit #000366

Development Permit with Variances # 000366 for 105-230 Cook ...



105 - 230 Cook Street

Development Permit #000366

Development Permit with Variances # 000366 for 105-230 Cook ...



**Tinney & Associates
568 Victoria Avenue
Victoria, BC
V8S 4M6**

Planning & Development Department
City Planning Division
#1 Centennial Square
Victoria, BC
V8W 1P6

July 31, 2014

Attention: Mayor & Council

**RE: Unit 105 – 230 Cook Street, Lot 1, Fairfield Farm Estate, Victoria City, Plan
13651 Pizzeria Prima Strada**

A Development Permit application has been submitted requesting a parking variance for the above noted business. The restaurant (Pizzeria Prima Strada) has increased seating beyond the licensed capacity and as such requires 5 additional parking stalls. The restaurant is currently licensed for 30 seats. The original 30 seat configuration required 6 parking stalls, which the restaurant has located at the back of the facility. For the entire shopping complex (Prima Strada, Serious Coffee, Subway, Medical Clinic, Pharmacy, Beer/Wine store), 28 shared parking stalls were constructed.

Note: 2 of the 28 parking stalls have been occupied by garbage bins serving the entire retail complex, therefore 26 stalls are available.

Seating has been expanded to 60. This increase in seating requires 5 additional parking stalls, which the applicant is unable to provide. Although the site falls short of the required parking to accommodate the expanded seating, the owners have applied traffic demand management strategies to help offset the shortfall. For example: of the eleven staff members that are working at the restaurant at any given time, only two of them drive vehicles. The remaining nine walk, bike, or use public transit. This mode of transportation mix has been very consistent over the past five years of operation. The owners explored the possibility of subsidized bus passes for staff but the dominant mode of transport is walking and bicycles, therefore, the bus pass concept was of little interest. Should staff transportation requirements change in the future the owners will revisit the bus pass idea.

Class1 bicycle parking is currently available and is well used by the staff (see attached floor plan showing 11 stall bike room at back of restaurant). Class 2 bicycle parking is also available in three locations on the site. With regard to the six parking stalls located at

the back of the restaurant, they are for customer use only. Any staff member that does/did commute by vehicle would not be permitted to use those stalls.

There are no building code or life safety issues (occupant load, exiting, washrooms) with the increased seating as noted in the attached letter from Praxis Architects.

Cook Street Village is a very popular destination which draws from a broad populous, and all modes of transportation. The increased quantity of seating has been in place for some time and the owners are not aware of any overflow parking issues within the surrounding neighbourhood. While Cook Street Village still attracts plenty of vehicle traffic, the village is seen and certainly functions predominantly as a pedestrian destination. This may account for how it is possible to double the seating capacity, seemingly without any parking shortfall issues.

I trust you will find the requested parking variance for 5 parking stalls to be acceptable given the circumstances and location - Cook Street Village.

Thank you in advance for your consideration and understanding. If you require anything further please feel free to call me at 250-590-5703 or email rfinney@icloud.com

Sincerely,

Roger Tinney

Roger Tinney MCIP
Project Planner

Tinney & Associates
Land Planning & Design



Received
City of Victoria

JUL 29 2014

Planning & Development Department
Development Services Division

Planning & Development Department
City Planning Division
#1 Centennial Square
Victoria, BC
V8W 1P6

July 25, 2014

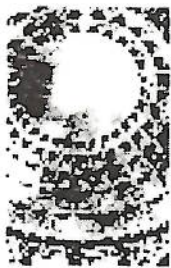
Attention: Mayor & Council

**RE: Unit 105 – 230 Cook Street, Lot 1, Fairfield Farm Estate, Victoria City, Plan 13651
Pizzeria Prima Strada**

Please be advised the tenant of the above referenced property/business has applied for a development permit application requesting relaxation of parking requirements. A number of years ago seating in the restaurant was expanded beyond the approved quantity and as such the parking ratio is no longer consistent with the quantity of seating.

The applicant is aware of the Clean Hands Policy and is endeavoring to resolve the situation via the development permit application. Should the parking relaxation request be denied, the applicant is prepared to rectify the situation to be in compliance with the schedule C parking requirements.

Roger Tinney MCIP



P R A X I S
architects inc.

Planning and Land Use Committee - 21 Aug 2014

Michael D. Levin, Architect AIBC
Robert Rocheleau, Architect AIBC

401-1245 Esquimalt Road, Victoria, BC V9A 3P2
Tel: (250) 475-2702 • Fax: (250) 475-2701
robert.rocheleau@praxisarchitectsinc.com

April 09, 2014

The City of Victoria
Engineering Department
1 Centennial Square
Victoria BC
V8W 1P6



Re: Prima Strada - Occupancy and Life Safety
105-230 Cook Street

To Whom It May Concern:

Currently for the above noted restaurant only one access to exit is required given the floor area is less than 150 m², travel distance is less than 15 m, and the occupant load is not more than 60.

It is my understanding that the owners would like to increase the number of seats to 60 inside, 8 on the exterior patio, with maximum staff at 11.

Reviewing the existing facility, there are two means of egress provided, one to the rear and the other the main entry. Should the overall occupant load exceed 60, these doors must swing in the direction of travel per Clause 3.4.6.12.

Regarding washroom count, this CRU is served by a female WC with 2 fixture units, and a male WC with a toilet and urinal, or 3 fixture units. Table 3.7.2.2.A. indicates this would serve up to 100 occupants, with excess capacity as the male urinal serves as 2 fixture units.

Trust this to be of assistance.

PRAXIS ARCHITECTS INC

per:

Robert Rocheleau, Architect AIBC
Director







Planning and Land Use Committee Report

For the August 21, 2014 Meeting

Date: July 29, 2014 **From:** Brian Sikstrom, Senior Planner

Subject: **Development Permit with Variances Application #000352 for 2353 Douglas Street** – Application for the exterior design of an oil change building and associated landscaping. A variance is requested to substitute a trellis with climbing vines for a required landscape strip on the eastern property boundary.

Executive Summary

The purpose of this report is to present Council with information, analysis and recommendations regarding a Development Permit Application for the property located at 2353 Douglas Street. As part of this application, a variance is requested to provide a trellis with climbing vines instead of a 0.6 metre landscape strip on the eastern property boundary.

The proposal is to replace a vacant warehouse/retail building with a service station specializing in oil changes. The proposal includes the closure of two driveways on Douglas Street as well as the acquisition of a portion of a City lane off of Field Street for improved access.

The following points were considered in assessing this application:

- The proposal is consistent with the Core Employment Place Designation character features of the *Official Community Plan (OCP), 2012*, which include buildings set close to the street and landscape screening for service and parking areas.
- The design of the proposed building is consistent with the objectives of the Development Permit Area
- The proposal incorporates high quality materials, architectural design and landscaping which enhance the appearance of the site and improve pedestrian-friendliness and safety.
- The proposed trellis with climbing vines as shown on the landscape plans will provide sufficient screening and is an acceptable alternative to a landscape strip.
- The closure of two driveways on Douglas Street as part of this proposal also improves safety for pedestrians, bicyclists and other road users and is in-keeping with the OCP public realm objective for arterial streets which supports walking and the future of Douglas Street as a rapid transit route.

In accordance with the City's *Land Use Procedures Bylaw*, because this Development Permit Application has variances, it requires notification, sign posting and a hearing.

Staff recommend that the Planning and Land Use Committee support the application advancing to a hearing.

Recommendations

That Council consider passing the following resolution to authorize the issuance of Development Permit Application #000352 for 2353 Douglas Street in accordance with, subject to:

1. Plans date stamped May 8, 2014, and June 4, 2014.
2. Development meeting all *Zoning Regulation Bylaw* requirements with the following variance:
 - Schedule "C", Section 7.2 (h) relaxation of the width of landscaped area requirement from 0.60 m to Nil for a trellis and climbing vines.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.
4. Compliance with the Ministry of Environment's Environmental Management Act as it pertains to potentially contaminated sites.
5. Successful acquisition by the applicant of a portion of the lane off of Field Street.

Respectfully submitted,



Brian Sikstrom, Senior Planner

Development Services



Deb Day, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager: _____



Jason Johnson

Date: _____

August 14, 2014

BMS:lw

S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\DP\DP000352\PLUSC PLANNING REPORT TEMPLATE DP & DVP3.DOC

1.0 Purpose

2.0 Background

The purpose of this report is to present Council with information, analysis and recommendations regarding a Development Permit Application for the property located at 2353 Douglas Street. As part of this application a variance is requested to provide a trellis with climbing vines instead of a 0.6 metre landscape strip on the eastern property boundary.

2.1 Description of Proposal

The proposal is to replace a vacant warehouse/retail building with a service station specializing in oil changes. The plans show parking for three vehicles with landscape screening along Douglas Street. The proposal includes the closure of two driveways on Douglas Street as well as the acquisition of a portion of a City lane off of Field Street for improved access. The provision of a trellis with climbing vines rather than the required landscape strip on the eastern boundary of the site adjacent to a parking lot is necessitated by the constraints of the site and required driveway width.

The proposed building has a curved corrugated metal roof with fir soffits. The elevations are comprised of extensive clear glazing topped with spandrel glazing. The proposed green features include permeable pavers, high quality building materials with low maintenance, double-glazing, LED light fixtures and low-flow plumbing fixtures.

The proposal also includes four Class1 bicycle stalls within the building and two Class 2 bicycle stalls outside the building.

2.2 Existing Site Development and Development Potential

The property is a triangular shape with an area of 1155.3 m². The property is zoned M-1, Limited Light Industrial District, which permits garages and a variety of light industries. The existing building was built as an office/showroom in 1968.

The maximum floor space ratio (FSR) in the M-1 zone is 3.0:1 with a maximum building height of 15 metres.

2.3 Data Table

The following data table compares the proposal with the existing M-1 Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal	Zone Standard
Site area (m ²) – minimum	1155.3	N/A
Total floor area (m ²) – maximum	153.8 m ²	3465.9 m ²
Density (Floor Space Ratio) – maximum	0.12:1	3.0:1
Height (m) – maximum	6.94	15.0
Site coverage (%) – maximum	12.75%	N/A
Landscape screening	Nil with Trellis	0.60 m width/1.5 m
Storeys – maximum	One	N/A
Setbacks (m) – minimum for corner lots	> 3.0	3.0
Parking – minimum	3	2

Zoning Criteria	Proposal	Zone Standard
Bicycle storage – minimum	4	4
Bicycle rack – minimum	2	2

2.4 Land Use Context

The site is on the east side of Douglas Street between Queens Avenue and Field Street. Immediately adjacent land uses are:

- North: (across Field Street): automotive glass shop and the Armouries
- East: a parking lot (Field Street) and an apartment building (Queens Manor) (Queens Avenue)
- South: (across Queens Avenue): a furniture store
- West: (across Douglas Street): restaurant and warehouse

2.5 Legal Description

Parcel A (DD 242616-I) of Lots 1, 2 and 3, Block 1, Section 3, Victoria District Plan 779

2.6. Relevant History

To facilitate the one-way flow of traffic through the site as required by the City, the applicant needs to purchase a small triangle of City land (51 m²) off of a lane south of Field Street at the east end of the proposed building.

A separate report on the sale of a portion of the lane off of Field Street was reviewed by City Council on June 26, 2014. Council endorsed the recommendation to prepare a road closure bylaw, subject to approval of the Development Permit Application and adoption of the bylaw, and authorize the sale of the land.

2.7 Consistency with Design Guidelines

The site is within Development Permit Area 7A: Corridors. This Development Permit Area enables Council to review and approve the character of commercial, industrial and multi-family residential developments.

The design of the proposed building is consistent with the objectives of the Development Permit Area as it utilizes high quality materials and has a design and landscaping which enhance the appearance of the site and improve pedestrian-friendliness as well as safety.

2.8 Consistency with other City Policy

The proposal is within the Core Employment Place Designation of the *Official Community Plan, 2012* and is consistent with the place character features which include buildings set close to the street and landscape screening for service and parking areas.

2.9 Community Consultation

In compliance with the Community Association Land Use Committee (CALUC) Procedures for Processing Variances, the application was referred to the Burnside Gorge CALUC on June 24, 2014 for a 30-day comment period. At the time of writing this report, a letter from the CALUC had not been received.

In accordance with the City's *Land Use Procedures Bylaw*, because this Development Permit Application has variances, it requires notification, sign posting and a hearing.

3.0 Issues

The form and character of the building is consistent with the Development Permit Area objectives. The primary issue associated with this application is the adequacy of the screening from the residentially zoned property adjacent to the east.

4.0 Analysis

The applicant is requesting a variance from the requirement for a landscape strip of 0.60 metres in width to be provided on the eastern boundary where the adjoining land use is a residentially zoned lot. Due to constraints of the site and the requirements for driveways, a 0.60 metre wide landscape strip is not feasible. The proposed trellis with climbing vines located on top of a retaining wall as shown in the landscape plans will provide sufficient screening and is an acceptable alternative.

5.0 Resource Impacts

There are no resource impacts anticipated with this application.

6.0 Conclusions

The design of the proposed building is consistent with the objectives of the Development Permit Area, as it incorporates high quality materials, architectural design and landscaping which enhance the appearance of the site and improve pedestrian-friendliness. The proposed trellis with climbing vines as shown on the landscape plans will provide sufficient screening and is an acceptable alternative to a landscape strip. The closure of two driveways on Douglas Street as part of this proposal also improves safety for pedestrians, bicyclists and other road users and is in keeping with the OCP public realm objective for arterial streets which supports walking and the future of Douglas Street as a rapid transit route.

7.0 Recommendation

7.1 Staff Recommendation

That Council consider passing the following resolution to authorize the issuance of Development Permit Application #000352 for 2353 Douglas Street in accordance with, and subject to:

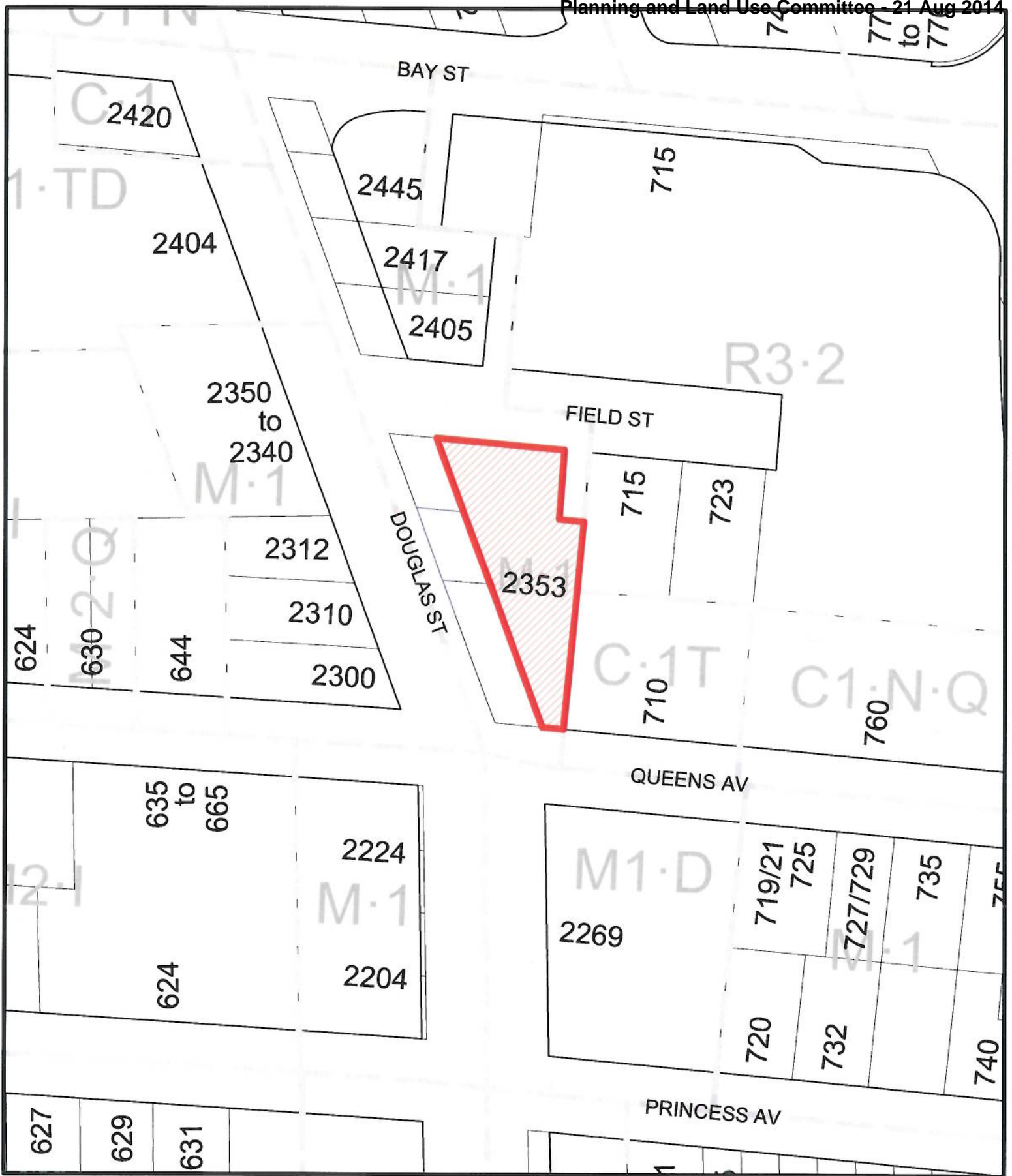
- a. plans date stamped May 8, 2014 and June 4, 2014;
- b. development meeting all *Zoning Regulation Bylaw* requirements with the following variance:
 - Schedule "C", Section 7.2 (h) relaxation of the width of landscaped area requirement from 0.60 m to Nil for a trellis and climbing vines;
- c. final plans to be generally in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development;
- d. compliance with the Ministry of Environment's Environmental Management Act as it pertains to potentially contaminated sites;
- e. successful acquisition by the applicant of a portion of the lane off of Field Street.

7.2 Alternative Recommendation

That Council decline Application #000352 for 2353 Douglas Street.

8.0 List of Attachments

- Zoning map
- Aerial map
- Letters from applicant dated January 15, 2014/Revised June 25, 2014 and January 10, 2014
- Plans dated May 8 and June 4, 2014.



2353 Douglas Street
Development Permit #000352
 Development Permit with Variances Application # 000352 for 2...



Development Permit #000352

Development Permit with Variances Application # 000352 for 2...



URBAN DESIGN GROUP ARCHITECTS LTD. 600 – 1140 W PENDER ST. VANCOUVER, BC V6E 4G1 (604) 687-2334 FAX (604) 688-7481

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Fariba Gharaei, Architect AIBC, MRAIC, OAA, LEED AP, SBA, Associate
Steven Wagner, Architect AIBC, MRAIC, AIA, LEED AP, Associate
Rudi Klauser, RID, NCIDQ, LEED AP, Senior Associate
Crosbby Chiu, MRAIC, SBA, Senior Associate

Rick Jones, Principal
Aaron Vornbrock, Senior Vice President
Eric Ching, CSBA, Vice President
Martin Grube, Associate
Bojan Ilic, Associate

January 15, 2014 **Revised June 25, 2014**

City of Victoria
Planning & Development Department
1 Centennial Square
Victoria, BC, V8W 1P6

Re: Letter to Mayor - Revision

Great Canadian Oil Change, 2353 Douglas Street, Victoria, BC

Our Project No. 3722

Dear Mayor and Council,

The site is located on Douglas Street between Queens Avenue & Field Street in the Downtown Core Area as part of the Rock Bay District and is comprised of 3 lots totaling approximately 12,500 SF with frontages on Douglas Street & Field Street. The proposed Great Canadian Oil Change Building is to be a free-standing single-storey structure totaling approximately 1,660 SF of building area. There is an existing building on the site that is vacant and to be demolished in order to avoid squatting/fire hazards in the future.

This proposed development is adjacent to Brocco Auto Glass across from Field Street on the north, the Furniture & Mattresses store in the south across from Queen Avenue, and faces the Dairy Queen / U-Haul Self Storage in the west across from Douglas Street. There is a four-storey residential building owned by BC Housing adjacent to the property in the east, as well as, a four-storey residential building in the north.

The nature of the proposed development is in harmony with district objectives to transform the key area to an employment centre in order to attract and maintain light industrial businesses to create a more diverse employment base. An open space is proposed at the corner of Douglas Street & Field Avenue to benefit pedestrians, residents, workers and visitors to this neighbourhood.

Services are in place; however, they will need adjustments to suit this proposal. The proposal conforms to the Zoning Bylaw regulations as far as building setbacks, heights, off-street parking requirements and all other aspects of the zoning bylaws are concerned.

The main vehicular access point is currently on Douglas Street with two right-in and right-out access points as well as additional access from Queen Avenue. We revised the access to the site as a right-in only and closed off the additional access points from Douglas Street & Queens Avenue. To avoid left turn movement to and from Douglas Street whilst creating safe traffic movement in and out of the site, we are proposing a right-out from Field Street as suggested by Bunt & Associates (report and exhibits are attached). This can be achieved through the purchase of additional land from the adjacent lane (currently a landscape area) and would not affect the neighbour's access to the site.

City of Victoria

Our Project No. 3722

Letter to Mayor: Great Canadian Oil Change, 2353 Douglas Street, Victoria, BC

Page 2

This proposed development incorporates building elements that are complementary to the street scape on both sides. The building is adjacent to the street and sidewalk creating a strong street presence and sense of safety for pedestrians. The building having a small footprint has distinctive massing as well as architectural articulations in order to avoid the impression of small blocks.

We have utilized a variety of visually pleasing building materials such as red metal cladding to contrast with the storefront glazing as well as a distinctive curved overhang that highlights the building's transparency with a protruded red metal feature highlighting the main vehicular access points of the building. The building is enhanced with high-quality signage utilizing an LED lighting system to illuminate the site at night time and deter nuisance behavior.

Landscaping along Douglas Street & Field Avenue is proposed to distinguish this development and its connection to the City sidewalk for improved safety and comfort of pedestrians. Permeable pavers are proposed to delineate the path of cars in queues and provide additional permeability for the site and storm infiltration. Scale and location of the planting material is complementary and consistent with the scale and massing of the building.

We wish to request for a variance regarding the required landscape screen along the east property line because of the limited space for the internal traffic circulation due to the small size of the property. Also, it is not favorable to have landscape in this location since the site is higher than the adjacent property by up to 9' and we would be planting against the existing retaining wall. Our alternative proposal is to install decorative trellis, covered by growing vines, at a height of 1.5 meters.

Accessibility to this development includes a letdown and accessible washroom. Through strategic site planning, landscaping and lighting, the site will be easily visible thereby deterring criminal activity.

We trust this information is satisfaction for you.

Yours Truly,

Fariba Gharaei, Architect AIBC, MRAIC, OAA, LEED AP, SBA, Associate
URBAN DESIGN GROUP ARCHITECTS LTD.

FG/cdm

Attachment: Vehicle Turn Path Analysis Report by Bunt & Associates

URBAN DESIGN GROUP ARCHITECTS LTD. 600 - 1140 W PENDER ST. VANCOUVER, BC V6E 4G1 (604) 687-2334 FAX (604) 688-7481

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Eric Ching, CSBA, Senior Associate

Rick Jones, Principal
Aaron Vornbrock, Vice President
Steven Wagner, Architect AIBC, MRAIC, AIA, LEED AP, Associate
Martin Grube, Associate
Bojan Ilic, Associate

January 10, 2014

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

Attention: Mayor Dean Fortin & Councillors

Re: Green Building Indicator

Great Canadian Oil Change, 2353 Douglas Street, Victoria, BC

Our Project No. 3722

Dear Mayor and Councillors,

This new development is for a Great Canadian Oil Change facility which requires a pit of 8 feet below slab and the existing building cannot be used for this purpose. The existing building will be demolished and building material will be recycled. Sediment control will be in place for the course of demolition and new construction. Storm-water management is considered with the increase of landscape area and permeable pavers to allow for infiltration and water-table recharge.

High quality building materials with low maintenance are proposed to increase the life-cycle of the building and minimize the need for repair/additional construction work.

Double-glazed thermally-broken storefront and overhead doors are proposed to minimize heat loss via a thermal bridge.

Radiant heating systems are to be used to heat the occupant rather than the space. This building is categorized as a semi-heated building and we will comply with the requirements of ASHRAE 2010 for energy efficiency.

LED light-fixtures will be used to minimize both energy consumption and frequent replacement of the lighting.

Low-flow plumbing fixtures and water wise landscaping is proposed in order to lower water consumption for this development.

City of Victoria

Our Project No. 3722

Great Canadian Oil Change- 2353 Douglas Street

Page 2

The used oil will be recycled and reused. Garbage recycling is provided to minimize the waste material.

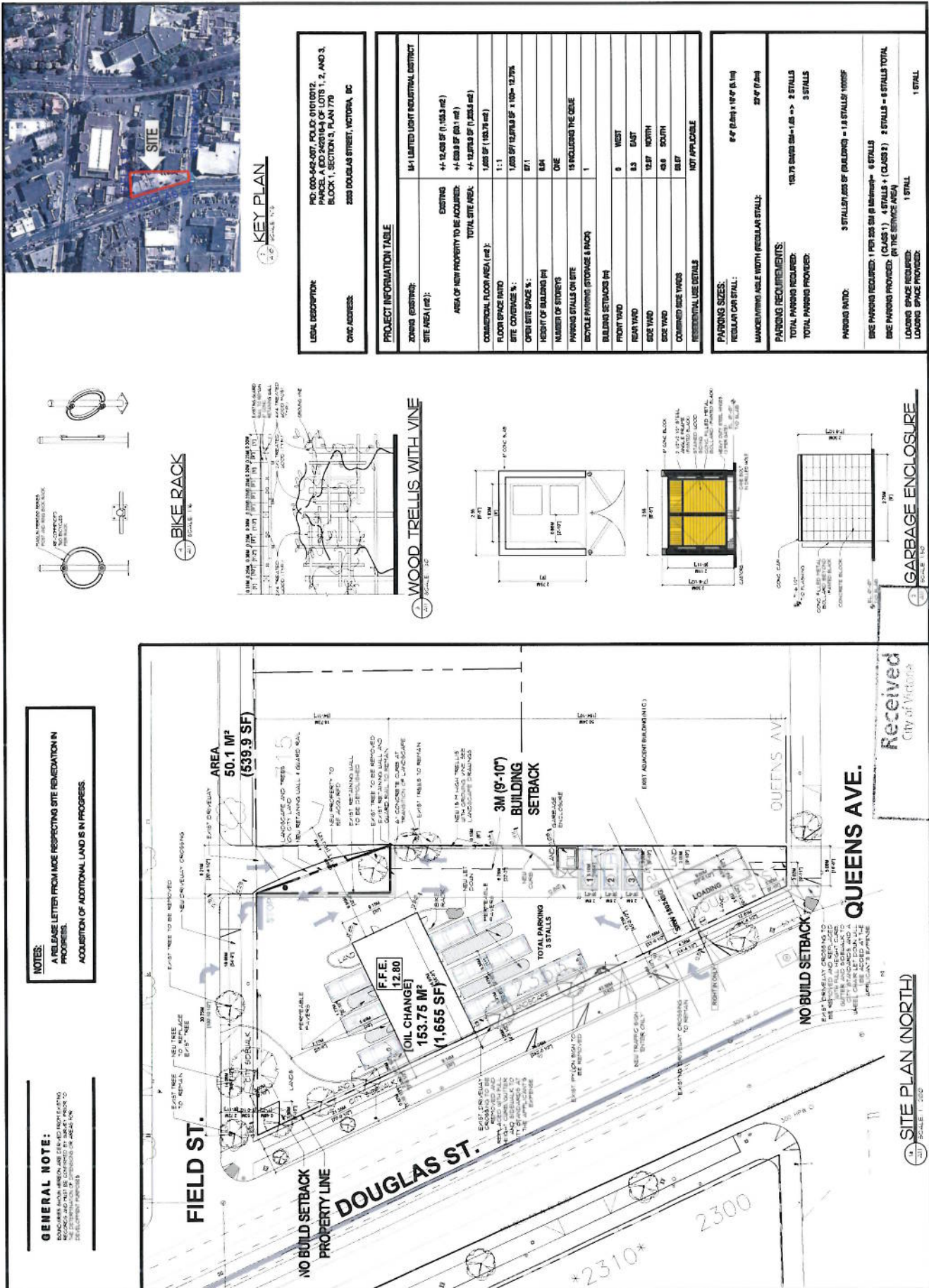
Yours Truly,

A handwritten signature in black ink, appearing to read 'Fariba'.

Fariba Gharaei, Architect AIBC, MRAIC, OAA, LEED AP, SBA, Associate
URBAN DESIGN GROUP ARCHITECTS LTD.

FG/cdm

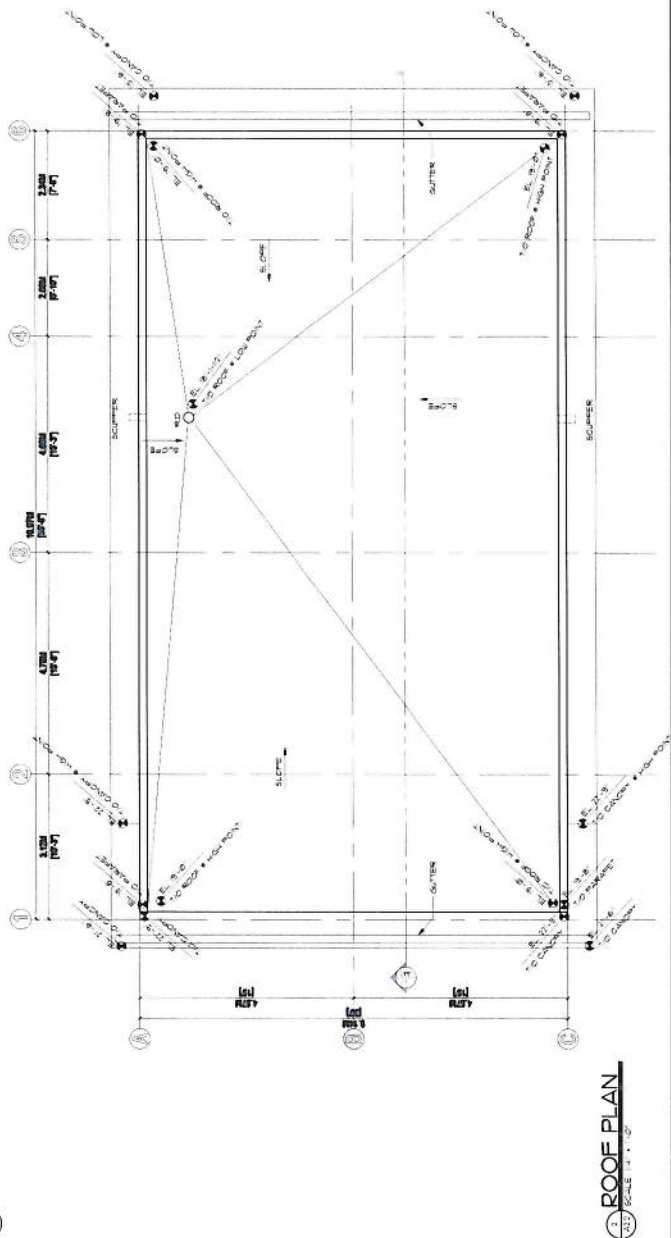
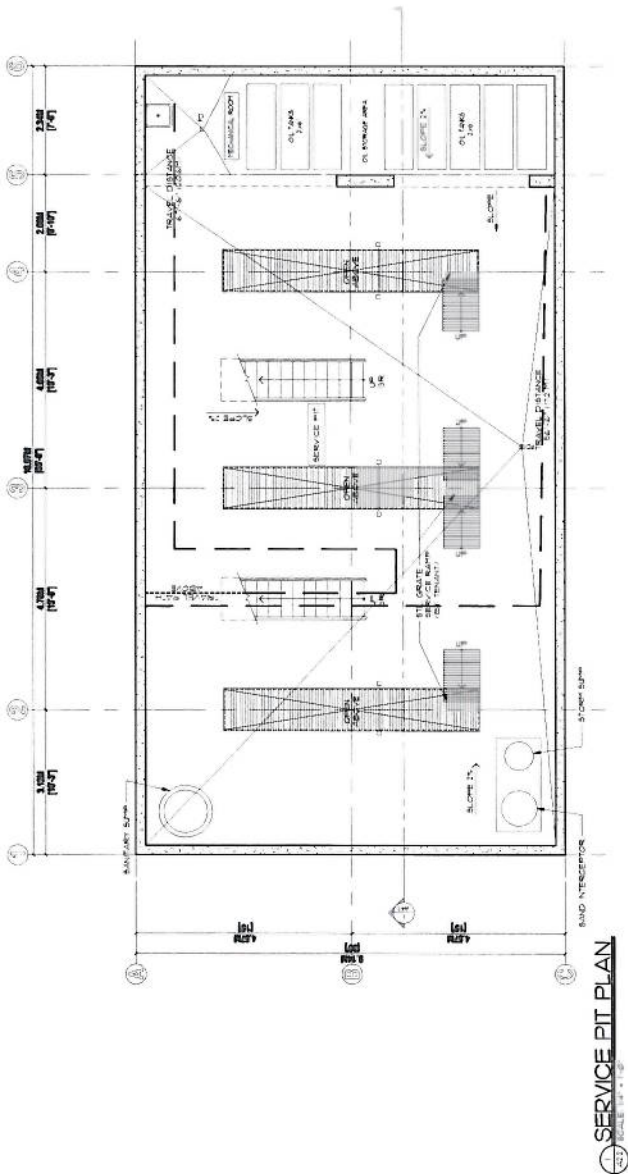
<p>GENERAL NOTE: All work shall conform with the BC Building Code 2012. It is the responsibility of the Applicant to ensure that all work is done in accordance with the BC Building Code 2012. The Applicant shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities. The Applicant shall be responsible for ensuring that all work is done in accordance with the BC Building Code 2012.</p>		<p>SYMBOLS</p> <p> BUILDING SECTION WALL SECTION DOOR WINDOW ROOF SECTION FOUNDATION FOUNDATION SECTION FOUNDATION WALL FOUNDATION FOOTING FOUNDATION PIER FOUNDATION COLUMN FOUNDATION BEAM FOUNDATION SLAB FOUNDATION WALL SECTION FOUNDATION FOOTING SECTION FOUNDATION PIER SECTION FOUNDATION COLUMN SECTION FOUNDATION BEAM SECTION FOUNDATION SLAB SECTION </p>		<p>SUBJECT PROPERTY</p>		<p>CONTACT LIST</p> <p> ARCHITECT JENNY CHEN ARCHITECTURE LTD. 400-110 WEST BROADWAY VICTORIA BC V8W 2G1 Tel: 250-383-1111 Fax: 250-383-1112 </p> <p> LANDSCAPE ARCHITECT JILL STANLEY 400-110 WEST BROADWAY VICTORIA BC V8W 2G1 Tel: 250-383-1111 Fax: 250-383-1112 </p> <p> SURVEYOR BAC CONSULTING SURVEYING 400-110 WEST BROADWAY VICTORIA BC V8W 2G1 Tel: 250-383-1111 Fax: 250-383-1112 </p>		<p>PROJECT INFORMATION</p> <p> LEGAL DESCRIPTION PARCEL 14 (DD 42516-0), OF LOTS 1, 2, 43, BLOCK 1, SECTION 3, PLAN 779 </p> <p> CIVIC ADDRESS 2353 DOUGLAS ST., VICTORIA BC </p> <p> ZONING EXISTING ZONING: M-1 LIMITED LIGHT INDUSTRIAL DISTRICT </p>		<p>DRAWING LIST</p> <p> ARCHITECTURAL A-0.0 COVER SHEET A-0.1 CONTEXT PLAN A-1.0 SITE PLAN A-2.1 FLOOR PLAN A-2.2 SERVICE PIT & ROOF PLANS A-3.1 EXTERIOR ELEVATIONS A-4.1 BUILDING SECTION </p> <p> LANDSCAPE L-1 PLANT LIST / SECTION NOTES L-2 LANDSCAPE PLANTING DESIGN OVERALL REFERENCE PLAN L-3 LANDSCAPE PLANTING DESIGN OVERALL REFERENCE PLAN </p>		<p>ISSUED FOR DEVELOPMENT PERMIT</p>		<p>BUILDING ELEVATION - SOUTH</p>		<p>GREAT CANADIAN OIL CHANGE LTD. 2353 DOUGLAS ST., VICTORIA BC GREAT CANADIAN OIL CHANGE LTD.</p>		<p>Planning and Land Use Committee - 21 Aug 2014</p>	
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KEY PLAN

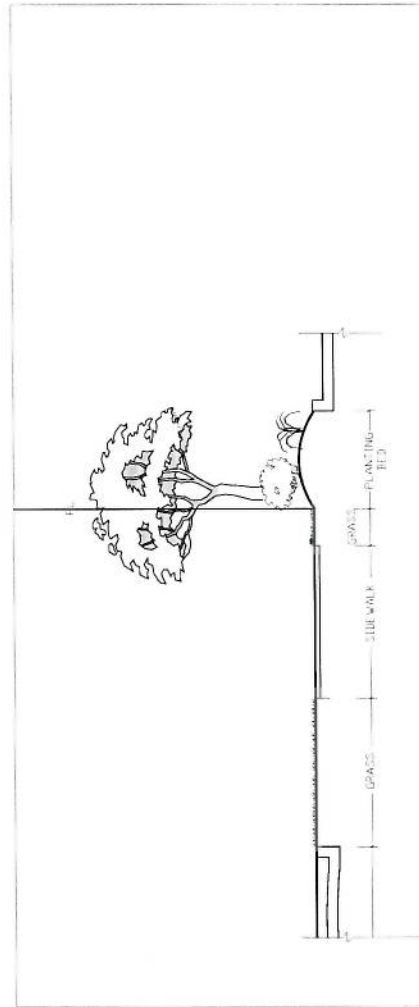


Page 212 of 385

PLANT LIST			
Quantity	Symbol	Botanical Name	Common Name
7	A	Malus robinson	Flowering Crabapple
1	B	Prunus serrulata 'Shirodai'	Mount Fuji Cherry
1	C	Cercidiphyllum japonica	Katsura
Shrubs & Others			
58	a	Azalea japonica 'Dement Lachs'	Azalea
55	b	Erica x corymbosa 'Mediterranean Pink'	Mediterranean Pink Heather
62	c	Carex morrowii 'Aureovariegata'	Variegated Sedge
7	d	Osmanthus heterophyllus 'Variegatus'	Variegated F. False Holly
76	e	Festuca daboensis	Idaho Blue Fescue
0	f	Polystichum munium	Western Sword Fern
16	g	Prunus laurocerasus 'Otto Luyken'	Prunus
12	h	Prunus lusitana	Portugal Laurel
16	i	Rhododendron 'May Fleming'	Rhododendron
47	j	Rhododendron 'Hogart'	Rhododendron
22	k	Rosa rugosa 'Alba'	Rose
0	l	Rhododendron 'Elizabeth'	Rhododendron
27	m	Pinus mugo 'Pumila'	Dwarf Mugo Pine
26	n	Colostea carminei	Scarlet
0	o	Buxus microphylla 'Winter Gem'	Asian Boxwood
58	p	Pseudotsuga sinensis	Black Oak Cedar
35	q	Taxus x media 'N. Emerald'	Emerald Green Cedar
5	r	Thuja occidentalis 'Shiraz Gold'	Shiraz Gold
20	s	Parthenocissus quinquefolia	Virginia Creeper

NOTES:

1. Maintain min. 2% slope away from building.
2. All plants and landscape installation to conform to BCCLA Landscape Standards (Landscape Council).
3. All growing medium to be tested by PSAI (604-273-8226) and amended accordingly if necessary, and to be tested again at Substantial Completion.
4. Minimum planting medium depths:
lawns: 6"/150mm, 9" on sub.
shrubs: 18"/450mm, min 18" on sub.
trees: 12"/300mm, all around the rootball, 24" small trees on sub.
30" medium sized trees on sub.
For detailed info see specifications.
5. All plant material shall meet minimum size requirements as indicated in plant list.
6. Trees planted in lawn areas to have 1 m dia. mulched ring.
7. Make sure lawn around rootballs to be cut and removed to prevent gridding.
8. All processed trees should be planted with 3 m away from building foundation or face of building or retaining wall.
9. Install min. 2" of composted bark mulch on all shrub beds after planting and rose smooth. Mulch to be "3/4" down screened composts box mulch."
10. Contractor to ensure all plant material delivered to site is from nurseries certified to be free from the Phytophthora ramorum virus (Sudden Oak Death).
11. Contractor to report any discrepancies in plant numbers immediately to Landscape Architect.
12. All on-site landscape to be irrigated with an automatic irrigation system.



