



**AGENDA
PLANNING AND LAND USE COMMITTEE
MEETING OF MARCH 20, 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 March 6, 2014

DECISION REQUEST

2. Rezoning Application # 00399 for 1121 Dominion Road 3 - 25
--D. Day, Director of Sustainable Planning & Community Development
Neighbourhood: Victoria West Recommendation: Proceed to PH
3. Development Permit # 000297 for 1823 Douglas Street 27 - 53
--D. Day, Director of Sustainable Planning & Community Development
Neighbourhood: Downtown Recommendation: To Refer to ADP
4. Development Permit Application with Variances # 000348 for 815 Queens Avenue 55 - 82
--D. Day, Director of Sustainable Planning & Community Development
Neighbourhood: North Park Recommendation: Proceed to PH

PROPERTY MAINTENANCE BYLAW HEARING - 10:30 A.M.

5. Illegal Use and Work Without Permit - 737 Princess Avenue 83 - 97
--R. Woodland, Director of Legislative & Regulatory Services

6. **Work Without Permit - 584 John Street**
--R. Woodland, Director of Legislative & Regulatory Services

99 - 111

ADJOURNMENT

Planning and Land Use Standing Committee Report

Date: March 6, 2013 **From:** Mike Wilson, Senior Planner- Urban Design

Subject: **Rezoning Application #00399 for 1121 Dominion Road**
Application to rezone from the R1-B Zone to a new zone to permit a 16-space child care in addition to the existing residential unit and to reduce the required parking from six stalls to one stall.

Executive Summary

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application for the property at 1121 Dominion Road in the Victoria West neighbourhood. The property is located in the R1-B Zone, Single Family Dwelling District, and currently contains a single residential unit and operates an eight-space child care facility within the single family detached dwelling. The applicant proposes to rezone to a site-specific zone to permit a 16 space child care facility in addition to the existing residential unit to operate out of the existing single family dwelling. The applicant further proposes to reduce the number of required parking stalls from six stalls to one stall.

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

- No exterior alterations to the building or landscaping are proposed.
- Policy 15.8 of the *Official Community Plan (OCP)* encourages the development of quality, accessible, affordable child care including preschool and out-of-school care spaces throughout the City.
- Policy 6.4 of the OCP provides general development guidance for all of the defined Urban Place Designations in Figure 8 of the OCP. This policy supports the inclusion of community services (including child care) in all urban place designations.
- The *Victoria West Community Plan* provides policy direction to consider site-specific zoning for compatible uses in residential areas (convenience stores, small medical clinics, etc.).
- The applicant has been notified that, if the Rezoning Application is successful, a Building Permit Application prepared by a registered professional architect will be required to change the occupancy classification of the building under the *British Columbia Building Code (2012)*.
- The applicant has indicated that one part-time employee will likely park on the street if this application is approved. An additional four to six families driving to the child care during pick-up and drop-off times are anticipated. Typically, these vehicles are parked on the street for short periods of time. Staff recommend support for the proposed reduction in required parking.

Staff recommend that the Committee support this application.

Planning and Land Use Standing Committee
Rezoning Application #00399 for 1121 Dominion Road

March 6, 2014
Page 2 of 6

Recommendation

That Rezoning Application #00399 for 1121 Dominion Road proceed for consideration at a Public Hearing and that City staff prepare the necessary *Zoning Regulation Bylaw*, subject to completion of registration of a Statutory Right-of-Way on Dominion Road to the satisfaction of the Director of Engineering and Public Works and the City Solicitor.

Respectfully submitted,



Mike Wilson
Senior Planner – Urban Design
Development Services Division



Deb Day, Director
Sustainable Planning and
Community Development

Report accepted and recommended by the City Manager:

MW:aw



Jason Johnson

Date: March 13, 2014

S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\REZ\REZ00399\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 for the property at 1121 Dominion Road in the Victoria West neighbourhood.

2.0 Background

2.1 Description of Proposal

The application is to rezone the property to a site-specific zone to permit a 16-space child care facility to operate out of the existing single family dwelling. The applicant is also proposing a reduction in the required parking from six parking stalls to one parking stall. No exterior alterations to the building or landscaping are proposed.

2.2 Existing Site Development and Development Potential

The site is currently located in the R1-B Zone and could be redeveloped as a single family dwelling with a secondary suite. The existing single family dwelling currently accommodates a single residential unit and an eight-space child care facility on the lower floor.

2.3 Data Table

The following data table compares the proposal with the existing R1-B Zone. An asterisk (*) is used to identify where the proposal is less stringent than the existing zone. A double asterisk (**) indicates the lot was subdivided prior to 1956 and is considered legal non-conforming.

Zoning Criteria	Proposal	Zone Standard
Site area (m ²) – minimum	380.67**	460
Total floor area (m ²) – maximum	173.17	280
Density (Floor Space Ratio) – maximum	0.46	n/a
Height (m) – maximum	7	7.6
Site coverage (%) – maximum	23.8	40
Open site space (%) – minimum	56.3	n/a
Storeys – maximum	2	2
Setbacks (m) – minimum		
Front	7.55	7.5
Rear	7.55	7.5
Side - South	1.5	1.5
Side – North	3.6	3.5
Combined side yards	5.1	4.5
Residential Parking – minimum	1	1
Child Care parking – minimum	0*	5

Bicycle storage – minimum	0	n/a
Bicycle rack – minimum	0	n/a

2.4 Land Use Context

The following land uses are located in the immediate area:

- to the north across Belton Avenue is a single family dwelling in the R1-B Zone
- to the south is a single family dwelling in the R1-B Zone
- to the east is a single family dwelling with a secondary suite in the R1-B Zone
- to the west across Dominion Street is a single family dwelling in the Township of Esquimalt.

2.5 Legal Description

Lot 10 Section 10, Esquimalt District, Plan 286.

2.8 Consistency with other City Policy

2.8.1 Official Community Plan, 2012

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

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

The application is consistent with the OCP.

2.8.2 Victoria West Plan, 1982

The subject lands are located within the “Traditional Community” which is comprised of single family homes, house conversions, townhouses and institutional facilities. The Plan states that this area possesses a well-defined character that should be both reinforced and enhanced.

A policy objective within the Plan is to consider site-specific zoning for compatible uses in residential areas (convenience stores, small medical clinics, etc.). The proposed child care facility is considered a compatible use within the neighbourhood. The application is consistent with the *Victoria West Plan*.

2.9 Community Consultation

In compliance with the Community Association Land Use Committee Procedures (CALUC) for Processing Rezoning Applications, the applicant met with the Victoria West CALUC. At the time of writing this report, a letter from the CALUC has not been received.

3.0 Issues

The following issues were identified in reviewing this application:

- reduction in off-street parking
- change in occupancy of single family dwelling
- statutory right-of-way

4.0 Analysis

4.1 Reduction in Off-Street Parking

The applicant is proposing to retain the one parking stall attributed to the single family dwelling which meets the parking standard for this use. However, with an increase in the number of child care spaces to 16, more stringent parking requirements apply. The applicant is required to provide an additional five parking stalls for employees and pick-up/drop-off. Staff recommend support for the reduction in on-site parking for the child care but note that there will be an impact on the availability of off-site parking for brief periods in the morning (7-8 a.m.) and evening (5-6 p.m.). Staff estimate that up to 10 vehicles may require off-street parking during these times. Staff recommend support for the proposed reduction in the required off-street parking.

4.2 Change in Occupancy of Single Family Dwelling.

The increase in the number of child care spaces will trigger the requirement for significant *British Columbia Building Code* (2012) upgrades to the existing single family dwelling. As a result, the applicant has been notified that, if the Rezoning Application is successful, a Building Permit Application prepared by a registered professional architect will be required to change the occupancy classification of the building under the *BC Building Code*.

4.3 Statutory Right-of-Way

The standard right-of-way for a collector street is 20.0 m. To achieve this standard width on this portion of Dominion Road, a Statutory Right-of-Way of 0.86 m is recommended. The applicant has indicated to staff that they are willing to provide the recommended Statutory Right-of-Way.

5.0 Resource Impacts

There are no resource impacts anticipated.

6.0 Options

Option 1 (Staff Recommendation)

That Rezoning Application #00399 for 1121 Dominion Road proceed for consideration at a Public Hearing and that City staff prepare the necessary *Zoning Regulation Bylaw*, subject to completion of registration of a Statutory Right-of-Way on Dominion Road to the satisfaction of the Director of Engineering and Public Works and the City Solicitor.

Option 2

That Rezoning Application #00399 for 1121 Dominion Road be declined.

7.0 Conclusions

The OCP encourages the development of quality, accessible, affordable child care including preschool and out-of-school care spaces throughout the City. The OCP also supports the inclusion of community services (including child care) in all urban place designations. Staff are supportive of the proposed reduction in parking but note that there will be an impact on the availability of off-site parking. However, on balance, staff support this application.

8.0 Recommendation

That Rezoning Application #00399 for 1121 Dominion Road proceed for consideration at a Public Hearing and that City staff prepare the necessary *Zoning Regulation Bylaw* subject to completion of registration of a Statutory Right-of-Way on Dominion Road to the satisfaction of the Director of Engineering and Public Works and the City Solicitor.

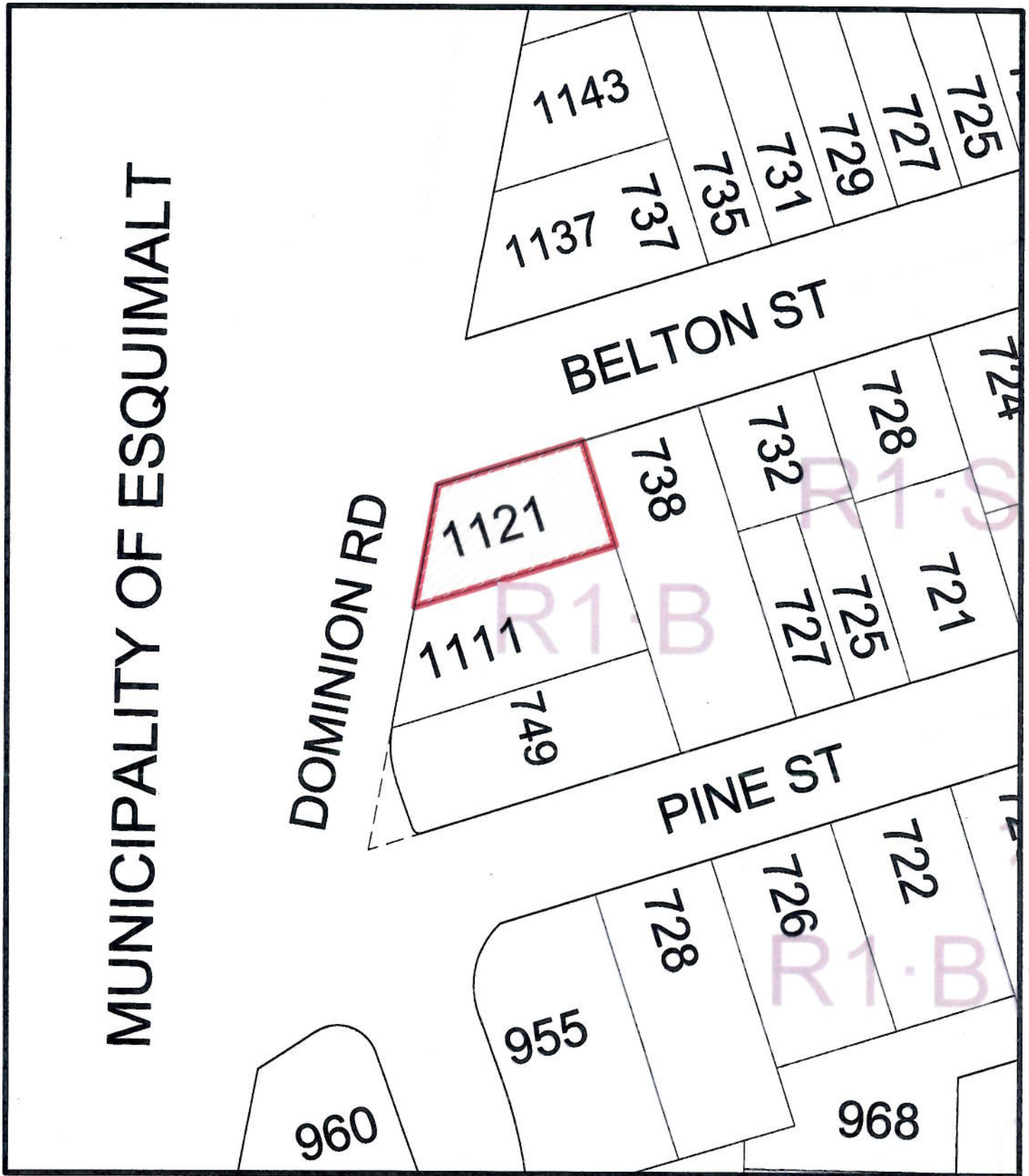
9.0 List of Attachments

- Aerial map
- Zoning map
- Plans dated March 13, 2013
- Letters from Applicant dated February 19, 2014, May 29, 2013, and March 4, 2013.



1121 Dominion Road
Rezoning #00399
Bylaw #





1121 Dominion Road
Rezoning #00399
Bylaw #



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



February 19, 2014

Re: Parking and SRW for Little Genius Academy Daycare, REZ #00399

This is a re-submission letter outlining the revisions required prior to Planning and Land Use Committee and Public Hearing for 1121 Dominion Road (rezoning application #00399).

Revision to be met prior to Planning and Land Use Standing Committee review:

Staff & Parking

This rezoning application has been filed to increase the capacity of the daycare twofold from 8 spaces to 16. This increase will result in additional 1 part-time employee as well as increase in traffic during drop-off and pick-up times. Currently 4 families drive to the daycare and the other 4 walk or cycle. Given this trend, car traffic is expected to increase to 8-10 families driving with remaining families walking or cycling to the daycare.

The daycare is family owned and is operated by the residents who live in the residential area upstairs on the same property. There is one legal parking space available on the property that is used by the family. The additional part-time employee will be utilizing the legal parking space on Dominion Rd. Currently this space is public and has no time restrictions. Parents who drive to the daycare will be able to use this space when the employee is not parked there or they will use street parking adjacent to neighbouring properties.

Revisions to be met prior to Public Hearing:

Statutory Right of Way (SRW)


The applicant is supportive of SRW requirement as a part of the rezoning application for this property given that the legal parking space on Dominion Rd will remain available for public use.

Permits and Inspections Divisions

Installation of Fire Sprinkler

The issue of mandatory fire sprinkler for children under 30 months was raised. Given this fact, the applicant will forgo this requirement and will only accept children who are older than 30 months.

Please do not hesitate to contact me if you have any questions or concerns.


Sincerely,

Luz Mary Calderon
Little Genius Academy Daycare Owner and Residential Owner
1121 Dominion Rd.
(250) 384-2806

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



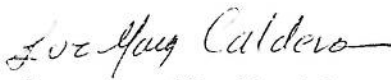
May 29, 2013

Re: Parking Revisions for Little Genius Academy Daycare, REZ #00399

Following the Application Review Summary on April 10, 2013 this letter addresses questions around parent and employee parking at Little Genius Academy Daycare. With increase in the number of spaces, the daycare is expecting higher parent traffic during children's drop off and pick-up times. However, increase in traffic is expected only during weekdays, Monday to Friday in the morning between 7:00-8:30am and late afternoon between 4:00pm-5:30pm. Drop off and pick-up times vary for parents and some require 5-10 minute short-term parking.

Currently the daycare has eight spaces. Transportation to the day care varies among parents and about half of the parents drive to the daycare. My husband drives the car to work during weekdays vacating the driveway 8am-6pm. Parents who decide to drive use 1 hour designated parking on Dominion Road that is shared with a convenience store located 10 meters from the daycare. Residents rarely use public parking spaces because all the neighbouring houses have private parking spots. Please refer to support letters from neighbours attached. While we do not expect parking to become an issue with increase in daycare spaces because parents arrive at different times, additional street parking is available on Ellery Street, just 500 meters away from the daycare.

For parents who walk, bike or take the bus, the daycare is accessible by public transportation and Galloping Goose Trail. All employees receive complimentary annual bus pass that encourage use of public transportation and decrease reliance on car use. A number of bus routes are available walking distance from the daycare. These include bus #14, located 370 meters from the daycare; bus #24 located 600 meters from the daycare; bus #6, located 750 meters away from the daycare; and bus #26 located 800 meters from the daycare. Parents and staff are encouraged to bike, walk or use the bus and have variety of options to arrive at the daycare. I hope this letter addresses the concerns outlined in the Application Review Summary. Please do not hesitate to contact me if you have any questions in regards to the proposal.

Sincerely,
Luz Mary Calderon 
Little Genius Academy Daycare and Residential owner
(250) 384-2806



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

March 4, 2013

Re: Little Genius Academy Daycare Rezoning Application for 1121 Dominion Road V9A 4E7

Dear Mayor Dean Fortin and Victoria Council,

This letter is a part of a rezoning application for **1121 Dominion Road V9A 4E7**. The unit is zoned R1-B and is a **corner freehold bi-level single-family residential house with Licensed Family Child Care on the ground floor** operated by the owner of the house. The proposal is to change the current land use from R1-B with eight children to new zone **allowing R1-B and adding up to 16 children**. There will be **no physical changes** made to the house or the yard. The **zoning conforms to Official Community Plan of City of Victoria** and the proposal was well received by Vic West Community Association. Additionally, immediate neighbors have expressed support for the expansion of the daycare.

The demand for licensed childcare in the Greater Victoria Region continues to increase. Some estimate that as much as three fourths of mothers with very young children are working” and therefore in need of childcare.¹ The rezoning of the house would increase from eight spaces to 16, allowing **additional eight parents to ensure their children attend a licensed, regulated daycare program approved by the BC Ministry of Health**. The increase of daycare spaces has also been **approved by Vancouver Island Health Authority (VIHA)** and is **consistent with the goals of BC Ministry of Children and Family Development and BC Ministry of Education** in “supporting and strengthening the province’s early learning and childcare programs and services” across the province.² The benefits of licensed daycares have been recognized on national, provincial and municipal levels over the past years. These benefits include better preparation for kindergarten by focusing on “reading, writing, social development and developing work habits” and cooperation skills that are transferrable to other environments. In the long term, licensed daycare facilities also have been found to reduce costs in other social policy areas,” an expensive cost that is usually picked up by municipalities.³ Additionally, **Little Genius Academy Daycare is Spanish immersion** and specializes in teaching Spanish and cultural diversity.

The growing demand for childcare in Victoria, specifically in our Vic West neighbourhood, is apparent in our waitlist, with 15 children up to date, and is growing by the week. The daycare

¹ Elliot, Enid. (2006) p.7. “A Picture of Childcare in the Greater Victoria Region.” PLAY Greater Victoria. Source accessed through Google search engine.

² BC Ministry of Children and BC Development and Ministry of Education. (2005) p.2. “Early Learning and Child Care in British Columbia.” A consultation Paper. Source accessed through Google search engine.

³ BC Ministry of Education. (2009) p. 2. “Expanding Early Learning in British Columbia for Children Age Three to Five.” Early Childhood Learning Agency. Sourced accessed through google search engine.

receives a steady stream of 2-3 inquiries about available daycare spaces on a weekly basis and I continue to add children to the waiting list until more spaces become available.