SECTION A-A

Received
City of Victoria
JUN 04 2014
JHL Design Group Inc.
Landscape Architecture - Urban Design



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PLANT LIST/SECTION
NOTES

GREAT CANADIAN OIL CHANGE
235 DAVENPORT STREET, VICTORIA, BC

SCALE: 1/4" = 1'-0"
DATE: 05-14-14
PROJECT NO.
JOB NO.

4100 West Street, Victoria, BC
Tel: 250-383-1883
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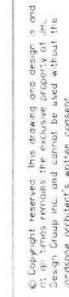
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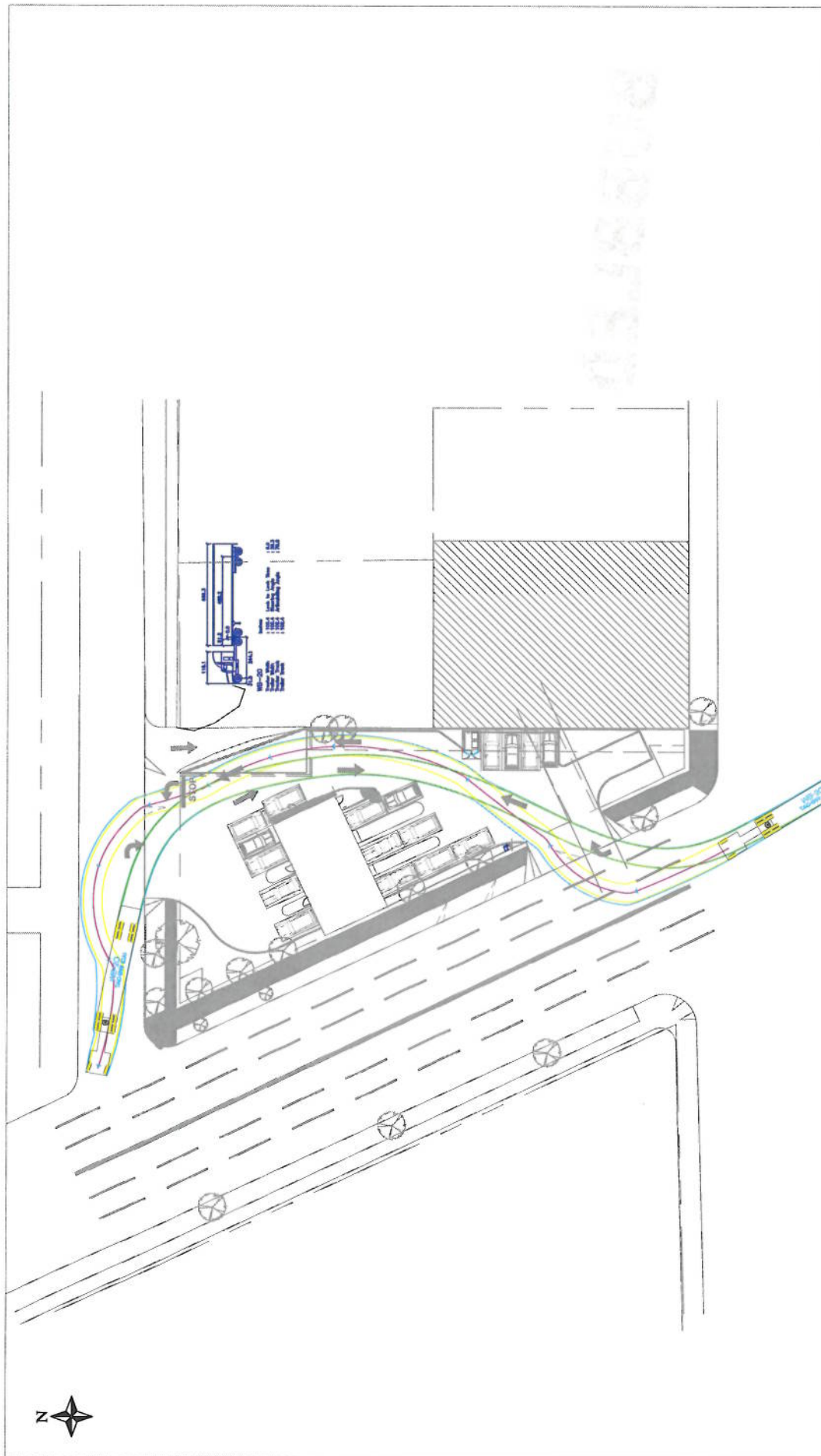


Exhibit 1
WB-20 - Enter from Douglas / Exit to Field

Great Canadian Oil Change - 2353 Douglas Street, Victoria BC
4052.11 May 6 2014 Scale NTS

Planning and Land Use Committee Report

For the Meeting on August 21, 2014

Date: August 7, 2014 **From:** Jim Handy
Senior Planner – Development Agreements

Subject: **Development Permit with Variance #000370 for 300 Michigan Street**
Application to construct a 14-unit multi-family residential building

Executive Summary

The purpose of this report is to present Council with information, analysis and recommendations regarding a Development Permit Application with Variances for the property located at 300 Michigan Street. The application is to construct a four-storey, 14-unit residential building. The application proposes variances to the lot size, parking, and the front, rear and side yard setbacks.

The following points were considered while reviewing this proposal:

- the proposal is generally consistent with the *Design Guidelines for: Multi-Unit Residential, Commercial and Industrial*, however, design refinements to the south-facing elevation of the building and the front yard should be considered to help enhance the relationship with Michigan Street
- subject to the submission of revised plans identifying the provision of two visitor stalls, staff recommend that Council support the proposed reduction in required parking stalls.

In accordance with the City's *Land Use Procedures Bylaw*, because this Development Permit Application has variances, it requires notification, sign posting and a Hearing.

Recommendations

That Council schedule a Hearing to consider Development Permit with Variances #000370 for 300 Michigan Street, in accordance with final approved plans, subject to:

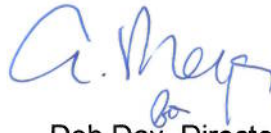
1. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Section 3.3.9 – Relaxation of the minimum lot size from 920 m² to 800.8 m²;
 - b. Section 3.3.10 – Relaxation of the minimum front setback from 10.5 m to 3.65 m;
 - c. Section 3.3.13 – Relaxation of the side (east) setback from 7.07 m to nil;
 - d. Section 3.3.13 – Relaxation of the rear setback from 7.07 m to 5.88 m;
 - e. Schedule C Section 16.B.12 (b) – Relaxation from 1.4 spaces per unit (20 stalls) to 1.14 spaces per unit (16).
2. The submission of revised plans to the satisfaction of the Director of Sustainable Planning and Community Development that:
 - a. refine the south elevation of the proposed building and the front yard to ensure the development provides an effective and attractive street edge on the Michigan Street frontage;
 - b. identify two visitor parking stalls.

3. Council authorizing anchor-pinning into the City right-of-way provided that the applicant enters into an encroachment agreement in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works.
4. Final plans to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

Respectfully submitted,



Jim Handy
Senior Planner – Development Agreements
Development Services



Deb Day, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:


Jason Johnson

Date: August 14, 2014

JH:aw

S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\DP\DP000370\PLUSC PLANNING REPORT TEMPLATE DP & DVP3.DOC

1.0 Purpose

The purpose of this report is to present Council with information, analysis and recommendations regarding a Development Permit Application for the property located at 300 Michigan Street. The application is to construct a four-storey, 14-unit residential building.

2.0 Background

2.1 Description of Proposal

The application is to construct a four-storey, 14-unit residential building. The site is currently occupied by a two-storey multi-family building which would be demolished to facilitate the proposed development.

The proposed building would be comprised of 14 residential units consisting of seven, one-bedroom units and seven, two-bedroom units. Exterior finishing materials include horizontal wood siding, pre-finished aluminum panels and stucco. A total of 16 parking stalls would be provided underground to serve the development. The excavation for the underground parkade structure requires anchor-pinning into the City right-of-way and, therefore, Council approval to authorize an encroachment agreement is required.

The application proposes the following variances from the *Zoning Regulation Bylaw*:

- relaxation of the minimum lot size from 920 m² to 800.8 m²
- relaxation of the minimum front (Michigan Street) setback from 10.5 m to 3.65 m
- relaxation of the side (east) setback from 7.07 m to nil
- relaxation of the rear setback from 7.07 m to 5.88 m
- relaxation from 1.4 spaces per unit (20 stalls) to 1.14 spaces per unit (16).

2.2 Green Building Features

The applicant is proposing a number of green building features which are outlined in a letter from the applicant attached to this report. These features include:

- water conservation through low-flow plumbing fixtures and dual flush toilets
- energy-efficient appliances and light fixtures
- use of recycled content in materials
- use of non-toxic materials.

Transportation Demand Management (TDM) measures are also proposed in the form of additional bike parking facilities (storage for two additional bikes) and BC Transit passes for purchasers for a period of two years.

2.3 Existing Site Development and Development Potential

The application site is located within the R3-2 Zone, Multiple Dwelling District, which permits single family dwellings, two family dwellings, college fraternity buildings, rest homes and multiple dwellings with a maximum floor space ratio (FSR) of up to 1.6:1, subject to the regulations in the zone.

2.4 Data Table

The following data table compares the proposal with the existing R3-2 Zone, Multiple Dwelling District. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal	Zone Standard
Site area (m ²) – minimum	800.8*	920.0
Total floor area (m ²) – maximum	1209.5	n/a
Density (Floor Space Ratio) – maximum	1.51:1	1.6:1
Number of Buildings – maximum	1	1
Height (m) – maximum	14.14	18.0
Site coverage (%) – maximum	40	40
Open site space (%) – minimum	60	60
Storeys – maximum	4	n/a
Setbacks (m) – minimum		
Front (Michigan Street)	3.65*	10.5
Rear (north)	5.88*	7.07
Side (Oswego Street)	0.0	0.0
Side (east)	0.0*	7.07
Dwelling unit size (m ²) – minimum	53.69	33.0
Parking – minimum	16*	20
Visitor parking – minimum	2	2
Bicycle storage – minimum	16	14
Bicycle rack – minimum	6	6

2.5 Land Use Context

The application site is located on the northeast corner of the Michigan Street and Oswego Street intersection. The other corner lots situated adjacent to this intersection and the lots immediately adjacent to the application site are all occupied by either three or four-storey multi-family buildings.

2.6 Legal Description

Lots A of Lots 1870 and 1871, Victoria City, Plan 8621.

2.7 Consistency with Design Guidelines

The *Design Guidelines for: Multi-Unit Residential, Commercial and Industrial* are applicable and the proposal complies with the Guidelines as follows:

- the proposed development adds interest to the streetscape through variations in building height and rooflines
- the upper floor is stepped back from Oswego Street
- individual entrances with direct connections to the public sidewalk are provided on the Oswego Street frontage
- a prominent entrance is proposed on the Michigan Street frontage
- no windows to habitable rooms are proposed in the east elevation of the building facing the neighbouring residential property at 330 Michigan Street
- a variety of architectural materials are proposed to articulate street frontages
- parking would be provided underground.

Notwithstanding the above, staff are concerned with the relationship between the proposed building and Michigan Street. As a result of site grade issues, the first floor of the building is set approximately 1 m below the adjacent sidewalk and, as a result, to provide accessible access to the building, a concrete ramp to the main building entrance is proposed immediately adjacent to the City Right-of-Way. The aforementioned Guidelines state that access ramps and related elements should be visually integrated with the overall building design and site plan so as not to appear disjointed from the building façade. Staff recommend that Council require revisions to the satisfaction of the Director of Sustainable Planning and Community Development, refining the south elevation of the proposed building and the front yard to ensure the development provides an effective and attractive street edge on the Michigan Street frontage, prior to a Hearing being scheduled.

2.8 Community Consultation

In compliance with the Community Association Land Use Committee Procedures for Processing Variances, the application was referred to the James Bay Neighbourhood Association on July 23, 2014, for a 30-day comment period. No comments were received at the time of writing this report.

This Development Permit Application has variances, therefore, it requires notification, sign posting and a Hearing.

3.0 Issues

The key issues related to this application are:

- parking
- building design
- proposed variances.

4.0 Analysis

4.1 Parking

Schedule C of the *Zoning Regulation Bylaw* requires that a total of 20 parking stalls (1.4 stalls per dwelling unit) be provided in association with the 14-unit multi-family building and that two of these stalls be allocated for visitors. The application proposes one dedicated parking stall per dwelling unit (14 stalls) plus the required visitor stalls. Therefore, the application proposes a variance of four parking stalls. In support of the proposed variance and to mitigate the demand for parking, the applicant has stated that they will be offering future residents BC Transit passes for a period of two years.

While staff consider that the proposed parking provision is acceptable and recommend that Council support advancing this application, it should be noted that the Michigan Street frontage is residential parking only; the Oswego Street frontage is limited-time parking; and on-street parking is heavily utilized in the vicinity of the application site. Any parking demand not accommodated on the subject property will result in residents or visitors looking for on-street parking.

As outlined above, the *Zoning Regulation Bylaw* also requires that two visitor parking stalls be provided, however, these are not indicated on the plans. The applicant has indicated that these stalls will be provided and they will submit revised plans identifying the required visitor parking.

4.2 Building Design

The proposed design is generally consistent with the *Design Guidelines for: Multi-Unit Residential, Commercial and Industrial*, however, staff are concerned with the relationship between the proposed building and Michigan Street. As a result of site grade issues, the first floor of the building is set approximately 1 m below the adjacent sidewalk and, as a result, to provide accessible access to the building, a concrete ramp to the main building entrance is proposed and fully exposed immediately adjacent to the City Right-of-Way. Staff recommend that Council require revisions to the south elevation of the proposed building and the front yard to ensure the development provides an effective and attractive street edge on the Michigan Street frontage, prior to a Hearing being scheduled. These refinements could involve raising the first floor level of the building adjacent to Michigan Street or screening the proposed ramp with an attractive planter wall (consistent with the Oswego Street interface) and providing enhanced articulation of the first floor.

4.3 Proposed Variances

In addition to the parking variance identified above, the application proposes variances to the front, rear and side (east) setbacks and lot size.

The *Zoning Regulation Bylaw* requires a 10.5 m front yard setback from Michigan Street. The application proposes a 3.65 m setback which is generally consistent with other properties located in the immediate vicinity.

The east elevation of the proposed building would be set back 3.55 m from the property boundary. However, part of the proposed underground parkade structure partially emerges from the ground on the property boundary resulting in no setback. To mitigate any potential overshadowing or privacy impacts on the adjacent property at 330 Michigan Street, no windows

to habitable rooms are proposed in the east-facing elevation of the proposed building and the proposed building height is limited to 14.14 m (whereas the existing zone allows for a building height up to 18 m).

The application proposes a 5.88 m rear setback compared to the 7.07 m setback required by the *Zoning Regulation Bylaw*. As a result, the rear elevation of the proposed building would be situated approximately 10 m from the neighbouring residential building at 331 Oswego Street with the proposed parkade access being located between the properties. Staff consider this setback to be acceptable and acknowledge that, to minimize overshadowing impacts, the proposed building height is approximately 4 m below the building height allowance identified in the existing zone.

The existing zone requires a minimum lot area of 920 m². The actual lot size is only 800.8 m²; however, this is an existing condition, the site is already occupied by a multi-family dwelling and the proposed design demonstrates that a larger building can be satisfactorily accommodated on site.

In light of the above, staff recommend that Council support the proposed variances.

5.0 Resource Impacts

There are no resource impacts anticipated with this application.

6.0 Conclusions

The proposed Development Permit with Variances Application is generally consistent with the *Design Guidelines for: Multi-Unit Residential, Commercial and Industrial*, however, staff recommend that Council request revisions to the south elevation of the proposed building and the front yard to ensure a positive street relationship with Michigan Street. Subject to the recommended plan revisions, which also include identifying the required visitor parking stalls, staff recommend that Council advance this application to a Hearing.

7.0 Recommendations

7.1 Staff Recommendations

That Council schedule a Hearing to consider Development Permit with Variances #000370 for 300 Michigan Street, in accordance with final approved plans, subject to:

1. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Section 3.3.9 – Relaxation of the minimum lot size from 920 m² to 800.8 m²;
 - b. Section 3.3.10 – Relaxation of the minimum front setback from 10.5 m to 3.65 m;
 - c. Section 3.3.13 – Relaxation of the side (east) setback from 7.07 m to nil;
 - d. Section 3.3.13 – Relaxation of the rear setback from 7.07 m to 5.88 m;
 - e. Schedule C Section 16.B.12 (b) – Relaxation from 1.4 spaces per unit (20 stalls) to 1.14 spaces per unit (16).

2. The submission of revised plans, to the satisfaction of the Director of Sustainable Planning and Community Development, that:
 - a. refine the south elevation of the proposed building and the front yard to ensure the development provides an effective and attractive street edge on the Michigan Street frontage;
 - b. identify two visitor parking stalls.
3. Council authorizing anchor-pinning into the City right-of-way provided that the applicant enters into an encroachment agreement in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works.
4. Final plans to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

7.2 Alternate Recommendations (Without Design Refinements)

That Council schedule a Hearing to consider Development Permit with Variances #000370 for 300 Michigan Street, in accordance with plans date stamped July 11, 2014, subject to:

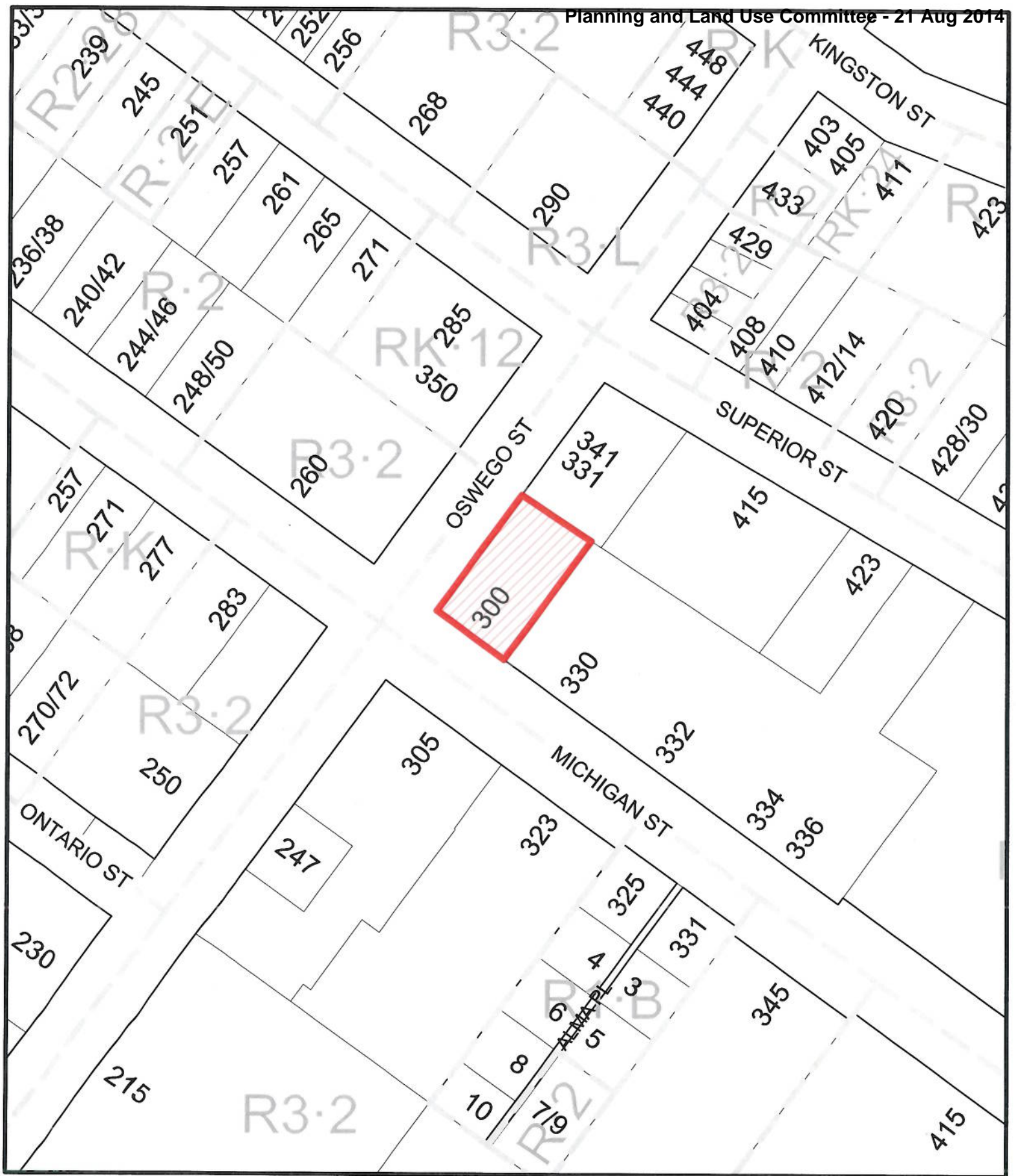
1. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Section 3.3.9 – Relaxation of the minimum lot size from 920 m² to 800.8 m²;
 - b. Section 3.3.10 – Relaxation of the minimum front setback from 10.5 m to 3.65 m;
 - c. Section 3.3.13 – Relaxation of the side (east) setback from 7.07 m to nil;
 - d. Section 3.3.13 – Relaxation of the rear setback from 7.07 m to 5.88 m;
 - e. Schedule C Section 16.B.12 (b) – Relaxation from 1.4 spaces per unit (20 stalls) to 1.14 spaces per unit (16).
2. The submission of revised plans, to the satisfaction of the Director of Sustainable Planning and Community Development, that identify the provision two visitor parking stalls.
3. Council authorizing anchor-pinning into the City right-of-way provided that the applicant enters into an encroachment agreement in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works.
4. Final plans to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

7.3 Alternate Recommendation

That Council decline the application.

8.0 List of Attachments

- Zoning map
- Aerial map
- Letter from applicant dated July 24, 2014
- Plans dated July 11, 2014.



300 Michigan Street

Development Permit #000370

Development Permit with Variances Application # 000370 for 3...



300 Michigan Street
Development Permit #000370
Development Permit with Variances Application # 000370 for 3...

alan  architect inc.



10 July 2014

City of Victoria
Planning Department
#1 Centennial Square
Victoria, British Columbia, V8W 1R6

Attention: Mayor and Council

Re: 300 Michigan Street, Victoria British Columbia

Your Worship Mayor Fortin and Council,

We are pleased to submit this development permit application for a 14 unit residential condominium project at the corner of Oswego and Michigan Streets in James Bay. The property is zoned R3-2 and allows for multi-family residential. The surrounding properties adjacent and around this site are all multi-family residential buildings.

The property is only 880.6 square metres and the R3-2 bylaw requires a minimum of 920 square metres. In order to redevelop this remaining parcel, we are requesting a variance from the minimum parcel size.

Further to the City's TRC meeting, we have redesigned our project to address the concerns that have been brought forward. We have made the following changes:

- Lowered the underground parking into the ground so the individual entrances along Oswego Street now have direct connections to the public sidewalk
- The main entrance to the building now faces the street and has a strong presence
- We have redesigned the corner of the building so it contributes to both streets
- The base of the building is articulated and faced with a different material
- The parking garage door is now located at the rear and is not prominent
- The top floor has been designed to step back from the lower floors by reducing the building by one unit
- The building mass has been mitigated with different materials, differences in the roofline, articulation of the building faces and stepping back of the top floor

As the property is located between the legislative precinct and James Bay Square, the location is very walkable to work, shopping, and for leisure. We are requesting a variance from the requirement of 20 parking stalls under Schedule C of the bylaw to 16 stalls. We have more than one bicycle parking stall per unit and we have a 6 stall bicycle rack in the front entryway. We will also be offering BC Transit passes to our purchasers for a duration of two years.

The setbacks requested are similar to the setbacks of the adjacent buildings and will integrate well within the existing neighbourhood. The building takes advantage of views towards the street frontages and we have provided generous setbacks towards the adjacent residential units to the east to maintain privacy and overlook. The closest element to the east property line is our stairwell and the only windows facing the building to the east are small horizontal windows located in our bathrooms.

Sustainability features for this site include deconstruction of the existing building, densification, water conservation, energy efficient appliances and light fixtures, natural ventilation, recycle content in materials to be used, use of non-toxic materials, and diversion of construction waste from the landfill.

Our arborist has had discussions with the parks department and the large Sycamore tree on the southeast corner of the site is overly mature and will be removed during construction. As part of the tree preservation plan, replacement trees will be planted.

We feel that this small 14 unit condominium project will be an asset to the neighbourhood. The building will complement the adjacent multi-family dwellings and will integrate into this neighbor.

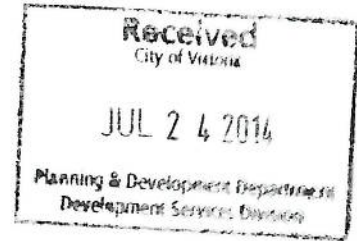
We thank you for your consideration of the variances request. We look forward to your favourable consideration.

Yours truly,

A handwritten signature in black ink, appearing to read 'Alan Lowe', written in a cursive style.

Alan Lowe
Alan Lowe Architect Inc.

cc. Client



300 MICHIGAN STREET - SUSTAINABILITY STATEMENT

Parcel Address: 300 Michigan Street

Environmental Indicators

The project is located at the corner of Michigan and Oswego Street within walking distance to the Legislative Precinct / Downtown and the James Bay Urban Village area. The site has a three storey multi-family dwelling with surface parking. The building is tired, has not been well maintained and has a tarp on the roof. The site is located adjacent to three and four storey multi-family dwellings. As the site has been developed in the past, the site does not support ecologically sensitive areas.

The project will see the construction of a new 14 unit, four storey multi-family residential building with one level of underground parking. The building will be located towards the Michigan Street end of the site with the entrance to the underground parking at the lower end of the site.

General building sustainable initiatives proposed are as follows:

- Redevelop an existing site with higher density to minimize urban sprawl
- Reduction in required parking stalls/ increase in bicycle parking (16 secured / 6 at entrance) to encourage alternate modes of transportation and walking
- BC Transit passes provided to purchasers for first two years
- Deconstruction of existing building
- Water conservation – low-flow plumbing fixtures, dual flush toilets
- Energy efficient appliances and light fixtures
- Operable windows for natural ventilation
- Use of recycled content in materials
- Use of non-toxic materials
- Diversion of construction waste from landfill

PROJECT INFORMATION

PROJECT DESCRIPTION: CONDOMINIUM DEVELOPMENT

LEGAL ADDRESS: LOT 3 IN LOTS 1870 & 1871, VICTORIA PLAN #621

CIVIC ADDRESS: 310 MICHIGAN STREET
VICTORIA B.C.

ZONING DATA

ZONING: RS-2
SITE AREA: 867 sq.m. (2106 sq.ft.) * variance (600m² min)
BLDG. AREA: 854 sq.m. (2306 sq.ft.)
F.S.R.: 1.5:1 (1.6:1 max)
SITE COVERAGE: 98% (95% max)
OPEN SITE SPACE: 1210 sq.m. (2925 sq.ft.)
GROUND FLOOR AREA: 1210 sq.m. (2925 sq.ft.)
2ND FLOOR AREA: 332 sq.m. (710 sq.ft.)
3RD FLOOR AREA: 332 sq.m. (710 sq.ft.)
4TH FLOOR AREA: 332 sq.m. (710 sq.ft.)
GROSS FLOOR AREA: 1310 sq.m. (2825 sq.ft.)
STORIES: 4
BUILDING HEIGHT: 14.4 m (47 ft 6 in) max
NUMBER OF DWELLINGS: 14 (6 x 2 BD + 8 x 1 BD)
TOTAL RESIDENTIAL FLOOR AREA: 10,441 sq.m. (225,000 sq.ft.)
PROPOSED C.O. RESIDENTIAL: 10,441 sq.m. (225,000 sq.ft.)
BUILDING CLASSIFICATION: B.C.C. 2012 - 3.2.2.5.1

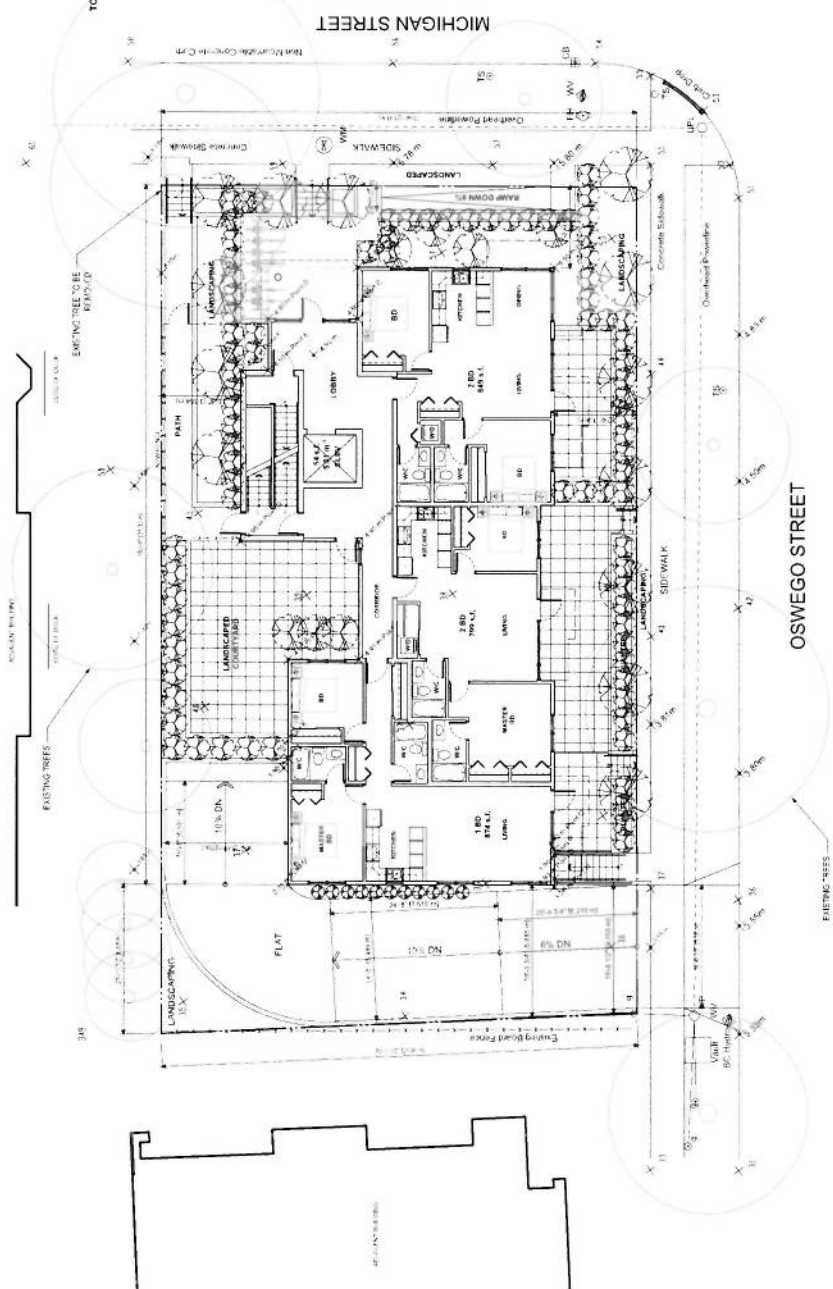
SETBACKS:

PROPOSED:
FRONT (MICHIGAN ST): 2.65 m
SIDE (EAST): 3.55 m
SIDE (OSWEGO): 3.65 m
REAR (NORTH): 5.88 m

PARKING: 14 PER UNIT = 20 STALLS
BICYCLE PARKING: 1 PER UNIT = 14
10 STALLS * variance
6 BIKES BACK AT ENTRANCE

AVERAGE GRADE CALCULATION:

POINTS BAC - (4.9+4.9+9.8)/2 = 4.9 x 8.66 m = 43.41
POINTS CAD - (4.9+4.9+9.8)/2 = 4.9 x 2.31 m = 11.34
POINTS EAF - (4.9+4.9+9.8)/2 = 4.9 x 2.31 m = 11.34
POINTS FAG - (4.9+4.9+9.8)/2 = 4.9 x 1.29 m = 6.32
POINTS GAH - (4.9+4.9+9.8)/2 = 4.9 x 5.53 m = 25.97
POINTS IAH - (4.9+4.9+9.8)/2 = 4.9 x 3.17 m = 15.53
POINTS JAH - (4.9+4.9+9.8)/2 = 4.9 x 4.33 m = 21.70
POINTS LAH - (1.9+2.36+4.29)/2 = 2.13 x 5.44 m = 11.56
POINTS OAH - (1.9+1.9+3.80)/2 = 1.9 x 1.22 m = 2.3
POINTS QAH - (4.9+4.9+9.8)/2 = 4.9 x 26.23 m = 128.56
TOTAL 394.73
AVERAGE GRADE: 394.73 / 88.91m (PERIMETER) = 4.44m GEODETIC



1 SITE PLAN
A1.0 SCALE 1:500

alpin

alpin lower architect inc.

1070 - 1100 Glenview Ave.
Vancouver, BC V6H 1A4
Tel: 604.681.1111
Fax: 604.681.1112
www.alpin.ca

CONDOMINIUM DEVELOPMENT

310 MICHIGAN STREET

SITE PLAN

PROJECT NO: 13-394

DATE: 14.07.2014

SCALE: 1:500

BY: [Signature]

CHECKED: [Signature]

DATE: 14.07.2014

13-394

A1.0

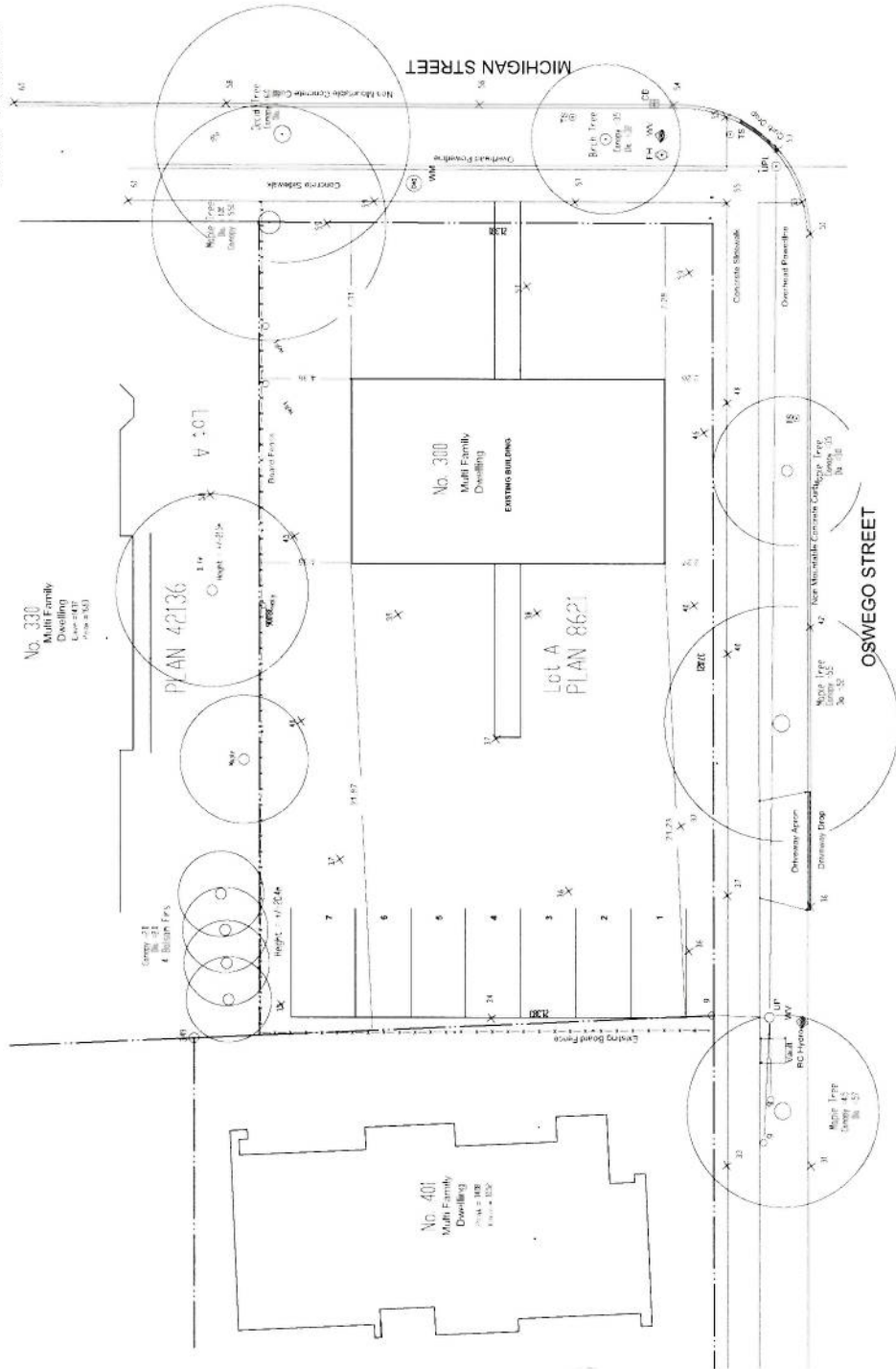
1. The applicant, "Alan Lowe Architects", is a firm of architects, engineers, planners, and interior designers, located at 1000 West 10th Avenue, Suite 100, Vancouver, British Columbia, Canada V6H 1A1. The applicant is a member of the Association of Professional Engineers and Geoscientists of British Columbia.

LEGAL ADDRESS: LOT A 30- LOTS 400 & 401, VICTORIA, PLAN 8621

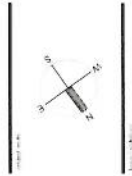
CIVIC ADDRESS: 300 MICHIGAN STREET, VICTORIA, B.C.

ZONING DATA

ZONING: R-2
SITE AREA: 8617 sq. ft. (800.8 m²)



1. EXISTING SITE PLAN
A1.1



1. EXISTING SITE PLAN
A1.1
No. 300 Multi Family Dwelling
No. 401 Multi Family Dwelling
No. 330 Multi Family Dwelling
alan lowe architects inc.
200 West 10th Avenue, Suite 100
Vancouver, BC V6H 1A1
Tel: 604-681-1111
Fax: 604-681-1112
www.alanlowe.com

CONDOMINIUM DEVELOPMENT
300 MICHIGAN STREET
EXISTING SITE PLAN

Project No.: 12-004
Date: 10/10/2013
Scale: 1/8" = 1'-0"
Sheet: 1 of 1

A1.1

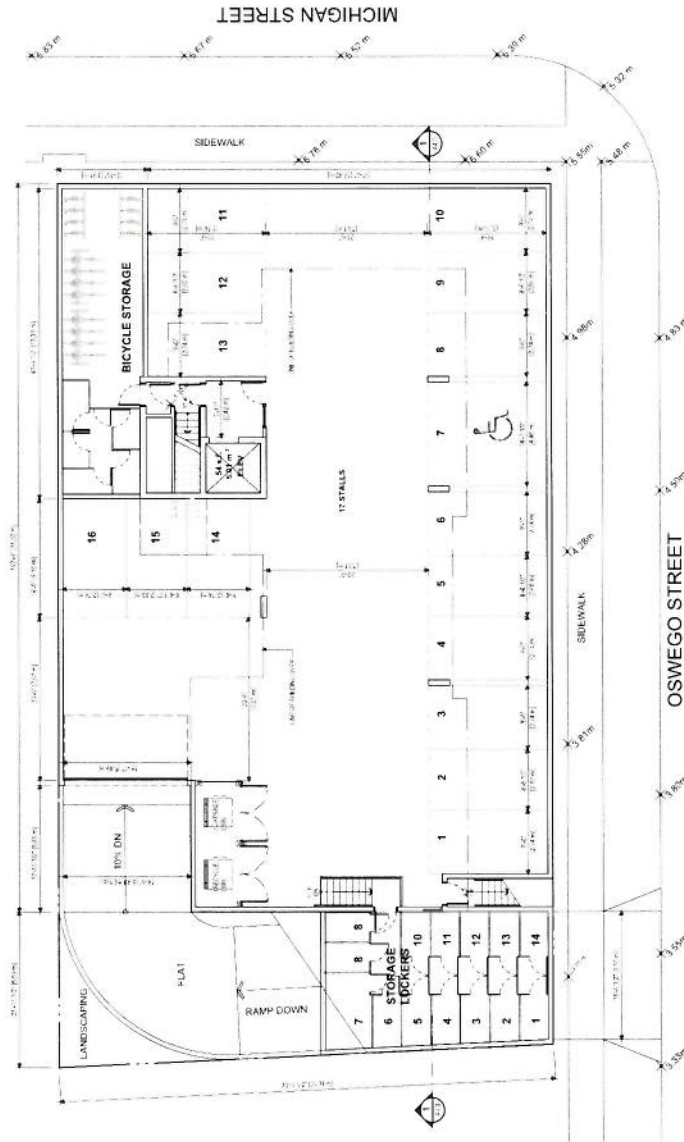
CONCERNING DEVELOPMENT
 355 MICHIGAN STREET
 PLAN - U/G PARKING
 A2.0



alan lowe architect inc.
 275 N. 11th Street, Suite 200
 Milwaukee, WI 53233-1100
 Tel: 414.224.1100
 Fax: 414.224.1101
 www.alanlowe.com

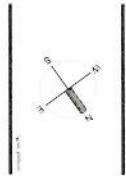
CONCERNING DEVELOPMENT
 355 MICHIGAN STREET
 PLAN - U/G PARKING
 A2.0

PROJECT NO.: 13-034
 DATE: 08/15/14
 DRAWN BY: JLM
 CHECKED BY: JLM
 SCALE: AS SHOWN
 SHEET NO.: 1 OF 1



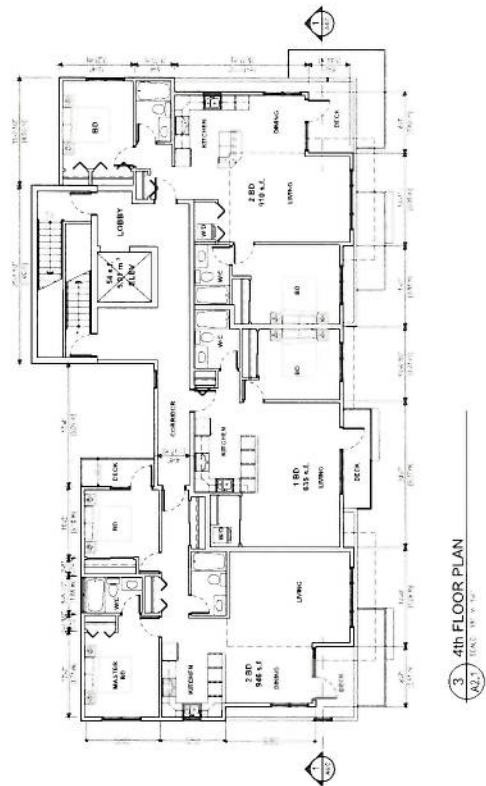
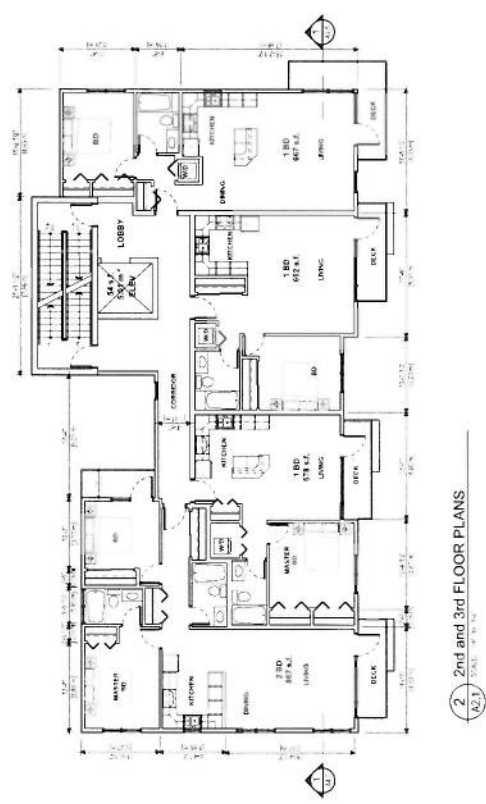
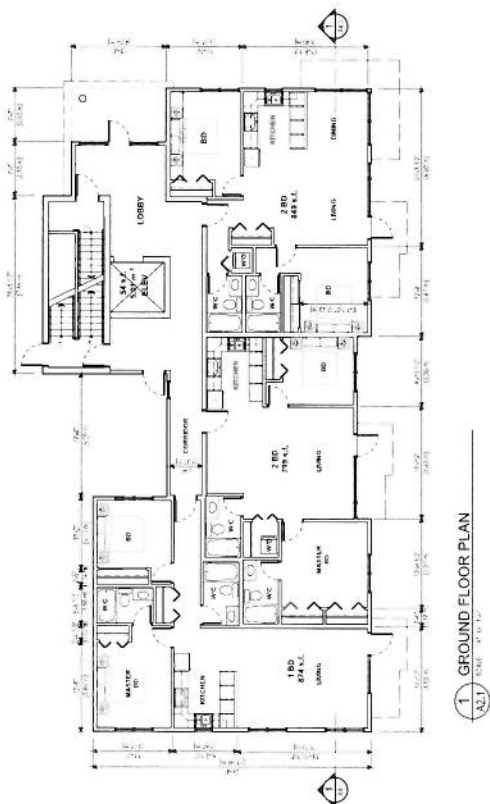
1 UNDER GROUND PARKING
 A2.0

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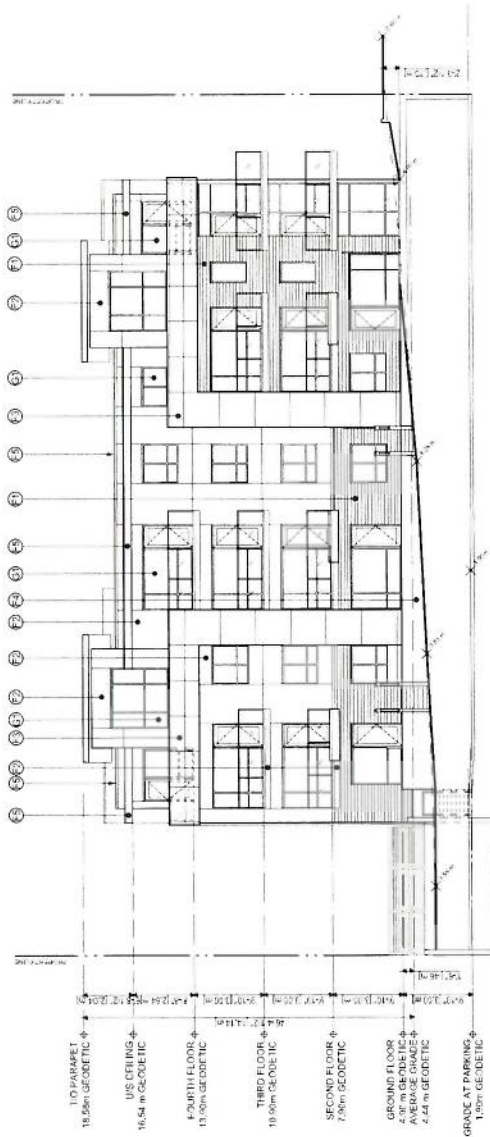


4. DEVELOPMENT TRACT 3.21.17.11
 5. NORTH ARROW
 alan lowe architect inc.
 1111 11th Avenue S.E.
 Suite 100
 Atlanta, Georgia 30316

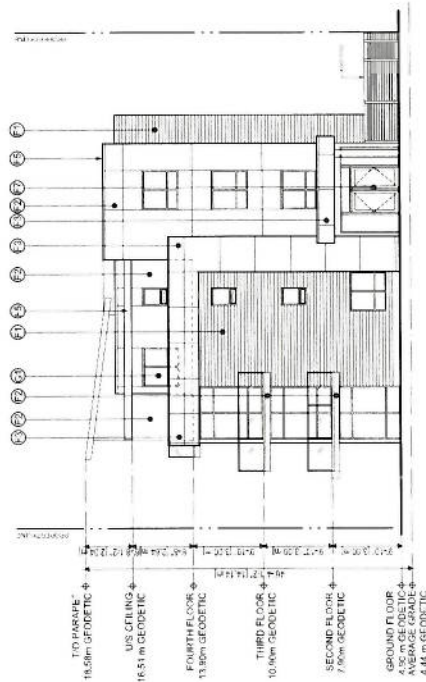
CONDOMINIUM DEVELOPMENT
 800 NICHAN STREET
 PLAN - GROUND FLOOR
 - 2nd FLOOR
 - 3rd FLOOR
 - 4th FLOOR
 project no. 13-384
 date 3.21.17.11
 prepared by LOWE ARCHITECTS
 checked by
 A2.1



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1 WEST ELEVATION (OSWEGO STREET)
A3.0



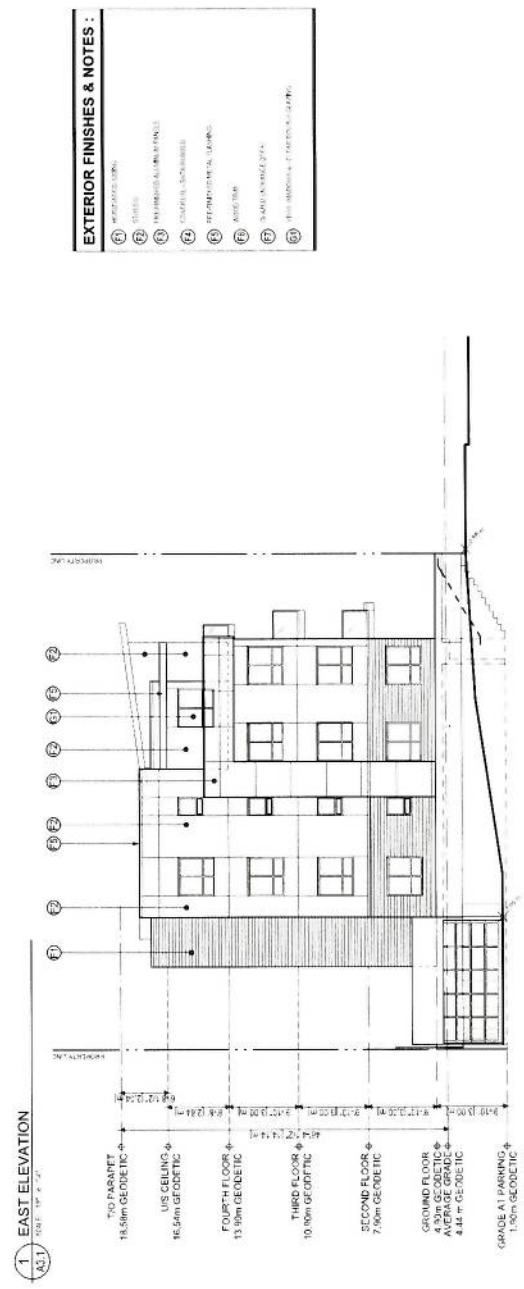
2 SOUTH ELEVATION (MICHIGAN STREET)
A3.0

- EXTERIOR FINISHES & NOTES:**
- 1. EXTERIOR FINISHES
 - 2. EXTERIOR FINISHES
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 - 24. EXTERIOR FINISHES

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OSWEGO



OSWEGO & MICHIGAN



MICHIGAN



OSWEGO

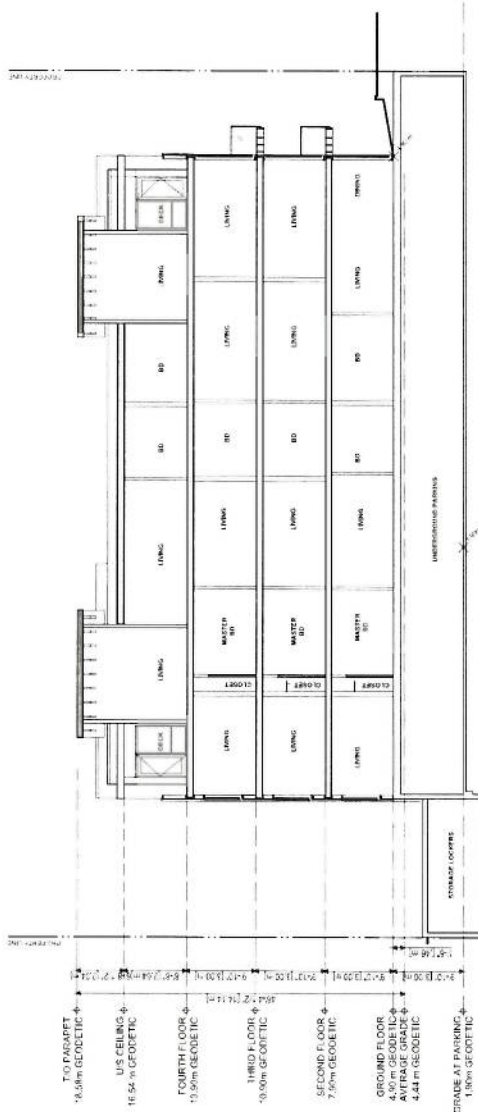


1. DEVELOPMENT PERMIT 3. JAN 14
No. 000370
Date
alan lowe architect inc.
1000 - 1110 Glenview Rd.
West York, Ontario M3L 1B7
Tel

CONDOMINIUM DEVELOPMENT
1000 - 1110 GLENVIEW RD.
WEST YORK, ONTARIO
RENDERINGS

project no. 130304
date 3. JAN 14
scale 1/8" = 1'-0"
drawing no. A3.2
sheet no. 1/1

CONDOMINIUM DEVELOPMENT
300 MICHIGAN FREEWAY
SECTION
13-304



alan lowe architect inc.
13-304
13-304

CONDOMINIUM DEVELOPMENT
300 MICHIGAN FREEWAY
SECTION
13-304

Project No.: 13-304
Date: 10/1/14
Scale: 1/4" = 1'-0"
Sheet No.: 13-304

A4.0



Planning and Land Use Committee Report

For the August 21, 2014 Meeting

To: Planning and Land Use Committee **Date:** July 30, 2014

From: Robert Woodland, Director of Legislative and Regulatory Services

Subject: Application for a permanent change to Occupant Load of Licensed area in relation to a Liquor-Primary Liquor Licence, for the **Executive House Hotel** (Bartholomew's Pub), 777 Douglas Street, Licence, No. 064730

Executive Summary

The purpose of this report is to seek a Council resolution, in accordance with the requirements of the *Liquor Control and Licensing Act*, regarding an application by the Executive House Hotel (Bartholomew's Pub) in relation to their Liquor Primary Liquor Licence for the premises located at 777 Douglas Street, for a permanent change to increase the occupant load.

The current occupant load for the liquor primary service area of the pub is 186 persons (including 28 on the exterior patio). The hours of liquor service are from 09:00h to 01:00h Monday through Sunday. The requested change is due to the reconfiguration of the pub and restaurant floor space on the ground floor of the hotel that faces Humboldt St. If approved, the occupancy for the liquor primary service area would be increased to 241 persons (including 32 for the exterior patio). There would be no change in the hours of operation as a result of this application.

Council has received both a staff technical review (report attached) and public input by providing an opportunity for the public to submit written comments (which are attached to the Staff Report) and by asking the licensee to conduct additional consultation with the area residents which has resulted in 5 additional written submissions (attached to this Report).

The compilation of this information and input has demonstrated that the application complies with the City's Liquor Licensing Policy however there are noise and nuisance concerns in the community that may result from the increased number of liquor primary licensed seats. To mitigate these possible impacts, staff recommend that Council consider a recommendation to reduce the hours of business on the patio to 11:00PM nightly.

Recommendation:

That Council, after conducting a review with respect to noise and community impacts regarding the application to amend the occupant load respecting liquor service for the Liquor Primary Liquor Licence of the **Executive House Hotel**, Liquor License No. 064730, located at 777 Douglas Street, supports:

1. The application of the **Executive House Hotel** to amend its Liquor Primary Liquor Licence to allow an increase in occupant load to 241 persons, on the condition that all of the licensed patio seats are vacated no later than 11:00PM nightly.
2. The Council provides the following comments on the prescribed considerations:
 - (a) The location is in a designated mixed use commercial area which authorizes restaurants, hotels, clubs and associated uses. There is a significant amount of residential use in the immediate vicinity. The Liquor Primary operation within the hotel is compatible with the neighbouring land uses. The business is located within the Inner Harbour District and is within the Intermediate Noise District which allows for a higher noise threshold.
 - (b) This request represents a capacity increase of close to 30% in the occupant load of Liquor Primary Licensed seats, however there is expected to be minimal impact on the neighbourhood if the patio hours are limited to 11:00PM. As well the overall capacity of licensed seats in the hotel is decreasing due to the closing of the Café D'Amore Food Primary Liquor License (120 seats) that would result from this application being approved. There is no concern that this change would result in the business being operated contrary to its primary purpose.
 - (c) The views of residents were solicited via a mail out to neighbouring property owners and occupiers within 50 metres of the hotel and a notice posted at the property. Thirty-two responses were received by the City. Seven letters were received supporting the application, including one from the Strata Council of a nearby apartment building. Twenty-four letters (including one from the Downtown Resident's Association) not supporting the application were received and 1 petition with 46 signatures not supporting the application was also received. Analysis of the responses not supporting the application determined that the majority of these residents are quite concerned about noise and nuisance issues related to liquor patrons generally present (including after closing hours) in this area of the City. In many cases these persons were not directly linked to the applicant's business.

In addition, the licensee conducted a public meeting in the community which has resulted in another 5 written submissions from area residents, most expressing concern about noise from patrons on the patio during the late night hours as well as patrons out on the public sidewalk smoking and socializing during business hours. The recommendation to limit the patio hours to 11:00PM is seen as a way to support the application while addressing some of the noise concerns expressed by the community.


Respectfully submitted,


Mark Hayden
Manager, Bylaw and
Licensing Services


Robert Woodland
Director, Legislative and
Regulatory Services

Report accepted and recommended by the City Manager: _____

Date: _____



August 14, 2014

ADDITIONAL MATERIALS RECEIVED VIA PUBLIC CONSULTATION PROCESS:

Attached 5

(3 letters from residents, 1 letter from the Aria Strata Council and 1 letter from the Downtown Resident's Association)

Purpose

The purpose of this report is to seek a Council resolution for submission to the Liquor Control and Licensing Branch regarding an application by the Executive House Hotel in relation to their Liquor Primary licensed operation located at 777 Douglas Street (Bartholomew's Pub) for a permanent change to increase the occupant load of the business.

Background

This is an application to amend a Liquor Primary Liquor Licence to increase the occupant load for the liquor primary service area of the pub from 186 persons (including 28 on the exterior patio) to 241 persons (including 32 for the exterior patio). The hours of liquor service are from 09:00h to 01:00h Monday through Sunday and there is no request to amend them. The requested change is due to the reconfiguration of the pub and restaurant floor space on the ground floor of the hotel that faces Humboldt St.

As discussed in the April PLUC Report, the General Manager of the provincial Liquor Control and Licensing Branch (LCLB) issues liquor licences under the authority of the *Liquor Control and Licensing Act* and regulations. Local government's role is to provide comments and recommendations to the LCLB on all requests made by a licensee to amend their liquor-primary licence including an assessment of noise or nuisance concerns. The recommendation in this Report has been drafted to comply with the LCLB requirements.

Public Engagement and Consultation

As a result of a Council resolution arising from the May 15th PLUC meeting, the licensee held a public meeting on June 25th to provide an opportunity to further consult area residents about the business plans for the hotel and pub and specifically the Liquor Primary Liquor Licence changes that are the subject of this application.

As a result of this additional consultation, the City received 5 written submissions, none of which provided outright support for the proposal. However, most of the letter writers are willing to support the additional capacity requested by the Executive House Hotel if steps are taken to have the patio seats closed by 11:00PM and to address noise and nuisance concerns of patrons smoking and/or socializing outside during business hours and the departure of patrons from the business at closing time.

Issues and Analysis

From the written input received (including the Downtown Resident's Association and the Strata Council of the "Aria" building) the two primary issues of concern to area residents are the nuisance and noise impacts caused by:

- Patrons of the licensed premises being able to utilize the patio after 11:00PM at night, and
- Patrons congregating in public space outside the entrance to the licensed premises in order to smoke and socialize during regular business hours or just after the premises close for the day.

The LCLB advises that the Council may recommend to the LCLB that the City will only support the increase in patron capacity on the condition that the patio is closed by 11:00PM on a nightly basis. The LCLB has the authority to amend this licence provision and would do so upon receiving such input from Council.

The issue of patrons congregating on the sidewalk during and immediately after business hours is regulated under the authority of the Business Licence Bylaw. The provision "The applicant agrees to employ security personnel to patrol the outdoor areas of the place of business, to monitor the activity of patrons in those areas, particularly at closing time and to ensure the orderly dispersal of patrons as they leave the place of business." is part of the Good Neighbour Agreement that every Liquor Primary Liquor Licensed business is required to sign and adhere to in the City. Given the hotel is under new ownership, staff will have the new owners complete a new Good Neighbour Agreement and all of the terms will be explained to the business owner/manager.

These actions would address the 2 areas of primary concern to the local residents with respect to this specific application.

Council's other option would be to issue a Resolution that does not support the requested change by the applicant. However, this would allow the applicant to continue utilizing the 186 Liquor Primary licensed seats (including the outdoor patio) until 1:00AM daily. In addition, the applicant could continue to use the additional floor space under the current Food Primary Liquor Licence which would actually permit more patrons on the premises than would be allowed under this application. When coupled with the impending changes being brought forward by the province, which may allow Food Primary licensed seats to be used more like Liquor Primary licensed seats after a specific time in the evening, supporting the application with the condition of restricting the patio hours may lead to a better outcome with respect to nuisance and noise for area residents.

Conclusions

As a result of the technical assessment of this application it has been determined that it complies with the City's Liquor Licensing Policy and land use regulations. If the mitigation measures are implemented as set out above, the potential community impacts from nuisance and noise from this business, should the application be approved, are expected to be minor. Addressing the primary concerns expressed by area residents in the manner described is a reasonable approach to reducing or eliminating the potential negative impacts of this request.

As a result, the recommendation is to issue a Resolution in support of the application with a condition regarding the patio operation, as set out below.

Recommendation

That Council, after conducting a review with respect to noise and community impacts regarding the application to amend the occupant load respecting liquor service for the Liquor Primary Liquor Licence of the **Executive House Hotel**, Liquor License No. 064730, located at 777 Douglas Street, supports:

1. The application of the **Executive House Hotel** to amend its Liquor Primary Liquor Licence to allow an increase in occupant load to 241 persons, on the condition that all of the licensed patio seats are vacated no later than 11:00PM nightly.
2. The Council provides the following comments on the prescribed considerations:
 - (a) The location is in a designated mixed use commercial area which authorizes restaurants, hotels, clubs and associated uses. There is a significant amount of residential use in the immediate vicinity. The Liquor Primary operation within the hotel is compatible with the neighbouring land uses. The business is located

within the Inner Harbour District and is within the Intermediate Noise District which allows for a higher noise threshold.

- (b) This request represents a capacity increase of close to 30% in the occupant load of Liquor Primary Licensed seats, however there is expected to be minimal impact on the neighbourhood if the patio hours are limited to 11:00PM. As well the overall capacity of licensed seats in the hotel is decreasing due to the closing of the Café D'Amore Food Primary Liquor License (120 seats) that would result from this application being approved. There is no concern that this change would result in the business being operated contrary to its primary purpose.
- (c) The views of residents were solicited via a mail out to neighbouring property owners and occupiers within 50 metres of the hotel and a notice posted at the property. Thirty-two responses were received by the City. Seven letters were received supporting the application, including one from the Strata Council of a nearby apartment building. Twenty-four letters (including one from the Downtown Resident's Association) not supporting the application were received and 1 petition with 46 signatures not supporting the application was also received. Analysis of the responses not supporting the application determined that the majority of these residents are quite concerned about noise and nuisance issues related to liquor patrons generally present (including after closing hours) in this area of the City. In many cases these persons were not directly linked to the applicant's business.

In addition, the licensee conducted a public meeting in the community which has resulted in another 5 written submissions from area residents, most expressing concern about noise from patrons on the patio during the late night hours as well as patrons out on the public sidewalk smoking and socializing during business hours. The recommendation to limit the patio hours to 11:00PM is seen as a way to support the application while addressing some of the noise concerns expressed by the community.

ATTACHMENTS

The following documents are attached:

1. New Letters of input received from the public since May 15, 2014 - (5)
2. PLUC Minutes from May 15, 2014
3. PLUC Report (Technical Assessment), April 17, 2014 which includes a letter from the applicant and the public input received in accordance with the original solicitation for public input



1715 Government Street
Victoria, BC
V8W 1Z4
250.386.5503

Manager Administration Legislative Services
City of Victoria
No.1 Centennial Square
Victoria, BC
V8W 1P6

July 24, 2014

Re: Permanent Change to a Liquor Primary Licence-Executive House 777 Douglas

Dear Mr. Mark Hayden,

The DRA collaborated with Mr. Francis Mairet from the Executive House Hotel to hold a public information session in the Victoria Conference Centre on 25 June 2014 regarding the hotel's application for a permanent change to the Liquor Primary License at Bartholomew's. Thirty-six members of the community attended including residents and representatives of the strata councils of the Aria, Falls, Astoria and Belvedere condominiums as well as City Councillors Gudgeon and Thornton-Joe.