Little Genius Academy Daycare truly adds to our neighbourhood. The location is strategically positioned close to the Galloping Goose Trail and public transportation (bus routes #6, 14, 26), enabling parents to use a variety of transportation options and making our daycare easily accessible for parents without a car. Parents who decide to drive to the daycare have an option of three public parking spaces available immediately in front of the daycare on Dominion Road and another three parking spaces available in front of the daycare on Belton Avenue. Residents rarely use these parking spaces because all the neighbouring houses have private parking spots.

Drop off and pick up times require short term parking, usually for about 5 minute when the parent goes in to the daycare to pick up her child. However, since the daycare operates Monday to Friday, **increased drop off and pick up time is expected to be only during weekdays, Monday through Friday in the early morning between 7:00am to 8:30am and late afternoon between 4:00pm to 5:30pm.** The impact of increasing daycare spaces on the neighbourhood is therefore marginal, but the increase of parents around the neighbourhood can positively affect nearby businesses by drawing more traffic to their area. Some businesses in our neighbourhood include an antique store, Spiral Café, Fry's Bakery, children's clothing store, two Chinese restaurants, two corner stores, a hair salon, and Hemp & Co store that promotes organic products and environmentally sustainable practices.

Vic West Community Centre and Banfield Park are also located walking distance from our daycare and enable educators to incorporate outdoor education and outdoor trips in their curriculum on a regular basis. Furthermore the daycare facility is also located walking distance from Rayn or Shine Community Garden and Esquimalt Community Garden, allowing children a hands-on learning experience about local food and sustainability practices in Victoria. Given the support that we have received throughout our zoning application process along with the demand for increased licensed childcare spaces in Victoria, I am confident that the expansion of daycare spaces will benefit working mothers and families in Victoria, nearby businesses, and will positively contribute to the overall development of our neighbourhood.

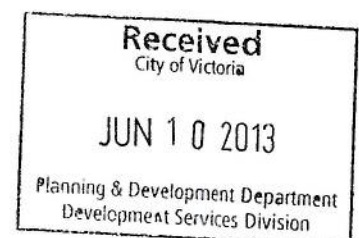
Please find the reports cited in this letter attached for your reference and do not hesitate to contact me if you have any questions in regards to the proposal.

Kind Regards,

Luz Mary Calderon
Little Genius Academy Daycare and Residential owner
at 1121 Dominion Road V9A 4E7
(250) 384-2806

I support the rezoning of 1121 Dominion Road for a licensed group daycare of up to 16 children between the ages of 1 to 5. I believe the daycare has been a positive change for the neighborhood therefore I support its presence and the proposed expansion. I believe the pick up and drop off required for the daycare won't affect me personally as it will only be for a short period of time during the day.

NAME: Patricia and Greg Perkins
ADDRESS: 731 Belton Ave
SIGNATURE: Patricia Perkins
DATE: January 6, 2013



I support the rezoning of 1121 Dominion Road for a Licensed Group Daycare of up to 16 children between the ages of 1 to 5. I believe the daycare has been a positive change for the neighborhood therefore I support its presence and the proposed expansion. I believe the pick up and drop off required for the daycare won't affect me personally as it will only be for a short period of time during the day.

NAME Michele Irvine
ADDRESS 1111 Dominion Rd
SIGNATURE A. Irvine
DATE May 31, 2013



I support the rezoning of 1121 Dominion Road for a licensed group daycare of up to 16 children between the ages of 1 to 5. I believe the daycare has been a positive change for the neighborhood therefore I support its presence and the proposed expansion. I believe the pick up and drop off required for the daycare won't affect me personally as it will only be for a short period of time during the day.

NAME: JASWANT TAKHAR

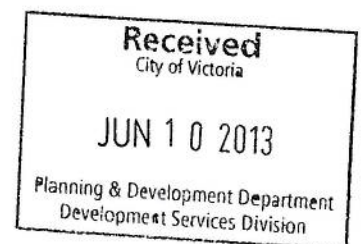
ADDRESS 734 Belton Ave

SIGNATURE: JASWANTKAUR TAKHAR

DATE: JAN 7/2013



I support the rezoning of 1121 Dominion Road for a licensed group daycare of up to 16 children between the ages of 1 to 5. I believe the daycare has been a positive change for the neighborhood therefore I support its presence and the proposed expansion. I believe the pick up and drop off required for the daycare won't affect me personally as it will only be for a short period of time during the day.

NAME: CATHERINE KAEFERADDRESS 732 BELTON AVESIGNATURE: Catherine KaefDATE: 6 JAN 2013

I support the rezoning of 1121 Dominion Road for a licensed group daycare of up to 16 children between the ages of 1 to 5. I believe the daycare has been a positive change for the neighborhood therefore I support its presence and the proposed expansion. I believe the pick up and drop off required for the daycare won't affect me personally as it will only be for a short period of time during the day.



NAME: JASWANT TAKHAR
ADDRESS: 738 Belton Ave
SIGNATURE: JASWANT KAU TAKHAR
DATE: MAR 7/2013

I support the rezoning of 1121 Dominion Road for a licensed group daycare of up to 16 children between the ages of 1 to 5. I believe the daycare has been a positive change for the neighborhood therefore I support its presence and the proposed expansion. I believe the pick up and drop off required for the daycare won't affect me personally as it will only be for a short period of time during the day.



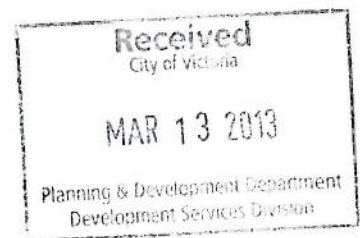
NAME: Patricia and Greg Perkins

ADDRESS 731 Belton Ave

SIGNATURE: Patricia Perkins

DATE: January 6, 2013

I support the rezoning of 1121 Dominion Road for a licensed group daycare of up to 16 children between the ages of 1 to 5. I believe the daycare has been a positive change for the neighborhood therefore I support its presence and the proposed expansion. I believe the pick up and drop off required for the daycare won't affect me personally as it will only be for a short period of time during the day.



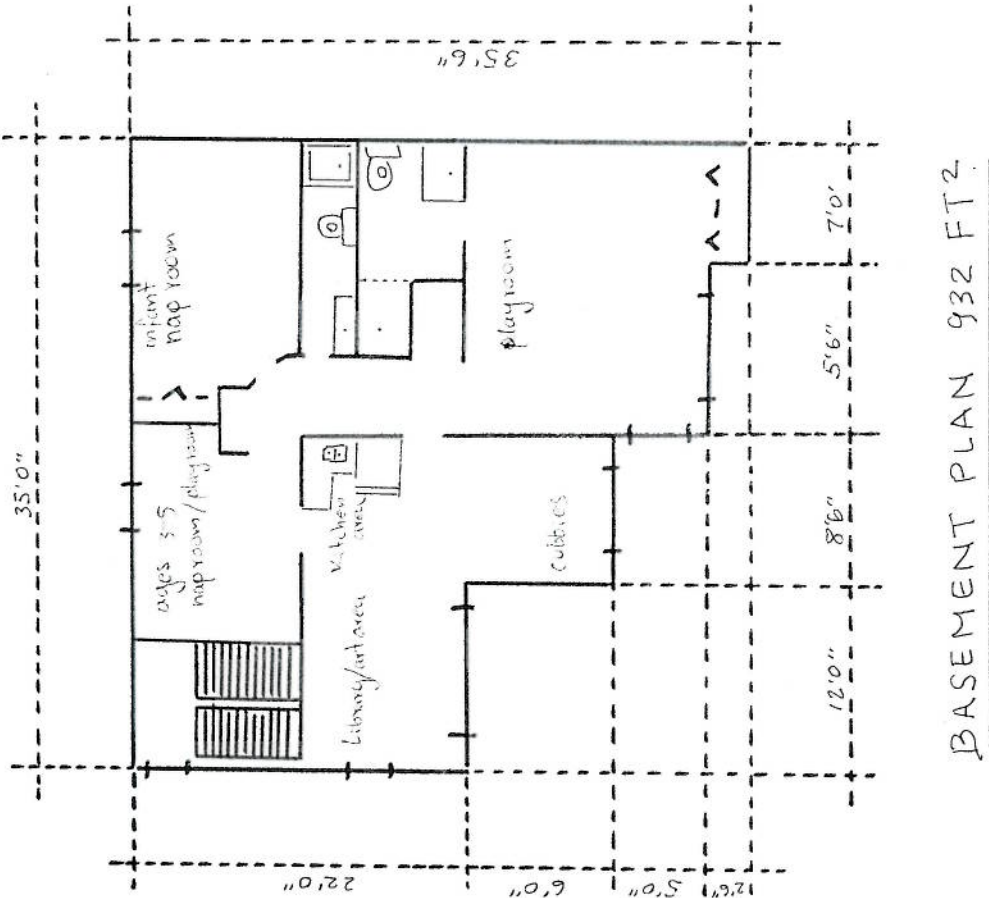
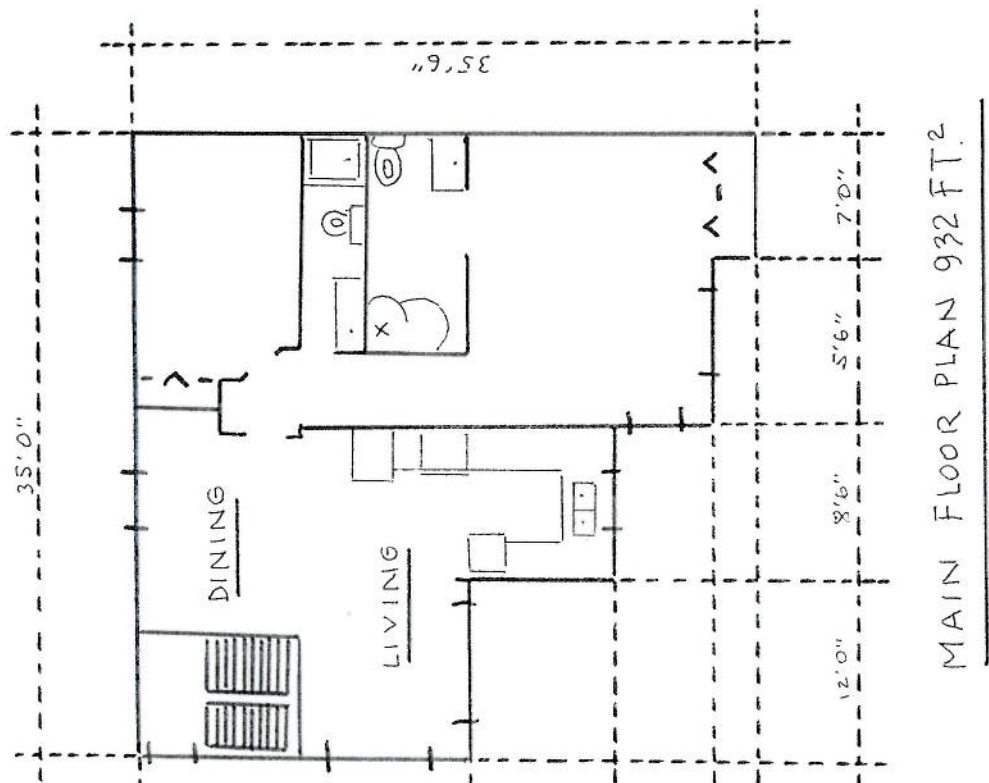
NAME: CATHERINE KAEFER
ADDRESS: 732 BELTON AVE
SIGNATURE: Catherine Kafer
DATE: 6 JAN 2013

I support the rezoning of 1121 Dominion Road for a licensed group daycare of up to 16 children between the ages of 1 to 5. I believe the daycare has been a positive change for the neighborhood therefore I support its presence and the proposed expansion. I believe the pick up and drop off required for the daycare won't affect me personally as it will only be for a short period of time during the day.

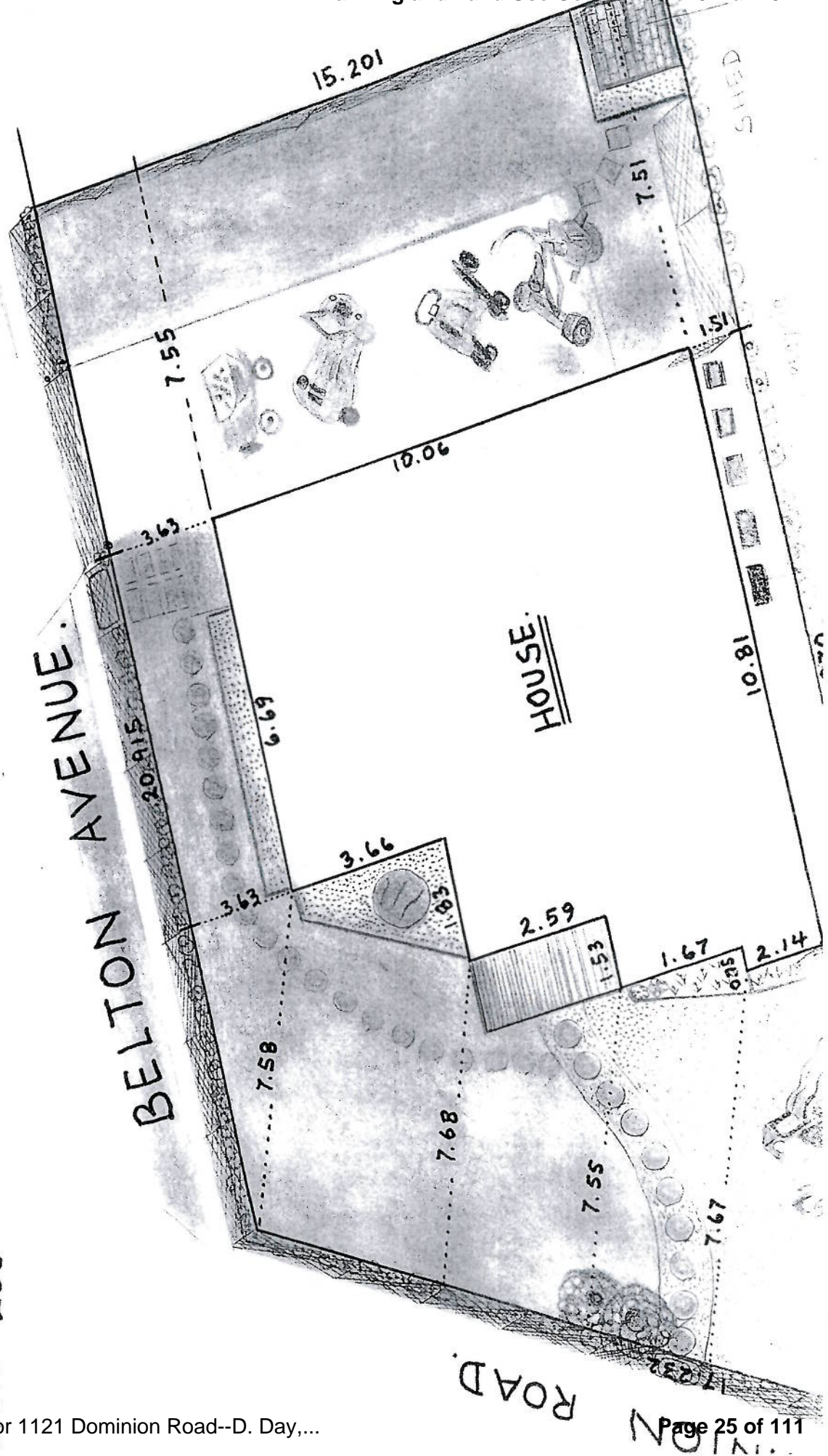


NAME: Michele Irvine
ADDRESS: 1111 Dominion Road
SIGNATURE: [Signature]
DATE: January 6, 2013

Plan of Lot 10 Section 10 Vic. West Plan 286.



PLAN OF LUTHER DECISION TO
VICTORIA WEST
LAN 266





Planning and Land Use Committee Report

Date: March 20, 2014 **From:** Mike Wilson, Senior Planner – Urban Design
Subject: **Development Permit Application #000297 for 1823 Douglas Street**
 The application is to construct a one-storey plus mezzanine commercial building for restaurant use with surface parking stalls.

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 1823 Douglas Street. The application is to construct a one-storey plus mezzanine commercial building for restaurant use with surface parking stalls accessed from Caledonia Avenue. The proposed primary exterior materials include acrylic stucco, wood trim, painted concrete and precision concrete block.

The following considerations are provided to Council in assessing this application:

- The applicable design guidelines are the excerpts from the *Downtown Core Area Plan (DCAP)* (2011) as identified in the *Official Community Plan (OCP)* (2012), *Guidelines for Fences Gates and Shutters* (2010), and the *Buildings Signs and Awnings Advisory Design Guidelines*.
- The proposal presents several inconsistencies with the applicable design guidelines with respect to the height of the primary street wall, the length of the primary street wall, surface parking, proposed exterior materials and finishes.
- The proposal is not consistent with the objectives of Development Permit Area 2 (Heritage Conservation): Core Business.

This application presents several challenges with respect to the intent of the land use policies and design guidelines within OCP and DCAP. The applicable policy is to enable revitalization of this area through intensification; however, the current proposal replaces the existing building and does not respond to this potential for intensification. The applicant has noted a strong preference for an economical building type both in terms of form and architectural design. Given these challenges, staff have evaluated the proposal with respect to not only the scale of the proposed development (as it relates to the applicable guidelines) but also whether the design as presented has adequately responded to other aspects of the applicable guidelines. Where the application falls short of the guidelines, potential design amendments have been suggested to improve consistency with the applicable guidelines.

In light of the inconsistencies between the proposal and both the objectives of Development Permit Area 2 (Heritage Conservation): Core Business and the applicable design guidelines, staff recommend that the application be referred to the Advisory Design Panel (ADP) with a request that the ADP pay particular attention to the finishes and landscaping.

Recommendation

That Council refer Development Permit #000297 for 1823 Douglas Street to the Advisory Design Panel (ADP) for review, with the provision of:

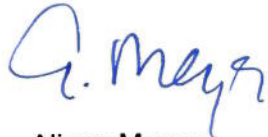
- detailed elevations of all proposed fences
- a detailed landscape plan
- pedestrian weather protection for the length of the Douglas Street frontage;

and that the ADP be requested to pay particular attention to the following:

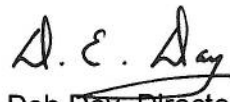
- the external building finishes as they relate to the surrounding context and applicable design guidelines
- the proposed landscape treatment and screening of the surface parking area.

Upon completion of review by the ADP, that the applicant make revisions to address the recommendations of the ADP as well as the staff suggestions contained in this report and the application along with a staff report return to the Planning and Land Use Committee.

Respectfully submitted,

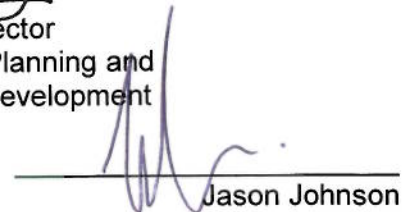


Alison Meyer
Assistant Director
Development Services



Deb Day, Director
Sustainable Planning and
Community Development

Report accepted and recommended by the City Manager:


Jason Johnson

Date: March 13, 2014

AM/MW:aw

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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 1823 Douglas Street.