Overview of Presentation

Mr. Mairet made a thorough presentation on the changes being incorporated in the redevelopment of Bartholomew's with specific reference to the physical changes being made to the building to upgrade the facilities. He suggested that these changes would reduce the amount of pub noise that escapes into the neighbourhood. We understand that the main changes include the following:

- The front doors are being redesigned and retooled.
- The band/stage will be moved away from the windows near the patio, deeper into the room, with the goal of reducing (but not eliminating) the sound emanating into the street.
- The sound system will also be rationalised, so that there will be fewer but better quality speakers.
- The air conditioning will be upgraded, so that windows won't have to be opened to cool the room.
- Some of the doors on the patio will be replaced with windows.
- The patio will be reconfigured and the water fountain will be relocated.

We also understand that the physical changes being made to the interior provides an

opportunity to consolidate the food and beverage operations. Mr. Mairet focused on the fact that the proposal reduces their total seating capacity by 20%. It is noted that with the expansion of the Liquor Primary seats, four additional seats are proposed for the patio. The proposed 241 Liquor Primary seats would be open from 9 am – 1 am from Monday to Sunday.

Seating Type	Existing	Proposed	Percent Change
Food Primary	120	0	-100%
Liquor Primary	186	241	+30%
Total	306	241	-21%

Community Feedback

Mr. Mairet's stated intention to be a good neighbour and pay attention to the neighbourhood is appreciated. However, this proposal raises several issues that were not addressed at the public information session and remain a concern.

The applicant wants to eliminate the 120 Food Primary seats that closed at 3 pm and increase the Liquor Primary seats by 30%. Behaviour related to alcohol consumption has been a problem in the past at this venue and it's anticipated that these problems will persist or be exacerbated with an expansion of the Liquor Primary seating.

Problem behaviours have been identified as excessive noise created by patrons late at night - on the patio, exiting the premises during the night, going to and from the street to smoke and those leaving and lingering at closing time. Community members asked Mr. Mairet on more than one occasion to provide security or a door person to manage patrons leaving the property but he has repeatedly declined to make a commitment. At the public meeting, Mr. Mairet stated that they intend on catering to the same clientele as before the renovations, so it's anticipated that since these behaviours were already a problem, they will continue when operations resume.

It has been noted that access to most food and beverage operations situated in hotels requires exiting and entering through the hotel lobby spaces, which ensures that it is in the interest of the hotel operators/managers that their patrons maintain a suitable level of sobriety or decorum. With this property, it is the opposite. Bartholomew's is very much isolated from the hotel operations. It is suggested that changing the access to Bartholomew's through the hotel and eliminating access from the street would likely mitigate many of the problems identified by area residents.

The redesign of the patio includes plans to move the water feature and increase the amount glass enclosing the space. Mr. Mairet indicated that he expects that this will be 'a better space', but couldn't say whether the noise from the patio will be reduced. This demonstrates a lack of consideration for neighbouring residents' existing concerns, as there hasn't been a commitment to ensure design features make the patio less acoustically active and reduce transference of noise to neighbours and residents. Quick research indicates that water features and hard barriers on patios insulate patrons from noise generated outside the seating area, but does little to reduce noise created on the patio and experienced by the community.

As noise from the patio was already a problem and with the potential addition of four more seats, residents would request that the City require the patio at Bartholomew's to close at 11:00 pm and patrons be moved inside regardless of the applicants' intention of keeping the

patio open until 1:00 am.

It has been noted that late night drinking without corresponding food service can exacerbate problems related to alcohol consumption. If Bartholomew's will be open until 1:00 am, it is suggested that food service not end at 11:00 pm but offer at least a minimal menu until close.

The residents of Downtown Victoria enjoy an active, vibrant community and we support our local business and economy while doing so. As the Humboldt Valley district has evolved over the years, we continue to strive for a balance between quality of life for the residents and a respect for the viability of existing neighbouring businesses.

Therefore, with regard to the application for the Permanent Change to the Liquor Primary License at Bartholomew's, we request consideration of the following items as part of the City's approval process:

- Like other Liquor Primary operations, Bartholomew's provides a door person or security on a nightly basis to manage patrons as they enter and exit the property;
- The patio hours be restricted to 11:00 pm with doors and windows to the patio to remain closed after that hour; and,
- As part of the patio redevelopment, engage engineers to advise and implement best practices on noise mitigation strategies.

Sincerely,



Ian Sutherland
Chair Land Use Committee
Downtown Residents Association

Mark Hayden

From: Peter Bonyun <pbonyun@shaw.ca>
Sent: Monday, Jun 30, 2014 3:10 PM
To: Mark Hayden
Cc: Ruth Annis
Subject: Bartholomew's

Dear Mr. Hayden,

As representative of our strata council at the Aria, I and several residents attended a public meeting on June 25 in the Victoria Conference Centre concerning development of Bartholomew's Pub. The meeting was hosted by the Downtown Residents Association and Francis Mairet representing the Executive House. The meeting was well attended with numerous residents from each of the Aria, Falls, Astoria and Belvedere condominiums as well as City Councillors Gudgeon and Thornton-Joe in attendance.

Mr. Mairet made a thorough presentation on the changes being incorporated in the redevelopment of Bartholomew's with specific reference to the physical changes being made to the building to reduce the amount of pub noise which might escape into the neighbourhood. At the Aria, we feel that Executive House has done all that is reasonable in that regard.

However, we remain very concerned that they have not addressed issues regarding the noise created by patrons lingering outside the pub late in the evening who, in Bartholomew's previous format, smoked, talked and, occasionally, burst into song on Humboldt St. This noise has disturbed residents of the condominiums listed above. We have asked Mr. Mairet to provide a doorman or security person on Humboldt St. to discourage this activity. He has responded previously, and again at this meeting, that he has no plans to do this unless he feels that it has become a problem. We are not encouraged by his response. The situation existed previously and Mr. Mairet told the meeting that they hope to retain the same clientele that previously frequented Bartholomew's. In the new format, all of Bartholomew's patrons will leave and enter on Humboldt St and the smokers will be faced with new by-laws which force them further from Bartholomew's door – probably further along Humboldt St.

Mr. Mairet makes the point that there will actually be less people in Bartholomew's in the new format. However, as we understand the new proposal, there could actually be more people drinking and less people eating. It is the drinkers who linger outside Bartholomew's and create the noise we experience.

We were pleased with the attendance of the city councillors at the meeting and the comments they made about the need to encourage people to live in the city by providing entertainment and other facilities that do not undermine their reasonable enjoyment of city-living. We feel it is important to provide the downtown residents with a reasonable level of noise on Friday and

Saturday nights and that includes management by these facilities of their patrons as they emerge into a residential area. In the case of Bartholomew's, we feel that a doorman or security person each evening is a reasonable step in this direction. We further encourage you to restrict Bartholomew's patio hours to 11pm which would match Vancouver requirements, in my understanding. We hope that you take this into account in your decision.

Yours truly,

Peter Bonyun
Vice-President
Aria Strata Council

cc: Ruth Annis, President, Aria Strata Council

Mark Hayden

From: J Ryan <jea_ryan@yahoo.com>
Sent: Monday, Jun 30, 2014 5:35 PM
To: Jason Johnson; Mark Hayden; Councillors; info@victoriadra.ca
Subject: Executive house development, noise

Dear Mr Johnson, Mr Hayden ad Councillors,

Last week I attended a public meeting, hosted by the Victoria Downtown Resident Association, regarding the development of Executive House Hotel so I could learn about the plans of the new Hilton Development. While I am supportive of efforts to bring business into the city's centre, I am concerned that elements of the business's development will cause excessive and intrusive noise for the hotel's neighbours.

In spite of multiple efforts to bring noise control problems to the previous hotel owners, these problems were left unaddressed. The same problems are expected with the new development.

Such noise problems included, but were not limited to:

- delivery vehicles loading and unloading in a noisy fashion very in early morning (4-5:30 am),
- tour bus and delivery vehicles left idling for long period very in early morning (4-5:30 am),
- loud and offensive music playing on a closed patio on a single song loop all until late when the patio is closed for the winter months, (at one stage "jingle bells" played on a loop for several days!)
- people and music making noise from the patio during unsocial hours all summer long,
- drunken people exiting from the hotel and having lengthy shouting conversations very early in the morning (2-6 am).

When I asked the new operator how and if the new hotel would manage this problem (especially the patio noise, the most distressing one for me), no intention to address such noise generated by the hotel was offered, in spite of saying the hotel has a number of engineers on site, and engineers being capable of developing engineering solutions to such problems.

While the other source of noise will wake us up only a couple time a week, the patio of the hotel is a the most problematic source of noise because it is sustained and yet entirely controllable. The acoustics of Burdett Ave and patio make it such that every noise carried right into the homes surrounding the patio, even up to higher floors, and even with all doors and windows closed. Lying in bed, even a normal level conversations between two individuals can be clearly heard word for word, when 28 people will be on the patio (as is the plan), it is much worse. Although the noise is not as egregious as the noise generated by the Strathcona Hotel at the other side of the falls, the noise experienced by the Burdett side of the Falls is distressing and unnecessary, and makes it impossible to have full night sleep on any given night in the summer months.

In considering the permissions for the development I would bear upon the municipality to consider the neighbours by taking reasonable measure to:

- limit the use of the patio to a more reasonable hour (currently it is being proposed that the patio stay open until an outrageous 1:00am!) I am told there are similar by-laws in other parts of the province.
- oblige the hotel to manage noise produced by the patio by looking for a comprehensive acoustic engineering solution before it opens for business.
- Oblige the hotel to test and responsibly manage the noise decibels it produces (in particular as it is experienced by the residential neighbours)

- oblige the hotel to disallow idling of tour buses and noisy delivery vehicles as well as loading and unloading of delivery vehicles in the early hour mornings.

If the hotel is a good neighbour to us, we will of course be supportive neighbours to them.

Many thanks for your consideration.

Sincerely,

J Ryan

250 818 7796

Mark Hayden

From: Stan Bartlett <bartlett@telus.net>
Sent: Thursday, Jun 26, 2014 9:48 AM
To: Councillors
Cc: Mark Hayden; Wendy Bowkett; Shellie Gudgeon; Charlayne Thornton-Joe (Councillor); feslner@vicpd.ca
Subject: Mitigating Noise from "Party Central"

Dear Council:

Here a few comments with respect to Bart's liquor license request for the Executive House and the public info session held last night.

First, we were impressed with the experience and reputation the new Executive House operator is bringing to the table and efforts to date to mitigate noise coming from their establishment. We don't foresee any major problems.

But as residents of the Astoria, our m-a-i-n concern during the past five years is the noise emanating from "Party Central" at the Strathcona Hotel. Even though two blocks away it's astounding how sound travels at 2-3 in the morning (see correspondence below). I expect the noise also denigrates the stay for a few hundred hotel guests in the immediate area.

Certainly, urban noise goes with the neighbourhood while living downtown and a fair bit is tolerated, and after all, at 100 hundred years old, the Strathcona has been here long before us. There are limits however - the extremes of noise can be minimized and mitigated, and city noise bylaws can be enforced.

There were suggestions made during the Bart's info session which we would urge council to consider: adopt a bylaw closing outdoor patios at 11 pm as in Vancouver; adding rubber devices to garbage bins to muffle sounds; the Strathcona is making bags of money so maybe they should fund a shuttle service for patrons; and increasing police presence especially during holidays and long weekends.

Thank you.

Stan and Anne Bartlett

#1660-751 Fairfield Rd.
Victoria, B.C. V8W4A4

Mark Hayden

From: Monique Moore <mooremonique@hotmail.com>
Sent: Wednesday, Jun 25, 2014 8:58 PM
To: Councillors
Cc: Liquor Licence Email; info@victoridra.ca
Subject: Executive house proposal

To City council,

As a resident of The Falls, I still reject the proposal of the Executive House to expand seating. After our meeting tonight, I would like city council to propose the following:

- 1) reduced decibel allowance in the city of Victoria
- 2) patio closure at 11:00
- 3) assigned police officers outside the Strathcona Hotel at closing time. The number of drunken patrons warrants a direct police presence on Courtney st.
- 4) reduce the number of patrons allowed at the Strathcona Hotel. I believe it is unsafe.
- 5) enforce limiting service to patrons that are clearly over the limit

Thank you to the councillors that attended the meeting. Councillor Thornton-Joe suggested the next meeting involve the police chief. As a downtown resident, I am once again pleading for the city's support in making living town a viable and enjoyable experience. At this time it is the opposite and I would like to stay downtown.

Kind regards,
Monique Moore
504-707 Courtney st
2508883416

Sent from my iPad

4.6 Liquor License Application – Executive House Hotel

Committee received a report regarding an application by the Executive House Hotel (Bartholomew's Pub) in relation to their Liquor Primary Liquor License for the premises located at 777 Douglas Street, for a permanent change to increase the occupant load.

The current occupant load for the liquor primary service area of the pub is 186 persons (including 28 on the exterior patio). The hours of liquor service are from 9:00 a.m. to 1:00 a.m. Monday through Sunday. The requested change is due to the reconfiguration of the pub and restaurant floor space on the ground floor of the hotel that faces Humboldt Street. The proposed occupancy for the liquor primary service area would be increased to 241 persons (including 32 for the exterior patio). There would be no change in the hours of operation as a result of this application.

Committee discussed:

- That it is difficult to have a balance between having downtown residents and having an entertainment zone.
- If Council should designate an entertainment district. The downtown residents have a lot of concerns.
- A lot of the response from the Falls could be regarding the noise from the Strathcona.
- That there is too much risk that could shift use from pub to night club.

Councillor Isitt left the meeting at 10:34 a.m.

- It's not the right step for the people who live there.
- If there would be a way to have applicant meet with the Falls.
- Council needs to see more detailed plans regarding management of the facility and the type of clientele that will be catered to.

Action: It was moved by Mayor Fortin, seconded by Councillor Alto, that Committee postpone further consideration of the Liquor License Application for the Executive House, until the applicant has had an opportunity to meet and have further consultation with the neighbours.

CARRIED UNANIMOUSLY 14/PLUC0112



Planning and Land Use Committee Report

Date: April 17, 2014 **From:** Robert Woodland, Director of
Legislative and Regulatory Services

Subject: Application for a permanent change to Occupant Load of Licensed area in
relation to a Liquor-Primary Liquor Licence, for the **Executive House Hotel**
(Bartholomew's Pub), 777 Douglas Street, Licence, No. 064730

Executive Summary

The purpose of this report is to seek a Council resolution, in accordance with the requirements of the *Liquor Control and Licensing Act*, regarding an application by the Executive House Hotel (Bartholomew's Pub) in relation to their Liquor Primary Liquor Licence for the premises located at 777 Douglas Street, for a permanent change to increase the occupant load.

The current occupant load for the liquor primary service area of the pub is 186 persons (including 28 on the exterior patio). The hours of liquor service are from 09:00h to 01:00h Monday through Sunday. The requested change is due to the reconfiguration of the pub and restaurant floor space on the ground floor of the hotel that faces Humboldt St. If approved, the occupancy for the liquor primary service area would be increased to 241 persons (including 32 for the exterior patio). There would be no change in the hours of operation as a result of this application.

Recommendation

That Council, after conducting a review with respect to noise and community impacts regarding the application to amend the occupant load respecting liquor service for the Liquor Primary Liquor Licence of the **Executive House Hotel**, Liquor License No. 064730, located at 777 Douglas Street, supports:

1. The application of the **Executive House Hotel** to amend its Liquor Primary Liquor Licence to allow an increase in occupant load to 241 persons.
2. The Council provides the following comments on the prescribed considerations:
 - (a) The location is in a designated mixed use commercial area which authorizes restaurants, hotels, clubs and associated uses. There is a significant amount of residential use in the immediate vicinity. The Liquor Primary operation within the hotel is compatible with the neighbouring land uses. The business is located within the Inner Harbour District and is within the Intermediate Noise District which allows for a higher noise threshold.
 - (b) While this request represents a capacity increase of close to 30% in the occupant load of Liquor Primary Licensed seats, there is expected to be minimal impact on the neighbourhood as the overall capacity of licensed seats in the hotel is decreasing due to the closing of the Café D'Amore Food Primary Liquor Licensed seats (120) that would result from this request being

approved. There is no concern that this change would result in the business being operated contrary to its primary purpose.

- (c) The views of residents were solicited via a mail out to neighbouring property owners and occupiers within 50 metres of the pub and a notice posted at the property. Thirty-two responses were received by the City. Seven letters were received supporting the application, including one from the Strata Council of a nearby apartment building. Twenty-four letters (including one from the Downtown Resident's Association) not supporting the application were received and 1 petition with 46 signatures not supporting the application was also received. Analysis of the responses not supporting the application determined that the majority of these residents are quite concerned about noise and nuisance issues related to liquor patrons generally present (including after closing hours) in this area of the City but in many cases these persons were not directly linked to the applicant's business.

Respectfully submitted,




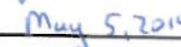
Mark Hayden
Manager, Bylaw and
Licensing Services



Robert Woodland
Director Legislative and
Regulatory Services

Report accepted and recommended by the City Manager:

Date:

MATERIALS RECEIVED VIA PUBLIC CONSULTATION PROCESS:

Attached 33 Available N/A

[A letter from the proponent, 7 letters (one from the Aria Strata Council) supporting the increase in occupant load, 24 letters (one from the Downtown Residents Association - DRA) not supporting the occupant load increase and 1 petition from the Falls Building with 46 signatures opposing the increase in occupant load are attached.]

Purpose

The purpose of this report is to seek a Council resolution for submission to the Liquor Control and Licensing Branch regarding an application by the Executive House Hotel in relation to their Liquor Primary licensed operation located at 777 Douglas Street (Bartholomew's Pub) for a permanent change to increase the occupant load of the business.

Background

The Executive House Hotel is located at 777 Douglas St. on a triangular lot that is bounded by Burdett Ave., Humboldt St. and Penwell St. The hotel and associated licensed premises have been in operation since 1990. The hotel is in the process of being rebranded as a "Doubletree by Hilton" hotel and the licensed space is being reconfigured as a result.

The hotel holds one Liquor Primary Liquor licence which allows it to operate 2 separate Liquor Primary businesses adjacent to each other in the hotel. They are Doubles Lounge, which is a 46 seat lounge and Bartholomew's Pub, which is currently a 140 seat pub (total occupant load is currently 186 persons). The hotel also has 2 Food Primary Liquor licenses. One of these, Café D'Amore, is located directly adjacent to Bartholomew's Pub. The hotel is closing this 120 seat café and is utilizing the space to add the proposed 55 seats to Bartholomew's Pub. The Hotel has also stated they will be using the revised Bartholomew's space to provide lunch and dinner service. The new larger area proposed for the Liquor Primary businesses will support an occupant load of 241 persons (including 32 outdoor patio seats) as determined by the Chief Building Official of the City. This occupant load covers both the Doubles Lounge and the revised Bartholomew's Pub floor spaces.

In their attached letter (see Attachments), the owner's representatives have described the business plan for the overall operation of the licensed area of the hotel. A map of the subject property and immediate area is also attached to this report.

Location

Official Community Plan:

- The OCP designates the property within the "Primary Centre".
- The area is designated within Development Permit Area 15 (Heritage Conservation) Downtown.

Downtown Core Area Plan:

- The property is within the "Inner Harbour District" (IHD) and adjacent to the "Central Business District".
- The IHD contains marine related businesses and activities, provincial government offices, commercial businesses that serve tourists and workers including hotels, retail stores and restaurants with residential development.

Zoning:

- The property is zoned CA-11 Central Area (Executive House) District.
- This zone permits a mix of uses including restaurants, offices, transient accommodation and liquor retail stores.
- Off-street parking is required for transient accommodation and residential uses, but not required for other commercial uses listed in the zone.

Neighbourhood Compatibility:

- Surrounding land uses include: retail, restaurants, personal services hotels, conference centre, offices, residential and public/cultural buildings.
- There is residential use within a 100m radius at the following locations:
 - 707 Courtney Street (The Falls condominium high rise, building # 1)
 - 708 Burdett Avenue (The Falls condominium high rise, building # 2)
 - 751 Fairfield Road (The Astoria condominium high rise)
 - 723 – 737 Humboldt Street (The Aria condominium high rise)
 - 788 Humboldt Street (The Belvedere condominium high rise)

The Sustainable Planning & Community Development Department has no objection to the application as the use is permitted.

Liquor Control and Licensing Branch

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

Relevant Policy / Bylaw

- a) Liquor Licensing Policy;
- b) Liquor Licensing Fee Bylaw.

Issues and Analysis

This application is being pursued as a permanent change to the operating conditions so that the hotel can reconfigure the floor space for all of its liquor licensed facilities. A letter from the applicant outlining the purposes of the requested change and a diagram outlining the proposed changes are attached to this Report.

Within a 100-metre radius of the Executive House, there are six other Liquor Primary establishments with a total patron capacity of 1585 seats:

VENUE	HOURS	SUNDAY HOURS	SEATING	TYPE
Fairmont Empress Bengal Lounge	11:00h to 01:00h	11:00h to 24:00h	125	Lounge
Quality Inn - Downtown 850 Blanshard St.	11:00h to 01:00h (M-Th) 11:00h to 02:00h (Fr-Sat)	11:00h to 01:00h	104	Pub
Strathcona Hotel 3 separate venues 919 Douglas St.	11:00h to 02:00h	11:00h to 02:00h	1237 in total including patio*	Pub/Lounge Nightclub
Chateau Victoria 740 Burdett Ave.	11:00h to 01:00h	11:00h to 24:00h	119	Lounge

*Patio service ends at 23:00h

Bylaw Enforcement

The Bylaw and Licensing Services Division has no concerns with the application. Two noise complaints (from the same complainant and relating to night time operation) were received in 2010 and 2011. These were resolved by the Hotel by adding additional security staff to monitor patrons and the area immediately adjacent to the pub.

No complaints have been received since 2011. The applicant has Good Neighbour Agreement in place (since 2004) for their Liquor Primary business. This is a condition of their business licence.

Engineering & Public Works Department

The Downtown Community Development Section reviewed this application and provided the following comments:

Café D'Amore emphasized dining over liquor consumption. Changes in liquor licence legislation are expected to relax food service requirements for food primary licensees vis a vis liquor consumption. While it is unclear if the 120 Food Primary Liquor licensed seats will be surrendered or become inactive indefinitely, it's understood that the seats would no longer be active at this site.

- No structural changes to the building are to occur and therefore, it is assumed that the area of the outside patio is also not subject to change given its confined perimeter. Given it closes at 11:00pm daily, any increase in the level of activity outside could otherwise contribute to noise concerns.
- The premises are located in a very active late night entertainment destination. This venue has had a long history of providing a popular live music and dancing bar. This has contributed to the vibrancy of the late night economy in the downtown.
- This area currently experiences congestion and disturbance issues during bar closing times between 1:00am and 2:30am.

The increase in liquor primary seats is valued in supporting a popular late night venue; however, it may incrementally contribute to public disturbance issues in the area.

Police

Police have no objections to the application. There may be a slight potential for noise increase, however it is believed that this proposed change would have little impact on the community.

Official Community Plan Consistency Statement

As the request by the applicant is congruent with the Zoning Regulation Bylaw requirements, this request, if approved, is consistent with the OCP.

Financial and Staff Capacity Assessment

Not applicable. This issue has no direct staffing or other resourcing impacts.

Public Engagement and Consultation

In accordance with the City's Liquor Licensing Fee Bylaw and Liquor Licensing Policy, all owners and occupiers within 50 metres of the applicant's location were solicited by a mailed notice to provide input regarding this application. In addition, the business displayed a poster at the access points to their business for a 4 week period which also invited people to provide input to the City with respect to this application.

The result of this consultation was that the City received 7 letters supporting the application, 24 letters not in support of the application and 1 petition with 46 signatures not in support of the application. In analysing the responses from residents who were not supportive of the application, the primary concern was for an increase in noise and nuisance from patrons in the general area and not necessarily from patrons of the Executive House Hotel. The letter of support from the strata council at the Aria building is of interest as this group of residents has met and discussed their concerns with the new hotel manager whom they believe (based on previous experience) will proactively mitigate any noise or nuisance issues that may arise. Copies of all feedback received are attached to this Report.

Conclusions

Council is required to submit a resolution to the LCLB; either supporting the application by the Executive House Hotel to increase their occupant load with a supporting rationale, or, not supporting the application by the Executive House Hotel to increase the occupant load with a supporting rationale.

The request complies with the City's current liquor licensing policy because:

- the requested use is compatible with the neighbourhood;
- allowing the extra seats would be a positive economic benefit to the licensee;
- the business has a positive compliance record with no complaints received in the past 3 years; and
- the request complies with existing City regulations governing this type of business.

The liquor primary licence associated with this hotel has been operating since 1990 with a good compliance record with the exception of a brief period between 2010 and 2011 when the hotel was operating under different ownership. City staff from all Departments have no significant concerns about the proposed change to increase the occupant load as requested by the applicant. Given the demise of the Café D'Amore space in the hotel, the overall number of licensed seats is actually declining by 65 seats. It is also noted that the closing hours of the applicant's Liquor Primary businesses is 1:00AM and therefore patrons will have left the premises by 1:30AM. In contrast, a number of other Liquor Primary businesses in the area have a 2:00AM closing and therefore their patrons will be exiting those businesses at 2:30AM which means that these businesses are far more likely to be the cause of late night nuisances and noise that a number of residents have complained about. In checking noise/nuisance complaints filed with the City, the vast majority of complaints come from the operations at the Strathcona Hotel, just a block away from the applicants business.

Of the concerns expressed by the community, the primary concern is for increased noise. Given the specifics of the reconfiguring of space within the hotel and as the City has not received any noise complaints from these premises since early 2011, it is not expected that this change will have anything other than a minor effect on noise or nuisance in the local area. However, Council must bear in mind public input when considering whether the application is in the community interest. Should Council decide to not support the application, a draft Resolution that complies with the LCLB requirements is included in the Appendix.

Recommendation

That Council, after conducting a review with respect to noise and community impacts regarding the application to amend the occupant load respecting liquor service for the Liquor Primary Liquor Licence of the **Executive House Hotel**, Liquor License No. 064730, located at 777 Douglas Street, supports:

1. The application of the **Executive House Hotel** to amend its Liquor Primary Liquor Licence to allow an increase in occupant load to 241 persons.
2. The Council provides the following comments on the prescribed considerations:
 - (a) The location is in a designated mixed use commercial area which authorizes restaurants, hotels, clubs and associated uses. There is a significant amount of residential use in the immediate vicinity. The Liquor Primary operation within the hotel is compatible with the neighbouring land uses. The business is located within the Inner Harbour District and is within the Intermediate Noise District which allows for a higher noise threshold.
 - (b) While this request represents a capacity increase of close to 30% in the occupant load of Liquor Primary Licensed seats, there is expected to be minimal impact on the neighbourhood as the overall capacity of licensed seats in the hotel is decreasing due to the closing of the Café D'Amore Food Primary Liquor Licensed seats (120) that would result from this request being approved. There is no concern that this change would result in the business being operated contrary to its primary purpose.
 - (c) The views of residents were solicited via a mail out to neighbouring property owners and occupiers within 50 metres of the pub and a notice posted at the property. Thirty-two responses were received by the City. Seven letters were received supporting the application, including one from the Strata Council of a nearby apartment building. Twenty-four letters (including one from the Downtown Resident's Association) not supporting the application were received and 1 petition with 46 signatures not supporting the application was also received. Analysis of the responses not supporting the application determined that the majority of these residents are quite concerned about noise and nuisance issues related to liquor patrons generally present (including after closing hours) in this area of the City but in many cases these persons were not directly linked to the applicant's business.

APPENDIX

This Appendix contains a draft Council Resolution not supporting the approval of the Licence Application.

This draft Resolution is in the specified format required by the Liquor Control and Licensing Branch.

Resolution

That Council, after conducting a review with respect to noise and community impacts regarding the application to amend the occupant load respecting liquor service for the Liquor Primary Liquor Licence of the **Executive House Hotel**, Liquor License No. 064730, located at 777 Douglas Street, **does not support**:

1. The application of the **Executive House Hotel** to amend its Liquor Primary Liquor Licence to allow an increase in occupant load to 241 persons.
2. The Council provides the following comments on the prescribed considerations:
 - (a) The location is in a designated mixed use commercial area which authorizes restaurants, hotels, clubs and associated uses. There is a significant amount of residential use in the immediate vicinity. The Liquor Primary operation within the hotel is compatible with the neighbouring land uses. The business is located within the Inner Harbour District and is within the Intermediate Noise District which allows for a higher noise threshold.
 - (b) While technical analysis suggests there is expected to be minimal direct impact on the immediate neighbourhood from this application, Council is concerned that allowing an increase in the number of Liquor Primary seats may lead to this establishment becoming a destination for out of area patrons wishing to drink during the late evening hours. This in turn may lead to unacceptable noise and nuisance concerns in the largely residential area around this business. This in turn could negatively impact police department workload and resources.
 - (c) The views of residents were solicited via a mail out to neighbouring property owners and occupiers within 50 metres of the pub and a notice posted at the property. Thirty-two responses were received by the City. Seven letters were received supporting the application, including one from the Strata Council of a nearby apartment building. Twenty-four letters, including one from the Downtown Resident's Association, not supporting the application were received and 1 petition with 46 signatures not supporting the application was also received. Council notes that there have been many concerns expressed by area residents about unacceptable levels of noise and nuisance in this part of the City that is directly related to liquor service. Council is concerned that any additional liquor primary capacity in this area may exacerbate the problems of nuisance and noise that currently exist.

ATTACHMENTS

The following documents are attached:

1. A letter from the proponent explaining the purpose for the requested change.
2. A copy of the approved floor plan.
3. An aerial photograph (map) of the property and surrounding area.
4. Seven letters in support of the application.
5. Twenty-four letters not supportive of the application.
6. A petition not supportive of the application.

Executive House Hotel
777 Douglas Street
Victoria, BC
V8W 2B5
Ph: (250) 388-5111
Fx: (250) 385-1323

March 3, 2014

RE: Renovations and Liquor Licensing changes to Bartholomew's Pub

To whom it may concern:

The Executive House Hotel is currently rebranding as a Doubletree by Hilton, and as a result extensive renovations and new construction are planned for the hotel, over the next two years

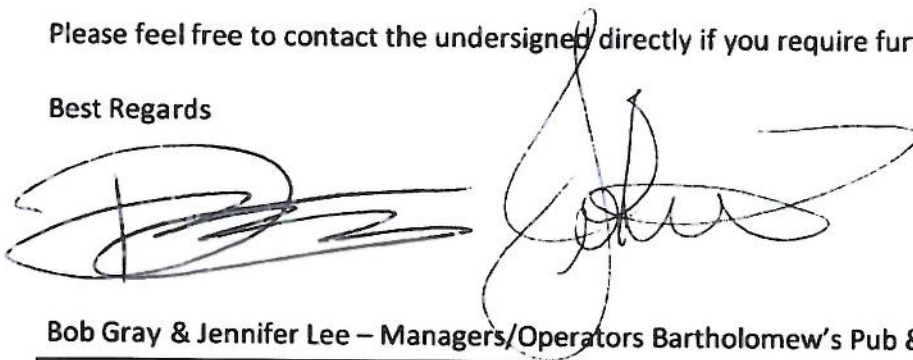
Part of the project includes renovations in Bartholomew's Pub which will see the closure of the CAffe D'Amore, and a proposed expansion of the pub area. This will result in a cancelation of the Food Primary licence in the CAffe and an application to expand the Liquor primary Licence of Bartholomew's from 28 on the patio, 112 in the pub to 32 on the patio and 163 in the pub. There are no renovations or changes planned for Doubles Lounge, adjacent to Bartholomew's.

(46
seats)

The plan is to have breakfast service moved upstairs to the dining room on the lobby level, while Bartholomew's will continue to provide lunch, dinner, room service, and weekend evening entertainment to hotel guests as well as local residents.

Please feel free to contact the undersigned directly if you require further information.

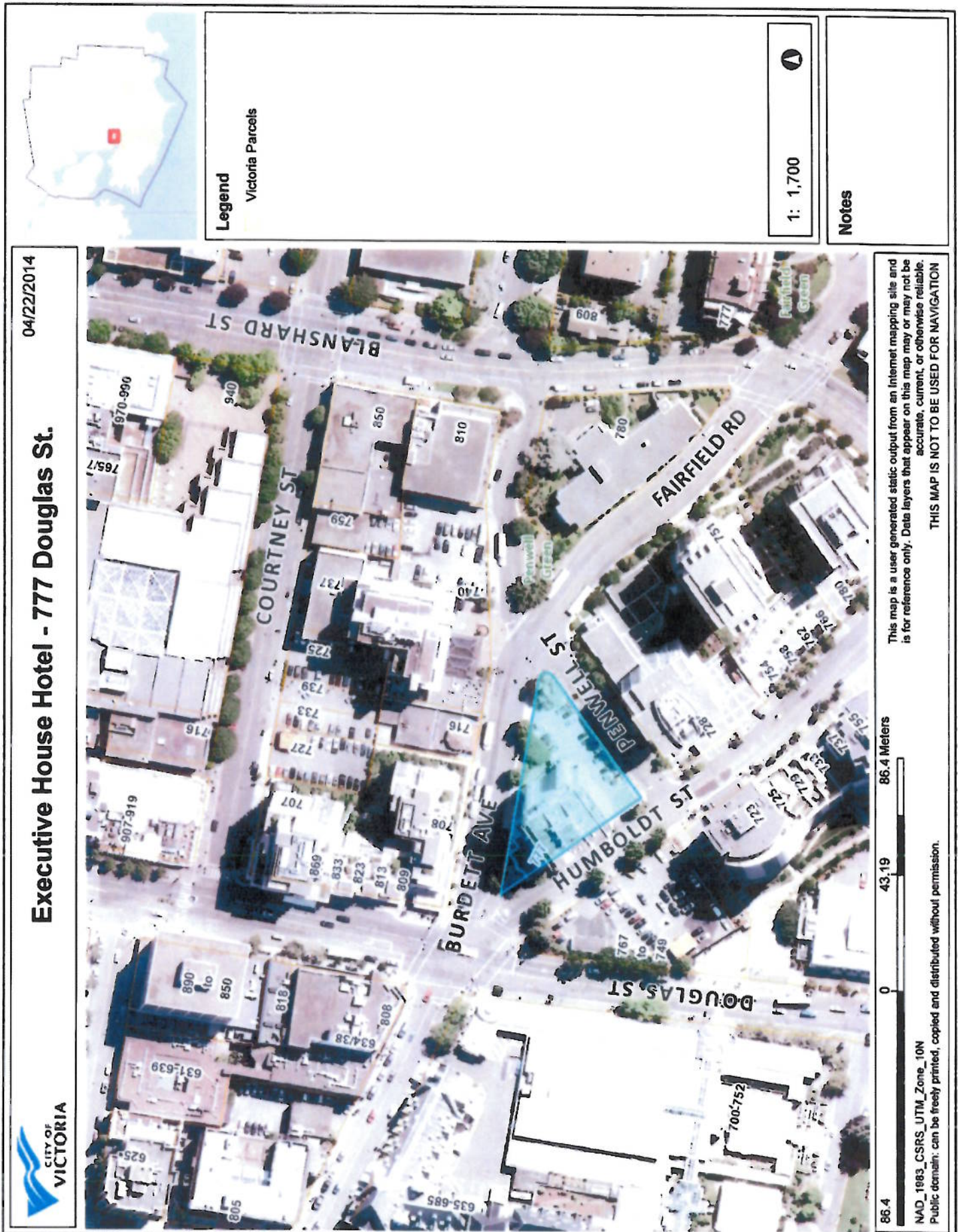
Best Regards



Bob Gray & Jennifer Lee – Managers/Operators Bartholomew's Pub & Doubles Lounge









737 Humboldt St., Victoria, BC V8W 1B1

Manager, Bylaw and Licensing Services
c/o Legislative Services
1 Centennial Square
Victoria, BC V8W 1P6

Dear Sir:

This letter is a response from the ARIA Strata Council to the March 10th letter from the City soliciting neighbourhood reaction to the application by Bartholomew's Pub for an increase in their occupancy load to 241 persons.