2.0 Background**2.1 Description of Proposal**

The application is to construct a one-storey plus mezzanine commercial building for restaurant use with seven surface parking stalls accessed from Caledonia Avenue. The proposed primary exterior materials include acrylic stucco, wood trim, painted concrete and precision concrete block.

2.2 Existing Site Development and Development Potential

Under the existing CA-4 Zone, Central Area Commercial Office District, permitted uses include office, retail, restaurant and residential (above the second storey). A maximum floor space ratio of 3:1 and a maximum building height of 43 m are permitted. No off-street parking is required.

2.3 Data Table

The following data table compares the proposal with the existing CA-4 Zone. No variances from the *Zoning Regulation Bylaw* are required to accommodate this proposal.

Zoning Criteria	Proposal	Zone Standard
Site area (m ²) – minimum	677	n/a
Total floor area (m ²) – maximum	384.2	2031
Density (Floor Space Ratio) – maximum	0.57:1	3:1
Height (m) – maximum	8.4	43
Site coverage (%) – maximum	49.5	n/a
Storeys – maximum	2	n/a
Setbacks (m) – minimum		
Front – Douglas Street	Nil	Nil
Rear	18	Nil
East	Nil	Nil
West	Nil	Nil
Parking – minimum	7	n/a
Visitor parking – minimum	n/a	n/a
Bicycle storage – minimum	3	1
Bicycle rack – minimum	3	1

2.4 Land Use Context

The following land uses are located in the immediate area:

- to the west across Douglas Street is a three and a half storey hotel in the CA-3 Zone
- to the east is a vacant lot in the CA-60 Zone
- to the north is a one-storey restaurant in the C-1 Zone
- to the south is a two-storey commercial building in the CA-4 Zone.

2.5 Legal Description

The north ½ of Lot 731, Victoria City.

2.6 Consistency with City Policy

This application presents several challenges with respect to the intent of the land use policies and design guidelines within OCP and DCAP. The applicable policy is to enable revitalization of this area through intensification; however, the current proposal replaces the existing building and does not respond to this potential for intensification.

Staff have discussed the policy inconsistencies with the applicant who has noted a preference for a building type and architectural design that is economical. They have also noted the need for any changes to be economical.

Given these challenges, staff have evaluated the proposal with respect to not only the scale of the proposed development (as it relates to the applicable guidelines) but also whether the design as presented has adequately responded to other aspects of the guidelines. Where the application falls short of meeting the guidelines, staff have suggested potential improvements to respond more fully to the applicable guidelines.

2.7 Consistency with the Objectives of Development Permit Area 2: Core Business

The *Official Community Plan* (2012) includes the subject lands within Development Permit Area 2 (Heritage Conservation): Core Business. The objectives of this Development Permit Area are provided below with staff commentary.

1. *To revitalize a central business district through high-rise commercial buildings and low-to-medium rise residential mixed-use buildings, with greatest heights along Douglas Street, Blanshard Street and Yates Street, balanced with protection of the views from public vantage points of heritage landmark buildings on Pandora Avenue, Blanshard Street, Broughton Street and Humboldt Street as identified on Map 8 of the Plan.*

The proposed one-level plus mezzanine commercial building does not meet this objective as it is neither a high-rise commercial building nor a low-to-medium rise residential mixed-use building.

2. *To conserve and enhance the heritage value, special character and the significant historic buildings, features and characteristics of this area.*

In this general area, there are Heritage Designated buildings that feature brick and stone masonry and highly articulated building facades. Development proposals within this area do not need to mimic these buildings but should respond appropriately to enhance these special character features through their proportion, scale, detail and finish. The architectural expression of the proposed building does not adequately respond to the special features and characteristics of this Development Permit Area.

3. *To enhance the area through a high quality of architecture, landscape and urban design that reflects the function of a central business district in scale, massing and character while responding to its historic context.*

The proposed finishing materials are of a lower quality. Most notably, there is an extensive use of stucco and concrete block. The proposed materials do not respond well to the historic context.

2.8 Consistency with Design Guidelines

The applicable design guidelines are the excerpts from the *Downtown Core Area Plan* (2011) as identified in the *Official Community Plan, Guidelines for Fences Gates and Shutters* (2010), *Buildings Signs and Awnings Advisory Design Guidelines*. Further analysis regarding the application's consistency with the Guidelines is provided in Section Four of this report.

2.9 Community Consultation

As there are no variances from the *Zoning Regulation Bylaw* associated with this application, a referral to the Downtown Residents Association was not required.

3.0 Issues

The primary issue with this application is its lack of consistency with the applicable design guidelines.

4.0 Analysis

4.1 Consistency with Downtown Core Area Plan

4.1.1 Downtown Core Area Plan - Section Three: Districts

Section 3.19 of the Plan requires that parking for a new development be provided underground. The proposed seven surface parking stalls are neither consistent with this guideline nor has the applicant employed any design mitigation measures such as screening and landscaping that attempt to address this. Staff recommend that if the policy is to be maintained at grade that it be screened and landscaped more attractively and effectively.

4.1.2 Downtown Core Area Plan - Section Five: Transportation and Mobility

The subject lands are located on a primary transit corridor. Policy 5.73 seeks to ensure that pedestrian weather protection such as canopies, awnings and recessed building entrances are provided. The proposed design includes an entryway that has a minimal setback from Douglas Street. The application provides minimal pedestrian weather protection, in the form of a glass

and steel overhead canopy, along the building frontage on Douglas Street. If this application proceeds, staff recommend the provision of a more significant overhead canopy for pedestrian weather protection.

4.1.3 Downtown Core Area Plan - Section Six: Urban Design

As a corner site, there are two different street wall heights established in the DCAP so it is necessary that the applicant consider how the desired street wall height wraps around the corner of the site at Caledonia Avenue.

Section 6.187.1 requires that new buildings provide a primary street wall along a minimum length of 60% of the building face parallel to Douglas Street and that the street wall has a minimum height of 15 m and a maximum height of 20 m. The proposed primary street wall is comprised of 100% of the building face parallel to Douglas Street; however, at 8.4 m in height, it does not meet the minimum street wall height as required by the guidelines.

Caledonia Avenue is considered a "narrow street" and requires a primary street wall along a minimum length of 60% of the building face parallel to the street that has a minimum height of 10 m and a maximum height of 15 m. The proposed primary street wall only achieves 47% of the building face parallel to the street. Additionally, the proposed building height does not meet the minimum street wall height as required by the guidelines as the proposal is only 8.4 m in height.

Although the applicant suggests that the property is too small to construct viable street wall conditions that meet the guidelines, there would seem to be some solutions that could have been explored to provide more presence and better respond to the guidelines. If this application moves forward, staff recommend review by the ADP regarding to what extent this application may be able to respond more appropriately to other aspects of the guidelines such as the provision of high quality building finishes.

Section 6.182 encourages visually articulated designs and quality architectural materials. As noted in correspondence from the applicant, the proposal does include several relief elements that increase the building's visual interest. However, the proposed acrylic stucco and concrete-block finishing treatments are not considered quality architectural materials. Should this application proceed, staff recommend that the application be referred to the Advisory Design Panel with special attention to reviewing the proposed finishing materials.

4.2 Consistency with *Buildings, Signs and Awnings Advisory Design Guidelines*

The application does not include any details related to signs or awnings thus the staff review was limited to reviewing the proposed form and exterior finish of the building. The design guidelines recommend evaluating the design based on several general aspects. One of the aspects noted is relevancy of expression to the surrounding context. Staff have reviewed the expression of architecture in relationship to the Development Permit Area as a whole.

The proposed design does not represent a common architectural style found within Development Permit Area 2 (Heritage Conservation): Core Business. Should this application move forward, staff recommend changes to the exterior of the building so that the architectural expression is more relevant to Development Permit Area 2 (Heritage Conservation): Core Business. This could be achieved by providing an appropriate design response that enhances these special character features through the proportion, scale and finish of buildings.

4.3 Consistency with *Guidelines for Fences, Gates and Shutters*.

The proposal includes a gated bicycle enclosure constructed of heavily galvanized-wire mesh and a 1.8 m tall wooden fence at the east and south property lines. The applicant has not provided detailed elevations of the fence materials or the bicycle enclosure. As a result, it is difficult for staff to comment on the proposal. Should this application move forward, staff recommend that the applicant submit detailed elevation drawings of all fences and gates on the site in order to ensure the proposal is compliant with the Guidelines.

5.0 Resource Impacts

There are no resource impacts anticipated.

6.0 OptionsOption 1 (Refer Application to ADP)

That Council refer Development Permit #000297 for 1823 Douglas Street to the Advisory Design Panel (ADP) for review, with the provision of:

- detailed elevations of all proposed fences
- a detailed landscape plan
- pedestrian weather protection for the length of the Douglas Street frontage;

and that the ADP be requested to pay particular attention to the following:

- the external building finishes as they relate to the surrounding context and applicable design guidelines
- the proposed landscape treatment and screening of the surface parking area.

Upon completion of review by the ADP, that the applicant make revisions to address the recommendations of the ADP as well as the staff suggestions contained in this report and the application along with a staff report return to the Planning and Land Use Committee.

Option 2 (Decline Application)

That Development Permit Application #000297 for 1823 Douglas Street be declined.

Option 3 (Approve Application as Submitted)

That Council authorize the issuance of Development Permit #000297 for 1823 Douglas Street, in accordance with plans dated December 4, 2013.

7.0 Conclusions

This application presents several challenges with respect to the intent of the land use policies and design guidelines within the OCP and DCAP. The applicable policy is to enable revitalization of this area through intensification; however, the current proposal replaces the existing building and does not respond to this potential for intensification.

The proposal presents several inconsistencies with the applicable design guidelines. Notably, the proposed street wall height on both Douglas Street and Caledonia Avenue is considerably lower than anticipated by the *Downtown Core Area Plan*. Moreover, the proposed exterior building finishes, including acrylic stucco and concrete block, are not considered quality materials and are not encouraged by the applicable guidelines. The proposed surface parking area is also not encouraged in the guidelines and, if provided, could be improved through landscape treatments and screening.

The proposal presents numerous inconsistencies with the objectives of Development Permit Area 2 (Heritage Conservation): Core Business and the applicable design guidelines. In light of the inconsistencies, staff recommend that this application be referred to the ADP.

8.0 Recommendations

That Council refer Development Permit #000297 for 1823 Douglas Street to the Advisory Design Panel (ADP) for review, with the provision of:

- detailed elevations of all proposed fences
- a detailed landscape plan
- pedestrian weather protection for the length of the Douglas Street frontage;

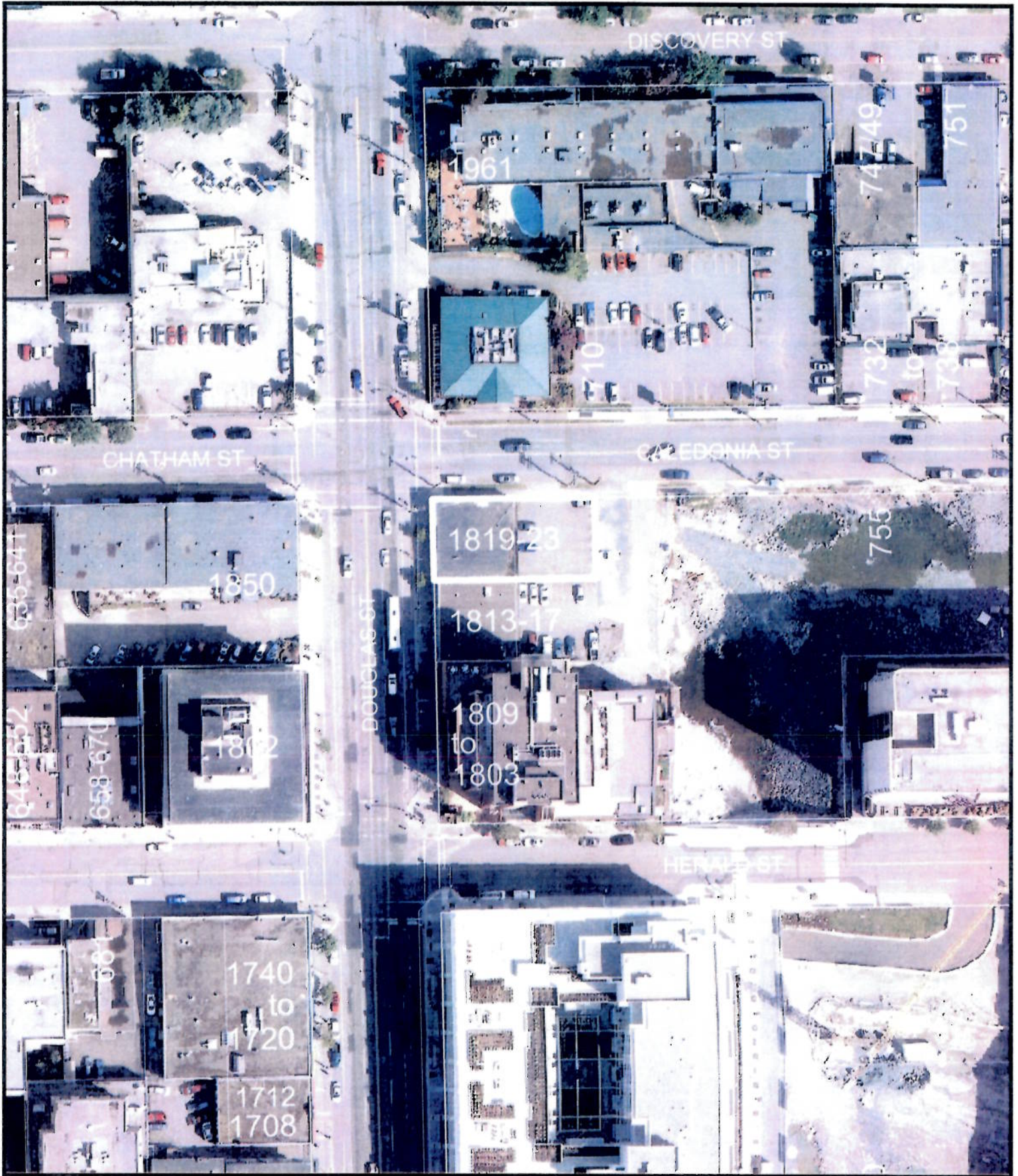
and that the ADP be requested to pay particular attention to the following:

- the external building finishes as they relate to the surrounding context and applicable design guidelines
- the proposed landscape treatment and screening of the surface parking area.

Upon completion of review by the ADP, that the applicant make revisions to address the recommendations of the ADP as well as the staff suggestions contained in this report and the application along with a staff report return to the Planning and Land Use Committee.

9.0 List of Attachments

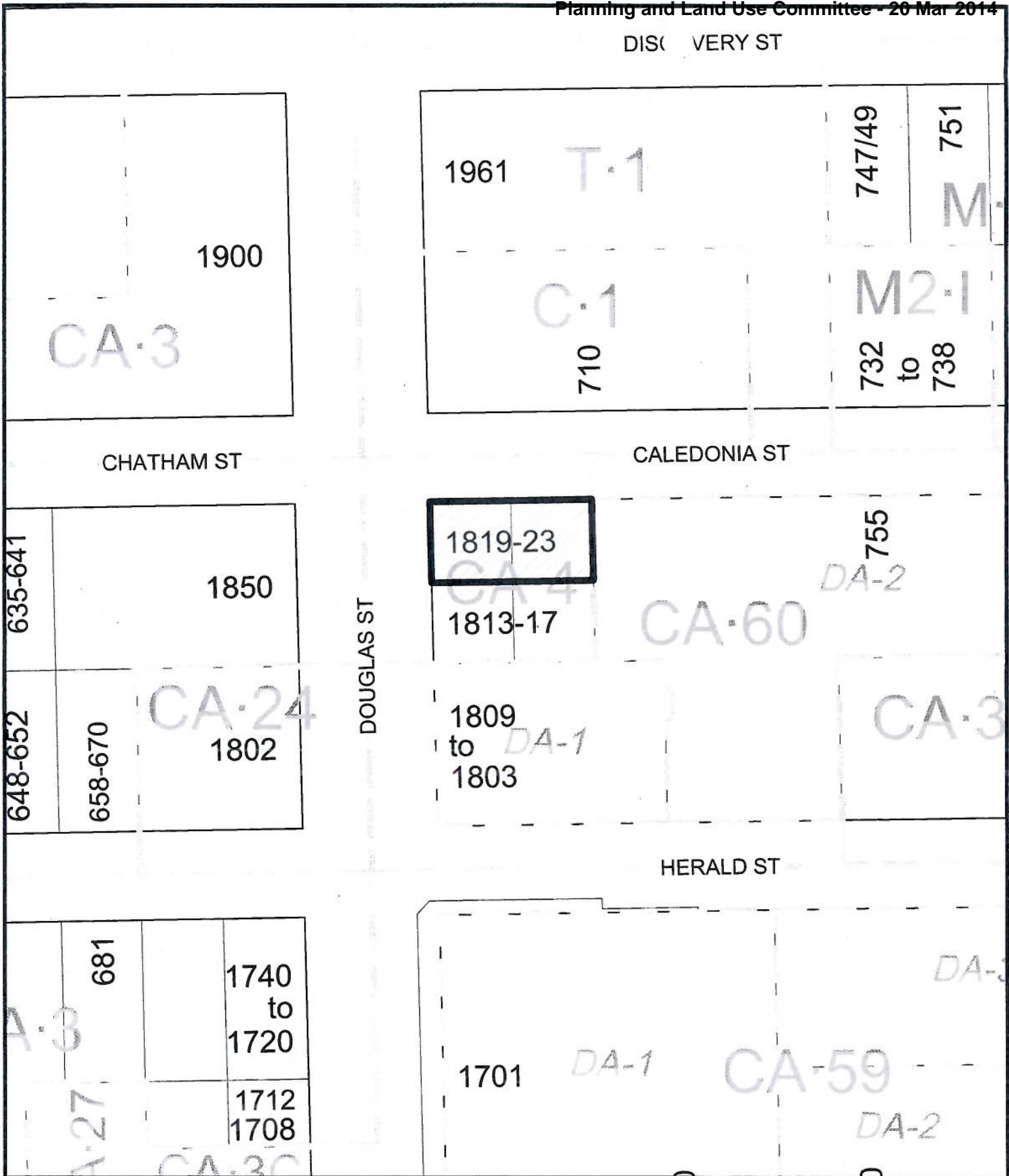
- Zoning map
- Aerial map
- Letters from applicant dated December 11, 2012, and November 26, 2013
- Revised plans dated December 4, 2013.



1823 Douglas Street
Development Permit #000297

Development Permit # 000297 for 1823 Douglas Street--D. Day,...

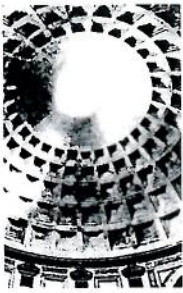
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1823 Douglas Street

Development Permit #000297

Development Permit # 000297 for 1823 Douglas Street--D. Day,...