As the main entrance to Bartholomew's has been out onto Humboldt Street, we have had some concerns in the past. There was inevitably some noise produced by patrons who came out onto the sidewalks to smoke. In the summer, if the doors onto the corner patio were open, music and noise spilled out. The noise typically peaked on weekends at closing time when some boisterous patrons tended to mill about, engaging in loud conversation - and sometimes musical improvisation - that often persisted well into the wee hours.

Now the hotel is being rebranded, up-graded and is under a new management firm. Some members of our Strata Council executive had a good meeting with the hotel manager, Francis Mariet, to discuss our concerns. In his previous role as Manager of the Marriott Victoria, which is just opposite the ARIA, he had proved himself a good neighbour, responsive to concerns from ARIA residents. He restated his intention to be respectful of community and neighbours' concerns.

Because the ARIA has an interest in promoting a viable, vibrant downtown neighbourhood, our Strata Council does not oppose the application to increase the liquor license occupancy load. However, we would like noise and nuisance issues to be mitigated as much as possible. Our block of the Humboldt Valley is essentially high-density residential now and a bar scene is not appropriate. If the main entrance to the drinking establishment remains on Humboldt, and also if the entrance to the patio is moved from Douglas onto Humboldt, we ask the proponent to undertake to monitor the entrances with a doorman or security guard presence, to break up loitering or rowdiness. When the patio is used (and we don't oppose patio use), we would like it closed by 11 pm, 7 nights per week to limit late night noise.

We thank you for the opportunity to provide public input.

Sincerely,
Ruth Annis
ARIA Strata Council President

Mark Hayden

From: [REDACTED]
Sent: Thursday, Apr 3, 2014 11:55 AM
To: Liquor Licence Email
Subject: re: Licence reference #064730 & Executive House Ltd.

We were asked by the owners just to send you a quick email to let you know that we support their proposed expansion plans of the liquor primary and occupant load of Bartholomew's Pub.

Thanks,

Zech Prinz

--
Armeni Jewelers



--
This email is free from viruses and malware because avast! Antivirus protection is active.
<http://www.avast.com>

Mark Hayden

From: Paul Homewood [REDACTED]
Sent: Thursday, Apr 3, 2014 8:23 AM
To: Liquor Licence Email
Subject: Licence reference # 064730 - Executive House Ltd
Attachments: image001.jpg; image002.gif; image003.jpg

To whom it may concern,

Budget Rent a car of Victoria is happy to support the expansion application by Bart's Pub. Bartholomew's have been long standing neighbors of ours and we have always enjoyed a good relationship with their staff and customers. The whole "Hilton project" has our support and the proposed changes at Bart's would appear to a logical part of it.

Sincerely,

Paul Homewood

Director, Sales & Training
Budget Rent a Car of Victoria Limited
Tel: (250) 953 5218
Toll Free: 1-800-668-9833



Follow us on: Like us on:



Mark Hayden

From: Ozge Karahasan [REDACTED]
Sent: Wednesday, Apr 2, 2014 5:29 PM
To: Liquor Licence Email
Subject: Licence reference # 064730 and Executive House Ltd.

To whom it may concern,

Dear Sir/Madam

This email is to inform you that as a business located in the neighbourhood, we support the proposed expansion of the liquor primary and occupant load of Bartholomew's Pub. (Licence reference # 064730 and Executive House Ltd.)

Sincerely,
Ozge Karahasan

Manager of Cafe Mela
784 Humboldt St.

Mark Hayden

From: Winchester Galleries [REDACTED]
Sent: Wednesday, Apr 2, 2014 3:30 PM
To: Liquor Licence Email
Cc: [REDACTED]
Subject: Support for# 064730 (Bartholemew's Pub)
Attachments: image002.png; image004.jpg

To Whom it May Concern:

We are writing in support of the proposed expansion of the liquor primary and occupant load of Bartholomew's Pub (# 064730).

Yours sincerely,
Elizabeth Levinson

Per:



Winchester Modern
758 Humboldt Street
Victoria, British Columbia V8W 4A2
tel: 250-382-7750

www.winchestergalleriesltd.com



Mark Hayden

From: Bob Gray <[REDACTED]>
Sent: Wednesday, Apr 2, 2014 3:24 PM
To: Liquor Licence Email
Subject: Fwd: Pub expansion at Bartholomew's

Re: Executive House Ltd. Licence # 064730

----- Forwarded message -----

From: Jennifer Work <[REDACTED]>
Date: Wed, Apr 2, 2014 at 2:59 PM
Subject: Fwd: Pub expansion at Bartholomew's
To: Baby <[REDACTED]>

Jennifer Gray

Begin forwarded message:

From: LEACHMAN Cliff <[REDACTED]>
Date: 2 April, 2014 12:11:57 PM PDT
To: [REDACTED]
Cc: LEACHMAN Cliff <[REDACTED]>
Subject: Pub expansion at Bartholomew's
Reply-To: Leachman Cliff <[REDACTED]>

Attention City Hall

To whom it may concern,

As a residential owner of the Astoria and commercial owner of 762 Humboldt street, I support the expansion of the PUB at what was formerly Bartholomews on Humboldt street. I have no objections and look forward to returning as a customer to the renovated premises. Thank you in advance for your consideration and if you have any further questions don't hesitate to call or email at the address below

Dr. Cliff Leachman
762 Humboldt street
Victoria, B.C.
V8W 4A1
[REDACTED]

--

Regards

*Bob & Jennifer Gray
#405-165 Kinta Rd
Victoria, BC
V9A 7P1*



Mark Hayden

From: Russell Books Vintage [REDACTED]
Sent: Friday, Apr 4, 2014 11:51 AM
To: Liquor Licence Email
Subject: LLC# 064730-Barts

To Whom It May Concern,

I am writing to express my support for the expansion of Bartholomew's English-Style Pub, LLC# 064730, on behalf of Russell Books.

Sincerely,

Andrea Minter

Russell Books Vintage
734 Fort Street
Victoria, B.C. V8W 1H2
Mon-Sat 9-6, Sun 11-5
vintage@russellbooks.com
250-220-9364



1715 Government Street
Victoria, BC
V8W 1Z4
250.386.5503

Manager Administration Legislative Services
City of Victoria
No.1 Centennial Square
Victoria, BC
V8W 1P6

April 16, 2014

Re: Permanent Change to a Liquor Licence-Executive House 777 Douglas

Dear Manager Administration Legislative Services,

The licence under application has functioned with its current capacity of liquor sales for many years. The adjacent Humboldt Valley has since become a populated and desirable residential neighbourhood.

This licence apparently extends over Bartholomew's Pub currently at 140 seats with a proposed expansion of 55 seats to a total of 241 Seats. Doubles Lounge will not be changed and contains 46 additional Liquor Primary seats.

Members anticipate that expanded capacity and corresponding liquor sales at this liquor primary will do little to enhance the liveability of the Humboldt Valley enclave. Members are specifically concerned that the expansion would encourage a destination for out of area patrons for late night drinking. This use is incongruent for this residential area.

The establishment in question has been found in contravention of the liquor act and fined accordingly. Case Number EH09-126 March 30, 2010. Liquor contraventions are an indication of a failure of management.

The executive House Hotel has managed to function for many years with its current Liquor Primary seating capacity. The DRA LUC has concerns for additional Liquor Primary seating in this residential neighbourhood and therefore does not support this application.

Sincerely,

Robert Florida

Downtown Residents Association

Robert & Lexie Brough
April 03 2014

Manager, Bylaw and Licencing Services
c/o Legislative Services
1 Centennial Square
Victoria British, Columbia
V8W 1P6

Dear sir/madam

Thank you for your letter dated March 10 2014 regarding the: Notice of Application for Permanent Change to a Liquor Licence; re: The Executive House located at 777 Douglas Street

Our condominium is in a building called 'The Falls', and it's adjacent to, and only a few floors above the Executive House Bar and Patio. In other words we are located right between the Strathcona Bar and the Executive House Bar - lucky us. When we purchased this unit we expected a lot of activity and some street noise but we had no idea it would also be like living next to a fraternity house. The Executive House has very loud bands playing several nights a week and the base noise and vibrations can be heard and felt across the street, enough to disturb a person trying to watch TV, read, or use a computer. Our second bedroom facing the street is essentially unusable for sleeping until all the shouting drunks go home. This means our family, (grandkids), could never stay with us in our home.

This bar also has an open patio. When people are drinking out on the patio you can clearly hear their voices and especially any shouting or outburst of laughter which happens often and increases as they become more intoxicated. As I'm sure you can appreciate - the more people that are allowed to be on the premises the more noise it generates. The staff do not want to risk irritating the patrons so they make no serious attempt to control the noise inside or on the patio.

The single objective is to sell as much alcohol as possible and as a result you get procession of drunks leaving the bar in the early morning hours often yelling obscenities at each other - then the sirens begin. I feel bad for the police who I know from talking to them are sick and tired of attending to drunks in the downtown area - why would you add to their problems by adding more seats ultimately increasing the risk of harm to the police. We should all be trying to make it safer for them. The City of Victoria is already known by both residents and visitors to have a serious alcohol problem downtown. The streets in this downtown area of Victoria are already not safe at night; let's not make it worse.

YOU MUST DENY THIS APPLICATION.

Sincerely;

Robert and Lexie Brough



708 Bennett Ave.

Mark Hayden

From: Greg Ramsay [REDACTED]
Sent: Monday, Mar 31, 2014 11:50 AM
To: Liquor Licence Email
Cc: Duncan MacKenzie; e.thefallsstrata@gmail.com
Subject: EXECUTIVE HOUSE HOTEL increase of persons to the drinking premises

To: liquorlicense@victoria.ca

Cc: Duncan MacKenzie; [REDACTED]

Manager, Bylaw and Licensing Services c/o Legislative Services

I own 804S condominium at The Falls.

I am very much against the 30 per cent increase of persons (186 persons to 241 persons) to the occupancy level to a liquor license at the Executive House Hotel.

This is unacceptable and this application should be rejected for many reasons, namely:

1. The increase in noise associated with the large crowd size especially at closing hour while crowds disburse; and
2. The increase in crimes ranging from violence and vandalism, public drinking and disorder and increasing incidents of public urination

The Falls Excess Noise Committee has determined that The Executive House Hotel can cause excessive noise.

Noise sound meter results indicated noise levels beyond the city noise bylaw limits.

Increasing the occupancy numbers will further increase excessive noise and complaints.

No effective plan has been put in place to deal with the excessive noise.

I am very much against the 30 percent change to the number of persons in their drinking premises.

Brock Ramsay [REDACTED]

Greg Ramsay [REDACTED]

Mark Hayden

From: M Choi [REDACTED]
Sent: Thursday, Mar 27, 2014 5:29 PM
To: Liquor Licence Email
Subject: Executive House Hotel

Regarding Permanant Change to a Liquor Licence for Executive House Hotel, located at 777 Douglas Street, I believe that this application should **be rejected** for lots of reasons,

1. the increase in noise associated with the drunken crowds
2. the increase in crimes such as drinking, disorder and public urination.

This expansion should be reconsidered.

Regards,

M Choi
406-708 Burdett Ave.
Victoria BC

Mark Hayden

From: IAN MARSH [REDACTED]
Sent: Sunday, Mar 30, 2014 6:51 PM
To: Liquor Licence Email
Subject: Bartholomew's Pub

As a resident at The Falls, 708 Burdett Ave, immediately across the road from the Executive Hotel, I would like to express an objection to the proposed increase in seating at the pub. As a downtown resident I am quite willing to accept a certain level of nighttime noise associated with local business and understand it is part of living here. However the current level of disturbance from loud patrons is I believe already more than enough and I request that you consider the needs of downtown residents in your deliberations, a number which appears to likely increase significantly in the coming years. These residents also add to the vibrancy of the city's downtown hub.

Sincerely
Ian Marsh

Sent from my BlackBerry 10 smartphone on the Bell network.

Mark Hayden

From: Jeff McGillis [REDACTED]
Sent: Wednesday, Mar 26, 2014 10:44 AM
To: Liquor Licence Email
Cc: Anita Venture (amcgillis@albertaventure.com); Anita McGillis; jeffmcgillis@live.ca
Subject: EXECUTIVE HOUSE HOTEL (Bartholomew's Pub) Application for Expansion

Manager, Bylaw and Licencing Services
c/o Legislative Services
1 Centennial Square
Victoria, BC V8W 1P6

Dear Sir / Madame

I own a condominium unit in the Falls Development on Courtney Street and understand that the executive House Hotel (Bartholomew's Pub) has applied for an expansion permit.

I want to voice my strong opposition to this due to the adverse effect it will have on the quality of life and on the property values. There are already problems with noise, vandalism, violence and drunkenness and disorder in the area and this will only contribute to the problems. I do not want to see an increase in these issues but rather a decrease and elimination of these issues.

Thank you

Jeff McGillis
[REDACTED] 707 Courtney St.
Victoria, BC

Mark Hayden

From: Anita McGillis [REDACTED]
Sent: Wednesday, Mar 26, 2014 10:49 AM
To: Liquor Licence Email
Cc: 'Jeff McGillis'
Subject: FW: EXECUTIVE HOUSE HOTEL (Bartholomew's Pub) Application for Expansion

I am in ownership with Jeff McGillis and agree with his comments. I also do not want to see an expansion granted to the Bartholomew's Pub.

Thank you.

Anita McGillis

From: Jeff McGillis [REDACTED]
Sent: Wednesday, March 26, 2014 11:44 AM
To: liquorlicence@victoria.ca
Cc: Anita Venture [REDACTED] Anita McGillis [REDACTED]
Subject: EXECUTIVE HOUSE HOTEL (Bartholomew's Pub) Application for Expansion

Manager, Bylaw and Licencing Services
c/o Legislative Services
1 Centennial Square
Victoria, BC V8W 1P6

Dear Sir / Madame

I own a condominium unit in the Falls Development on Courtney Street and understand that the executive House Hotel (Bartholomew's Pub) has applied for an expansion permit.

I want to voice my strong opposition to this due to the adverse effect it will have on the quality of life and on the property values. There are already problems with noise, vandalism, violence and drunkenness and disorder in the area and this will only contribute to the problems. I do not want to see an increase in these issues but rather a decrease and elimination of these issues.

Thank you

Jeff McGillis
N1102- 707 Courtney St.
Victoria, BC

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2014.0.4336 / Virus Database: 3722/7222 - Release Date: 03/20/14

P.1

Thursday, March 27, /14

M.H. (mark) Hayden
manager,

Bylaw and Licensing Services,
c/o Legislative Services,
1 Centennial Square,
Victoria, B.C. V8W-1P6,

Notice of Application for Permanent Change to a
Liquor Licence.

This letter is in response of the proposal for a change
in licence conditions for Liquor Primary venue in the
Executive House Hotel (Bartholomew's Pub)
located at 777 Douglas Street. (The new Hilton Hotel)
The requested change is to increase the occupant
load from 186 persons to 241 persons, which will be
an extra 55 persons to frequent Bartholomew's Pub
each night.

We both are against the proposal for the
change of the capacity of the licence conditions.

Enclosed are our concerns for the change.

P.2.

One of our concerns is the address of the change in Liquor Licence conditions in the Executive House Hotel (Bartholomew's Pub) located at 777 Douglas Street. The newly renovated Hotel will be The Hilton Hotel. The pub's entrance is not located on Douglas Street, but on our street, (Humboldt Valley) across from our condominium the "ARIA". The residences of the Aria will be the only ones affected by the change. The Marriot Hotel, Chateau Hotel, and the Falls will all not be able to see the going ons of the Bartholomew Pub. The pub has two entrances. The pub entrance and the adjacent restaurant doors are very close together.

We would hope that both entrance doors giving access to the pub on Humboldt Street will have to be removed and the entrance to be off Douglas or Burdette Street, so the staff will be able to monitor the behavior and intoxication levels of their patrons. The Marriot and Chateau Hotels and even Brown's Social House have a hostess present

P. 3.

to greet their guests. The pubs in the Marriott and Chateau Hotels are inside the hotel adjacent to the hotel lobbies. All guests of the hotels are greeted by a door man. This way all patrons are monitored. That has been the big problem of Bartholomew's Pub, no one holds any of the patrons which have consumed alcohol accountable. There has never been any supervision of the condition of their patrons. Some patrons arrive at the pub so intoxicated that they have needed assistance in walking and Bartholomew's pub just turns a blind eye and serves them even more alcohol. Then they come back outside for a cigarette and go back in falling down drunk. No one has ever turned them away. The smokers all go outside the pub and are allowed to stand right outside the doors and anyone walking by have to go around them. They have never paid attention to the no smoking space in front of the doors. The patrons smoking and doing drugs and marijuana come across the street

P.4

to our building. The Aria, They even shoot up on their drugs. They are totally oblivious to anything going on around them and are without any disregard for anyone walking by. We have been asked if we want anything, (drugs) These intoxicated patrons also urinate and even desicrate at the car lots across the street. We have even witnessed street fights. There never has been much of a police presence at night. The police cruisers go down Burdette Street unable to see any goings on even at closing time. There also are a lot of drunks getting into their vehicles and driving off. The police are too busy driving around the Strath Hotel. What will happen when there are even 55 more patrons unsupervised at the end of the evening? Is an establishment not responsible to see that their patrons are not served too much alcohol? Why have they not turned any drunks away? The city of Victoria promotes downtown living. Is this what it is all about?

P. 5

Victoria promotes downtown living but the noise bylaw of no noise after 10:00 pm and before 7:00 am in all the city neighbourhoods are being ignored for the Aria-Humboldt valley homeowners.

We live on the 8th. floor and we hear all the noise, so you can imagine how loud the pub is. Even with the windows closed, we have to leave fans on to drown out the noise. In the past, there has been no concern for the pub's neighbours. They have not obeyed any of the rules for a pub owner.

Hopefully you will take into account all of our concerns and we can live in peace with the new Hilton Hotel.

737 Humboldt Street.

N803

Allan + Gysbertha Davies

Mark Hayden

From: Allan Quinn <[REDACTED]>
Sent: Tuesday, Mar 25, 2014 7:55 PM
To: Liquor Licence Email
Subject: Expansion of Bartholomew's Pub

I would like to express my concerns about the request by the Executive House Hotel to expand Bartholomew's Pub. I own a condominium at The Falls across the street. There have been untold problems with the rambunctious crowds that the tenants in the north tower have had to deal with from the Strathcona Hotel. I am very concerned that a somewhat acceptable situation at the Executive House could get out of hand if the premises is allowed to expand. Please consider helping to keep our neighbourhood noise to a minimum. If things do get out of hand which is very possible, I see room for all kinds of expensive litigation and court problems. Please prevent a mess from happening!

Sincerely,
James Quinn
S802
The Falls

Mark Hayden

From: Robert Glazier [REDACTED]
Sent: Friday, Mar 21, 2014 3:08 PM
To: Liquor Licence Email
Subject: The Executive House expanded liquor license application

I reside in unit 506 - 708 Burdett Ave, Victoria, directly across the street from Bartholomews Pub. I would urge the City to DENY this application. At present the sound level emanating from the band, music and noisy patrons is on most Friday and Saturday nights, a major hindrance to the enjoyment of my home. To expand the seating and patronage would exacerbate an already intolerable situation. One of the bedrooms in my Condo faces Burdett Ave and my guests complain they cannot sleep due to the noise from the pub, particularly on weekends. I fully accept we will incur some noise downtown, buses, party noise, but that pub in particular is very noisy, as it has a Live Band that plays until 1:30 am. The patrons often yell, scream and having residences next door is not a good mix. However it is what it is and we have to get along. To increase capacity would be a significant deterioration in the use and enjoyment of my condo. I urge the city to deny this application. Thank you

Robert Glazier

Bob Glazier [REDACTED]

Johns, Southward, Glazier, Walton & Margetts, Barristers and Solicitors,
204 - 655 Tyee Rd, Victoria, B.C. V9A 6X5

Telephone: (250)381-7321 Fax: (250)381-1181 Toll Free: (888)442-4042 WEBSITE: www.jsg.bc.ca

WARNING:

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Mark Hayden

From: DAWN KROAD [REDACTED]
Sent: Friday, Mar 21, 2014 10:23 AM
To: Liquor Licence Email
Cc: Price, Glenn
Subject: Permanent Change to Occupancy Load - Executive House Hotel - 777 Douglas Street

To: Manager, Bylaw and Licensing Services

As an original owner of a Condo at "The Falls" and I'm writing to oppose the Executive House Hotel's request to expand seating capacity from 186 to 241.

Speaking as an owner, I believe that this application should be rejected for the following reasons, all negatively having impact on living at the Falls.

1. An increase of occupants to the Executive House Hotel would most certain expand noise levels to a higher decibel; 2. An increase of occupants would most certain increase public disturbance; and 3. From a financial perspective, many owners have sold at a loss due to the tarnished image of The Falls and an increase of occupants would most certain contribute to this image.

The City of Victoria needs to encourage growth of new viable businesses that service the growing Downtown population of new households and not encourage latenight.

I am asking the City of Victoria not grant the proposed application to the Executive House Hotel at this time.

Thank you,

Dawn
Owner at The Falls

Mark Hayden

From: Dean Desroches [REDACTED]
Sent: Tuesday, Mar 25, 2014 6:13 AM
To: Liquor Licence Email
Subject: Executive House Hotel application for expansion of licence premises

Manager, bylaw and licensing
Services.

Please consider this email as a letter to contest the application for a permanent change to a liquor licence for Executive House Hotel (Bartholomew's pub).

I am a resident owner at the Falls and clearly have experienced noise, public drinking, and incidents of public urination, as well as vandalism and theft, mainly due the over population of drinking establishments.

This has decreased property value and increased crime and vandalism at the Falls Property mainly upon patron disbursement at Bar closings.

Please reject the proposed application as our family feels unsafe with existing licensing, not withstanding further expansion.

Regards,

Dean Desroches

Mark Hayden

From: Liza Bialy [REDACTED]
Sent: Tuesday, Mar 25, 2014 1:20 PM
To: Liquor Licence Email
Subject: Permanent Change to a Liquor Licence - Executive House Hotel

Dear Manager, Bylaw and Licencing Services,

As an owner of a until in The Fall (702 - 707 Courtney Street) I would like to express my concern about expanding the drinking premises capacity to 241 patrons from the current 186 capacity at Bartholomew's Pub. Increasing the capacity would only contribute to the noise and violence already occurring during the evening hours. There is also a concern about seeing more major crimes such as the shooting outside another Douglas Street club on February 25th 2013 (<http://www.timescolonist.com/news/local/man-pleads-guilty-to-attempted-murder-in-drive-by-shooting-of-victoria-doorman-1.676314>). As an owner wanting to preserve the quality and beauty of Victoria I hope that this capacity increase is not granted.

Regards,
Liza Bialy

Mark Hayden

From: Dennine Giles [REDACTED]
Sent: Saturday, Mar 22, 2014 11:28 AM
To: Liquor Licence Email
Subject: Executive House Hotel (Bartholomew's Pub) - Application to expand liquor license
Attachments: image007.jpg; image008.png; image009.jpg

Good afternoon,

It has recently been brought to my attention that the Executive House Hotel (Bartholomew's Pub) has applied to expand their liquor license. My family and I currently reside in unit S1005, 708 Burdett Avenue (The Falls) which is directly beside the applying business.

At present, the noise that comes from that establishment is enough to be heard clearly up to our condo. We have been patient with the noise as I understand they are running a business and I make sure to drown it out as best I can. With the application before your board to increase the number of patrons allowed at the premise I can't imagine how much more noise there will be. I am strongly opposed to the application and trust that you will take into consideration the number of people this application will adversely affect.

Should you require further information from me or would like to discuss the situation further, please do not hesitate to contact me directly at 780 799 3530.

Thank you,

Dennine

Dennine Giles
Northstar Group



NORTHSTAR GROUP

780 799 3530 (Cell) 780 713 2846
505 Mackenzie Boulevard, Fort McMurray T9H 4X3



Mark Hayden

From: Maureen Nohr [REDACTED]
Sent: Friday, Mar 21, 2014 7:38 PM
To: Liquor Licence Email
Subject: Manager,Bylaw,Licensing Service

TO: Manager,Bylaw and Licensing Service:

% Legislative Services
1Centennial Square
Victoria BC V8W 1P6

RE: Change of Liquor Licence
Executive House Hotel / Bartholomew's Pub

To Whom it May Concern,

We object to the Executive House Hotel / Bartholomew's Pub, application for a permanent change of liquor licence from 186 persons to 241 persons which is a 50% increase.

Our condo is located on the 11th floor, corner suite fronting on Douglas Street and Humbolt. Two of our bedrooms are located on side of Executive House Hotel and Bartholomew's Pub. We have already been frustrated with the noise and sleep interruption from the Pub. There have been times when shouting and disorder have been so concerning that we needed to get up and make sure people were ok or if assistance was needed. There is no way that the increase of liquor licensing seating should be allowed, if anything it should be decreased. In fact there have been times when fines for disorderly conduct and the Noise Bylaw should have been enforced! We have thought about making a formal complaint to the City to in force the noise bylaw. That is how disturbing it can be! If you allow the 50% increase this would be a huge negative impact on our life enjoyment and could impact the value of our condo. We are the original owner and we paid ALOT of money for our suite and want to enjoy the location. When we purchased we were aware of Bartholomew's Pub as it is now.

Please! Please! do not allow the application for the increase seating. There are lots of pubs already in this area and we see no reason to allow the increase seating liquor license. It is only for the owner to make more money, at the expense of people living in the area.

Sincerely,

Arnold and Maureen Nohr
The Falls
[REDACTED]

Mark Hayden

From: Dallas Chapple [REDACTED]
Sent: Friday, Mar 21, 2014 4:03 PM
To: Liquor Licence Email
Cc: liquorlicense@victoria.ca
Subject: Executive House

To whom it may concern,

As an owner at The Falls we would like to be recorded as firmly against the requested increase to Bartholomew's Pub by The Executive House Hotel. Our objections are particularly about the increase in noise with the larger crowd disbursing, and with the increase in crimes from violence and vandalism, public drinking and disorder and increasing incidents of public urination. This is a residential area which we must share with the commercial establishments but to have further problems for which we have to hire a private security company is unacceptable.

Sincerely,
Len and Dallas Chapple

RE/MAX Camosun

[REDACTED]

Mark Hayden

From: Norra [REDACTED]
Sent: Thursday, Mar 13, 2014 12:22 PM
To: Liquor Licence Email
Subject: Executive House hotel

**Manager Bylaw and Licensing Services
c/o Legislative Services
1 Centennial Square
Victoria, BC**

Dear Sir/Madame

We are Owners of Unit 302, 708 Burdett Ave “The Falls”

Recently we received in the mail “ Notice of Application For Permanent Change to A Liquor License.”

Please be advised we are OPPOSED to the request by Executive House Hotel (Bartholomew’s Pub) to increase occupant load from 186 to 241 persons.

We are already dealing with abnormal decibels of noise from the unruly patrons after closing time from this and other nearby clubs. This will add to even a bigger crowd and more incidents of loud noise.

The City and the Drinking establishments must first find an effective way to control the crowds of

drunken noise once the patrons are released into the streets before considering such applications.

The City is courting developers to build sustainable downtown neighborhoods and vibrant businesses to cater and service the families now living in the core. This is starting to happen.

The clubs and pubs must now co -exist with that sustainability in mind. Peace and quiet after patrons are released must now become a priority .

Our buildings are designated as “luxury” real estate and therefore need to be respected as such by our neighbors with regards to late night noise. If the establishments could hire “noise” police to keep decibels below acceptable bylaw requirements all night long then we could possibly co-exist but this does not happen now with the Strathcona dumping out drunken clubbers at 2 am, therefore, we must be vehemently against your application.

**Sincere Regards
Norra Miroseivic**

Mark Hayden

From: Monique Moore [REDACTED]
Sent: Friday, Mar 14, 2014 11:49 AM
To: Liquor Licence Email; Mayor (Dean Fortin)
Cc: Falls Manager; [REDACTED] Marianne Alto; Chris Coleman (Councillor); Shellie Gudgeon; Lisa Helps; Ben Isitt; Pam Madoff (Councillor); Charlayne Thornton-Joe (Councillor); Geoff Young (Councillor)
Subject: Executive house hotel

To the Liquor Control and Licencing as well as City Council,

As a resident and owner at The Falls I do not support an increase in the occupancy at the Executive House Hotel Bartholomew Pub for the following reasons:

- 1) the residents do not need to contend with anymore late night bar noise than we do already
- 2) our concerns regarding the Strathcona Hotel have not been dealt with by Liquor Control, City Council or Victoria Police
- 3) on a nightly basis residents listen to loud bass pumping music as they lie in bed
- 4) taxi drivers are not abiding the pick up location rules and remaining on Douglas St
- 5) the hours of 11p:m until 3:00 a:m are filled with screaming, yelling and at times fighting bar patrons pouring out into the street. The Strathcona Hotel does not deal with disorderly patrons
- 6) the Victoria Police needs to have a required presence when more than 1000 bar patrons pour into the streets. Residents cannot and should not be expected to make nightly phone calls to maintain the peace and/or express concern over the well being of someone screaming on the street
- 7) If a roadside check stop was set up on either end of Courtney Street, I could guarantee that there would be many a failed breathalyzer test by drivers

It would be ridiculous for the Licencing Board, City Council, Victoria Police or homeowners to consider anymore bar patrons in the neighbourhood until the above problems are taken care of. As a homeowner, downtown resident, voter, tax payer and concerned citizen I continue to wait for these concerns to be addressed.

Sincerely,
Monique Moore

Sent from my iPad

Mark Hayden

From: Dal M. [REDACTED]
Sent: Wednesday, Mar 12, 2014 5:03 PM
To: Liquor Licence Email
Subject: Executive House Hotel

Importance: High

Manager Bylaw and Licensing Services
c/o Legislative Services
1 Centennial Square
Victoria, BC

Dear Sir/Madame

We are Owners of Unit 1401, 708 Burdett Ave "The Falls"

Recently we received in the mail " Notice of Application For Permanent Change to A Liquor License."
Please be advised we are **OPPOSED** to the request by Executive House Hotel (Bartholomew's Pub) to increase occupant load from 186 to 241 persons.

We are already dealing with abnormal decibels of noise from the unruly patrons after closing time from this and other nearby clubs. This will add to even a bigger crowd and more incidents of loud noise.

The City and the Drinking establishments must first find an effective way to control the crowds of drunken noise once the patrons are released into the streets before considering such applications.

The City is courting developers to build sustainable downtown neighborhoods and vibrant businesses to cater and service the families now living in the core. This is starting to happen.

The clubs and pubs must now co-exist with that sustainability in mind. Peace and quiet after patrons are released must now become a priority .

Regards

Dal Mirosevic,

Mark Hayden

From: Stu [REDACTED]
Sent: Sunday, Mar 16, 2014 8:26 PM
To: Liquor Licence Email
Subject: Executive House Hotel

We live at 807-708 Burdett Avenue.

We are opposed to the proposed increase of the occupant load for the Executive House Hotel.

Residents on the south side of our property already complain about the noise from across the street. Increasing the load will do nothing for that.

Stuart & Barbara Fraser

Sent from my iPad

Mark Hayden

From: Jim Geminiano [REDACTED]
Sent: Sunday, Mar 16, 2014 11:33 AM
To: Liquor Licence Email
Subject: Executive House Hotel increase change to increase the occupant load to 241

dear sir,

I am against the propose increase of occupant load.Bartholomews Pub from 186 t0 241 people.

The place is already too noisy to the residential neighbourhood.

Very truly
Onofre Geminiano (469663 BC Ltd)
N1206
The Falls North Tower
707 Courtney Street, Victoria

Mark Hayden

From: [REDACTED]
Sent: Saturday, Mar 15, 2014 4:39 PM
To: Liquor Licence Email
Subject: Executive House Hotel

I am against the proposal to increase the license conditions for the Executive House Hotel. People are now shifting to the Urban lifestyle from the Suburban. Reasons being easy access to all the amenities such as Movie Theatres, Restaurants, Doctors, Dentists, Parks, Inner Harbour, etc... . The major negative I see as a Downtown resident is noise after 11 pm. So far the City has not addressed this as other cities have (ex. New York City noise bylaw 42 Decibels as measured from inside nearby residences and 7 decibels over the ambient Sound level as measured on a street or public right of way 15 feet or more from the source between 10 pm and 7 am.). Living at the Falls building I am often kept awake from loud music and drunken "hooting and hollering" after the bars close. Bottom line less people being let out of the Bars at night less noise. So therefore as I stated above I am against the proposal to increase numbers at the Executive House Hotel.

Sent from my iPad

Mark Hayden

From: Mike <[REDACTED]>
Sent: Monday, Mar 17, 2014 10:54 AM
To: Liquor Licence Email
Subject: Fwd: Application for Permanent change to a Liquor License- 777 Douglas St.

Re sending

Sent from my iPad

Begin forwarded message:

From: Mike <[REDACTED]>
Date: March 17, 2014 at 10:16:52 AM PDT
To: "liquorlicense@victoria.ca" <liquorlicense@victoria.ca>
Cc: Susan Gains [REDACTED]
Subject: Application for Permanent change to a Liquor License- 777 Douglas St.

Dear Sir/Madam,

I am an owner at the Aria Condominium Buildings at #N-403-737 Humboldt and I am very concerned about the additional noise the 55 more people at closing time (1am) will create. Our bedroom faces north and would be directly impacted by the increase in late night activities. The main exit is out on to Humboldt Street as well as the current smoking area and Taxi pick up. People will congregate at this place and an additional 55 people will only add to issue of late night noise.

My wife Susan and I are opposed to increasing the occupancy load for the Executive House Hotel (Bartholomew's Pub) located at 777 Douglas Street.

Sincerely,

Michael and Susan Gains

Sent from my iPad

Mark Hayden

From: Steve Purcell [REDACTED]
Sent: Sunday, Mar 23, 2014 2:13 PM
To: Liquor Licence Email
Subject: re: Bartholomew's Pub

To whom it may concern:

This email is to protest against the proposed increase in seating at Bartholomew's Pub from 186 persons to 241 persons. This increase is almost 30% which is far too excessive.


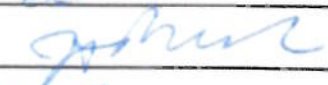
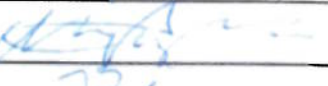
We continually deal with loud noise and drunks from both the Strathcona and Bartholomew's. Imagine a 30% increase in the number of patrons spilling out of those places in the early morning.

If the City of Victoria wants to encourage more residents to live downtown and make it a viable centre, then please decline this notice of application. Having a vibrant city core with families and all of the positive elements that families bring, can only enhance the reputation of Victoria. You only have to look at some of the most liveable cities in the world and one of the common themes is that they all have a vibrant mix of residents living in the downtown areas. Increasing the pub capacity will only increase the inherent issues that go along with rowdy drunks loitering in the downtown core. This will dissuade many prospective families from purchasing housing in the downtown area.