P R A X I S
a r c h i t e c t s i n c .

Michael D. Levin, MAIBC • Robert Rocheleau, MAIBC

401- 1245 Esquimalt Road, Victoria, B.C. V9A 3P2
Tel: (250) 475-2702 • Fax: (250) 475-2701
prax@telus.net



December 11, 2012

Mayor and Council
c/o
Mike Wilson
Senior Planner - Urban Design
Development Services Division
Planning and Development Department
City of Victoria
1 Centennial Square, Victoria, BC, V8W 1P6

Re: New Sushi Restaurant
1823 Douglas Street

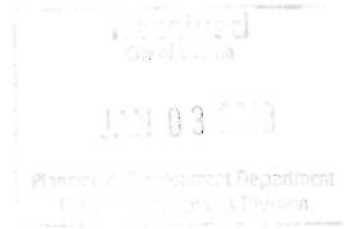
We are proposing to demolish the building at the South East corner of Caledonia and Douglas and build a new one-storey restaurant with a mezzanine. The existing building is comprised of three separate addresses separated internally into three compartments. The floor level is different for each compartment relative to Douglas Street. In each compartment the rear portion has another level (so there are at least 6 different main floor levels in the building). The building exterior walls are primarily load bearing masonry the most likely to fail in an earthquake. The building has virtually no insulation. The building to the south is of a similar age but is under separate ownership and tenancy.

Currently the site consists of two lots. The west lot fronting Douglas accommodates the building and the east lot accommodates the parking and service access. Each lot has a separate title. All of the above complicates the remodeling of this building as a single use. The existing zone does not require parking.

We propose to consolidate the two lots. We will build a new 3600sf restaurant within the footprint of the old building. Except for the rear section of the restaurant, the dining, kitchen and sushi bar area will be on one level. The rear floor area of the building will be raised to accommodate the change in grade at the rear of the building. The rear section will accommodate food storage, access to the mezzanine and public washrooms (except for the accessible washroom at the dining level) and a rear exit. The mezzanine will accommodate administration services.

While the internal height of the building will be 19' to the underside of the roof joists from the dining/kitchen area, the parapets are set at 25' to conceal the slope of the roof and the roof top mechanical equipment.

With the consolidation of the two lots we have provided a parking plan and landscape plan. We are providing a 1m wide landscaped edge to the Caledonia side of the parking lot. There is an existing 1.5m high concrete wall separating the rear of this lot from the adjacent access lane. We propose a 6' high wood fence commencing at the termination of this concrete wall that will return to the building along the south property line. There will be a landscaped strip between the rear (east) wall and the parking stalls. We will provide a fenced garbage enclosure on the south property line facing Caledonia for ease of truck service. The parking area will accommodate seven vehicles including an accessible stall, a loading area for kitchen deliveries and a bicycle shelter to meet the current standards.



The exterior materials are principally rain-screen stucco, wood trim, and commercial grade aluminum windows. We also have incorporated some 4" clear cedar accent elements and a little bit of traditional roof tile over the entry. The rear façade is painted split face concrete block because of the utilitarian uses (parking, service entry, garbage, bike storage etc)

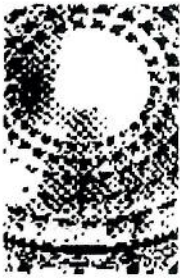
The basis for the exterior design is the tatami. The tatami has a ratio of 2:1. We have incorporated this ratio into the treatment of the façade in a combination of horizontal and vertical trim elements and the fenestration. The windows at Douglas and Caledonia come within 1' of the floor. The floor at the corner is about 16" above the sidewalk due to the street slope. Diners sitting in this location can look out onto the street activities. To the south of the main entry on Douglas is a tatami room accessed through a sliding shoji. This room has three booths with windows facing the adjacent sidewalk. A shoji screen preserving the diner's privacy covers the lower part of these windows internally. The upper part of those windows will let in unfiltered natural light. On the Caledonia façade there are three hexagonal windows giving daylight to the adjacent "party rooms". The party rooms can function as individual dining rooms or be linked together for larger numbers of people.

Higher up on both street facades and integrated into the façade are translucent back-lighted shoji screens. Light emitted from these screens will be very low level adding a little mystery as to what might be going on inside.

We trust you will find this project supportable and we look forward to discussing it with you.

Sincerely,
Praxis Architects Inc

Michael D. Levin, MAIBC
Director



P R A X I S
a r c h i t e c t s i n c .

Michael D. Levin, MAIBC • Robert Rocheleau, MAIBC

401- 1245 Esquimalt Road, Victoria, B.C. V9A 3P2
Tel: (250) 475-2702 • Fax: (250) 475-2701
prax@telus.net

November 26, 2013

Mayor and Council
c/o
Mike Wilson
Senior Planner - Urban Design
Development Services Division
Planning and Development Department
City of Victoria
1 Centennial Square, Victoria, BC, V8W 1P6



**Re: New Sushi Restaurant
1823 Douglas Street**

We are proposing to demolish the building at the South East corner of Caledonia and Douglas and build a new one-storey restaurant with a mezzanine. The original Development Permit application was made in December of 2012. The proposed project was reviewed by staff and not supported because it did not comply with the land use policies relevant to the property. We wish to explain to Planning and to Council the scope of this small project and why it is extremely difficult to comply with those land use policies. Then we will explain what efforts we have made to incorporate those aspects of the policies that we could.

This corner lot is 60'x120' fronting on Douglas. Vehicle access to the rear of the lot is from Caledonia. The parking area of the site is 60' x 60'. The remaining area available for building is 60'x 60'. The existing 60'x60' building is comprised of three compartments separated internally and each with a separate street address. The floor level is different for each compartment relative to Douglas Street. In each compartment the rear portion has a second level (so there are at least 6 different main floor levels within in the structure). The building exterior walls are primarily load bearing masonry the most likely to fail in an earthquake. The building has virtually no insulation. The cost to retrofit this structure into a usable space for a single tenant restaurant and to seismically upgrade the existing structure is considerably more than a new building started from scratch.

Compounding the situation the site consists of two lots (each 60'x60'). The west lot fronting Douglas accommodates the building and the east lot accommodates the parking and service access. Each lot has a separate title. All of the above complicates the remodeling of this building as a single use. The existing zone CA-4 has no parking requirement.

With the consolidation of the two lots we have provided a parking plan and landscape plan. We are providing a 1m wide landscaped edge to the Caledonia side of the parking lot. There is an existing 1.5m high concrete screen wall separating the rear of this lot from the adjacent access lane (mostly on the neighboring property). We propose a landscape strip between the parking stalls and the east property line and the existing concrete wall. We will provide a fenced garbage enclosure on the south property line facing Caledonia for ease of truck service. The parking area will accommodate seven vehicles including an accessible stall, a loading area for kitchen deliveries and a bicycle shelter to meet the current standards. The remainder of the south property line at the rear flanks the south neighbour's parking area. That lot is currently separated by precast concrete barriers. We are concerned that if a screen fence is built to that property the neighbours' lot will be screened from view from Caledonia. In

compliance with CPTED design guidelines we feel for the sake of visual supervision of that lot the concrete barriers should be left in place.

The Planning Department has advised us that the simplest way to move toward compliance with the Downtown Core Area Plan is to make the building bigger. It was also the opinion of staff that these three design guidelines were critical to the proposal;

1. **Parking** – Section 3.19 Provide on site parking for new development as underground structured parking.
2. **Height of Street Wall – Douglas street** – Section 6.187.1 – Provide a primary street wall along a minimum length of 60% of the building face parallel to Douglas Street that has a minimum height of 15metres and a maximum height of 20metres.
3. **Height of Street Wall- Caledonia Ave** - Section 6.185.1 – Provide a primary street wall along a minimum length of 60% of the building face parallel to the street that has a minimum height of 10m and a maximum height of 15metres

Parking

Underground parking for this site is just physically not achievable. When entering from Caledonia there is just room at the rear of the site for a single center drive aisle with one row of surface parking on either side.

Underground parking will require a parking ramp at least 70' long in order to get below the main floor. The lot is only 60' wide when entered from Caledonia. Underground is not possible.

We considered enclosing the surface parking at the rear. As three of the enclosing walls will be on the property line they must be concrete non combustible construction. Doors from the restaurant into the parking structure must have vestibules. The walls on the adjacent property lines must be solid fire rated walls (concrete or concrete block). Natural Ventilation is not an option. As the parking structure would be enclosed it must be mechanically vented (with roof top machinery) and sprinklered. The cost of such a structure would be in excess of \$320,000 - about \$40,000 for each of the 8 cars parked in the garage. The roof of the garage could be used for one floor of office however it is not possible to get two means of exit to the street from that office floor without having one stair and exit going in a separated corridor through the restaurant to Douglas street and one stair from the roof to Caledonia. The addition of an elevator would make the floor plate even more un-useful and uneconomical. Therefore only one floor of office could be built and even that would be restricted in size by the BC Building Code and by a single stairway to Caledonia. The economics of this concept make it unfeasible and impractical.

Height of Street Wall

Please see the attached sketches indicating the implications of the Street Wall guidelines for this particular site.

While the internal height of the building will be 19' to the underside of the roof joists from the dining/kitchen area, the parapets on Douglas Street are set at 29' above finished floor to conceal the slope of the roof, the roof top mechanical equipment and to add aesthetic weight to the Douglas street elevations and the corner. The parapets facing the rear and facing Caledonia are 25' high above the dining room floor.

The Street Wall Drawings we have prepared illustrate that the Core Area Design guidelines for the height of the Street Wall are about double the requirements for the building proposed on the site. To achieve the building heights required by the guidelines we would need a 4 storey building which as discussed above is not feasible for this site with respect to efficient design and economics.

We have prepared two street wall drawings – one illustrating the December 2012 scheme and a second showing the modest changes we have made to increase the height of the building and the massing at the corner.

The setback guidelines for the primary wall on Douglas is 0 to 3m and for a secondary wall 6 to 9m setbacks. Other than 0 these setbacks and the ones along Caledonia will make the main floor unusable for the proposed use. We retain the primary wall setback of 0m on Douglas and on Caledonia, however we will provide some movement in the façade through change of colour and material, cantilevered portions of the roof and walls, a recessed entry and a metal and glass canopy at the corner.

We attach our annotated review of the Downtown Core Area Plan Objectives and Guidelines. We have marked in red how and where we have tried to work with the document, where we have been unable to comply and where we feel the statements were not applicable to this project. With this and the above explanation we trust you will understand our rationale for the alternatives proposed and see we have tried to demonstrate a greater degree of compliance with the guidelines.

We have also incorporated a number of changes on the site plan that were recommended by Parks Division and by Engineering and Public Works. These are bubbled on the plans. We have provided two street trees in tree grates and we have widened the Caledonia sidewalk so that the back of sidewalk is on the property line. We have revised the driveway crossing to meet Schedule B of the Highway Traffic Access Bylaw for a Type B crossing. We have slightly offset the driveway crossing with the drive aisle of the parking area to avoid the driveway flare coming within 1.5m of a Hydro Pole. The current crossing is in the same location as the proposed new crossing however the existing crossing did not conform to the Type B Crossing.

We have made changes to the elevations of the project providing a taller massing element along Douglas to the street corner and returning on Caledonia approximately 3.4m. This element stands approximately 1.2m above the remainder of the building. It is divided into a solid colour section from the left of the main entrance to the corner and returning 3.4m on Caledonia. This solid colour element is pulled out from the rest of the street walls by 100mm to express its volume. We have lighted the mass by penetrating it with windows and by suspending a metal and glass canopy partially covering the sidewalk adjacent to the building.

A portion of the wall structure above the high windows on Douglas and on Caledonia is cantilevered over the sidewalk to give a sense of protecting eaves especially as now the sidewalk will abut the property line.

We trust you will find this project supportable and we look forward to discussing it with you.

Sincerely,
Praxis Architects Inc

A handwritten signature in black ink, appearing to read 'Michael D. Levin', with a long horizontal flourish extending to the right.

Michael D. Levin, MAIBC
Director



**REVIEW OF DOWNTOWN CORE AREA PLAN OBJECTIVES AND GUIDELINES
VIS A VIS PROPOSED DEVELOPMENT OF 1823 DOUGLAS STREET**

THE SITE IS WITHIN DPA 2:

Core Business located at southeast corner of Chatham and Douglas

Lot Dimensions 18.46m wide x 36.68 long

Lot Area – 676m²

PURPOSE of the DPA2

- Item 1 a) Revitalize an area in which commercial use is permitted (APPLICABLE - SITE CURRENTLY VACANT)
- b) Establishment of Objectives for the form and character of Commercial industrial and multifamily residential development (SOMEWHAT APPLICABLE)
- c) Heritage Conservation (NOT APPLICABLE)

OBJECTIVES OF THIS DESIGNATION

- a) to revitalize the CBD through high rise commercial buildings and low to medium rise mixed use buildings with greatest heights along Douglas, Blanshard and Yates. UNABLE TO MEET THIS REQUIREMENT (BUILDING NEITHER HIGH RISE NOR MIXED USE)
- b) to conserve and enhance the heritage value special character and the significant heritage buildings, features and characteristics of this area. NOT APPLICABLE
- c) To enhance the area through a high quality of architecture landscape and urban design that reflects the function of a CBD in scale massing and character while responding to its historic context. SCOPE OF PROJECT VERY MODEST BUT CONTRIBUTES TO THESE GOALS IN A SMALL WAY.

GUIDELINES

HIGH DENSITY DEVELOPMENT

- 3.4 Support High Density commercial buildings within the CBD to make efficient use of infrastructure and to maintain compact building footprints. UNABLE TO MEET THIS REQUIREMENT (NOT HIGH DENSITY)

CONNECTIVITY

- 3.12 Locate through-block walkways to provide strategic access through longer city blocks and meaningful connections with the Pedestrian Network as illustrated in Map 16. (see section 5: Transportation and Mobility) UNABLE TO MEET THIS REQUIREMENT

NEW DEVELOPMENT

- 3.16 Ensure the sensitive integration of new development with existing heritage properties along the 700 block of Yates Street and the 700 and 800 blocks of Fort Street. NOT APPLICABLE

EDGE CONDITION

- 3.18 Ensure that designs for new buildings located along the edges of the CBD consider scale, orientation, setbacks, mass and building height to provide sensitive transitions to surrounding Districts. SCOPE OF PROJECT VERY MODEST BUT CONTRIBUTES TO THESE GOALS.

PARKING

1/5

- 3.19 Provide on-site parking for new developments abs underground structured parking. **SEVEN ON SITE PARKING STALLS PROVIDED BUT NON REQUIRED BY ZONING**
- 3.20 Consider opportunities to integrate publicly accessible short-term parking as part of new commercial developments where underground structured parking is provided on site. **UNABLE TO MEET THIS REQUIREMENT**

PEDESTRIAN SAFETY AND COMFORT

- 5.26 Consider the Building and Street Interface Guidelines contained in Appendix 5 of this Plan in the design of local streetscapes. **UNABLE TO MEET THIS REQUIREMENT**
- 5.27 Improve the amount and design of pedestrian lighting, especially in areas that have higher concentrations of pedestrian activity.
- 5.28 Continue to incorporate universal access standards for people with varying mobility needs.
- 5.29 Ensure that sidewalks are wide enough to support desired levels activity and to maintain a adequate clear zone for pedestrian travel. **Douglas street sidewalk 4.7m wide. Caledonia sidewalk 1.8m wide.**
- 5.30 Encourage the use of building elements such as awnings, canopies and projections to provide pedestrians with continuous shelter from the rain and other elements.

THROUGH BLOCK WALKWAY POLICIES AND ACTIONS

5.32 to 5.35 **Not Applicable**

ALLWEATHER BUILDING DESIGN

- 5.73 Ensure buildings and public spaces along pedestrian network routes, major transit stops and along primary transit corridors are designed to incorporate building features that provide protection from the weather and climate, such as awnings, recessed entrances, building projections, tree canopies and other forms of covered areas. **A RECESSED ENTRY, ROOF OVERHANG AND CANOPY HAS BEEN PROVIDED**

PUBLIC OUTWARD VIEW – POLICIES

6.1 to 6.2 **Not Applicable**

- 6.3 Encourage design and siting solutions with new developments that serve to frame and enhance view corridors.

6.4 to 6.5 **Not Applicable**

- 6.6 Consider the design and placement of streetscape improvements such as paving materials, street lighting, street furniture and landscaping in order to help enhance and frame view corridors. **(SEE NOTE ON EXISTING STREETSCAPING). WE HAVE ADDED TWO STREET TREES IN TREE GRATES TO THE CALEDONIA SIDEWALK.**

EXTERNAL VIEW – POLICIES

6.7 to 6.14 **Not Applicable**

SKYLINE POLICIES AND ACTIONS

- 6.16 Consider the location of buildings and related building heights that reinforce a skyline profile that rises gradually from the north and south ends of **WITH THIS BUILDING THE PROFILE FOR THIS BLOCK CONFORMS FROM LOW IN THE NORTH TO HIGH AT THE SOUTH END OF THE BLOCK**
- 6.17 Consider the following criteria for tall buildings that are visible within the Downtown Core Area skyline: **BUILDING NOT TALL ENOUGH TO IMPACT SKYLINE**
- 6.17.1 Visual impact within the existing skyline;
 - 6.17.2 Location and clustering in relation to other tall buildings;
 - 6.17.3 Massing, orientation, and expression of the shape of the base, the body, and the top of the building, and;
 - 6.17.4 Use lighter colours including a palette of warm brick and soft pastel tones to lighten up the visual appearance of the skyline and complement the existing appearance.