Sincerely,

Steve Purcell
702S The Falls

**The Following Residents of the FALLS are opposed to
the expansion of the occupancy load of the
Bartholomew's part of the Executive House Hotel**

Address (ie. 403 - 707 Courtney St.)	Name (please print)	Signature
408-707 Courtney	Susan Minaker	
1106 " "	Susan Minaker →	SUSAN MALCOLM
107	MARLEN SOUTHWORTH	11
408-707 Courtney	Perry Minaker	RL
1602-707 Courtney	Dj Bingham	DB
1901-707 Courtney	Boyle	
1502-707 Courtney	JM Boyle Ltd	JM
602-707 Courtney	Abhishek C	Abhishek
1206-707 Courtney	Xuan Shi	Xuan Shi
1601-707 "	NOLAN BAYNES	
1106-707 Courtney	Duo Wang	Duo
1602-707 Courtney	S BINGHAM	SB
1001-707 Courtney	Ben Vire	Ben
1008-707 Courtney	Deanna Rosenzweig	Deanna
502-707 Courtney	Deirdre Wilson	Deirdre
504-707 Courtney	Monique Moore	Monique
605-707 Courtney	M. Khanna	M. Khanna
1203-707 Courtney	MRS. Gupta	MRS. Gupta
1106-707 Courtney	Tang Tang	Tang Tang
1202-707 Courtney	William Shee	William Shee
804-707 Courtney	Charles Hord	Charles Hord
905-707 Courtney	Deanna Clement	Deanna Clement
607-707	Heidi Tashaw	Heidi Tashaw
804-707 Courtney	Leslie Page	Leslie Page
708-707	Wanda	Wanda

**The Following Residents of the FALLS are opposed to
the expansion of the occupancy load of the
Bartholomew's part of the **Executive House Hotel****

Address (ie. 403 - 707 Courtney St.)	Name (please print)	Signature
1205, 708 Burdett	Barbara Wanke	B Wanke
402 708 Burdett	Ronnie Cavender	Ronnie Cavender
902 708 Burdett Ave	Mulheh Sayeh Sina	M. Sina
902-708 Burdett Ave	Mohammad Al. Khashei	M. Al. Khashei
506-708 " "	Rosmary GUAZIER	Rosmary Guazier
305-708 " "	Ruth Humphries	Ruth Humphries
607-708 " "	BONNIE DREGER	Bonnie Drager
1203-708 " "	Peter Jong	P. Jong
303-708 " "	NORRA MIRENGUE	Norra Mirengue
401-708 " "	DAL MIRENGUE	Dal Mirengue
704 708 Burdett	IAN MARSH	Ian Marsh
402-708 Burdett Ave	Don Keir	Don Keir
406-708 Burdett	Minkyung Choi	Minkyung Choi
406-708 " "	Jenny Kim	Jenny Kim
605-708 Burdett	Alicia Bertrand	Alicia Bertrand
605-708 Burdett	Stuart Bertrand	Stuart Bertrand
702-708 Burdett	Steve Purcell	Steve Purcell
701-708 " "	Wilson's	Wilson's
220 708 Burdett	NOHR	And Nohr
807-708 Burdett	FRASER	Fraser
807-708 Burdett	FRASER	Fraser



EXECUTIVE HOUSE HOTEL

777 DOUGLAS STREET, VICTORIA, BRITISH COLUMBIA, CANADA V8W 2B5 • PHONE (250) 388-5111 • FAX (250) 385-1323

Email: executivehouse@executivehouse.com Website: www.executivehouse.com

August 14, 2014

Mark Hayden
Manager, Bylaw and Licensing Services
Legislative and Regulatory Services Department
City of Victoria
1 Centennial Square, Victoria BC V8W 1P6

Re: Application for permanent Change to Occupancy Load of Licensed area in relation to a Liquor Primary License, for the Executive House Hotel, 777 Douglas Street – No. 064730

Dear Mr. Hayden,

As a follow up on our above noted application, I understand that there are still some concerns from the neighborhood residents in respect to potential noise specifically emanating from the patio area in the late evening hours. As previously noted, we are very concerned by the noise level and as operator of the newly renovated and branded hotel, would be very vigilant in preventing any such abuse. However, I understand that this may not be enough to pacify the resident's concerns. In order to demonstrate our desire to foster excellent neighborhood relations, and lessen the negative impact of our activities on the community, we are prepared to voluntarily close the patio for service at 11:00pm every night. We hope that this step will help council in supporting our application.

Regards,

Francis D. Mairet, MBA
General Manager
DoubleTree by Hilton Victoria
T: 250.889.5494
E: francis.mairet@hilton.com



Planning and Land Use Committee Report For the Meeting on August 21, 2014

Date: August 7, 2014 **From:** Jim Handy, Senior Planner - Development Agreements

Subject: Proposed Amendment to Master Development Agreement for 1952 Bay Street (Royal Jubilee Hospital)

Executive Summary

The purpose of this report is to present Council with information, analysis and recommendations regarding 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 (MDA) for the Royal Jubilee Hospital.

It should be noted that, in addition to outlining a deadline of June 29, 2011, for the submission of a comprehensive Master Plan, the MDA identifies a range of issues that should be addressed in that Plan to the satisfaction of the Director of Sustainable Planning and Community Development. The MDA also states that, with the exception of the Patient Care Centre (which is now complete and operating), a power plant addition, links from the Diagnostic and Treatment Centre to the Patient Care Centre and various surface parking lot works, no further development on the land can take place until City Council have approved the Master Plan.

A Draft Plan was submitted to the City prior to the June 29, 2011, deadline and work continued on this document into 2012. In October 2012, staff provided Council with a memo providing an update on the status of the Master Plan explaining that Island Health were working towards a final draft of the Plan and that, upon completion, the document would be subject to further review from both City staff and the community. The latest iteration of the draft document was submitted in November 2013 and does not fully satisfy the obligations of the MDA. In a letter to staff dated July 31, 2014, Island Health have requested that the submission deadline for the comprehensive Master Plan be extended to June 30, 2015, in order to respond to the issues raised by staff.

Staff will continue to work with Island Health and will meet with their representatives to resolve outstanding issues in the preparation of this Plan.

Recommendations

1. That Council direct staff to prepare an amendment to Section 16 of the Master Development Agreement for the Royal Jubilee Campus, to the satisfaction of the Director of Sustainable Planning and Community Development and the City Solicitor, that:
 - a. extends the deadline for submission of a comprehensive Master Plan for the Campus to June 30, 2015; and
 - 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 direct 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.

Respectfully submitted,


Jim Handy
Senior Planner - Development Agreements
Development Services Division


Deb Day, Director
Sustainable Planning and
Community Development Department

Report accepted and recommended by the City Manager:


Jason Johnson

Date:

August 12, 2014

JH/ljm

W:\Master Development Agreements\MDA General\1952 Bay Street - Jubilee Hospital\MDA Amendments 2013\JH MDA amendment.doc

1.0 Purpose

The purpose of this report is to present Council with information, analysis and recommendations regarding 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.

2.0 Background

In January 2008, Council approved a comprehensive rezoning proposal creating the CD-11 Zone, RJH District, and, in conjunction with the rezoning process, Island Health entered into a Master Development Agreement (MDA) with the City. Section 16 of the MDA requires that Island Health undertake the development of a comprehensive Master Plan for the Royal Jubilee Hospital Campus, at their sole cost, and present that Master Plan to the City by June 29, 2011. This deadline has passed and Island Health are in default of this obligation. The MDA requires that the comprehensive Master Plan address (but not be limited to) the following issues, to the satisfaction of the Director of Sustainable Planning and Community Development:

- use and density
- site planning
- building massing
- landscaping
- site open space
- tree protection
- Bowker Creek
- parking
- Transportation Demand Management (TDM)
- access to and from the land
- site servicing
- storm water management
- heritage issues.

It should be noted that, under the terms of the MDA, Island Health have agreed that they shall undertake no further development at the Royal Jubilee Hospital, other than the Patient Care Centre (which is now complete and operating), a power plant addition, links from the Diagnostic and Treatment Centre to the Patient Care Centre, various surface parking lot works and that they shall not construct any new buildings until the comprehensive Master Plan has been approved by City Council.

A Draft Master Plan was submitted to the City prior to the June 29, 2011, deadline and work continued on this document into 2012. In October 2012, staff provided Council with a memo providing an update on the status of the Master Plan explaining that Island Health were working towards a final draft of the Plan and that, upon completion, the document would be subject to further review from both City staff and the community. The latest iteration of the draft document was submitted in November 2013 and staff have provided feedback to Island Health requesting that further work be undertaken in relation to parking, heritage issues and general Plan content. This is discussed further in Section 4 of this report. In order to address the issues raised by staff, Island Health have submitted a letter to the City dated June 31, 2014 (attached), requesting that the deadline for submission of a comprehensive Master Plan be extended to June 30, 2015. This deadline extension requires a revision to Section 16 of the MDA.

3.0 Issues

The key issues related to this request are:

- proposed new date for submission of a Master Plan
- proposed replacement boiler
- primary outstanding issues.

4.0 Analysis

4.1 Proposed New Date for Submission of a Master Plan

This deadline extension is required to accommodate meetings with staff and further work on the Plan to ensure that a satisfactory comprehensive Master Plan is submitted in accordance with requirements outlined in the MDA. Since Island Health are still actively pursuing the establishment of the Master Plan, staff recommend that Council approve the deadline extension until June 30, 2015, as requested by the applicant.

4.2 Proposed Replacement Boiler

Under the terms of the MDA, with the exception of specific developments identified in this report, no further development of the site can take place until the comprehensive Master Plan has been approved by City Council. Island Health have confirmed that the existing hospital boiler plant needs to be replaced at the earliest opportunity. This is critical hospital infrastructure and staff recommend that Council support an amendment to the MDA that allows construction of the replacement boiler commence prior to approval of the Master Plan.

4.3 Primary Outstanding Issues

As identified in the letter from Island Health, the issue of on-site parking is providing the greatest challenge. The latest iteration of the Draft Master Plan indicates a shortfall of between 235 and 670 parking stalls based on projected future Campus floor space requirements and assumed parking demand. Further work on this issue is required to provide a clear understanding of parking demand as it relates to:

- the future growth of the Campus
- options for providing on-site parking to satisfy that demand
- the effectiveness of Transportation Demand Measures in offsetting parking demand
- minimizing any impact on the community as a result of visitors to the hospital and hospital staff parking in the adjacent residential areas.

The other major outstanding issue is related to heritage. The Draft Master Plan proposes the demolition of Begbie Hall. This building is located adjacent to Richmond Road in the southwest corner of the Campus and is a Heritage-Registered Property; however, this is not correctly acknowledged in the Plan and a compelling argument has not been made for the demolition of this building. Staff have advised Island Health that the Plan should correctly reference and acknowledge the heritage status of the building and, as a guiding principle, identify that the building (and all other heritage resources on-site) be retained and rehabilitated where necessary.

5.0 Conclusions

The proposed deadline extension for the submission of a comprehensive Master Plan for the Royal Jubilee Hospital Campus is required so that Island Health can respond to issues raised by staff. The boiler plant is critical hospital infrastructure and needs to be replaced at the earliest opportunity. Staff will continue to assist Island Health in their preparation of a comprehensive Master Plan and recommend that Council support the requested deadline extension and amendments to the MDA.

6.0 Recommendations

6.1 Recommendations

1. That Council direct staff to prepare an amendment to Section 16 of the Master Development Agreement for the Royal Jubilee Campus, to the satisfaction of the Director of Sustainable Planning and Community Development and the City Solicitor, that:
 - a. extends the deadline for submission of a comprehensive Master Plan for the Campus to June 30, 2015; and
 - 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 direct 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.

6.2 Alternate Recommendation

That Council decline the request to amend the Master Development Agreement for the Royal Jubilee Hospital Campus.

7.0 List of Attachments

- Letter from Island Health dated July 31, 2014
- Section 16.0 of the Master Development Agreement for the Royal Jubilee Hospital Campus
- Aerial map.

Excellent care, for everyone,
everywhere, every time.



July 31, 2014

Ref# 15820

Attention: Alison Meyer, Assistant Director, Development Services
The City of Victoria
1 Centennial Square
Victoria BC V8W 1P6



Dear Ms. Meyer:

Re: Royal Jubilee Hospital Master Campus Plan
Master Development Agreement - Timelines and Update

Please accept this letter as an update on the current progress and projected timeline for the completion and submission of the Royal Jubilee Hospital Master Campus Plan.

BACKGROUND

In January 2008 the Vancouver Island Health Authority (now Island Health) entered into a Master Development Agreement (MDA) with the City of Victoria. Subsequently, the Royal Jubilee Hospital site was rezoned to accommodate the addition of the Patient Care Centre (PCC). The MDA outlined key requirements for Island Health to address in consideration of the development of the PCC. The PCC was completed in 2010 and has significantly improved the delivery of health care services to Vancouver Islanders. The Royal Jubilee Hospital site continues to provide a broad range of services to residents and remains a major employment center in the City of Victoria and south Vancouver Island.

Amongst several requirements detailed in the MDA, Island Health agreed to:

1. "....undertake the development of a comprehensive master plan for the Land, at VIHA's sole cost, and to present that comprehensive master plan to the City within thirty (30) months of the date that Council for the City gives final adoption to the Rezoning Bylaw....".
2. "....provide for a reasonable degree of consultation with the City and the residents of the surrounding neighborhood, to the satisfaction of the City's Director of Planning and Development."
3. "....address (but is not to be limited to) the following issues to the satisfaction of the City's Director of Planning and Development:

.../2

Executive Offices

Located at 2101 Richmond Road | Victoria, BC V8R 1J8 Canada

Mailing address: 1952 Bay Street | Victoria, BC V8R 1J8 Canada

Tel: 250-370-8699 | Fax: 250-370-8750

viha.ca

- 2 -

- use and density;
 - site planning;
 - building massing;
 - landscaping;
 - site open space;
 - tree protection;
 - Bowker Creek;
 - parking;
 - transportation demand management;
 - access to and from the Land;
 - off-site servicing and improvements;
 - site servicing;
 - storm water management; and
 - Heritage issues.”
4. “....undertake no further development on the Land, other than the Patient Care Centre, power plant addition, links from the Diagnostic and Treatment Centre to the Patient Care Centre and various surface parking lot works, and that, for certainty, it shall not construct any new buildings, until completion of the comprehensive master plan in accordance with this Master Development Agreement, and until Council for the City has approved that comprehensive master plan and considered that plan for inclusion in the City's Official Community Plan or other City policies and regulations.”

The MDA also required the implementation of a Transportation Demand Management Program at the Royal Jubilee Hospital.

OVERVIEW OF PROGRESS OF MASTER CAMPUS PLAN

Upon adoption of the **CD-11 ZONE, RJH DISTRICT** Zoning Bylaw in January 2008, Island Health proceeded with the preparation of the Master Campus Plan (MCP) with the intent to submit within the prescribed timeframe of mid-2010.

Since 2008, significant effort and cost has been allocated to this project by Island Health, including extensive consultation and engagement with the local community. The City of Victoria and the District of Saanich (who share municipal boundaries on the property) have both provided input and interim review of the MCP.

From the feedback we have received, City of Victoria Staff generally supports the current plan as laid out in our December 2013 submission. The remaining key planning issues to resolve include:

- a) Current parking shortfall based on the new projected build out and density;
- b) Transportation Demand Management objectives and metrics; and
- c) Future plans for the existing Heritage Buildings of Begbie Hall and the Memorial Pavilion.

.../3

- 3 -

We would like to address these concerns as quickly as possible in order to complete the MCP and be ready to meet future demands as opportunities arise over the next decades. Given that the projected time period of 30 months to complete the MCP has expired, we are requesting additional time to complete the MCP and make every effort to address the City of Victoria's concerns.

Addressing Parking Shortfall and Transportation Demand Management

During the development of the MCP, Island Health retained the services of Boulevard Transportation Group to prepare a parking demand study for the campus that would determine a reasonable ratio of parking to gross development area of buildings. This study assessed the impacts of the new PCC tower to ascertain any demand change for parking on site due to the construction of the facility. The PCC was created to replace and consolidate in one building inpatient beds from the obsolete South, East and Centre Blocks and other parts of the site. Changes in numbers of employees, staff and visitors as a result of the PCC were not considered significant enough to change demand. It is also noted that due to limited available areas for parking on site this continues to be a significant challenge operationally for the hospital in meeting day-to-day parking needs of staff, visitors and patients.

As part of its obligations to the MDA, Island Health has continued to provide regular reports on the progress of the Transportation Demand Management Program which has had some success with a broad range of programs adopted by Island Health over the past few years (Attachment 1). However the program still has challenges in fully meeting the requirements outlined in the MDA and providing adequate justification to the City's satisfaction on an appropriate parking supply rate to address future growth.

As a specialized tertiary care site, RJH requires a large, highly skilled staff. Many staff members are shift workers that reside across the Capital Region, and many work up to 12 hour shifts across all times of the day and night. Adding extra hours to these long shifts to commute on public transit is very challenging. Transit infrastructure leading to the RJH site is increasing, but it still does not fully meet the needs of staff in a way that will significantly decrease vehicle use.

We are subsequently challenged with either increasing the MCP total parking supply or Island Health committing to increasing investments in transportation demand management. In our last iteration of the Master Campus Plan submitted to City Staff, we had achieved a significant reduction in parking shortfall from previous drafts. This was due in part to a change in development area requirements that reduced the parking demand ratio outcome, as well as integration of parking structures with the building footprint above grade.

Capital budgets for new structures must be approved by the Ministry of Health, and in the current challenging fiscal environment parking structures cannot be prioritized ahead of facilities to support patient care. Additionally the geotechnical conditions of the site are found to be largely comprised of shallow bedrock ranging from 1-2 metres below grade, and make the incorporation of underground parking very difficult and cost prohibitive.

As parking shortfall appears to be the main challenge City Staff have with the current draft of the MCP, we are requesting more time to work with the City to find a proposed solution that works for all parties.

.../4

- 4 -

Emerging Boiler Plant Issue

Island Health also has an imminent need to replace the aging boiler plant on the RJH site. The existing plant is 60 years old, and three boilers must be replaced as soon as possible. This is a significant risk to the ongoing operation of the RJH campus. Replacing the boilers will require an extension to the existing plant footprint.

Under the Master Development Agreement Island Health cannot undertake any further development on site until the Master Campus Plan is complete. We are requesting that the MDA be amended to allow Island Health to request a building permit to replace the RJH boiler plant. Island Health will then follow the regular city planning procedures to get approval to move forward with the boiler plant upgrade in parallel to completing the Master Campus Plan.

The new boilers will not add any additional staff members to the site, and will not increase the amount of patients visiting the hospital. The plant addition will also not affect parking on site. Further, we are committed to working with the City of Victoria planning team to resolve the outstanding issues and complete the Master Campus Plan within the new proposed deadline.

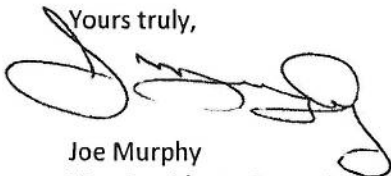
NEXT STEPS

As part of our response to City staff comments, and determining next steps for the MCP, we are requesting:

1. A clear Terms of Reference from City Staff on acceptable information and materials to address the parking shortfall and Transportation Demand Management requirements. In order to fully understand the City's position on this we need direction on what studies or actions should be undertaken to achieve approval of the MCP.
2. Approval from Council to extend the deadline for submission to June 30, 2015, to address the City of Victoria's additional feedback on the latest draft.
3. Approval from the City of Victoria to allow Island Health to proceed with requesting a building permit to upgrade the aging boilers on the RJH site.

We continue to be committed to providing a Master Campus Plan that will guide future growth on the Royal Jubilee Hospital site with as much certainty as possible. We believe that we have prepared a detailed document that addresses the majority of concerns within our current understanding of the future requirements of the health care services available on this site. We look to the City of Victoria to assist us in providing formal written direction that will reasonably ensure that this document will meet the intent of the MDA.

Yours truly,



Joe Murphy
Vice President, Operations and Support Services

cc: Grant Hollett, Corporate Director, Planning and Community Engagement, Island Health
Chris Sullivan, Director, Capital Planning, Island Health

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- (b) participation at joint meetings; and
- (c) mechanisms for addressing neighbourhood concerns related to construction or hospital operations, as those activities impact the surrounding neighbourhood, including but not limited to a means of contacting a VIHA representative twenty-four (24) hours per day, seven (7) days per week.

15.2 Prior to the issuance of a structure permit for the Patient Care Centre, VIHA shall provide to the Director of Planning and Development a copy of the Good Neighbour Agreement, executed by VIHA, in terms that are satisfactory to the Director, acting reasonably.

16.0 DEVELOPMENT OF MASTER PLAN

16.1 VIHA covenants and agrees to undertake the development of a comprehensive master plan for the Land, at VIHA's sole cost, and to present that comprehensive master plan to the City within thirty (30) months of the date that Council for the City gives final adoption to the Rezoning Bylaw. VIHA shall retain the services of a competent professionals, such as professional architects, planners and landscape architects, to assist in preparation of the comprehensive master plan.

16.2 In preparing the comprehensive master plan, VIHA shall provide for a reasonable degree of consultation with the City and the residents of the surrounding neighbourhood, to the satisfaction of the City's Director of Planning and Development.

16.3 The comprehensive planning study must address (but is not to be limited to) the following issues to the satisfaction of the City's Director of Planning and Development:

- (a) use and density;
- (b) site planning;
- (c) building massing;
- (d) landscaping;
- (e) site open space;
- (f) tree protection;
- (g) Bowker Creek;
- (h) parking;

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- (i) transportation demand management;
- (j) access to and from the Land;
- (k) off-site servicing and improvements;
- (l) site servicing;
- (m) storm water management; and
- (n) heritage issues.

16.4 VIHA covenants and agrees that it shall undertake no further development on the Land, other than the Patient Care Centre, power plant addition, links from the Diagnostic and Treatment Centre to the Patient Care Centre and various surface parking lot works, and that, for certainty, it shall not construct any new buildings, until completion of the comprehensive master plan in accordance with this Master Development Agreement, and until Council for the City has approved that comprehensive master plan and considered that plan for inclusion in the City's Official Community Plan or other City policies and regulations.

17.0 LEED® GOLD CERTIFICATION

17.1 VIHA covenants and agrees that the Patient Care Centre shall be designed and constructed so as to achieve LEED® Gold Certification from the Canada Green Building Council.

17.2 VIHA covenants and agrees to provide the City with evidence of registration of the Patient Care Centre for certification with the Canada Green Building Council prior to the issuance of a Building Permit for the Patient Care Centre.

17.3 VIHA further covenants and agrees to provide the City with evidence of LEED® Gold Certification of the Patient Care Centre upon receipt of that certification from the Canada Green Building Council.

In the event that VIHA fails to provide the City with the certification required under section 17.3 within eighteen (18) months after the issuance of an occupancy permit for the Patient Care Centre, VIHA shall make such improvements or modifications to the Patient Care Centre as are necessary to achieve LEED® Gold Certification, provided that VIHA shall not be required to expend any more on such improvements or modifications than it is lawfully entitled to receive from Project Co by way of contractual penalties imposed due to Project Co's failure to achieve LEED® Gold Certification. In that respect, VIHA covenants that its contract with Project Co shall require Project Co to pay VIHA the amount of ONE HUNDRED THOUSAND (\$100,000.00) DOLLARS for each LEED® credit less than thirty-nine (39) achieved, to a maximum payment amount



Royal Jubilee Hospital Lands

Proposed Amendment to the Master Development Agreement for 1...



Planning and Land Use Committee Report For the Meeting of August 21, 2014

Date: August 7, 2014 **From:** Murray G. Miller, Senior Heritage Planner

Subject: **1205 Wharf Street/10 Bastion Square**
Heritage Alteration Permit Application #00191
Proposal to permit a beam that has already been attached to a Heritage-Designated building
Within DPA 1 (HC) - Core Historic
Zoned: CA-3C - Old Town District

Executive Summary

The purpose of this report is to present the Planning and Land Use Committee with information, analysis and recommendations regarding a Heritage Alteration Permit Application to permit a timber beam that has already been attached to a Heritage-Designated building as part of a sidewalk café.

The key issues associated with this application are:

- unpermitted work
- physical impact on the Heritage-Designated Reid Block
- visual impact on the setting of Bastion Square
- encroachment into the View Context of a Public Outward View.

Consistency of the proposed work with City policy was considered in assessing this application.

The application was reviewed by the Heritage Advisory Panel at its July 8, 2014 meeting and it was recommended that City Council authorize the issuance of the Heritage Alteration Permit subject to conditions.

Staff recommend that the application be declined because the unpermitted work encroaches into a key Public Outward View and results in considerable visual impacts on the setting of Bastion Square.

Recommendations

1. That City Council decline Heritage Alteration Permit Application #00191 for 1205 Wharf Street/10 Bastion Square.
2. That the beam be removed and that the exterior wall of the Reid Block damaged by the installation be restored to the satisfaction of the Director of Sustainable Planning and Community Development.

3. That any damage to the sidewalk area caused by the installation be restored to the satisfaction of the Director of Engineering and Public Works.

Respectfully submitted,



Murray G. Miller
Senior Heritage Planner
Community Planning Division

Att.



Deb Day
Director
Sustainable Planning and
Community Development Department

Report accepted and recommended by the City Manager: _____



Jason Johnson

Date: _____

August 14, 2014

MGM/ljm

S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\HAPI\HAP00191\HAPL REPORT_1205 WHARF.DOC

1.0 Purpose

The purpose of this report is to present the Planning and Land Use Committee with information, analysis and recommendations regarding a Heritage Alteration Permit (HAP) Application to permit a timber beam that has already been attached to a Heritage-Designated building.

2.0 Background

In early March 2014, the City's Bylaw and Licensing Services Division received a formal complaint regarding unpermitted construction of a large elevated wooden beam within the outdoor patio area occupied by the Local Bar and Grill. The City has been working with the applicant to encourage voluntary compliance, triggering the submission of a Sidewalk Café Application, Building Permit Application and a follow up Heritage Alteration Permit Application on June 20, 2014.

2.1 Description of Proposal

This proposal is to add structural supports, flower baskets and four beam-mounted space heaters to a timber beam, which has already been attached to the Heritage-Designated Reid Block.

2.2 Consistency with City Policy

2.2.1 Official Community Plan (OCP)

Depending on the particular viewpoint location of a person in the standing position, the constructed beam would continue to maintain views from Bastion Square to the Inner Harbour, across the water to the Core Songhees area as identified in guidelines for the Downtown Core Area (Harbour and Waterfront Policy 8.16). However, there are a number of locations where the viewpoint could be from a seated position including the plaza overlooking Wharf Street (depicted in photographs attached to this report), which is a key public seating area within Bastion Square. In this regard, the constructed beam would appear within the view range and would not fully maintain those public views from Bastion Square to the Inner Harbour.

2.2.2 Downtown Core Area Plan (DCAP)

Public Outward View - Policies

The DCAP requires an evaluation of development proposals that are located along or within the view corridors illustrated in Map 21 for consistency with the Outward View Guidelines contained in Appendix 1. In relation to Public Outward View 1, the location, siting and design of the beam would not maintain the view as seen from the identified public vantage point.

Outdoor Dining Areas

The DCAP includes guidelines that encourage outdoor dining areas on public or private property that integrate with building designs and adjacent sidewalks. The extension of private outdoor dining areas into the public realm is considered a means of contributing to the vitality of public space. The guidelines also encourage the use of decorative elements to delineate dining areas that are low in height (such as fencing, planters, landscaping, etc.). Given the impact to the adjacent public seating area and to the character of Bastion Square, the patio design as installed does not result in enhancement of the public space.

2.3 Review by Heritage Advisory Panel

The application was reviewed by the Heritage Advisory Panel at its July 8, 2014 meeting and it was recommended that City Council authorize the issuance of Heritage Alteration Permit #00191, subject to the following conditions being met prior to the issuance of any permits:

1. That the proposed work be limited to structural bracing of the existing beam and the four beam-mounted space heaters.
2. That the applicant provide a dimensioned survey of the lands showing the extent of encroachment of the constructed beam onto City of Victoria property.
3. That the applicant provide a rendering to the City, depicting the full scope of work outlined in the application.
4. That the proposed braces be shown on the patio plan in relation to the posts that they are intended to brace.
5. That the applicant provides specifications to the City for the beam-mounted surface heaters.

3.0 Issues

The key issues associated with this application are:

- unpermitted work
- physical impact on the Heritage-Designated Reid Block
- visual impact on the setting of Bastion Square
- encroachment into the View Context of a Public Outward View.

4.0 Analysis

Statements of Significance for Bastion Square and the Reid Block are provided as attachments to this report.

5.0 Discussion

5.1 Unpermitted Work

The constructed beam was erected over two lots, one of which is owned by the City of Victoria. While there are circumstances where the City permits the encroachment of temporary construction onto public lands, this particular beam and support structure was constructed without required permits.

5.2 Physical Impact on the Reid Block

The physical impact is limited to fixing holes required to support the beam at the face of the exterior wall of the Heritage-Designated Reid Block. While drilling through the stucco and into the masonry represents a non-reversible change, it is considered that the physical impact would be minor.

5.3 Visual Impact on the Setting of Bastion Square

The visual impact on the setting of Bastion Square varies as one moves around the Square and also from Wharf Street looking eastward. The length, design and location of the timber beam emphasize its prominence as an uncharacteristic element within the setting of Bastion Square. In addition to being uncharacteristic, the length and location of the beam impacts the setting of Bastion Square by obscuring views from Wharf Street and contributes to visual clutter. In this regard, the visual impact is considerable.

5.4 Encroachment into the View Context of a Public Outward View

The extent to which the constructed beam encroaches into important public views depends on the position of the viewer. From a seated position in an area designated for public seating, the encroachment is notable. This public seating area is a key element within the overall urban design of Bastion Square and is one of the few spaces that people can sit within Bastion Square and appreciate a key public view. Since the review of the application by the Heritage Advisory Panel, the installation of hanging and top-mounted flower baskets, while character-defining of Victoria, encroach further into the key public view and on the setting of Bastion Square (see photographs dated August 7, 2014).

6.0 Conclusions

Bastion Square is the site of the original Fort Victoria, making it one of the most important heritage areas in Victoria within the Old Town Heritage Conservation Area. In circumstances where important public views cannot be fully maintained, new development should not detract from the quality of the existing view. In this case, the existing and proposed development would not only detract from the quality of a key public view, but it would also encroach considerably on the setting of Bastion Square as viewed from Wharf Street.

In many circumstances, staff are provided with design concepts on proposed developments for comment. Had this design been brought to staff prior to construction, staff would have worked with the applicant to address key areas of impact prior to a formal application being submitted. In this instance, while the work had already been completed, staff had advised the applicant that they were available to work with them on an alternate solution but that was not pursued by the applicant. Given the foregoing, staff recommend that the application be declined.

7.0 Staff Recommendations

1. That Council decline Heritage Alteration Permit Application #00191 for 1205 Wharf Street/10 Bastion Square.
2. That the beam be removed and that the exterior wall of the Reid Block damaged by the installation be restored to the satisfaction of the Director of Sustainable Planning and Community Development.
3. That any damage to the sidewalk area caused by the installation be restored to the satisfaction of the Director of Engineering and Public Works.

8.0 Alternate Recommendations

Option 1

1. That Council direct staff to work with the applicant to mitigate the adverse effects of the constructed works to the satisfaction of the Director of Sustainable Planning and Community Development.
2. Subject to condition 1 above, that Council consider authorizing the issuance of Heritage Alteration Permit #00191 for 1205 Wharf Street/10 Bastion Square, subject to:
 - a. Development meeting all *Zoning Regulation Bylaw* requirements; and
 - b. Final plans and specifications to be provided to the City to the satisfaction of the Director of Sustainable Planning and Community Development.

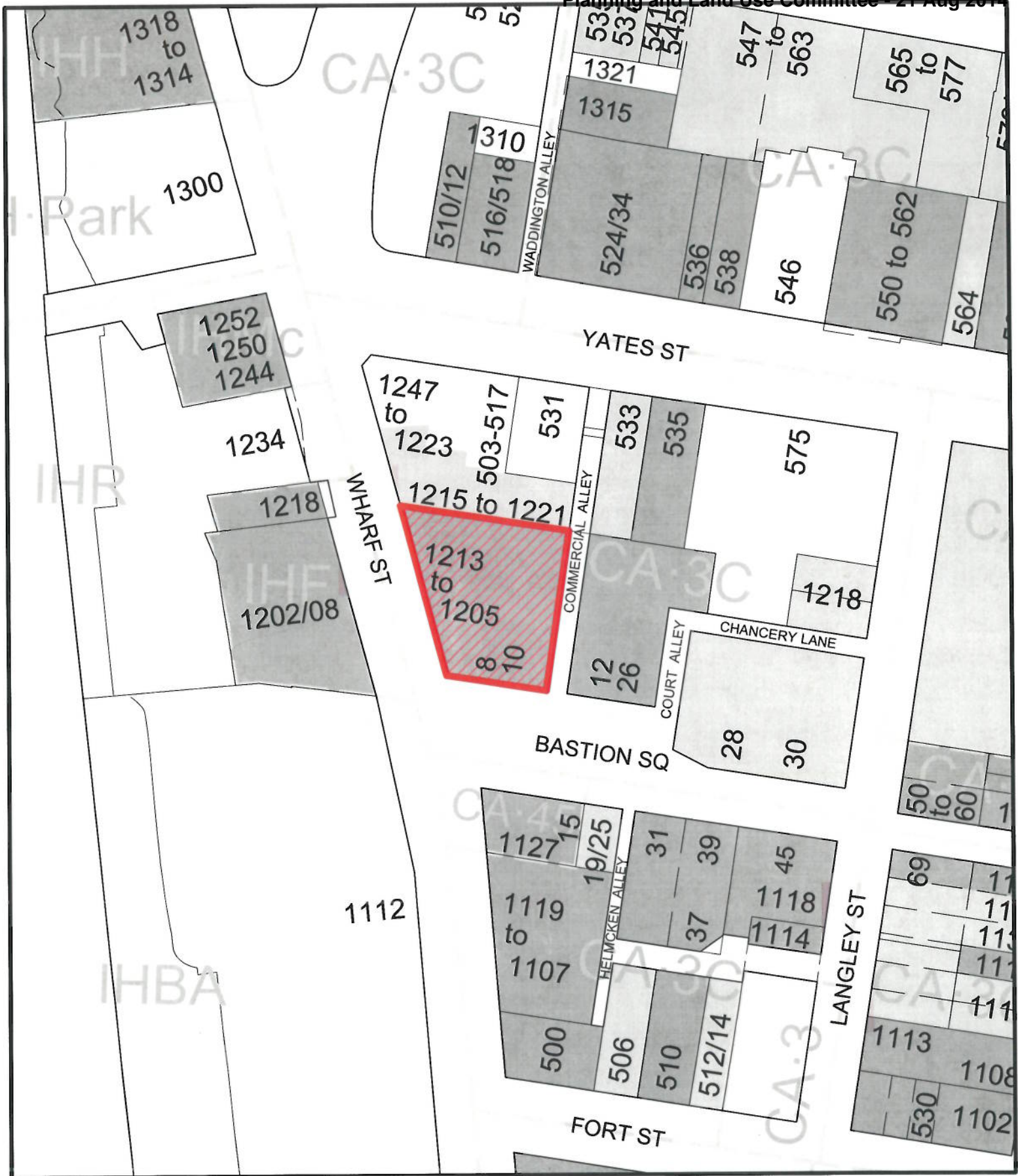
Option 2

That Council consider authorizing the issuance of Heritage Alteration Permit #00191, subject to the following conditions:

- a. That the applicant provides a rendering to the City, depicting the full scope of work outlined in the application.
- b. That the proposed braces be shown on the patio plan in relation to the posts that they are intended to brace.
- c. That the applicant provides specifications to the City for the beam-mounted surface heaters.

9.0 List of Attachments

- Subject map
- Aerial map
- Photographs (pre-July 8, 2014)
- Photographs (August 7, 2014)
- Letter from applicant, dated July 3, 2014
- Drawings and structural details, dated June 20, 2014
- Statements of Significance for Bastion Square and the Reid Block.