TERMINATES VISTAS – POLICIES

6.18 to 6.24 **Not Applicable**

HERITAGE LANDMARK BUILDINGS POLICIES AND ACTIONS

6.25 to 6.28 **Not Applicable**

STREETSCAPE – POLICIES AND ACTIONS

- 6.29 Ensure that any roadway improvements to the public right-of-way or any private development adjacent to public right-of-ways within the Downtown Core Area consider the Public Realm Street Typology illustrated in Map 27 and the Building and Street Interface Guidelines contained in Appendix 5. **NOT APPLICABLE**
- 6.30 Recognize that functional requirements, existing street dimensions and physical conditions may constrain achievement of the Public Realm Building and Street Interface Guidelines described in Appendix 5. **NOT APPLICABLE**
- 6.31 Review and update the Zoning Regulation Bylaw and the other related technical design standards for streets and sidewalks for compatibility with the design guidelines described in Appendix 5. **THE DOUGLAS SIDEWALK STREETSCAPE ALREADY INCLUDES TWO STREET TREES, A PLANTER, A BIKE RACK AND A TRASH RECEPTACLE SUPPLIED BY THE CITY.**

SURROUNDING BUILDINGS

- 6.42 Where a new building is located directly adjacent to a plaza, ensure that the building is designed to provide street-level, active commercial uses such as restaurants, cafés, and retail stores, all of which have direct access to the plaza. **NOT APPLICABLE**
- 6.43 Consider the use of balconies, terraces, patios, doorways and windows along the building faces that are located directly adjacent to a park, plaza, or open space to encourage natural surveillance and vitality. **NOT APPLICABLE**

- 6.46 Consider the design of building street walls and massing that is located directly adjacent to a park, plaza, or open space in order to create human-scaled framing of the public space. **NOT APPLICABLE**

WEATHER PROTECTION

- 6.47 Incorporate weather protection elements such as canopies and awnings on building faces that are located directly adjacent to a park, plaza or open space. **WE HAVE PROVIDED A CANTILEVERED METAL AND GLASS CANOPY OVER THE SIDEWALK EMPHASIZING THE DOUGLAS AND CALEDONIA CORNER. AS WELL WE HAVE CANTILEVERED A PORTION OF THE WALL TREATMENT OVER THE PUBLIC SIDEWALK ON BOTH CALEDONIA AND DOUGLAS.**

DEVELOPMENT BLOCKS

- 6.169 Encourage articulation of building facades and rich detailing in order to provide a high degree of public interest along streets. **(SEE 6.182)**

BUILT FORM POLICIES AND ACTIONS

Massing and Design

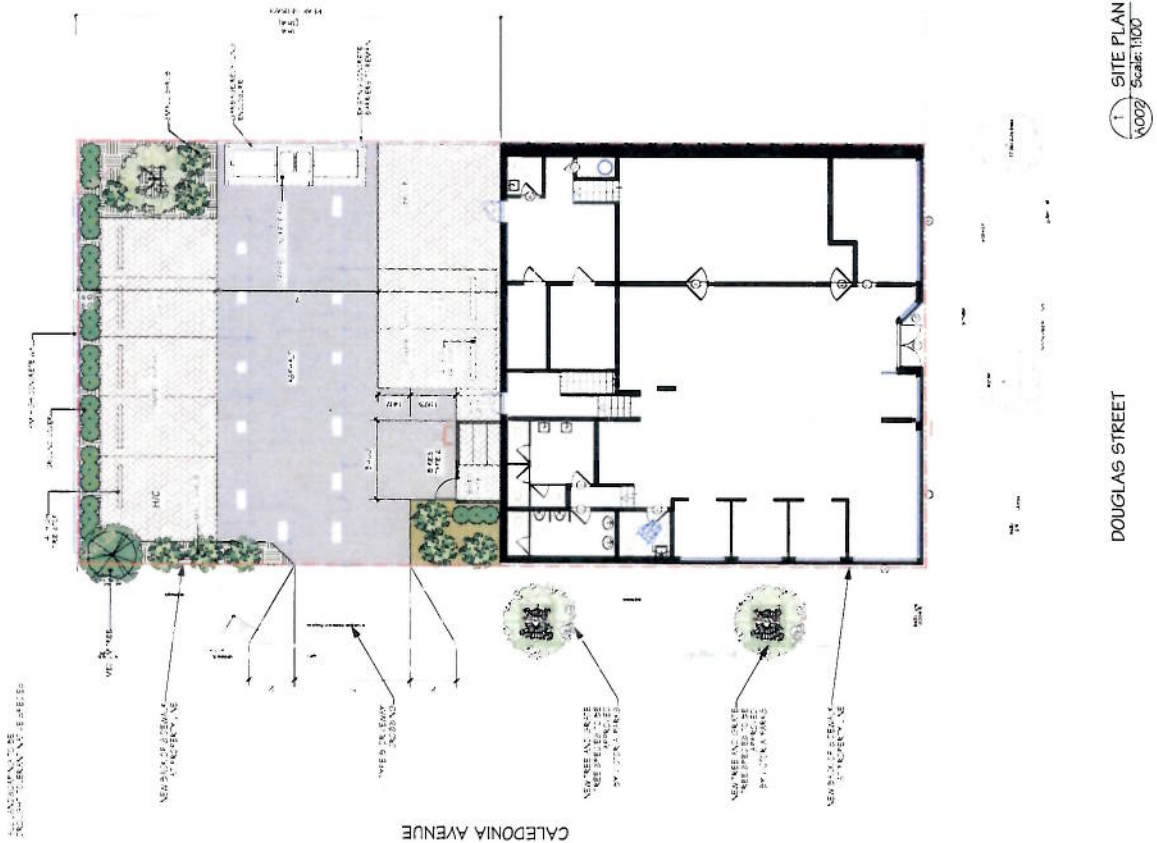
- 6.176 Reduce building bulk of upper storeys to minimize the effects of shading and wind vortices, to maintain views to the open sky, and to avoid the visual presence of bulky upper building mass. **NOT APPLICABLE**
- 6.177 Encourage varied heights and massing to avoid uniformity in building design. **WE HAVE VARIED THE FAÇADE HEIGHTS AND MASSING**
- 6.178 Encourage the use of terraced or stepped building forms to distinguish building podiums from upper storeys. **NOT APPLICABLE**
- 6.179 Ensure that scale and height of street walls are generally in similar ranges on both sides of a street, regardless of differences in allowances for maximum building height. **THE FAÇADE HEIGHTS ON BOTH STREET ELEVATIONS ARE DIFFERENT BUT RETAIN A RELATIONSHIP**
- 6.180 Consider street wall heights that are appropriate for the context of each street. **THE STREET WALL HEIGHTS ARE IN SCALE WITH THE BUILDING BUT DO NOT CONFORM WITH THE GUIDELINES**
- 6.181 Consider design elements such as recessed entries, small plazas, sidewalk dining areas and inset or chamfered building corners to provide visual articulation along street walls. **THE MAIN ENTRANCE IS RECESSED BACK FROM DOUGLAS STREET. THE GRADES OF DOUGLAS STREET AT THIS LOCATION DO NOT PERMIT SIDEWALK DINING BUT WE HAVE PROVIDED FULL HEIGHT DINING AREA WINDOWS AT THE CALEDONIA/DOUGLAS STREET CORNER WITHIN 250MM OF THE SIDEWALK TO BRING THE DINING EXPERIENCE CLOSER TO THE STREET.**
- 6.182 Encourage visually articulated designs and quality architectural materials and detailing in building bases and street walls to enhance visual interest for pedestrians. **THE BUILDING IS COMPACT BUT HAS A NUMBER OF VISUAL RELIEF ELEMENTS IN THE MASSING, IN THE OVERHANG OF VARIOUS BUILDING ELEMENTS AND THE MATERIALS**

BUILDING SEPARATION – POLICIES AND ACTIONS

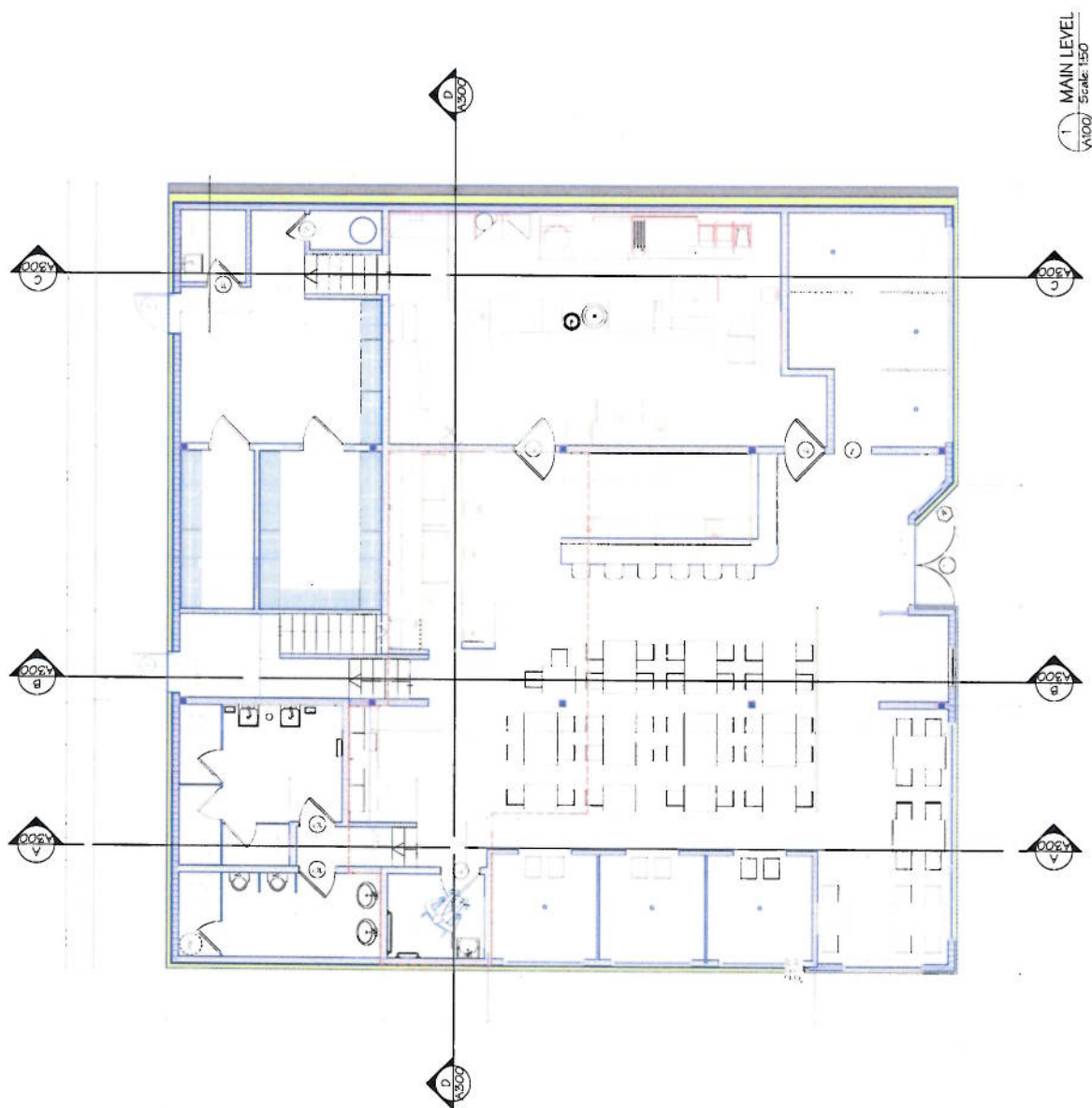
- 6.183 Provide appropriate clearances for residential and commercial buildings as described in Appendix 7 to improve privacy and access to sunlight. NOT APPLICABLE
- 6.184 Review and amend the Zoning Regulation Bylaw to reflect built form design guidelines and policies described in this Plan. NOT APPLICABLE

HERITAGE - 7 NOT APPLICABLE

<p>SITE DATA</p> <p>ADDRESS: 1823 DOUGLAS STREET LEGAL: 1/2 AC. 1/4 SEC. 17 ZONE: R-10 FUTURE AND PRESENT ZONE: R-10 PREVIOUS USE: RESIDENTIAL PROPOSED USE: COMMERCIAL LOT AREA: 10,000 SQ. FT. COVERED AREA: 10,000 SQ. FT. FLOOR SPACE: 10,000 SQ. FT. SITE COVERAGE: 100% NUMBER OF STORES: 1 NUMBER OF WORKSTATIONS: 1 NUMBER OF EMPLOYEES: 1 NUMBER OF STUDENTS PROVIDED: 1 NUMBER OF STUDENTS PROVIDED: 1 FRONT AND SIDE SETBACKS: 10' SIDE REAR SETBACK: 10' SIDE</p>		<p>DATE: 10/10/13 PREPARED BY: J. DAY CHECKED BY: J. DAY APPROVED BY: J. DAY</p>	<p>PRAXIS</p> <p>1823 DOUGLAS STREET VICTORIA, BRITISH COLUMBIA</p>	<p>OTAKI SUSHI</p> <p>1823 DOUGLAS STREET VICTORIA, BRITISH COLUMBIA</p>	<p>AD002</p>
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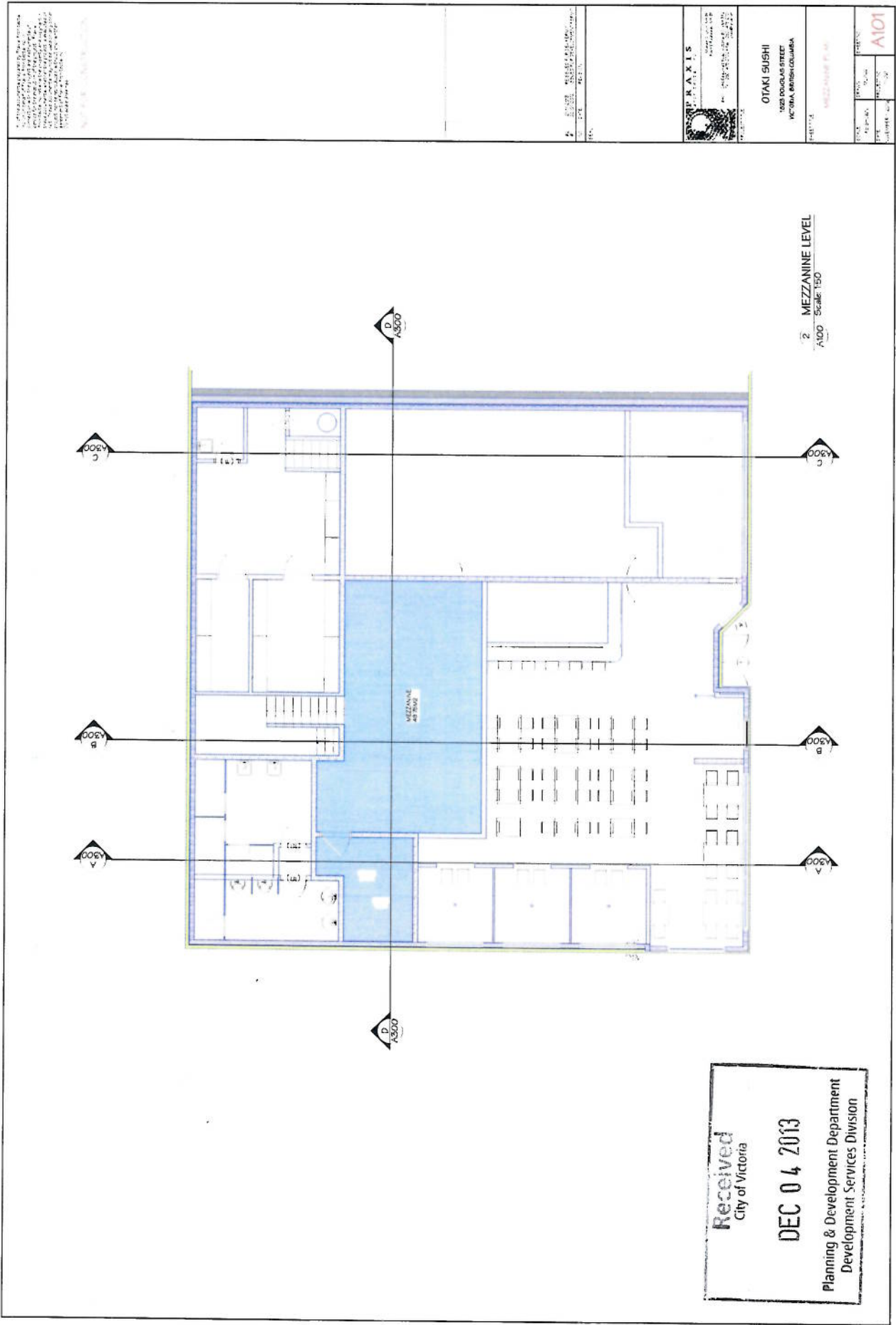
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 Planning & Development Department
 Development Services Division