1205 Wharf Street / 10 Bastion Square
Heritage Alteration Permit #00191



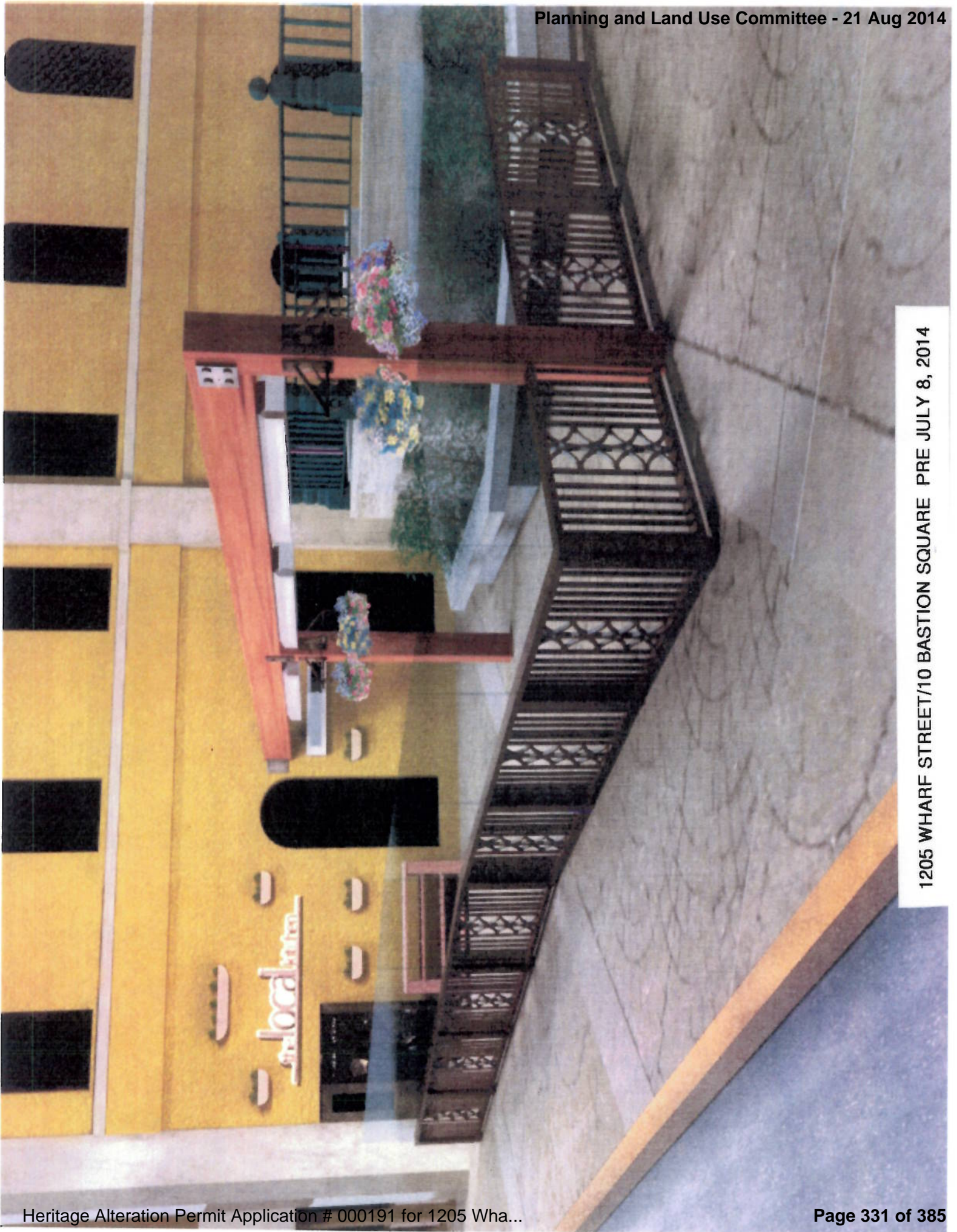


1205 Wharf Street / 10 Bastion Square

Heritage Alteration Permit #00191

Heritage Alteration Permit Application # 000191 for 1205 Wha...

1205 WHARF STREET/10 BASTION SQUARE PRE JULY 8, 2014



1205 WHARF STREET/10 BASTION SQUARE PRE JULY 8, 2014



1205 WHARF STREET/10 BASTION SQUARE PRE JULY 8, 2014

1205 WHARF STREET/10 BASTION SQUARE PRE JULY 8, 2014



View 1: HARBOUR VIEW FROM BASTION SQUARE



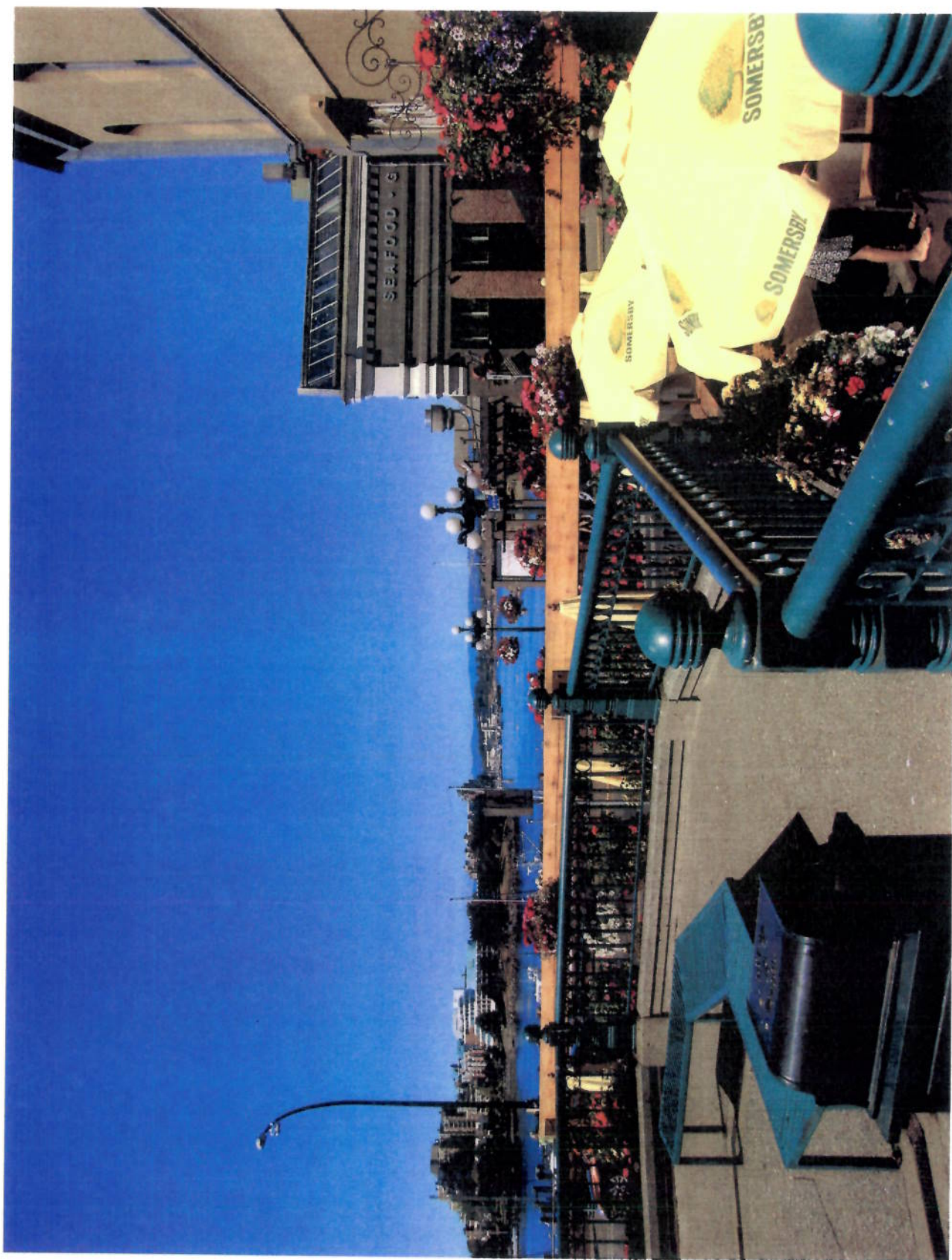
Looking west from Bastion Square

Character-Defining Elements:

- A. Laurel Point
- B. Inner Harbour Entrance
- C. Songhees Point



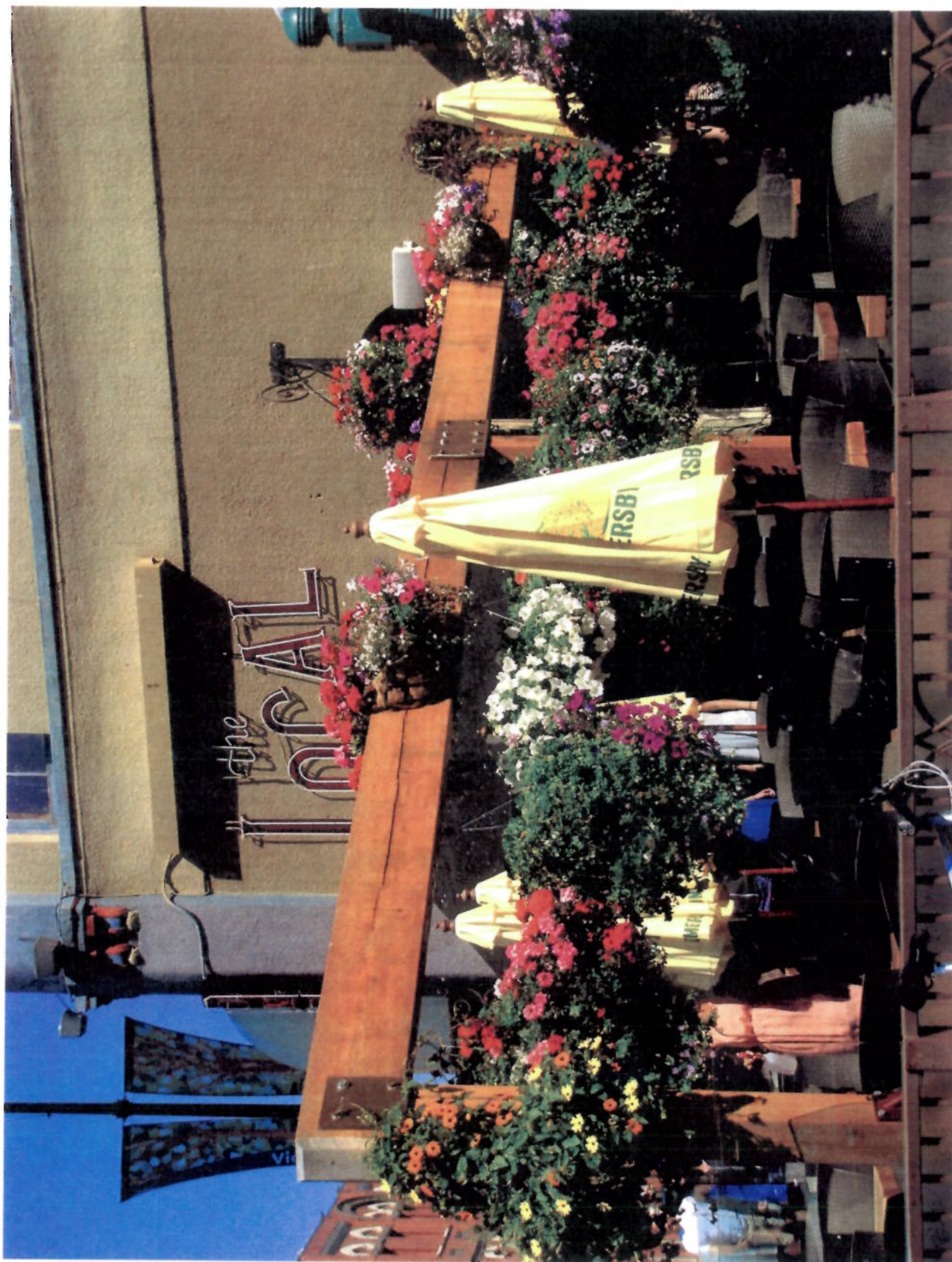
View from a seated position showing the relationship between the beam and the character-defining elements within View 1 (DCAP), without hanging baskets and beam-mounted heaters



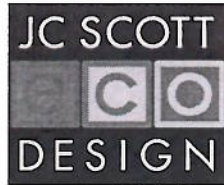
1205 Wharf Street/10 Bastion Square - August 7, 2014



1205 Wharf Street/10 Bastion Square - August 7, 2014



1205 Wharf Street/10 Bastion Square - August 7, 2014



Mayor Dean Fortin & Council
City of Victoria
1 Centennial Square,
Victoria BC

02 July, 2014

Re: The Local Patio, Building Permit Application BP051279
Heritage Alteration Permit, 1205 Wharf Street, Victoria BC

At the request of the Planning Department, I have been asked today to write an updated synopsis of the patio and related heater trellis at Bastion Square for your review. Many of you on council are already intimately aware with this issue and I believe that all of you have been made aware in some way with The Local Patio at one time or another over the last three years.

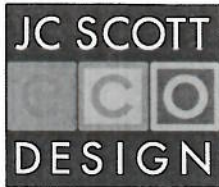
My client, Jeremy Petzing, of Brownco Holdings Inc., dba The Local, has always acted with the intention of compliance in good standing with the City of Victoria with regard to the leased patio space in Bastion Square which adjoins his restaurant. We are currently in what we hope are the final stages of a Patio Permit Application that was begun in 2011 and which has been refreshed this year as Building Permit Application BP051279 which has initiated a Heritage Alteration Permit with associated fees and process steps.

There is an attached rendering showing the intended trellis and patio heaters from 2011. This rendering has been on file with the city for well over three years. Patio and sidewalk cafes are primarily a seasonal business unless they are enclosed by tents in cities like Vancouver or with a structure like Swan's Greenhouse, or in cities like Paris, with large retractable awnings and windbreaks which are used to extend the season.

Throughout the industry, patio heaters are becoming not just normal but necessary and whereas in the 1980's, free-standing propane heaters were the norm; today 'plumbed-in' natural gas is the industry standard for reasons of safety and energy efficiency. Some operators use overhead wired in electric patio heaters.

We have an attached letter from the Victoria Fire Department which supports the natural gas model partly because propane is heavier than air so it can accumulate and explode but natural gas is lighter than air so it rises and cannot create catastrophic failure. Natural gas which we hope to use is also much more energy efficient.

The owner, fully expecting approval by this spring (because of promises made last spring, 2013 that patios were to be reviewed by city staff last September, 2013) has installed the trellis as per his and my understanding from the city that it was at the agreed height so as not to block sight-lines from the Bastion Square "lookout". It was built to specifications and



drawings from the structural P.Eng's RJC and we are now awaiting approval of the natural gas heaters.

Many years ago, I was the artist/ designer selected by the city through open competition to redesign Bastion Square; it is my compass design and my entry gate design at Government Street. I note these facts simply because I want to point out that am intimately aware of the aesthetics of Bastion Square, and I care about this important public space. I am a graduate architectural historian, and heritage is important to me, especially when, through adaptive re-use, heritage can be revitalized and made more functional.

I believe that the timber trellis perfectly suits the heritage of Bastion Square; BC was largely built with timber and wood and although the buildings of Bastion Square are clad in brick and masonry, virtually all of the older buildings there have timber frame structures.

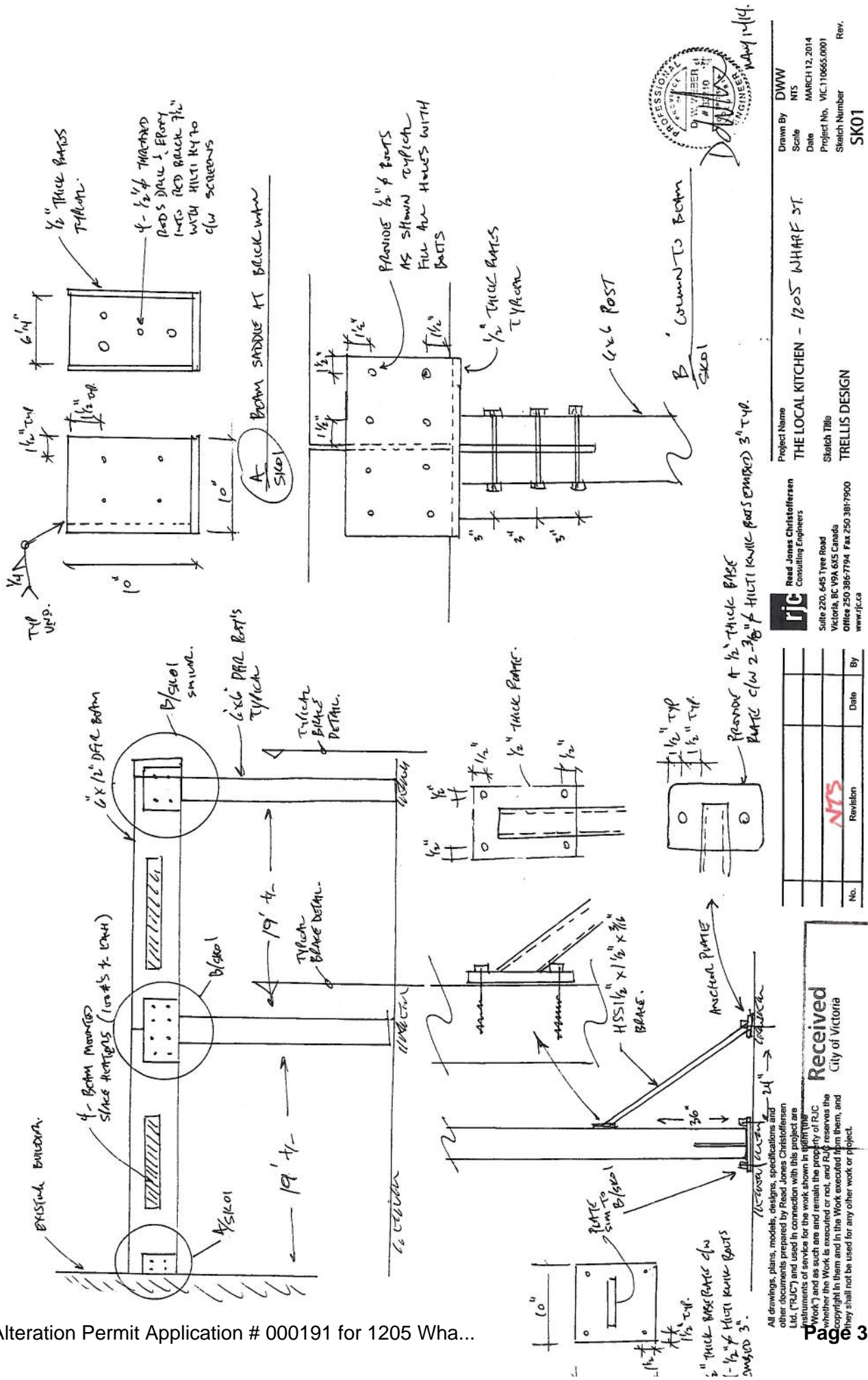
The timber trellis also complements the exposed timberwork on the decks and stairs across the street on the harbour side of Wharf Street. Finally a timber trellis is much more attractive and heritage compliant than a metal armature (as has been used elsewhere in Bastion square) to support the preferred natural gas heaters. We hope to resolve this issue as soon as possible.

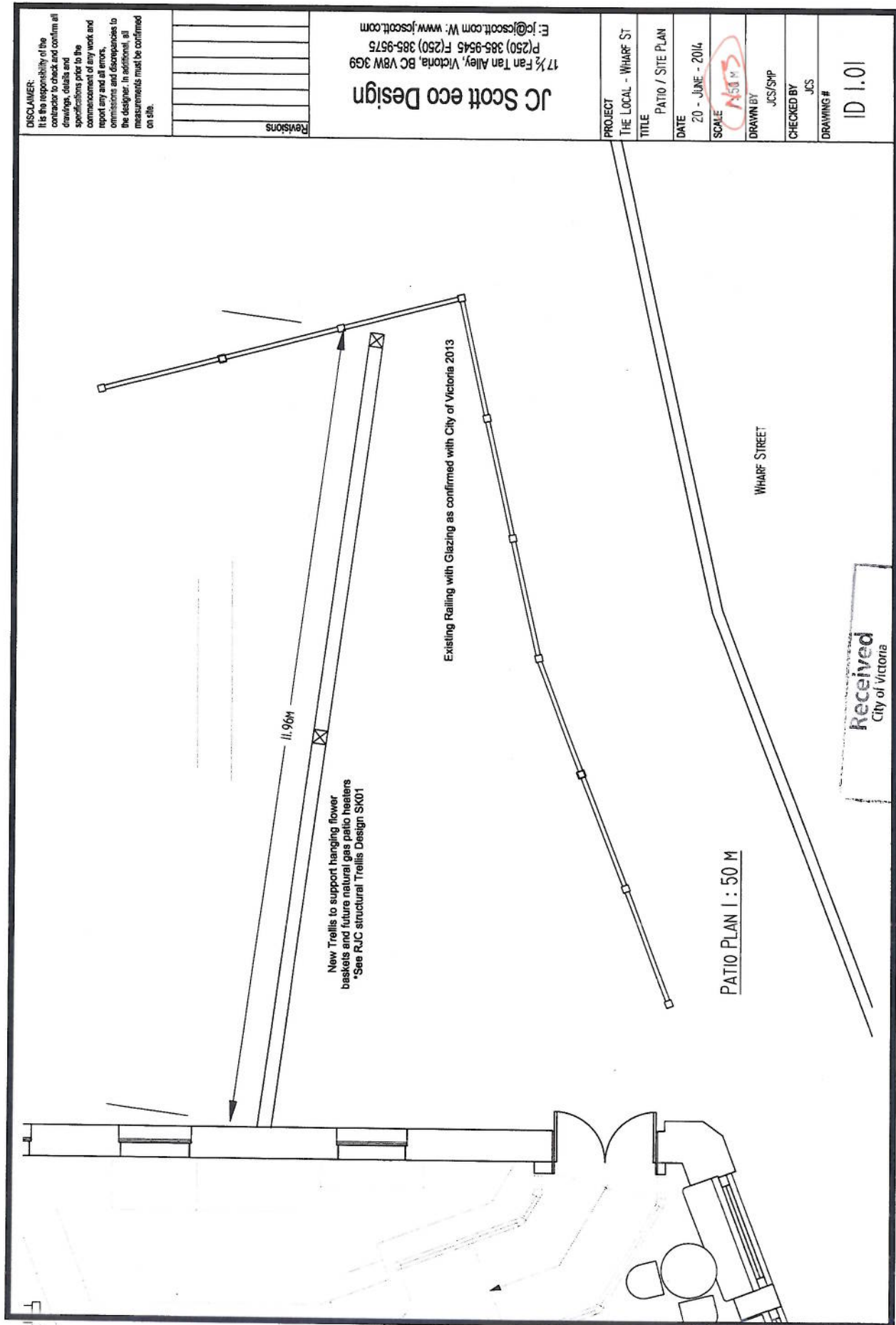
Yours truly,

JC Scott

cc:

Murray Miller;
Deborah Day;
Robert Woodland;
Jason Johnson;
Stephen Stern;
Kevin Smitten;
Jeff Mitton;
Don Kitchen;
Mark Hayden;
Ken Kelley;
Jeremy Petzing;
Greg Harney;





Received
City of Victoria

JUN 20 2014

Planning & Development Department
Development Services Division

DISCLAIMER:
It is the responsibility of the contractor to check and confirm all drawings, details and specifications prior to the commencement of any work and report any and all errors, omissions and discrepancies to the designer. In addition, all measurements must be confirmed on site.

Revisions

NO.	DESCRIPTION	DATE

JC Scott ECO Design
17 1/2 Fan Tan Alley, Victoria, BC V8W 3G9
P(250) 385-9545 F(250) 385-9575
E: jsc@jscott.com W: www.jscott.com

PROJECT
THE LOCAL

TITLE
PATIO PLAN

DATE
22 MAY 2013

SCALE
1:100

DRAWN BY
ASF / JCS

CHECKED BY
JCS

DRAWING #
A1.01

Received
City of Victoria
JUN 20 2014
Planning & Development Department
Development Services Division

PATIO

METAL RAILING WITH GLASS WINDBREAK 1.4 M HIGH

EXISTING OVERHANG

EXTENT OF EXISTING CURB

18'-4" [5.59M]

9' [2.74M]

18' [5.49M]

9' [2.74M]

9' [2.74M]

6'-0" [1.83M]

9' [2.74M]

THE LOCAL: PATIO PLAN
SCALE 1:100

Statements of Significance

Bastion Square - Description, Heritage Value and Character-Defining Elements

Description

Bastion Square is an historic urban space, located in the heart of Victoria's Old Town National Historic Site. It is comprised of a two-block pedestrian mall, of irregular configuration, enclosed by street walls of late-nineteenth and early-twentieth century historic masonry buildings between two and four storeys in height. From its widest point, facing Wharf Street, it rises to the east up a steep slope then narrows and levels off, crosses Langley Street, then rises again until it reaches its narrowest, eastern point on Government Street. Other walkways and service spaces connect Bastion Square to a network of pedestrian walkways, a key characteristic of Old Town's urban pattern. Bastion Square has evolved as a ceremonial and public space that physically and visually links Old Town, Government Street and the Inner Harbour.

Heritage Value

Bastion Square, as a public open space enclosed by an historic grouping of late Victorian and Edwardian-era buildings, is of heritage value for its physical links to the earliest development of Victoria's Old Town National Historic Site.

Character-Defining Elements

Key elements that define the heritage character of Bastion Square include its:

- Location in the heart of the Old Town National Historic Site, connecting the waterfront and the commercial core
- Ongoing use as public open space, incorporating a mix of private and public activities, heritage plaques, historic commemoration and public art
- Funnel-shaped physical form that rises and narrows from west to east, enclosed by two to four-storey high street walls
- Surrounding ensemble of late-nineteenth and early-twentieth century historic masonry buildings, including the Law Courts National Historic Site
- Connections to the network of secondary pedestrian walkways and service spaces that are characteristic of Old Town's historic urban pattern
- Constructed elements from the 1960s and 1993 revitalizations, including different plaza levels connected by stairs and ramps, public realm improvements such as planters and benches, and decorative lighting.

Reid Block - Description, Heritage Value and Character-Defining Elements

Description

Reid Block is a large, three-storey commercial building situated on Wharf Street, at the northwest corner of Bastion Square facing the Inner Harbour waterway. Constructed in 1862-1863, it is characterized by its mansard-roofed third floor, small arched upper-storey windows and lack of decorative architectural elements.

Heritage Value

The Reid Block is valued for the contribution it makes to the continuity of the east side of Wharf Street and as an early example of heritage building rehabilitation in Victoria.

The physical value of this building lies in its mass and form, and in its relationship to both Wharf Street and Bastion Square. Its long, five-bay façade fronting Wharf Street upholds the continuity of the street wall, a key characteristic of this unique commercial thoroughfare. Together with its contiguous neighbours and the nearby collection of historic buildings on the other side of Bastion Square, the Reid Block illustrates the integrity of this part of the Inner Harbour Precinct as the critical link between shipping in the Inner Harbour and commercial endeavours on land.

Furthermore, the significance of the relationship of this building to Bastion Square adds to its value, as it is representative of the role of downtown revitalization and rehabilitation in preserving Victoria's unique heritage character and historic streetscapes.

Character-Defining Elements

The character-defining elements of the Reid Block include:

- Its prominent corner location, marking the western entrance to Bastion Square
- Its physical relationship to both Wharf Street and Bastion Square
- Its three-storey height
- The contribution it makes, by way of its massing and overall design, to the continuity of the commercial streetscape on the eastern side of Wharf Street
- Surviving elements of its 1862-1863 construction, such as window and door openings on the ground floor and second storey, brick elements of exterior façades (now covered by stucco), cast-iron structural elements, upper-storey double-hung wooden-sash windows and pilasters
- Major elements of its 1979 rehabilitation, including the third-storey mansard addition.



Planning and Land Use Committee Report

For the meeting of August 21, 2014

Date: July 24, 2014 **From:** Mike Wilson, Senior Planner – Urban Design
Subject: 80 Saghalie Road – Request to Waive Council's Clean Hands Policy for Site Office Building

Executive Summary

The purpose of this report is to present Council with information, analysis and recommendations regarding a request by Focus Equities to waive the Clean Hands Policy for illegal construction and occupancy at 80 Saghalie Road. The existing building on the property was established as a construction trailer in 2006 to facilitate the development of Bayview One at 100 Saghalie Road.

The City does not require Development Permits or Building Permits for construction trailers and it is expected that trailers be removed within six months of obtaining an Occupancy Permit for the building under construction. At some point in the past, the building was converted from a construction office to a general office and showroom for the Bayview Project. A separate construction trailer has also been placed on 83 Saghalie Road, by the construction contractor, to facilitate the development of the most recent building at Bayview, the Promontory.

The proponent has made application to subdivide the property; however, the existing building requires a Development Permit with Variances in order to move forward with this approval which triggers the need for the request to comply with Council's Clean Hands Policy (attached). Staff recommend that Council waive the Clean Hands Policy in this instance in order for the applicant to move forward with a Development Permit with Variances Application and a remedial Building Permit. If the Clean Hands Policy were applied in this case, the applicant would be required to complete the following, before the planning application "may be processed through to civic evaluation and approvals bodies:"

- the owner must obtain a Building Permit to restore the property to legal condition
- the owner's solicitor must provide a restrictive covenant registered on title stating that the illegal occupancy is vacated, all illegal construction will be removed if the application is declined and the property will be made safe.

Staff have no knowledge of any safety concerns within the building or on the site, so in this instance recommend that the Clean Hands Policy be waived.

Recommendation

1. That Council waive the Clean Hands Policy with respect to illegal construction and illegal occupancy for the building located at 80 Saghalie Road.

Respectfully submitted,

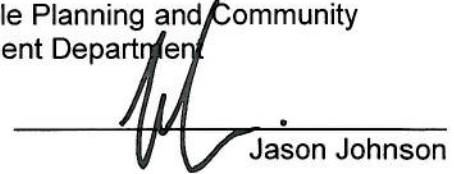


Mike Wilson
Senior Planner – Urban Design
Development Services Division



Deb Day, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:


Jason Johnson

Date: August 12, 2014

MW:lw

S:\Tempest_Attachments\Prospero\PI\Apf\Apf00399\Plusc Planning Report 80 Saghalie.Doc

1.0 Purpose

The purpose of this report is to present Council with information, analysis and recommendations regarding a request by Focus Equities to waive the Clean Hands Policy for illegal construction and occupancy of a building at 80 Saghalie Road.

2.0 Background

2.1 Description of Proposal

The existing building on the property was established as a construction trailer in 2006 to facilitate the development of Bayview One at 100 Saghalie Road. The City does not require Development Permits or Building Permits for construction trailers and it is expected that trailers be removed within six months of obtaining an Occupancy Permit for the building under construction. At some point in the past, the building was converted from a construction office to a general office and showroom for the Bayview Project.

The building was constructed on a foundation and an asphalt parking area with landscaping was also constructed. The building is no longer used as a construction office and currently serves as a showroom and site office for employees. A separate construction trailer has been placed on 83 Saghalie Road, by the construction contractor, to facilitate the construction of the most recent building at Bayview, the Promontory.

2.5 Legal Description

Lot 4 District Lot 119 Esquimalt Plan VIP 74716

4.0 Issues and Analysis

The only issue associated with this application is the request to waive the *Clean Hands Policy for Planning Approvals*.

4.1 Waive Clean Hands Policy for Planning Approvals

The applicant has made application to subdivide the parcels; however, the existing building requires a Development Permit with Variances in order to move forward with this approval. A Development Permit approval is also required for subdivision. Given that the existing building was constructed without a Building Permit and does not have an Occupancy Permit, the *Clean Hands Policy for Planning Approvals* is applicable. Where illegal occupancy and illegal construction is evident the following requirements apply:

1. *The owner must obtain a building permit to restore the property to legal condition; and*
2. *The owner's solicitor must provide a restrictive covenant registered on title stating that:*
 - *the illegal occupancy is vacated (the case will also be referred to Development & Regulatory Services for enforcement follow up),*
 - *all illegal construction work has ceased pending approval decision (a section 700 notice may also be registered on the property title),*
 - *all illegal construction will be removed if approval is refused,*
 - *the property must be made safe.*

Staff have no knowledge of any safety concerns within the building or on the site. Staff recommend that Council waive the Clean Hands Policy in this instance in order for the applicant to move forward with a Development Permit with Variances Application and a remedial Building Permit Application to achieve an Occupancy Permit for the building.

5.0 Resource Impacts

There are no resource impacts anticipated.

6.0 Conclusions

The building and landscape improvements at 80 Saghalie Road were originally installed to facilitate the construction of Bayview Phase One which achieved Occupancy in February of 2009. The building was not removed from the site and was altered to create permanent project offices as well as a show suite for the sale of residential units in the development. The building does not have any City approvals with respect to Development Permits or Building Permits. Staff have no knowledge of any safety concerns within the building or on the site and therefore recommend that Council waive the Clean Hands Policy in this instance in order for the applicant to move forward with a Development Permit Application and a remedial Building Permit Application for the building.

7.0 Recommendations

7.1 Staff Recommendation

That Council waive the application of the *Clean Hands Policy for Planning Approvals* for the building located at 80 Saghalie Road.

7.2. Alternative Recommendation (adherence to the Clean Hands Policy)

That Council require the owner of 80 Saghalie Road to adhere to the *Clean Hands Policy for Planning Approvals*.

8.0 List of Attachments

- Zoning map
- Aerial map
- Letter from the Owner, dated May 6, 2014
- *Clean Hands Policy for Planning Approvals*.

80 Saghalie Road



80 Saghalie Road

Request to Waive Council's Clean Hands Policy for Site Offic...



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



Attention: Mayor and Council

Re: 80 Saghalie Road, Site Office Buildings, Development Permit Application with Variances

Dear Mayor Fortin and Members of Council:

We are writing with regard to two upcoming Development Permit applications to permit subdivision of the subject parcel and to regulate the existing site office trailers, allowing them to remain in support of the ongoing build-out of the Bayview Place project. Staff has raised the possibility of the application of the City's Clean Hands Policy with respect to these DP applications. The position of the applicant is that the policy does not apply. The improvements at issue were and continue to be temporary trailers, which were installed on site with disclosure to the City. Therefore, we do not concur with the suggestion that the temporary trailers are permanent buildings, the result of illegal construction or having illegal occupancy. By submitting these DP Applications, we request Council to permit the project to proceed by allowing subdivision of the property and retention of the temporary site trailers to continue in their function as the project site offices.

Subdivision Application

The property at 80 Saghalie Road is part of the Bayview Place lands and received rezoning approval on October 24, 2013 to include seniors' housing as a permitted use on the eastern parcel, proposed Lot A. The subdivision will create the seniors' housing Lot A and retain the remnant Lot B for future mixed-use (multiple residential and commercial) development in accordance with the zoning. The preliminary plan of subdivision was submitted and reviewed during the rezoning process and was designed specifically to allow for the interim retention of the trailers on proposed Lot B to serve as the temporary site offices for the project.

Construction History

As background, the site office trailers were originally installed on the property in 2006 to function as the development and construction site offices when the initial Bayview One building was under construction. The buildings are composed of pre-fabricated trailers, assembled together to create the commercial office space.