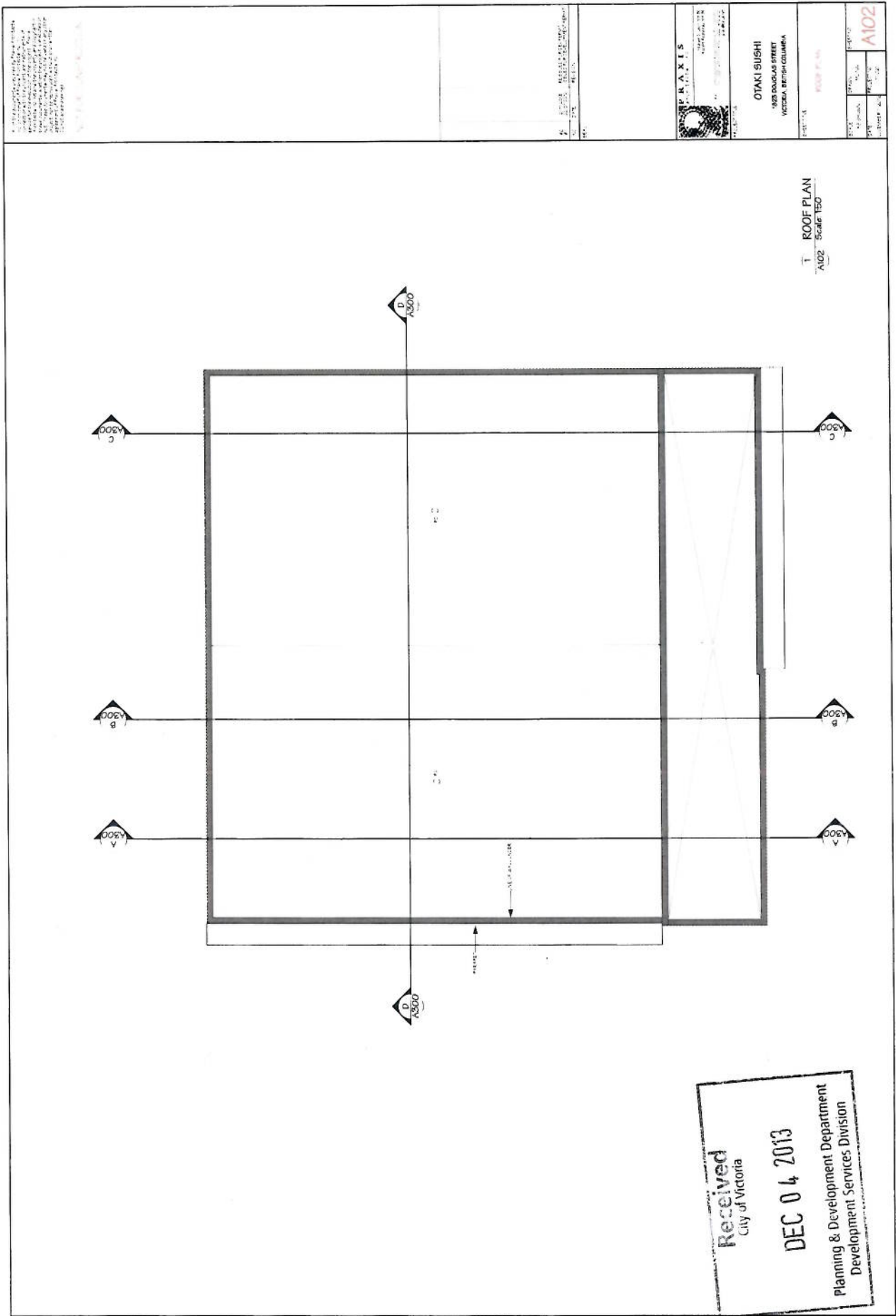
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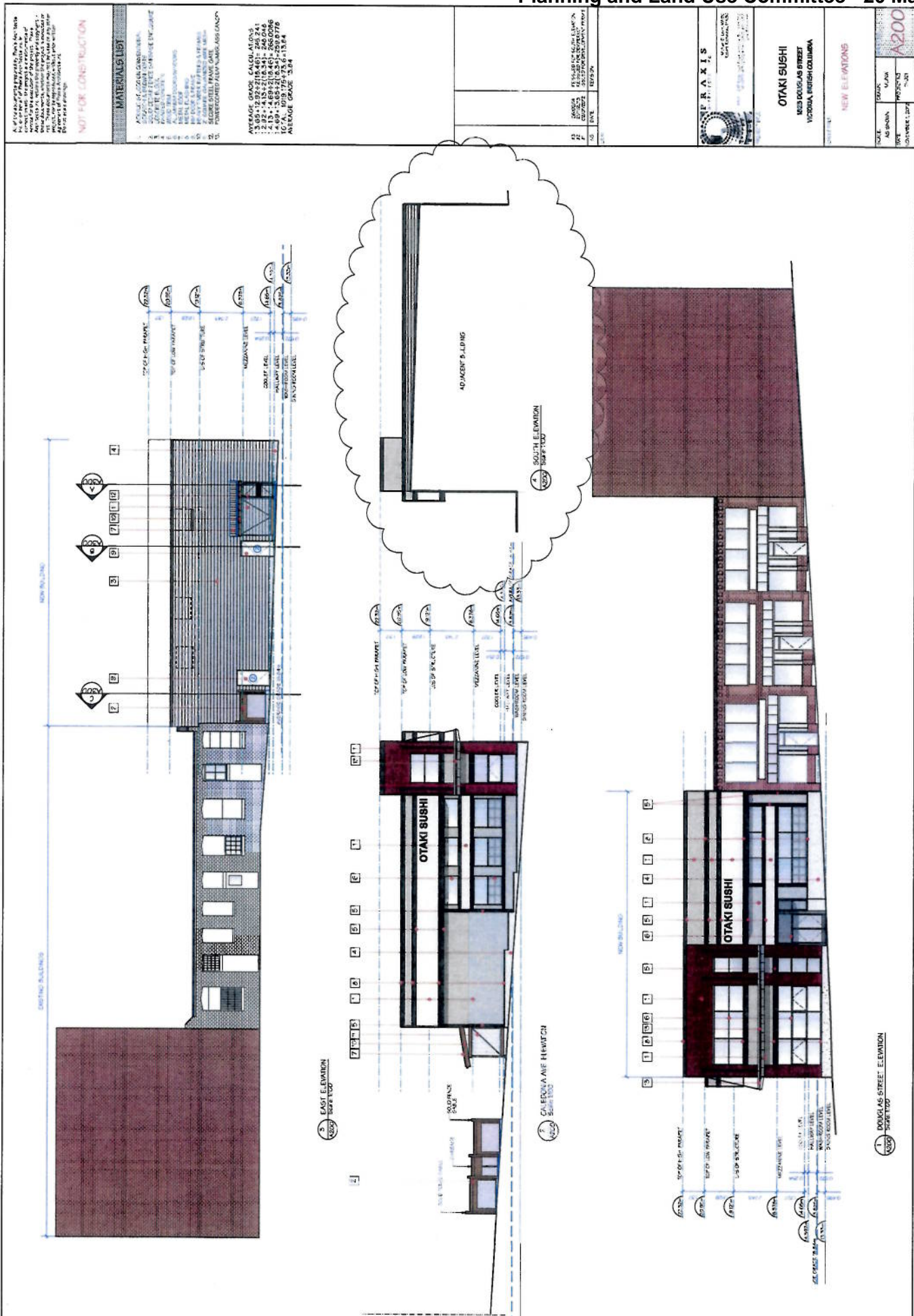
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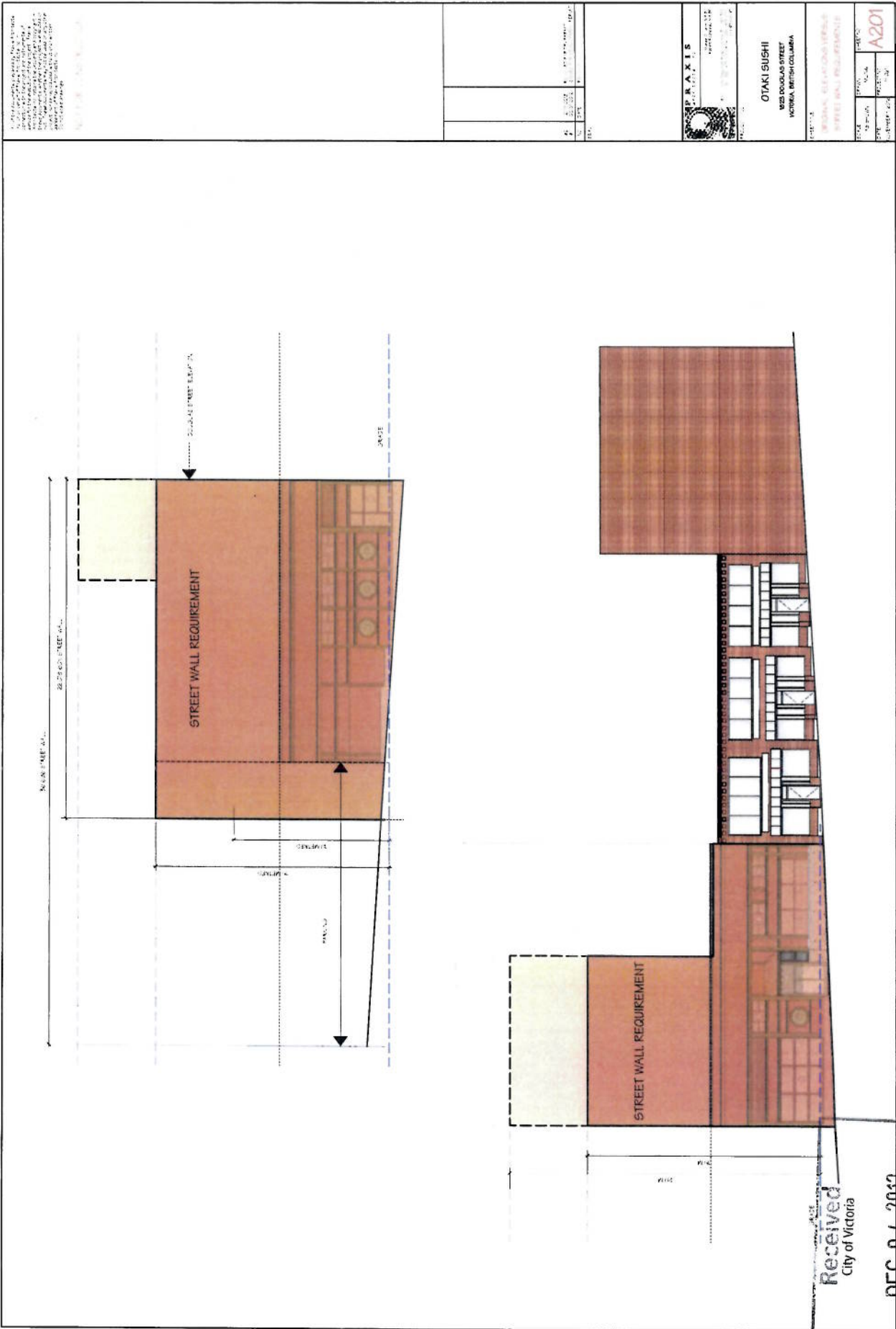
DEC 04 2013

Planning & Development Department
Development Services Division









<p>NOT FOR CONSTRUCTION</p> <p>1. THIS PLAN IS THE PROPERTY OF THE CITY OF VICTORIA. IT IS TO BE USED ONLY FOR THE PURPOSES FOR WHICH IT WAS SUBMITTED. IT IS NOT TO BE REPRODUCED OR USED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE CITY OF VICTORIA.</p>		<p>DATE: 14/12/13</p> <p>BY: [Signature]</p>		<p>PROJECT: OTAKI SUSHI</p> <p>1823 DOUGLAS STREET</p> <p>VICTORIA, BRITISH COLUMBIA</p>		<p>STREET WALL REQUIREMENTS</p> <p>DATE: 14/12/13</p> <p>BY: [Signature]</p>		<p>A202</p>	



Planning and Land Use Committee Report

Date: March 6, 2014 **From:** Mike Wilson, Senior Planner - Urban Design

Subject: **Development Permit Application with Variances #000348 for 815 Queens Avenue** - To increase the permitted height and site coverage and to decrease required setbacks and open site space to construct an eight-unit apartment building

Executive Summary

The purpose of this report is to provide information, analysis and recommendations regarding a Development Permit Application with Variances for the property located at 815 Queens Avenue. The application is to increase the permitted height and site coverage and to decrease required setbacks and open site space to construct an eight-unit apartment building.

This site was rezoned in 2013 to a new, site-specific zone. The project is currently under construction. Due to drafting errors within the applicant's drawings that were submitted as part of the Rezoning Application, the applicant now requires variances for height and setbacks. Staff became aware of the issue after the Building Permit had been issued. At the time of issuance of Building Permit the plans were in compliance with the *Zoning Regulation Bylaw*. The applicant also wishes to add an additional parking stall in the rear yard to address community concerns with respect to on-street parking.

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

- The application is generally consistent with City policy for the area.
- The applicant proposes an increase in building height of 0.43 m. The proposed building is not out of scale with the immediate streetscape context of the site, including a two-storey apartment building and church. Staff recommend that the Committee support the proposed increase in height.
- The applicant is proposing a 0.9 m increase in this permitted projection for the front stairs. Staff recommend that the Committee support this variance as it does not negatively impact the building's street relationship.
- In response to community concerns relating to the lack of on-street parking in the area, the applicant proposes to add an additional parking stall in the rear yard. This additional paved surface triggers the need for variances for open site space and site coverage. This parking stall negatively impacts the liveability of this dwelling unit as it permits a vehicle to be parked within 0.78 m of the building face, effectively reducing access to natural light in the living area and providing the occupants of the unit with the view of a parked vehicle. As a result staff cannot recommend support of these requested variances.

- The applicant proposes to replace the drive-aisle and parking area surface with concrete instead of asphalt. Staff recommend this change be supported. The applicant further proposes to replace paving stone inserts in the concrete with stamped concrete. Given the high site coverage and low open site space requirements in this zone, staff recommend that a permeable surface be installed in these portions of the drive-aisle and parking area.

Although this application is generally consistent with the relevant policies for this area, staff recommend that the Committee request revisions to the landscape and parking layout to ensure consistency with the applicable design guidelines. With these additional revisions, staff recommend that the Committee support this application.

In accordance with the City's Land Use Procedures Bylaw, because this application contains variances, it requires notice, sign posting and a public hearing.

Recommendations

That Development Permit Application with Variances #000348 for 815 Queens Avenue proceed to a Public Hearing subject to:

- revision of the paving treatment in the rear parking area and driveway to provide permeable unit pavers (or similar) instead of stamped concrete, to the satisfaction of the Director of Sustainable Planning and Community Development
- revision to the parking layout to reduce the proposed number of parking stalls from 8 stalls to 7 stalls and to enhance the landscaping in place of the eliminated parking stall, to the satisfaction of the Director of Sustainable Planning and Community Development
- Plans date stamped "Development Permit #000348, dated February 6, 2014"
- Final plans as amended to be in accordance with the 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




Deb Day, Director
Sustainable Planning and
Community Development Department

Report accepted and recommended by the City Manager:



Jason Johnson

MW/ljm

Date: March 13, 2014

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1.0 Purpose

The purpose of this report is to provide information, analysis and recommendations regarding a Development Permit Application with Variances for the property located at 815 Queens Avenue. The application is to increase the permitted height and site coverage and to decrease required setbacks and open site space to construct an eight-unit apartment building.

2.0 Background

This site was rezoned to a new site-specific zone in 2013. The apartment building is currently under construction. City staff issued a Development Permit - Minor Amendment in 2013 to allow changes to the exterior finishes and location of windows.

2.1 Description of Proposal

The application is to construct an eight-unit apartment building with eight surface parking stalls in the rear yard. Due to drafting errors within the applicant's drawings that were submitted as part of the Rezoning Application, the applicant now requires variances for height and setbacks. Staff became aware of the issue after the Building Permit had been issued. At the time of issuance of Building Permit the approved plans were in compliance with the *Zoning Regulation Bylaw*.

The applicant also wishes to introduce an additional parking stall in the rear yard. The additional parking stall triggers the need for variances for site coverage and open site space.

2.2 Existing Site Development and Development Potential

The existing zone permits the construction of a multiple dwelling building with a floor space ratio of up to 0.82:1 and a height of 8.8 m.

2.3 Data Table

The following data table compares the proposal with the existing R-71 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	671	670
Total floor area (m ²) – maximum	547	550
Density (Floor Space Ratio) – maximum	0.81:1	0.82:1
Lot Width (m) – minimum	18.4	18
Height (m) – maximum	9.23*	8.8
Site coverage (%) – maximum	33*	32
Open site space (%) – minimum	26.6*	29

Storeys – maximum	3	3
Setbacks (m) – minimum	6	6
Front (North)	4.2* – Stairs	3.3 – Stairs
Projections	0.49 – Cantilever	1.0 – Cantilever
Rear	15.37	14.5
Side – West	1.8	1.8
Side – East	3.13	3
Parking – minimum	8	7
Visitor parking – minimum	1	1
Bicycle storage – minimum	8	8
Bicycle rack – minimum	6	6

2.4 Land Use Context

The following land uses are located in the immediate area:

- to the north across Queens Avenue is a single family dwelling in the R-2 Zone
- to the south is a single family dwelling with a secondary suite in the R-2 Zone
- to the east is a church and surface parking area located in the R-2-CH Zone
- to the west is a two-storey, four-unit apartment building in the R-2 Zone.

2.5 Legal Description

Lot 20, Block 8, Section 3, Victoria District, Plan 62.

2.6 Relevant History

2.6.1 Rezoning Application #00328 for 1955-1971 Oak Bay Avenue, 1091 Amphion Street

The applicant was granted Council approval to construct a four-storey mixed use building at 1955-1971 Oak Bay Avenue and 1091 Amphion Street. With this application, Council approved the demolition of seven self-contained dwelling units on the site, subject to the terms of a Housing Agreement as authorized by Section 905 of the *Local Government Act*.

The Agreement states that the Owner shall maintain not less than seven dwelling units for rental housing in the new building at 1955-1971 Oak Bay Avenue and 1091 Amphion Street until such time as:

- an occupancy permit is issued by the City for 13 boarding house rooms or not less than seven dwelling units for the property located at 815 Queens Avenue;
- a Housing Agreement being registered against title of 815 Queens Avenue to secure either 13 boarding house rooms or not less than seven dwelling units as rental units for at least 10 years.

As part of Rezoning Application #00370 for the subject property, the owner has entered into a housing agreement to maintain all eight of the units as rental units for a period of not less than 10 years. Council also issued a Development Permit to construct an eight-unit apartment building on the property. The building is currently under construction.

2.7 Consistency with Design Guidelines

The subject property is designated within Development Permit Area 16, General Form and Character. The objectives of the designation are to integrate multi-unit residential buildings in a manner that is complementary to established place character of a neighbourhood, including its heritage character. Other objectives include enhancing character and streetscapes through the high quality of architecture, landscape and urban design.

Design guidelines that apply to Development Permit Area 16 are the *Design Guidelines for Multi-Unit Residential, Commercial and Industrial*; *Advisory Design Guidelines for Buildings, Signs and Awnings*; and the *Guidelines for Fences, Gates and Shutters*. Staff are satisfied that the proposal is generally consistent with the applicable guidelines and have provided further analysis of the proposed variances in Section 4.0 of this report.

2.9 Community Consultation

In compliance with the Community Association Land Use Committee (CALUC) Procedures for Processing Variances, the application was referred to the North Park CALUC on February 17, 2014, for a 30-day comment period. No comments were received at the time of writing this report.

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

3.0 Issues

The key issues related to this application are:

- increase in building height
- reduction in front yard setback
- addition of parking stall and landscape amendments.

4.0 Analysis

4.1 Proposed Increase in Building Height

The applicant proposes an increase in building height of 0.43 m. This is a result of a drafting error by the applicant at the design phase. Staff acknowledge that the proposed building will be slightly larger and taller than some houses on Queens Avenue; however, the building height is mitigated by the proposed building form and neighbouring buildings. By retaining much of the existing dwelling, the character of a large single family dwelling is maintained while the roof form and mix of exterior materials serve to break down the proposed building's mass. Moreover, the proposed building is not out of scale with the immediate streetscape context of the site, including a two-storey apartment building and church. Staff recommend that the Committee support the proposed increase in height.

4.2 Proposed Reduction in Front Yard Setback

The front stairs are permitted to project 3.3 m into the front yard setback. The applicant is proposing a 0.9 m increase in this permitted projection. The setback as initially proposed with the rezoning application did not adequately consider the requirements of the rise and run of the stairs in relation to the height of the second floor. As a result, additional stairs are required to meet building code. Staff recommend that the Committee support this variance as it does not negatively impact the building's street relationship.

4.3 Proposed Addition of Parking Stall and Landscape Amendments

In response to community concerns relating to the lack of on-street parking in the area, the applicant proposes to add an additional parking stall in the rear yard. This additional paved surface triggers variances for open site space and site coverage. This parking stall was part of the original proposal, but was removed as part of a recommendation from staff. Staff asked that the stall be removed in order to provide a landscape buffer between the parking area and the living room window of Unit 3. This parking stall negatively impacts the liveability of this dwelling unit as it permits a vehicle to be parked within 0.78 m of the building face, effectively reducing access to natural light in the living area and providing the occupants of the unit with the view of a parked vehicle.

As a result, staff recommend that the Committee does not support these requested variances and recommend retaining the previously approved seven stall configuration with landscaping treatments.

Additionally, the applicant proposes to replace the drive-aisle and parking area surface with concrete instead of asphalt. Staff are supportive of this change. The applicant further proposes to replace paving stone inserts in the concrete with stamped concrete. Given the high site coverage and low open site space requirements in this zone, staff recommend that the Committee require a permeable surface be installed in these portions of the drive-aisle and parking area.

Despite staff's preference that changes not be made to the parking layout and that the original parking layout be maintained, staff note that there have been community concerns expressed about the availability of parking in the area. Option 2 of this report contains wording that would advance the application to a public hearing, as presented by the applicant.

5.0 Resource Impacts

There are no resource impacts anticipated.

6.0 OptionsOption 1 (Recommended)

That Development Permit Application with Variances #000348 for 815 Queens Avenue proceed for consideration at a Public Hearing subject to:

- revision of the paving treatment in the rear parking area and driveway to provide permeable unit pavers (or similar) instead of stamped concrete, to the satisfaction of the Director of Sustainable Planning and Community Development
- revision to the parking layout to reduce the proposed number of parking stalls from 8 stalls to 7 stalls and to enhance the landscaping in place of the eliminated

parking stall, to the satisfaction of the Director of Sustainable Planning and Community Development

- Plans date stamped "Development Permit #000348, dated February 6, 2014"
- Final plans as amended to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

Option 2 (As Submitted by the Applicant)

That Council advance Development Permit Application with Variances #000348 for 815 Queens Avenue for consideration at a Public Hearing subject to:

- Plans date stamped "Development Permit #000348, dated February 6, 2014"
- Final plans as amended to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

Option 3 (Decline)

That Council decline Development Permit Application with Variances #000348 for 815 Queens Avenue.

7.0 Conclusions

The application is generally consistent with the applicable land use policies for the site. The building is slightly taller in height than anticipated by the previously approved Development Permit; however, this is mitigated by the proposed building form, neighbouring context and provision of ground-oriented dwelling units. Staff recommend that the Committee require additional landscaping changes to soften the appearance of hard surfaces on the site and to better address the relationship between the proposed building and the rear parking area. Staff recommend that the Committee support this application with further revisions.

8.0 Recommendation

That Development Permit Application with Variances #000348 for 815 Queens Avenue proceed for consideration at a Public Hearing subject to:

- revision of the paving treatment in the rear parking area and driveway to provide permeable unit pavers (or similar) instead of stamped concrete, to the satisfaction of the Director of Sustainable Planning and Community Development
- revision to the parking layout to reduce the proposed number of parking stalls from 8 stalls to 7 stalls and to enhance the landscaping in place of the eliminated parking stall, to the satisfaction of the Director of Sustainable Planning and Community Development
- Plans date stamped "Development Permit #000348, dated February 6, 2014"
- Final plans as amended to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

9.0 List of Attachments

- Zoning map

- Aerial map
- Letter from applicant dated February 6, 2014
- Plans dated February 6, 2014.

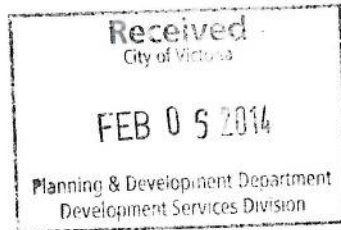


CITY OF
VICTORIA



815 Queens Avenue
Development Permit #000348

Development Permit Application with Variances # 000348 for 8...



February 6, 2014

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

Attn: Mayor and Members of Council

Re: Development Permit Application with Variances
815 Queens Avenue, Victoria, BC

Dear Mayor and Members of Council,

The property located at 815 Queens Avenue has recently received development approvals for the construction and renovation of the existing house into a three-storey eight unit strata-titled rental apartment building. The project is now under construction, and a couple items have come up through the construction phase which has caused us to pursue a Development Permit with Variances.

The subject site is located within the North Park Neighbourhood, and falls within Development Permit Area 16. The form and character of the building's architecture that has already been approved through a Rezoning and Development Permit process will not be altered as a result of the requested variances; rather, the variances are requested to address the following items:

1. Building height;
2. Projection of entry stairs and electrical room into the front yard setback;
3. One additional parking stall in the rear yard; and,
4. A change in the paving for the driveway and parking area.

ITEM 1

The building height as per the R-71 zoning bylaw is 8.80m. Our requested variance is for 0.58m, resulting in a proposed building height of 9.38m. This difference in height is a result of two items which have come up during the course of construction; however, it is important to note that the geodetic height of the main level will remain unchanged from the height indicated on the original Rezoning and Development Permit Application:

- (i) The as-built main floor ceiling height measurement was inaccurately calculated in the drafting phase of the building's schematic design. The floor-to-floor height of the main level is in fact 0.15m greater than what was previously noted.
- (ii) Secondly, the average finished grade of the site ended up being lower than expected as a result of excavating and grading for the surface parking area in the rear yard. The average finished grade is now 0.32m lower than previously expected. Maintaining a lower finished grade for the site also allows us to avoid using addition stairs within the front walkway leading up to the front entry stairs as well as avoiding stairs leading down to and away from the second exit door at the rear of the building.

ITEM 2

The front entry stairs leading up to the front entrance are permitted to project into the front yard setback by 3.30m. Lowering the finished grade of the site (as outlined above) means additional stairs are required in order to make up the difference in height getting up to the main level. These additional required steps causes the front entry stairs to

project further into the front yard setback. The requested variance to accommodate the few extra stairs is for 0.90m, resulting in the front stairs projecting into the front yard setback by 4.20m.

ITEM 3

We are proposing to add one additional parking stall to the rear yard of the proposed project. Currently, there are seven parking stalls for eight units, and in an effort to help alleviate some of the on-street parking concerns raised by the community, we would like to add one more stall so that we can provide one parking space per residential unit. Our parking ratio would still be supported by the bylaw; however, this would result in an increase in site coverage and a minimal decrease in open site space.

- The requested increase in site coverage is only 1.0%, varying it from 32.0% to 33.0%
- The requested decrease in open site space is only 2.0%, varying it from 29.0% to 27.0%

ITEM 4

We are requesting the unit pavers inlaid throughout the driveway and surface parking area be changed to stamped concrete. This revision will not significantly change the appearance of the driveway and parking area. The stamped concrete is more durable than the previously proposed unit pavers, thereby increasing the sustainability of the paved areas on site.

Lastly, an item came up at the Public Hearing for this proposal held on August 29, 2013 that we would like to address and add in as a voluntary offering in conjunction with this application. The idea of a rent-to-own option was brought up, and we would like to incorporate this offering to the tenants of our building once it is complete. We are excited to be able to offer this option and feel it will further contribute towards a level of affordability and assist in residents transitioning from renters to owners.

Overall, the development proposal is largely in keeping with the form and character already approved through the Development Permit No. 000294, meaning the building's exterior design is the same as previously approved. We are excited to be moving towards a finished and successful project, and respectfully request the variances outlined above.

Sincerely,



Mike Miller
President

W JAMES ARCHITECTS
N E R

519 PANDORA AVENUE, VICTORIA, B.C.
TEL: 250-388-0404 FAX: 250-388-0477

DRAWING INDEX:

ARCHITECTURAL	PROJECT DATA	DRAWING INDEX	DATE
A-01	PROJECT DATA	A-01	13 OCT 2013
A-02	CONTRACT	A-02	13 OCT 2013
A-03	CONTRACT	A-03	13 OCT 2013
A-04	CONTRACT	A-04	13 OCT 2013
A-05	CONTRACT	A-05	13 OCT 2013
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A-72	CONTRACT	A-72	13 OCT 2013
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A-97	CONTRACT	A-97	13 OCT 2013
A-98	CONTRACT	A-98	13 OCT 2013
A-99	CONTRACT	A-99	13 OCT 2013
A-100	CONTRACT	A-100	13 OCT 2013

CLIENT:

ANIRACT DEVELOPMENT INC
1000 BAY AVENUE
V8V 1E3
PHONE: 250-580-1579

CONSULTANT TEAM:

ARCHITECTS:
W JAMES ARCHITECTS INC
519 PANDORA AVENUE
VICTORIA, B.C.
PHONE: 250-388-0404
FAX: 250-388-0477

STRUCTURAL:
2500 SALVAGE
VICTORIA, B.C.
PHONE: 250-677-7777

ENGINEER:
2500 SALVAGE
VICTORIA, B.C.
PHONE: 250-677-7777

CONTRACTOR:
2500 SALVAGE
VICTORIA, B.C.
PHONE: 250-677-7777

INTERIOR DESIGN:
MICHELLE WHITE INTERIORS
VICTORIA, B.C.
PHONE: 250-580-0998

LANDSCAPE CONSULTANT:
2500 SALVAGE
VICTORIA, B.C.
PHONE: 250-677-7777

PAINTING:
2500 SALVAGE
VICTORIA, B.C.
PHONE: 250-677-7777

LANDSCAPE:
2500 SALVAGE
VICTORIA, B.C.
PHONE: 250-677-7777

SYMBOLS:

1. GROUND LINE
2. BUILDING SECTION REFERENCE
3. WALL SECTION REFERENCE
4. INTERIOR ELEVATION REFERENCE
5. DETAIL REFERENCE
6. ROOM NUMBER REFERENCE
7. EXISTING DOOR & FRAME
8. NEW DOOR & FRAME
9. WINDOW TYPE REFERENCE
10. REFERENCE ELEVATION
11. REVISION
12. KEYNOTE REFERENCES
13. CEILING REFERENCE
14. MATERIAL REFERENCE
15. GROUND ELEVATION
16. EXISTING SPOT ELEVATION
17. NEW SPOT ELEVATION
18. TOP OF CURB
19. TOP OF WALL

CONSTRUCTION ASSEMBLIES

FLOOR:

1. NEW EXTERIOR WALL ASSEMBLY
2. NEW EXTERIOR WALL ASSEMBLY
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GENERAL NOTES:

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2. ALL NEW WORK SHALL BE DONE IN ACCORDANCE WITH THE 2010 BC BUILDING CODE.
3. THE CONTRACTOR SHALL PROVIDE AND MAINTAIN ADEQUATE EPP, PPE AND SAFETY PROTECTION DURING CONSTRUCTION COORDINATE WITH THE OWNER.
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5. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES.
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7. ALL WORK SHALL BE SCHEDULED WITHIN 10 DAYS.
8. ALL MATERIALS SHALL BE OF THE HIGHEST QUALITY AND SHALL BE SUBMITTED FOR APPROVAL.
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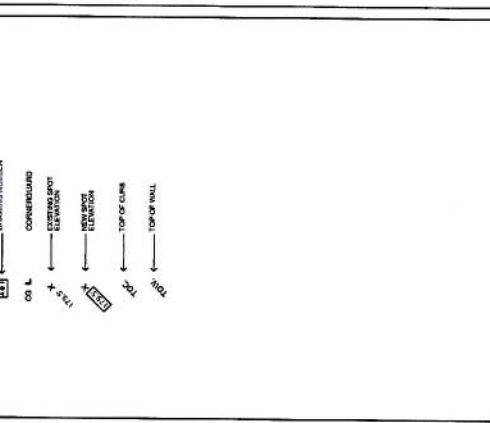
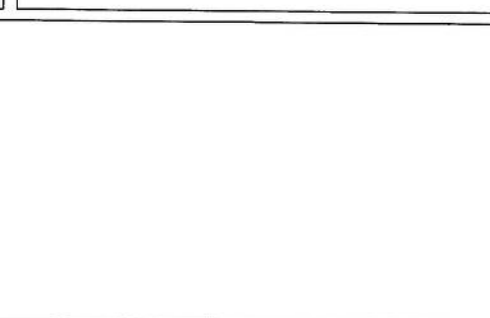
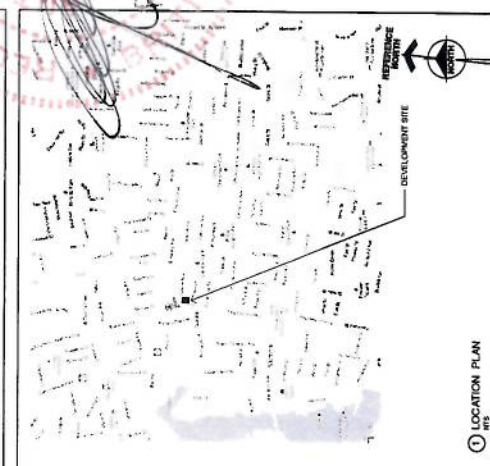
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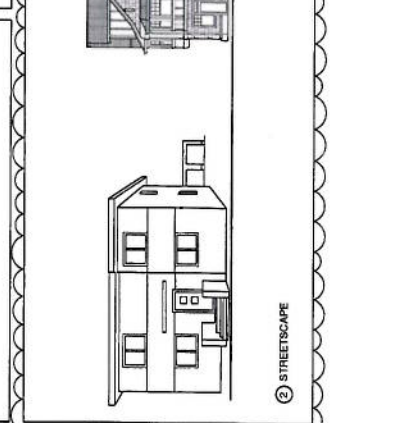
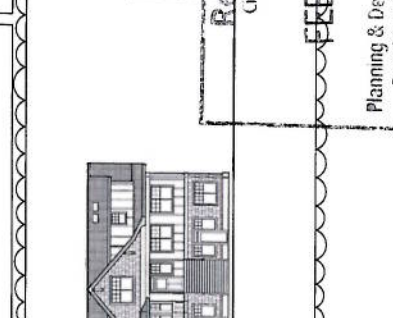
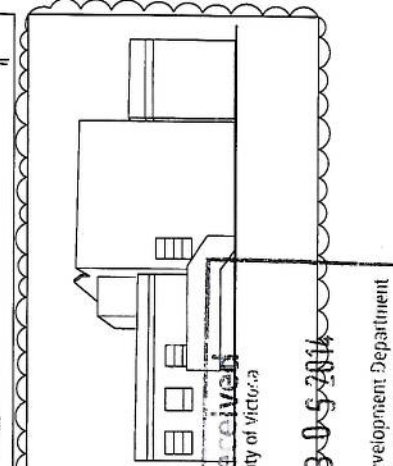
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SITE DATA

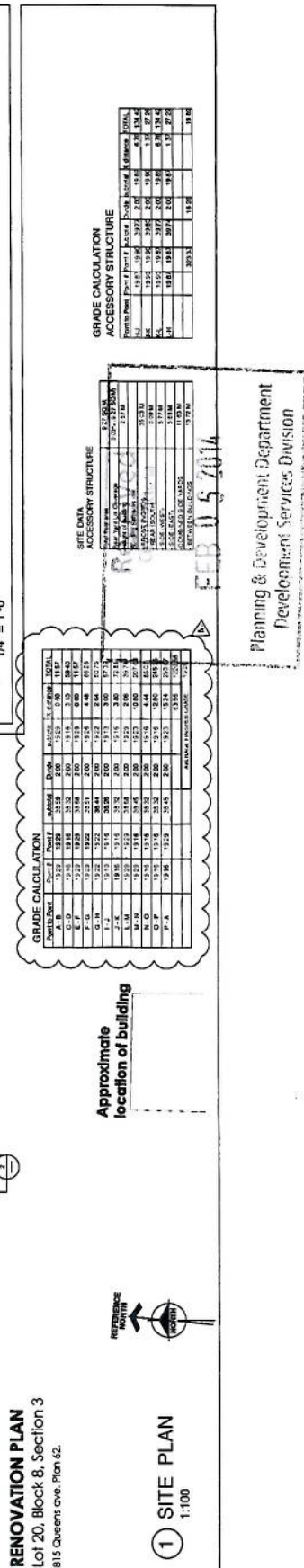
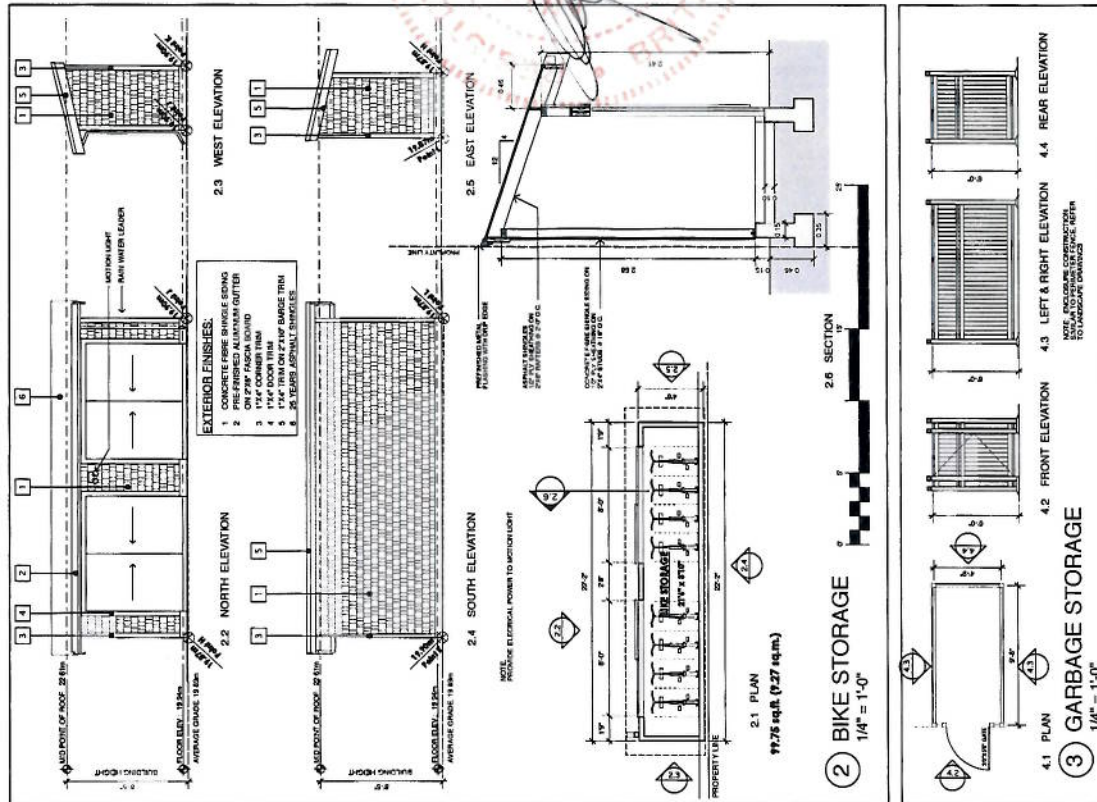
Item	Value
Site Address	815 QUEENS AVENUE
Site Area	671.23 SQ M
Lot Area	671.23 SQ M
Front Yard Area	160.00 SQ M
Side Yard Area	172.00 SQ M
Back Yard Area	340.00 SQ M
Front Setback	3.00 M
Side Setback	3.00 M
Back Setback	3.00 M
Front Elevation	6.00 M
Side Elevation	15.00 M
Back Elevation	15.00 M
Front Slope	3.00%
Side Slope	3.00%
Back Slope	3.00%
Front Drainage	4.00 M
Side Drainage	4.00 M
Back Drainage	4.00 M
Front Retention	4.00 M
Side Retention	4.00 M
Back Retention	4.00 M
Front Foundation	4.00 M
Side Foundation	4.00 M
Back Foundation	4.00 M
Front Wall	4.00 M
Side Wall	4.00 M
Back Wall	4.00 M
Front Roof	4.00 M
Side Roof	4.00 M
Back Roof	4.00 M
Front Floor	4.00 M
Side Floor	4.00 M
Back Floor	4.00 M
Front Ceiling	4.00 M
Side Ceiling	4.00 M
Back Ceiling	4.00 M
Front Foundation	4.00 M
Side Foundation	4.00 M
Back Foundation	4.00 M
Front Wall	4.00 M
Side Wall	4.00 M
Back Wall	4.00 M
Front Roof	4.00 M
Side Roof	4.00 M
Back Roof	4.00 M
Front Floor	4.00 M
Side Floor	4.00 M
Back Floor	4.00 M
Front Ceiling	4.00 M
Side Ceiling	4.00 M
Back Ceiling	4.00 M



Unit Type	4-1 BR/1-2 BR	3
Approved construction limits		41 95.50 SF
Minimum lot floor area		