Prior to installation, the project team engaged with the City of Victoria Planning and Building Department to seek direction on the necessary approvals and was advised that the City does not require Development Permits or Building Permits for such site office trailers. Applications for the required electrical and infrastructure services connection permits were submitted and issued by the City. The project's civil, structural and geotechnical engineers all provided input to the siting, layout and installation of the trailers on site. The trailers were installed on a concrete foundation to account for the sloped topography. The exterior of the trailers were clad in metal siding to present a high quality finish, to be commensurate with the Bayview Place development and respectful of the surrounding residential neighbourhood. This work to transform the previously used trailers into an attractive site office was advanced at significant expense to the project and was made in a concerted effort to be a good neighbor to the community while the project is under construction.

As the master developers of approximately 20 acres of land at Bayview Place, which includes the Bayview and Roundhouse properties, Focus Equities is responsible for ongoing build-out through a multi-phase development process. Accordingly, the site office trailers have been and will continue to be utilized to support overall development management as well as serving as a presentation sales centre for individual phases of the project, including Bayview One and currently, The Promontory. It is anticipated that the site office trailers will be required to support the build-out of the project over the coming years and

that retention of the buildings in their current location would be less disruptive to the neighbourhood than relocating them around the site phase-by-phase. We believe Bayview Place is in a unique position relative to other development sites in Victoria in that the combined master plan includes at a minimum a further 8 future phases of construction. While we remain confident in the strength of Victoria's market, we also know from past and current experience that the uptake or absorption of units is achieved at a slower pace than in other markets.

Required Approvals

We understand the City is now suggesting that the buildings be regulated as permanent buildings, rather than temporary buildings as was the intent and classification at original installation. We have been advised that the Development Permit applications referred to below are required.

There are two separate trailer assemblages, with the eastern building encompassing approximately 178 m² on each of the main / ground floor and the lower / basement floor for a total of +/- 356 m². The western building encompasses approximately 260 m² on each floor for a total of +/- 520 m². Commercial use is permitted in the current zoning; the buildings do not exceed the permitted density of the zone; and, the buildings are sited according to the zoning regulations. Attached for your information is documentation from RJC structural engineers with respect to the trailer assemblages.

Two Development Permit applications will be submitted. The first will allow subdivision of the property, resulting in a freestanding parcel for seniors' housing use on Lot A. The second DP application with variances will regulate the site office trailers on Lot B allowing them to remain as temporary buildings. The following variances are necessary to allow the existing trailers to remain as currently constructed:

- Vary the maximum amount of commercial floor area permitted in any one building from maximum of 190 m² to the amount as constructed.
- Vary the location of the commercial use from being limited to the ground floor of a building only to allow both ground floor and basement commercial use locations.
- Vary the requirement for parking to be enclosed to allow retention of the current surface parking area.

We note that the intent of the Songhees Hillside Urban Design Guidelines is to ensure a high quality neighbourhood setting and to regulate the form and character of permanent buildings and landscapes. The temporary trailers and the surrounding entry landscape are finished to a high quality, beyond that typical of other development sites and in keeping with the intent of the guidelines. However, as temporary buildings, they were not designed nor intended to meet the full spectrum of the Songhees Hillside Urban Design Guidelines.

Clean Hands Policy

As noted above, we recently completed a comprehensive rezoning application process for the subject property, achieving approval to add seniors' housing use to the proposed Lot A (Development Area 3B) and to retain the existing zoning of proposed Lot B (Development Area 3A). The Clean Hands Policy was not invoked during the rezoning. Staff asked questions about the site office trailers during the rezoning process; however, these questions and comments were in response to an earlier iteration of the plan, which proposed a 3-lot subdivision, with the existing site offices spanning across then-proposed Lots B and C. The 3-lot plan proposed a phased subdivision to create Lot A for seniors housing and to later subdivide the remainder of the site to create Lots B and C, which would retain the existing zoning in terms of use and density. The need to remove the site offices was noted as a pre-condition of the subdivision creating Lots B and C, as the trailers would otherwise span that internal shared lot line. Staff did not indicate removal of the buildings as a requirement to create Lot A.

We believe this is an important clarification because the application was subsequently revised to propose the 2-lot subdivision - Lot A and Lot B (which was previously Lot B and Lot C), specifically with the intent to allow the interim retention of the temporary buildings. To our knowledge, the link between any concern with the existing trailers and subdivision to create Lot A was not raised during the subsequent staff review of the application and therefore we were not aware of any concern going forward.



Most importantly, we were not advised during the rezoning that the subdivision to create Lot A would trigger reconsideration of the site trailers nor application of the Clean Hands Policy. It was not until the zoning was completed and we were seeking advancement of the subdivision application that staff communicated concerns, indicating that the buildings were deemed to be permanent buildings, non-compliant relative to the Zoning Bylaw and that subdivision cannot proceed until the bylaw issues are resolved.

We ask that Council direct staff to waive the Clean Hands Policy and consider the DP applications on their own merit. Focus Equities is committed to advancing the Bayview Place development and achieving a positive community result, but asks that reasonable consideration be granted to allow retention of the temporary buildings to serve the build-out of the project. The trailers were never intended to be permanent buildings and they will be removed when development of this portion of the site is advanced.

We have worked at length with staff in recent months to collaboratively reach a proposed resolution to this matter. A Section 219 Restrictive Covenant has been drafted in consultation with staff and will be registered on title at issuance of the requested Development Permits. The covenant limits the commercial use of the buildings to offices for the purpose of the development and presentation/show suites, and guarantees future removal of the trailers.

Respectfully,

David Fullbrook, Acquisitions and Development
Focus Equities

cc: Mike Wilson, Senior Planner

PLANNING AND DEVELOPMENT



Clean-hands Policy for Planning Approvals

When applying for planning approvals, all applicants must ensure that the building or structure in question conforms with previously approved plans.

The City of Victoria has a *Clean-hands Policy for Planning Approvals* to assist applicants with planning approvals where there is evidence of illegal construction or occupancy, and to outline the requirements for owners to come into compliance with current regulations.

The policy is as follows:

A. This relates to all applications involving rezoning, variance, and design or heritage approval in cases where enforcement action is pending.

B. All such applications will be required to be made by a registered architect or engineer (or other professionals as may be approved by the City).

C. Where illegal construction is in evidence, but not illegal occupancy, before the application may be processed through to civic evaluation and approvals bodies:

1. The owner must obtain a Building Permit to restore the property to legal condition, and
2. The owner's solicitor must provide a restrictive covenant registered on title that states:
 - All illegal construction work has ceased pending approval decision
 - All illegal construction will be removed if approval is refused

D. Where illegal occupancy is in evidence (without illegal construction), before the application may be processed through to civic evaluation and approvals bodies, the owner's solicitor must provide a restrictive covenant registered on title stating that the illegal occupancy is vacated (the case will also be referred to Legislative and Regulatory Services for enforcement follow-up).

E. Where illegal occupancy is in evidence (with illegal construction), before the application may be processed through to civic evaluation and approvals bodies:

1. The owner must obtain a Building Permit to restore the property to legal condition, and
2. The owner's solicitor must provide a restrictive covenant registered on title that states:
 - The illegal occupancy is vacated (the case will also be referred to Legislative and Regulatory Services for enforcement follow-up)
 - All illegal construction work has ceased pending approval decision (a section 57.3 notice may also be registered on the property title)
 - All illegal construction will be removed if approval is refused
 - The property must be made safe

FOR MORE INFORMATION:

Development Services

T 250.361.0536 or 250.361.0316
E zoning@victoria.ca

Permits and Inspections

T 250.361.0344
E permits@victoria.ca

1 CENTENNIAL SQUARE, VICTORIA, BC V8W 1P6 | www.victoria.ca





Planning and Land Use Committee Report

For the Meeting of August 21, 2014

To: Planning and Land Use Committee **Date:** July 16, 2014
From: Robert Woodland, Director of Legislative & Regulatory Services
Subject: Work without permit – 865 View Street, 12th Floor / Bylaw File #27577

Executive Summary


The purpose of this report is to recommend the filing of a Notice on Title in respect to work completed without permit in modifying the configuration of the 12th floor at 865 View Street. An inspection completed by City electrical, plumbing and building inspectors confirmed plumbing, electrical and building code violations. The building managers did complete an electrical survey but have failed to obtain the other necessary permits to legalize the remaining work without permit.

Recommendation

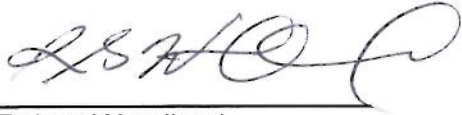
The Building Inspector recommends:

That the Committee direct the Corporate Administrator to file a notice on title in the Land Title Office in relation to the property located at 865 View Street, legally described as LOT A PLAN 31096 VICTORIA OF LOTS 294/295/296/297 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 and Regulatory Services Department in Victoria City Hall.

Respectfully submitted,


Mia Frankl
Bylaw Officer
Bylaw and Licensing Services


Mark Hayden
Building Inspector / Manager
Bylaw and Licensing Services



Robert Woodland
Director
Legislative and Regulatory Services

Report accepted and recommended by the City Manager: _____

Date: _____ August 12, 2014

List of Attachments

- Appendix A – Map of property and surrounding area
- Appendix B – Photos of work without permit
- Appendix C – Letter to owner dated December 6, 2012
- Appendix D – Email with Tony regarding outstanding work without permit – September 5, 2013

Purpose

The purpose of this report is to advise the Planning & Land Use Committee about work without permit completed on the 12th floor of 865 View Street and of the enforcement action that has been taken in order to secure voluntary compliance with Section 2.2(1) of the Building Bylaw and Schedule F of the Zoning Regulation Bylaw. This report sets forth a recommendation to the Committee that under Section 57(3) of the *Community Charter* and the provisions of the Property Maintenance Delegation Bylaw, a notice be filed in the Land Title Office in respect to the illegal work.

Background

Section 57 of the *Community Charter* allows the City to file notice on title of any property where the Building Inspector:

- a) Observes a contravention of a municipal bylaw, provincial building regulation or another enactment that relates to the construction or safety of buildings or other structures; or
- b) Discovers that something was done without a permit or inspection.

Before notice may be filed under Section 57 of the *Community Charter*, Council must give the Building Inspector and property owner an opportunity to be heard.

For the purpose of filing notices under Section 57(1)(b) of the *Community Charter* the Manager of Bylaw & Licensing Services is a Building Inspector under the Building Bylaw. Under the provisions of the Property Maintenance Delegation Bylaw, Council has delegated the authority to hold hearings and make decisions under Section 57 of the *Community Charter* to the Planning and Land Use Committee.

Section 2.2 (1) of the Building Bylaw states that a person must not:

- a) Construct, or;
- b) Change the occupancy of a building unless the building's owner has obtained a building permit from the Building Inspector.

The Building Bylaw defines "occupancy" as the use or intended use of a building or part of a building for shelter or support of persons, animals or property according to the occupancy classifications for buildings set out in the Building Code.

Issues and Analysis

The property at 865 View Street is located in the Harris Green neighborhood and is zoned as an R3-C-C, Central Area, Multiple Dwelling District. The approved use of the twelfth floor per the building plans was for recreation rooms. The actual use upon inspection was comprised of a four bedroom suite complete with kitchen and bathroom, and two separate office spaces. The suite was installed without City permits and constitutes a violation of the Zoning Regulation Bylaw, Building Bylaw, Plumbing Bylaw and Electrical Safety Regulation Bylaw for illegal use and work without permit.

The property owners have been given substantial time to address the illegal work and to date have failed to make attempt to do so; having only completed an electrical safety survey and not addressing the remaining plumbing and building code violations. As representatives of this building have indicated the twelfth floor is not in use, there are no significant health and safety

concerns at this time. Further having completed the electrical safety survey provides assurance that outstanding work without permit does not pose a threat to public health and safety.

Options and Impacts

The filing of a notice on title is part of a graduated enforcement strategy intended to bring a property into compliance with the applicable bylaws and regulations. A notice on title provides incentive to the property owner to resolve the outstanding issues as it serves to warn lenders or prospective purchasers that work has been completed without a permit. Filing a notice on title under Section 57 of the *Community Charter* is therefore intended to ensure that a potential purchaser is aware of bylaw violations in respect to the self-contained dwelling unit in the basement and the accessory building in the yard. The notice can be easily removed once the property has been brought into compliance.

Public Engagement and Consultation

Committee consideration of this matter requires a hearing at which time the affected property owner may make direct representations to the Committee in respect of the recommendation or related issue. Other members of the public who have a direct interest in this matter may also provide input to the hearing, at the discretion of the Committee.

Conclusion

Despite ongoing extensions to bring the property into compliance, the property owner has repeatedly failed to take the action required to bring the property into compliance. As a result this Officer has determined that the appropriate course of action at this time is to proceed with filing a notice on title. Doing so will provide incentive to the owner to bring the property into compliance.

Recommendation

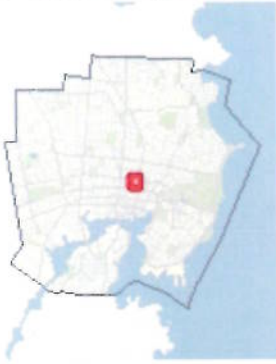
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Printed from VicMap (Internal Version)

06/25/2014



Legend
 Victoria Parcels

1: 1,327

Notes



67.4 0 33.69 67.4 Meters

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

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

Unit 1200 photo of kitchen, to right of entrance



Kitchen installed without permits

Unit 1200 Photo of bathroom off kitchen



Bathroom installed
without permits

Unit 1200 hallway to left of entrance, leads to 2 bedrooms and one shared living space



walls and bedrooms
constructed without
permits-



December 6, 2012

Legislative and
Regulatory Services
Department

Gill-Am Investments Ltd.
3437 Mayfair Drive
Victoria, B.C.
V8P 1R2

Re: 865 View Street, Victoria / Bylaw File #27577

Bylaw and Licensing
Services Division

1 Centennial Square
Victoria BC V8W 1P6

Dear Sir,

This letter is a follow-up to the health and safety inspection conducted on the 12th floor of 865 View Street on November 6 and 22, 2012. The inspections were conducted by City officials including bylaw officers, electrical, plumbing and building inspectors. In summary, there are a number of zoning violations which need to be addressed in order to bring this property into compliance with the City of Victoria's Zoning Regulation Bylaw.

This property is currently zoned as R3-C-C, Central Area Residential. City records indicate that the legal use of the property as per the approved building plans is "multi family, minimal commercial." The building plans for this address show the 12th floor as approved for recreation use only; open space. The inspection revealed that the actual use of the 12th floor is dwelling units and office space.

Findings from inspection of Suite 1200 found the following violations:

Plumbing:

- North set of washrooms. Both altered from original layout.
- Fixtures have been relocated, added and removed. – Basin relocated, shower added, sink and dishwasher added, toilet and basin removed.
- Fixtures removed without proper cap offs.
- Many plumbing code violation and open sewer piping.
- Require all plumbing work to be permitted, exposed, corrected and inspected

Building:

- No permit for change of occupancy from recreational to residential
- Original configuration altered by addition of partitions and relocation of doors

To Contact

Telephone: 250.361.0215
E-Mail: bylawenforcement@victoria.ca

Fax: 250.361.0205
Web: www.victoria.ca

Findings from inspection of Suite 1202 and 1201 found the following violations:

Building:

- Not as per the original occupancy or layout indicated on the city plans – added walls

Summary of Electrical findings for 12th floor:

- Electrical work has been completed without permit since the building was constructed and will require an electrical safety survey

This work will require a permit to change the occupancy or return this space back to its original occupancy. Whether the 12th floor can be approved for change of use and occupancy remains unknown at this time. Should you choose to pursue this option, it is recommended that you hire a qualified home design professional to assist you. Another option would be to apply for the necessary permits to decommission the 12th floor from use for dwelling and office space. In the interim, you are required to make application for the building, plumbing, and or electrical permit(s) through the City's Permits and Inspections Department (250-361-0344) to address the unpermitted improvements on the 12th floor.

You are granted until March 5, 2013 to make application for the required permit(s) and/or rezoning to bring this property into compliance. Not doing so will result in the issuance of fines, the placing of a notice on land title, and/or further legal action. Thank you in advance for your cooperation in this matter. If you have any specific questions or concerns, please don't hesitate to contact me directly by telephone at 250-361-0540 or by email at mfrankl@victoria.ca.

Regards,



Mia Frankl
Bylaw Officer

Cc: Andrew Dolan, Senior Bylaw Officer – Bylaw & Licensing Services
Mike Staples, Electrical Inspector - Permits & Inspections Division
Ray Berkeley, Building Inspector – Permits & Inspections Division
Andy Wilson, Plumbing Inspector - Permits & Inspections Division
Brown Brothers – Brian Siddall

Mia Frankl

From: Mia Frankl
Sent: Thursday, Sep 5, 2013 8:35 AM
To: 'Anthony DeCesare'
Subject: RE:
Attachments: Ltr to RO Dec 6 2012.pdf

Tony,

I have attached a copy of the letter from December listing the provincial code violations – there are a number of items listed for plumbing, building and electrical. If you could, please send a copy of the electrical survey as it is not attached to the electrical permit.

I appreciate that the 12th floor may not be in use at this time but these matter remain outstanding and still need to be addressed.

Mia

From: Anthony DeCesare [<mailto:AnthonyDeCesare@brownbros.com>]
Sent: Tuesday, Sep 3, 2013 4:10 PM
To: Mia Frankl
Subject: FW:

Hi Mia

The safety survey has been done. My understanding is that an actual permit was not required, only a safety survey permit. The 12th floor is locked off and the owner is still undecided which direction to take. I believe according to the plumber that there were no safety concerns.

Thanks

Tony

From: gcorbyn [<mailto:gcorbyn@shaw.ca>]
Sent: April 30, 2013 3:33 PM
To: Anthony DeCesare
Subject: Re:

Hi tony

The permit has been taken out for 12 floor view st
Will do safety check on everything as per inspectors request

geoffrey corbyn

gnc industries

----- Original Message -----

From: Anthony DeCesare
To: 'gcorbyn@shaw.ca'
Sent: Thursday, April 25, 2013 09:19

Hi Geoff

I met with Mike Staples and wants either a safety survey permit taken out regarding the Chelsea 12th floor or perhaps disconnect the circuit. Please talk to him if you are not sure. There is some sort of urgency to this as the Bylaw Officer is getting impatient.

Thanks

Tony

**Legislative and
Regulatory
Services
Department**

Legislative Services

#1 Centennial Square

Victoria

British Columbia

V8W 1P6

Tel (250) 361-0571

Fax (250) 361-0348

www.victoria.ca



August 11, 2014

GILL-AM Investments Ltd.
3437 Mayfair Drive
Victoria BC V8P 1R2

Dear Sir / Madam:

Re: Work without Permit – 865 View Street – 12th Floor


Please be advised that City of Victoria staff is recommending to the Planning and Land Use Committee that the Corporate Administrator file a Notice in the Land Title Office regarding work without permit for 865 View Street. A copy of the report is attached for your records.

A hearing will be held before the Planning and Land Use Committee to grant the applicant an opportunity to address this matter. Therefore, the registered owner is hereby requested to attend the Planning and Land Use Committee meeting on **Thursday, August 21, 2014, at 1:00 p.m.**, in the Council Chambers, at Victoria City Hall, #1 Centennial Square (corner of Douglas and Pandora) to be heard by the Committee.

Further information respecting this matter may be obtained from the offices of the City of Victoria, Legislative & Regulatory Services, #1 Centennial Square, Victoria, BC between the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday.

The agenda for this meeting will be produced on the Monday prior to the meeting and available from this office. Please advise Janice Appleby, Committee Secretary, at (250) 361-0571 local 2306, if you have any written materials you wish added to the agenda.

Yours truly,


Robert G. Woodland
Corporate Administrator

:ja

Enclosure (1)

c. M. Frankl, Bylaw Officer
M. Hayden, Manager, Bylaw & Licensing Services



Planning and Land Use Committee Report

For the Meeting of August 21, 2014

To: Planning and Land Use Committee **Date:** July 24, 2014
From: Robert Woodland, Director of Legislative and Regulatory Services
Subject: Illegal Accessory Building – 755 Front Street / Bylaw File #37535

Executive Summary

The purpose of this report is to recommend the filing of a Notice on the Land Title in respect to work completed without permit in the construction of an accessory building (carport) at 755 Front Street. The owner recognizes that this work was completed without the necessary permits and zoning approvals and has stated that the process to bring the structure into compliance with City bylaws is too onerous for her to complete.

Recommendation:

The Building Inspector recommends:

That the Committee direct the Corporate Administrator to file a notice on title in the Land Title Office in relation to the property located at 755 Front Street, legally described as LOT B, SECTION 31, ESQUIMALT, PLAN 64818 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 and Regulatory Services Department in Victoria City Hall.

Respectfully submitted,



Mia Frankl
Bylaw Officer
Bylaw & Licensing Services


Mark Hayden,
Building Inspector, Manager
Bylaw & Licensing Services


Robert Woodland
Director
Legislative & Regulatory Services

Report accepted and recommended by the City Manager:

Date:


August 12, 2014

List of Attachments

- Appendix A – Map of property and surrounding area
- Appendix B – Photo of illegal accessory building (carport)
- Appendix C – Letter to Owner from the City dated September 22, 1999
- Appendix D – Letter to Owner from Bylaw, dated October 21, 2013
- Appendix E – Letter to Owner from Planning, dated November 21, 2013
- Appendix F – Letter to Owner from Director of Sustainability Planning and Community Development, dated February 13, 2014
- Appendix G – Letter to Owner from Bylaw, dated May 1, 2014

Purpose

The purpose of this report is to advise the Planning & Land Use Committee about the construction of an accessory building (carport) without obtaining the necessary building permits and zoning variances at 755 Front Street and of the enforcement action that has been taken in order to secure voluntary compliance with Section 2.2(1) of the Building Bylaw and Schedule F of the Zoning Regulation Bylaw. This report sets forth a recommendation to the Committee that under Section 57(3) of the *Community Charter* and the provisions of the Property Maintenance Delegation Bylaw, a notice be filed in the Land Title Office in respect to the illegal accessory building in the driveway and encroaching on a City easement.

Background

Section 57 of the *Community Charter* allows the City to file notice on title of any property where the Building Inspector:

- a) Observes a contravention of a municipal bylaw, provincial building regulation or another enactment that relates to the construction or safety of buildings or other structures; or
- b) Discovers that something was done without a permit or inspection.

Before notice may be filed under Section 57 of the *Community Charter*, Council must give the Building Inspector and property owner an opportunity to be heard.

For the purpose of filing notices under Section 57(1)(b) of the *Community Charter* the Manager of Bylaw & Licensing Services is a Building Inspector under the Building Bylaw. Under the provisions of the Property Maintenance Delegation Bylaw, Council has delegated the authority to hold hearings and make decisions under Section 57 of the *Community Charter* to the Planning and Land Use Committee.

Section 2.2 (1) of the Building Bylaw states that a person must not:

- a) Construct, or;
- b) Change the occupancy of a building unless the building's owner has obtained a building permit from the Building Inspector.

The Building Bylaw defines "occupancy" as the use or intended use of a building or part of a building for shelter or support of persons, animals or property according to the occupancy classifications for buildings set out in the Building Code.

Issues & Analysis

The property at 755 Front Street is located in the Victoria West neighbourhood in a R1-S2, restricted small lot; single family dwelling district. The approved use of the property per the approved building plans is Single Family Dwelling and the residence conforms to this zoning regulation. However, the owner constructed a carport in the driveway, across a city easement, without following the due process; namely not making application for required zoning variances and a building permit. As a result the carport is in contravention of the Zoning Regulation Bylaw and the Building Bylaw.

An inspection of the property was completed on October 10, 2013 where the condition of the structure was documented (see Appendix B). Upon meeting with the homeowner on this site visit, the owner presented a letter from the City dated September 22, 1999 which stated approval in principal and still required the necessary applications to be made prior to construction (see Appendix C) however she

did not complete those requirements. City Staff from Zoning, Permits and Inspections and Bylaw have met extensively with the owner to review the current configuration of the carport and identify the deficiencies to her; stating why the structure does not conform to the code of the day. The last meeting with the owner was held on July 10, 2014 with a Bylaw Officer and Building Inspector where it was concluded that the owner does not wish to remove the carport nor undertake the process to legalize the carport as a temporary structure. The impact of filing a Notice on the Land Title was explained and the owner stated this is her preferred choice.

Options & Impacts

The filing of a notice on title is part of a graduated enforcement strategy intended to bring a property into compliance with the applicable bylaws and regulations. A notice on title provides incentive to the property owner to resolve the outstanding issues as it serves to warn lenders or prospective purchasers that work has been completed without a permit. Filing a notice on title under Section 57 of the *Community Charter* is therefore intended to ensure that a potential purchaser is aware of bylaw violation in respect to the accessory building in the yard. The notice can be easily removed once the property has been brought into compliance.

Public Engagement and Consultation

Committee consideration of this matter requires a hearing at which time the affected property owner may make direct representations to the Committee in respect of the recommendation or related issue. Other members of the public who have a direct interest in this matter may also provide input to the hearing, at the discretion of the Committee.

Conclusion

City staff have provided numerous opportunities for the owner to pursue compliance on this matter and make a decision on how to legalize the carport; however the property owner wishes to keep the carport in its current configuration despite its numerous deficiencies. As a result this Officer has determined that the appropriate course of action at this time is to proceed with filing a notice on title. Doing so will provide incentive to the owner to bring the property into compliance and notify any prospective future buyers of the illegal work.

Recommendation

The Building Inspector recommends:

That the Committee direct the Corporate Administrator to file a notice on title in the Land Title Office in relation to the property located at 755 Front Street, legally described as **LOT B, SECTION 31, ESQUIMALT, PLAN 64818** 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 and Regulatory Services Department in Victoria City Hall.



Printed from VicMap (Internal Version)

07/24/2014



Legend
 □ Victoria Parcels

1: 465

Notes



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

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

07/24/2014 10:59



07/24/2014 10:59







10/10/2013 09:58



City of **VICTORIA** British Columbia

Engineering:

Telephone (250) 361-0300 Fax (250) 361-

Parks Yard:

Telephone (250) 361-0600 Fax (250) 361-

Permits and Inspections:

Telephone (250) 361-0342 Fax (250) 385-

Garbally Works Yard:

Telephone (250) 361-0400 Fax (250) 361-

<http://www.city.victoria.bc.ca>

1 250-385-2067

September 22, 1999

Ms. Sue MacPherson
755 Front Street
Victoria, B.C.
V9A 3Y3

Dear Ms. MacPherson:

Re: Proposed Carport Construction - 755 Front Street

I am writing in response to your letter of September 7, 1999. The Engineering and Parks Division of the City of Victoria has no objection in principle to the construction of either of the proposed carports over the existing City sewer easement. These proposed carports are shown schematically on the attached sketches that you submitted with your letter.

This approval in principle is provided on the following basis:

1. That you comply with all applicable municipal regulations, e.g. Building Code, Zoning Bylaw (setbacks, etc.).
2. That the owner be responsible for any additional future costs incurred by the City to repair or replace the sewer as a direct result of the carport being constructed over the sewer easement.
3. That the existing sewer not be disturbed or damaged during the construction of the carport.

Yours truly,

Ian Phillips
Land Development

10/10/2013 09:53



Legislative &
Regulatory
Services
Department

October 21, 2013

Sue MacPherson
755 Front Street
Victoria, B.C.
V9A 3Y3

Bylaw & Licensing
Services Division

#1 Centennial Square
Victoria
British Columbia
V8W 1P6

Tel (250) 361-0215
Fax (250) 361-0205

www.victoria.ca

Re: Carport at 755 Front Street, Victoria BC/ Bylaw File # 36572

Dear Madam,

This letter is being sent in follow up to my site visit at your property, 755 Front Street, on October 10, 2013. As discussed, I attended to investigate the construction of a carport on the south end of the home, over the driveway.

The letters provided to you by the City in 1999 indicate "approval in principle" only. The letters also state that prior to construction you must confirm compliance with the City's Zoning regulations and Building Bylaw. Due to the significantly dated age of the letter, you will need to verify with Engineering whether or not the location of the carport on the easement is still appropriate. You can speak with Mr. Jeff Mitton on this matter – 250-361-1298 or jmitton@victoria.ca.

By failing to complete these steps prior to construction, you are in contravention of the Zoning Bylaw and Building Bylaw and must apply for a building permit in the next 60 days from the date of this letter.

Contact the City's Permits and Inspections Department at 250-361-0344 to take the required steps in ensuring your carport meets all City regulations. Be advised that work without permit is in contravention of the City's Building Bylaw for which may result in the laying of charges for violating section 2.2(1) of the Bylaw, for which under the Ticket Bylaw a fine of \$400.00 per day can be assessed.

Regards,

A handwritten signature in black ink, appearing to read "Mia Frankl".

Mia Frankl

Bylaw Officer

mfrankl@victoria.ca

250-361-0540

CC Jeff Mitton, Supervisor of Land Development, Engineering

The City of Victoria recognizes the Songhees and Esquimalt Nations in whose traditional territories we live and work

**Department of
Sustainable
Planning &
Community
Development**

November 21, 2013

Development
Services Division

#1 Centennial Square

Victoria

British Columbia

V8W 1P6

Tel (250) 361-0212

Fax (250) 361-0386

www.victoria.ca

Ms. Susan J. Macpherson
755 Front Street
Victoria BC V9A 3Y3

Dear Mr. Macpherson:

Re: Carport at 755 Front Street – Bylaw File #36572

The purpose of this letter is to further clarify the approval process as described in the letter from the Bylaw Services Division dated October 21, 2013. The Sustainable Planning and Community Development Department has been advised that a carport structure has been constructed on the property located at 755 Front Street. The carport structure has not been constructed with any Development Permit or Building Permit approvals from the City of Victoria. For certainty, a carport is not considered a temporary structure.

The *Official Community Plan Bylaw* designates this property within Development Permit Area 15A: Intensive Residential – Small Lot. Prior to obtaining a Building Permit for a carport structure, a Development Permit approval from Council is required. A copy of the Development Permit Application form is attached for your convenience. Should Council grant approval of a Development Permit for the carport, a Building Permit Application will also be required to construct a new structure or alter the existing structure. The carport must comply with the *British Columbia Building Code (2012)*.

If you choose not to apply for a Development Permit and Building Permit or do not receive approval of these Permits from Council, then the carport must be demolished. In order to demolish the structure, a Demolition Permit Application will be required.

Should you have any questions, please do not hesitate to contact the undersigned.

Yours truly,

Mike Wilson
Senior Planner – Urban Design

MW:aw

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CARPORT.DOC



Department of
Sustainable
Planning &
Community
Development

February 13, 2014

Development
Services Division

#1 Centennial Square

Victoria

British Columbia

V8W 1P6

Tel (250) 361-0212

Fax (250) 361-0386

www.victoria.ca

Ms. Susan J. MacPherson
755 Front Street
Victoria BC V9A 3Y3

Dear Ms. MacPherson:

Re: Carport at 755 Front Street – Bylaw File #36572

Thank you for your letter dated January 14, 2014, regarding the carport at 755 Front Street. I understand that you are seeking clarity on the approval process to maintain the current structure on your property and feel frustrated about different information that you received previously in 1999 regarding this proposal. Staff are unable to comment on information dating from 1999, however, we can advise that the carport structure is not considered "temporary". The letter provided to you by Mr. Mike Wilson dated November 21, 2013 (attached), provides the correct approval process and application form.

A Development Permit with Variances Application (which is required in this instance) is determined by City Council, therefore, staff are not in a position to inform applicants of the likelihood of gaining approval from Council. However, it is my understanding that staff have identified fundamental Building Code compliance concerns with the current carport structure which may impact the overall viability of the proposal. It is recommended that you consult with a building designer or architect to determine the scope and cost of bringing the structure into compliance with the *British Columbia Building Code* (2012).

Staff have noted that they do not have an email address or telephone number that consistently connects with a messaging system. If you are able to provide either of these, it may facilitate easier communication, however, if this is not possible staff are happy to continue with written correspondence delivered by Canada Post, although this will necessitate longer timelines.

Should you have any questions, please do not hesitate to contact Mike Wilson, Senior Planner - Urban Design, at 250-361-0384 or Ray Berkeley, Building Inspector, at 250-361-2341. We look forward to receipt of your application.

Yours truly,

Deb Day
Director

MW:aw

c. Mia Frankl, Bylaw Enforcement
Mike Wilson, Senior Planner - Urban Design
Ray Berkeley, Building Inspector

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Legislative &
Regulatory
Services
Department

May 1, 2014

Susan MacPherson
755 Front Street
Victoria, B.C.
V9A 3Y3

Bylaw & Licensing
Services Division

#1 Centennial Square
Victoria
British Columbia
V8W 1P6

Tel (250) 361-0215
Fax (250) 361-0205

www.victoria.ca

Re: Work without permit at 755 Front Street, Victoria B.C.
Bylaw File # 37535

Dear Madam,

This letter is a final notice to you to make application with the City to bring your property at 755 Front Street into compliance with the Zoning Regulation Bylaw and Building Bylaw by May 30, 2014. In summary, the City has taken the following steps to encourage voluntary compliance on this matter as follows:

- Property inspection on October 10, 2013
- Bylaw letter of direction dated October 21, 2013
- Letter from Mike Wilson, Senior Planner, with further clarification dated November 21, 2013 (attached)
- Letter from Deb Day, Director of Sustainability, Planning and Community Development confirming necessary steps to bring your property into compliance dated February 13, 2014
- Deadline to comply extended with an additional 60 days from the February 13, 2014 letter

To date you have failed to take any further steps to address this matter and bring resolution to the bylaw contraventions surrounding the carport. If you fail to address the contravention by **May 30, 2014** it will result in the laying of charges for a violation of the Building Bylaw Section 2.2(1) for which the daily fine is \$400. A Notice on Land Title report will also be submitted to Council for their consideration. If you have any questions or concerns, please contact me directly by telephone at 250-361-0540 or by e-mail at mfrankl@victoria.ca.

Regards,

A handwritten signature in black ink, appearing to read "Mia Frankl".

Mia Frankl
Bylaw Officer
CC Ray Berkeley, Building Inspector
Mike Wilson, Senior Planner

**Legislative and
Regulatory
Services
Department**

Legislative Services

#1 Centennial Square

Victoria

British Columbia

V8W 1P6

Tel (250) 361-0571

Fax (250) 361-0348

www.victoria.ca



August 11, 2014

Susan J. MacPherson
755 Front Street
VICTORIA BC V9A 3Y3

Dear Susan MacPherson:

Re: Illegal Accessory Building – 755 Front Street

Please be advised that City of Victoria staff is recommending to the Planning and Land Use Committee that the Corporate Administrator file a Notice in the Land Title Office regarding an illegal accessory building at 755 Front Street. A copy of the report is attached for your records.

A hearing will be held before the Planning and Land Use Committee to grant the applicant an opportunity to address this matter. Therefore, the registered owner is hereby requested to attend the Planning and Land Use Committee meeting on **Thursday, August 21, 2014, at 1:00 p.m.**, in the Council Chambers, at Victoria City Hall, #1 Centennial Square (corner of Douglas and Pandora) to be heard by the Committee.

Further information respecting this matter may be obtained from the offices of the City of Victoria, Legislative & Regulatory Services, #1 Centennial Square, Victoria, BC between the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday.

The agenda for this meeting will be produced on the Monday prior to the meeting and available from this office. Please advise Janice Appleby, Committee Secretary, at (250) 361-0598, if you have any written materials you wish added to the agenda.

Yours truly,


Robert G. Woodland
Corporate Administrator

:ja

Enclosure (1)

c. M. Frankl, Bylaw Officer
M. Hayden, Manager, Bylaw & Licensing Services