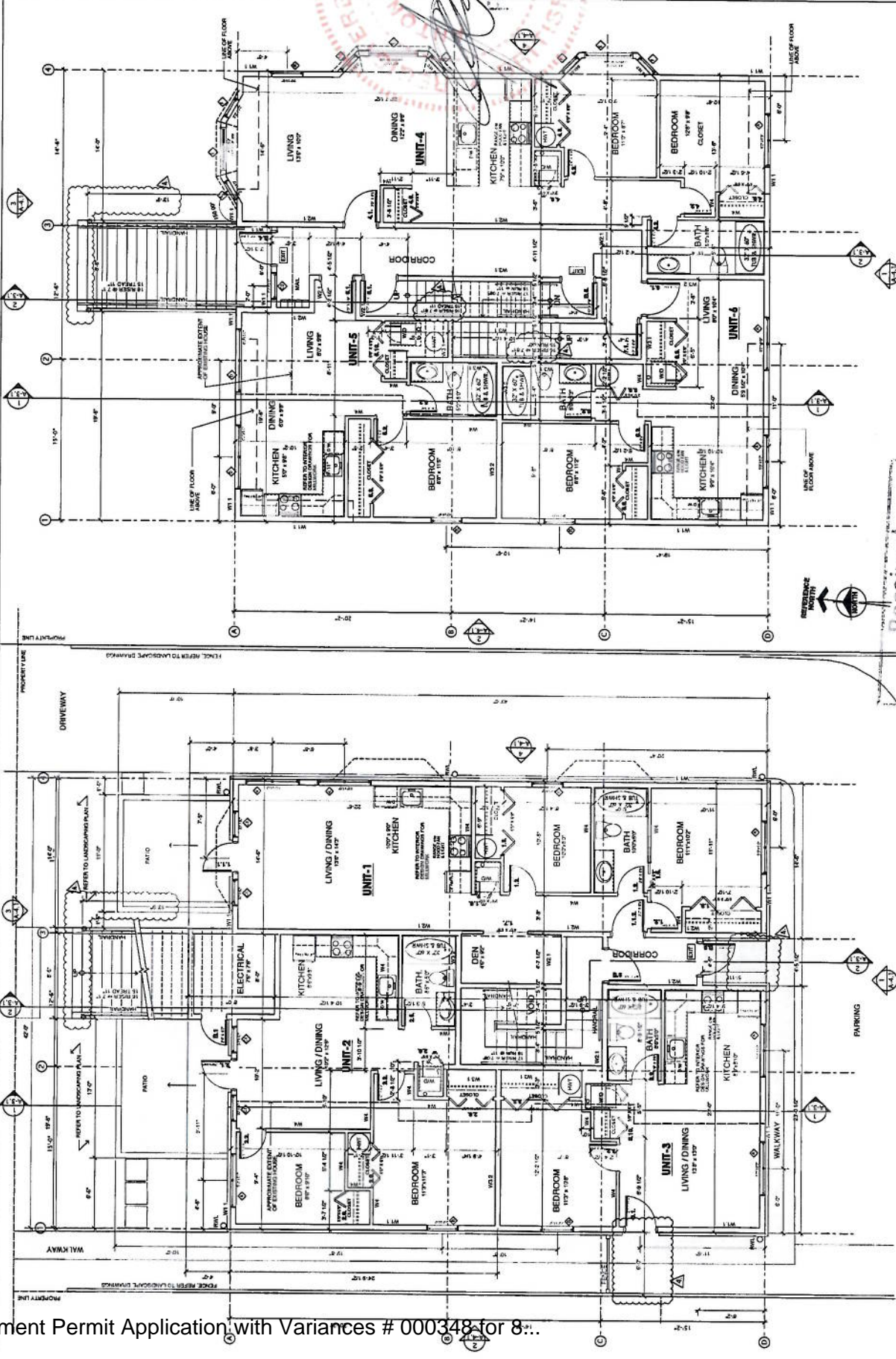
RESIDENTIAL UNIT TYPE SUMMARY			
UNIT NUMBER	AREA	FLOOR	# BEDROOM
1	71.5 SQ M (764 SQ FT)	1	2
2	71.5 SQ M (764 SQ FT)	1	1
3	71.5 SQ M (764 SQ FT)	1	1
4	71.5 SQ M (764 SQ FT)	1	2
5	71.5 SQ M (764 SQ FT)	1	1
6	71.5 SQ M (764 SQ FT)	1	1
7	71.5 SQ M (764 SQ FT)	1	2
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98	71.5 SQ M (764 SQ FT)	1	1
99	71.5 SQ M (764 SQ FT)	1	1
100	71.5 SQ M (764 SQ FT)	1	1

Page 67 of 111



4	18 FEB 2014	DEVELOPMENT PERMIT VARIANCE APPLICATION
3	18 OCT 2013	MINOR D.P.
2	8 OCT 2013	AMENDMENT REVISION
1	29 AUG 2013	DEVELOPMENT PERMIT APPLICATION
NO DATE		DATE
PROJECT TITLE:	815 QUEENS AVENUE	
DATE:	MAY	

DRAWING TITLE:	LOWER LEVEL & MAIN FLOOR PLANS	
WPA JOB #	13-10	
DRAWN:	A.J.L.	
CHECKED:	A.J.L.	
DATE:	17/4/14	
POST DATE:	27 MAY 2014	
DRAWING #:	A-2.1r	



UNIT-4: 757.0 sq.ft. (70.37 sq.m.)
UNIT-5: 447.0 sq.ft. (41.55 sq.m.)
UNIT-6: 450.0 sq.ft. (41.78 sq.m.)
COMMON SPACE: 240.0 sq.ft. (22.30 sq.m.)
UNIT-7 STAIRS: 70.0 sq.ft. (6.50 sq.m.)
UNIT-8 STAIRS: 39.0 sq.ft. (3.65 sq.m.)
TOTAL: 2000.0 sq.ft. (186.04 sq.m.)

Received
City of Victoria
FEB 05 2014
Planning & Development Department
Development Services 127-100

UNIT-1: 714.0 sq.ft. (66.29 sq.m.)
UNIT-2: 594.0 sq.ft. (54.25 sq.m.)
UNIT-3: 465.0 sq.ft. (43.23 sq.m.)
COMMON SPACE: 164.0 sq.ft. (15.19 sq.m.)
ELECTRICAL ROOM: 60.0 sq.ft. (5.59 sq.m.)
TOTAL: 1967.0 sq.ft. (184.56 sq.m.)

① LOWER LEVEL - FLOOR PLAN
② MAIN FLOOR PLAN

4	18 FEB 2014	ENTIREMENT PERMITS
3	18 OCT 2013	VARIANCE APPLICATION
2	9 OCT 2013	AMENDMENT PERMITS
1	29 AUG 2013	AMENDMENT APPLICATION
NO	DATE	ISSUE
PROJECT TITLE		
815 QUEENS AVENUE		
SCALE		

DRAWING TITLE	
UPPER LEVEL & ROOF PLAN	
VIA JOB #	13-10
DRAWN	N.A.
CHECKED	A.J.
SCALE	1/4"=1'-0"
PLOT DATE	27 JUL 2013
DRAWING #	A-2.2r4

NOTE: VENTING PERMITS 1912.21
PROVIDE 1.50 FT. ATTC VENT PER
OF REQUIRED TO BE DISCHARGED
TOTAL UNOBSTRUCTED VENTING REQUIRED: 124.50 FT

② ROOF PLAN



PROVIDE 1.50 FT. ATTC VENT PER
OF REQUIRED TO BE DISCHARGED
TOTAL UNOBSTRUCTED VENTING REQUIRED: 124.50 FT

Received
City of Victoria

FEB 05 2014

Planning & Development Department
Development Services Division

① UPPER LEVEL - FLOOR PLAN

UNIT 7: 905.9 sq.ft. (84.16 sq.m.)
UNIT 8: 952.0 sq.ft. (88.44 sq.m.)

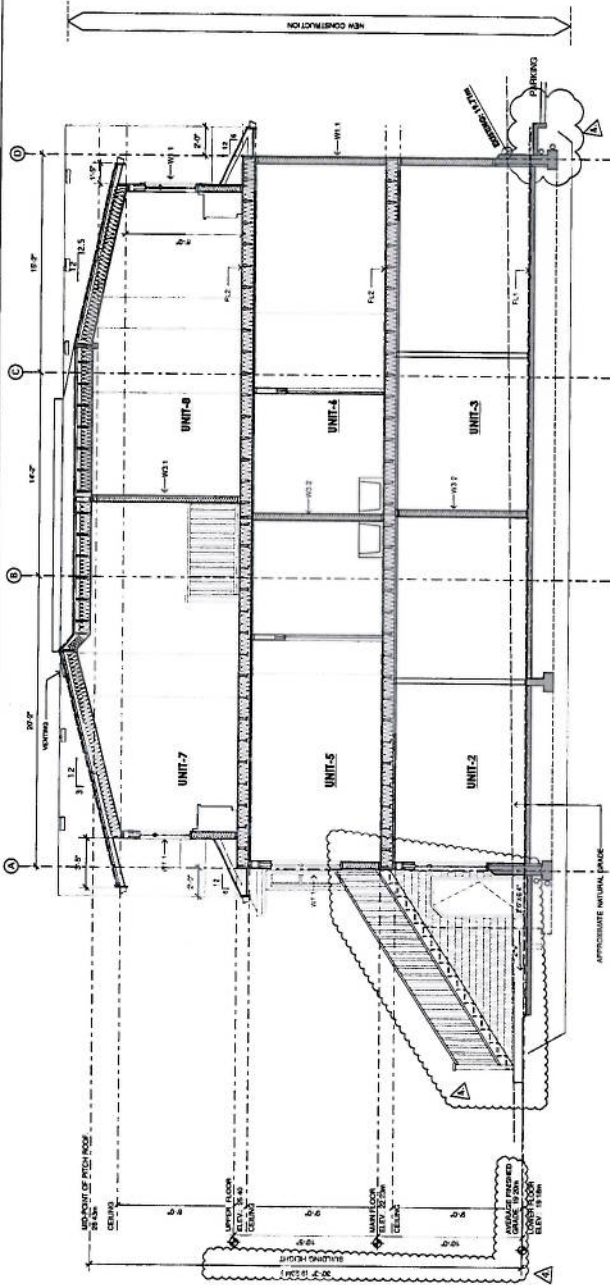
4	4 FEB 2014	INTERIM PERMIT
3	14 OCT 2013	VARIANCE APPLICATION
2	8 OCT 2013	AMENDMENT REVISION
1	29 AUG 2013	DEVELOPMENT PERMIT APPLICATION
NO.	DATE	ISSUE

PROJECT TITLE:
815 QUEENS AVENUE

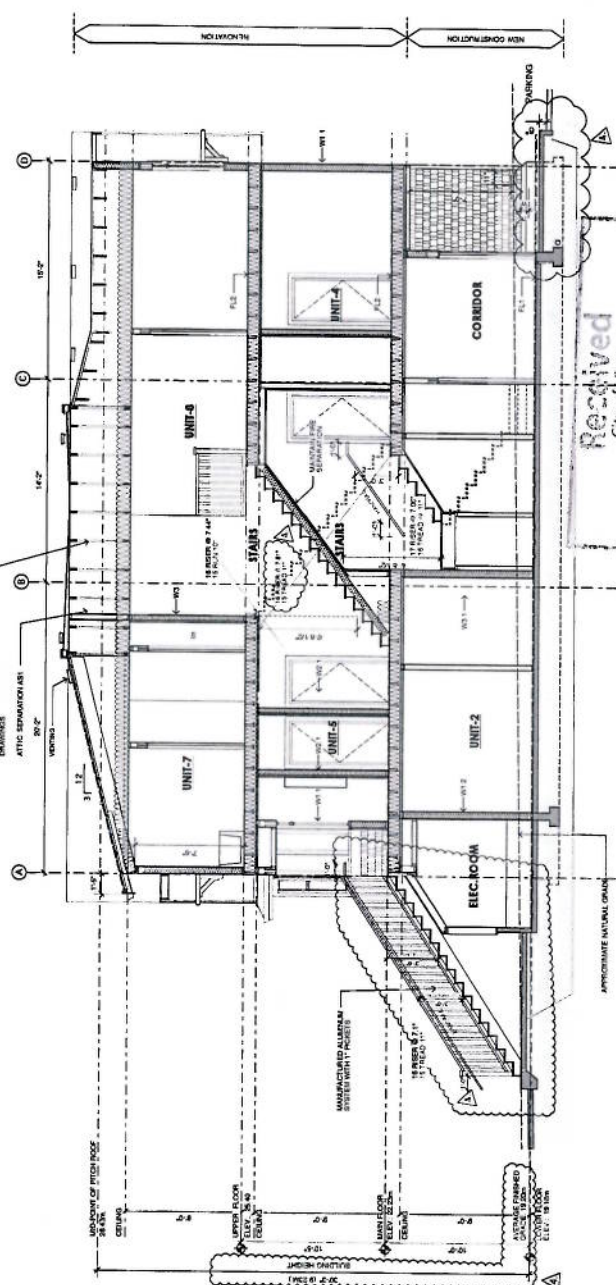
SCALE:

DRAWING TITLE:
BUILDING SECTION

WIA JOB #: 13-10
DRAWN: N.J.A.
CHECKED: A.J.
SCALE: 1/4" = 1'-0"
PRINT DATE: 29 JAN 2014
DRAWING #: A3.1r4



① BUILDING SECTION



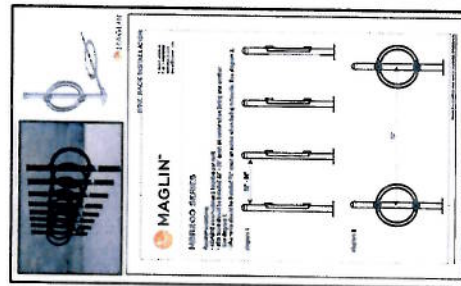
② BUILDING SECTION



Received
City of Victoria

FEB 05 2014

Planning & Development Department
Development Services Division



**DUANE ENSING LANDSCAPE DESIGN
+ ALLEN PARKS PROJECTS LTD.**
info@duanensing.com or call 250.881.0707
+ duanensing@bell.ca • 519.767.3376

815 Queens Avenue
LANDSCAPE LAYOUT

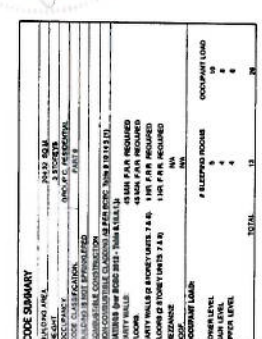
RIGHTS RESERVED. THESE PLANS AND DESIGNS ARE AT ALL TIMES THE PROPERTY OF THE DESIGNER TO BE USED FOR THE PROJECT SHOWN. WITHOUT CONSENT OF THE DESIGNER, NO PART OF THESE PLANS OR DESIGNS MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.

FEB 05 2014

Planning & Development Department
Development Services Division

815 QUEENS AVENUE

DRAWING TITLE:	CODE SUMMARY SHEET				
WPA JOB #:	15 10				
DRAWN:	N.M.				
CHECKED:	A.J.				
SCALE:					
PRINT DATE:	26 JULY 2013				
DRAWING #:					

[illegible]



W
JAMES
ARCHITECTS
N E R

517 PANDORA AVENUE, VICTORIA, B.C.
V8S 1G8
TEL: 250-383-7111 FAX: 250-383-7117

NO.	DATE	DESCRIPTION	BY	CHKD.
1	18 OCT 2013	PRELIMINARY	WJA	WJA
2	18 OCT 2013	REVISIONS	WJA	WJA
3	18 OCT 2013	REVISIONS	WJA	WJA
4	18 OCT 2013	REVISIONS	WJA	WJA
5	18 OCT 2013	REVISIONS	WJA	WJA
6	18 OCT 2013	REVISIONS	WJA	WJA
7	18 OCT 2013	REVISIONS	WJA	WJA
8	18 OCT 2013	REVISIONS	WJA	WJA
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11	18 OCT 2013	REVISIONS	WJA	WJA
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13	18 OCT 2013	REVISIONS	WJA	WJA
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18	18 OCT 2013	REVISIONS	WJA	WJA
19	18 OCT 2013	REVISIONS	WJA	WJA
20	18 OCT 2013	REVISIONS	WJA	WJA

PROJECT TITLE:
815 QUEENS AVENUE

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

REVISIONS
NO. DATE DESCRIPTION
1 18 OCT 2013 PRELIMINARY
2 18 OCT 2013 REVISIONS
3 18 OCT 2013 REVISIONS
4 18 OCT 2013 REVISIONS
5 18 OCT 2013 REVISIONS
6 18 OCT 2013 REVISIONS
7 18 OCT 2013 REVISIONS
8 18 OCT 2013 REVISIONS
9 18 OCT 2013 REVISIONS
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17 18 OCT 2013 REVISIONS
18 18 OCT 2013 REVISIONS
19 18 OCT 2013 REVISIONS
20 18 OCT 2013 REVISIONS

UNIT	AREA (sq.ft.)	AREA (sq.m.)
UNIT-1	714.0	66.29
UNIT-2	594.0	54.25
UNIT-3	405.0	37.43
UNIT-4	757.0	70.37
UNIT-5	447.0	41.55
UNIT-6	450.0	41.78
UNIT-7	240.0	22.32
UNIT-8	240.0	22.32
COMMON SPACE	70.0	6.46
ELECTRICAL ROOM	38.0	3.53
STAIRS	38.0	3.53
TOTAL	3003.0	278.04

② MAIN FLOOR PLAN

UNIT	AREA (sq.ft.)	AREA (sq.m.)
UNIT-1	714.0	66.29
UNIT-2	594.0	54.25
UNIT-3	405.0	37.43
UNIT-4	757.0	70.37
UNIT-5	447.0	41.55
UNIT-6	450.0	41.78
UNIT-7	240.0	22.32
UNIT-8	240.0	22.32
COMMON SPACE	70.0	6.46
ELECTRICAL ROOM	38.0	3.53
STAIRS	38.0	3.53
TOTAL	3003.0	278.04

① LOWER LEVEL - FLOOR PLAN

NO.	DATE	ISSUE
1.	29 AUG 2013	DEVELOPMENT PERMIT APPLICATION
2.	8 OCT 2013	MINOR D.P. AMENDMENT
3.	18 OCT 2013	MINOR D.P. AMENDMENT REVISION
4.	4 ITS 2014	DEVELOPMENT PERMIT VARIANCE APPLICATION

815 QUEENS AVENUE

DRAWING TITLE:
UPPER LEVEL & ROOF PLANS

PROVIDE 1.50 FT. ATTIC VENT PER 150 SQ. FT. MIN. 25% OF REQUIRED TO BE AT TOP AND BOTTOM

② ROOF PLAN



① UPPER LEVEL - FLOOR PLAN

519 PANDORA AVENUE, VICTORIA, B.C.

4	113 2014	DEVELOPMENT FUND VARIANCE APPLICATION
3	18 OCT 2013	MINOR D.P. AMENDMENT REVISION
2	9 OCT 2013	MINOR D.P. AMENDMENT
1	29 AUG 2013	DEVELOPMENT FUND APPLICATION
NO.	DATE	NOTE

815 QUEENS AVENUE

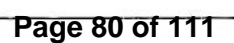
05 2016

DRAWING TITLE
BUILDING SECTION

WHA JOB #:	13-10
DRAWN:	M.M.
CHECKED:	A.J.
SCALE:	1/4" = 1'-0"
PRINT DATE:	29 JULY 2013

DRAWING #:

A-3.1r4



W JAMES ARCHITECTS
N E R
317 RANDOLA AVENUE, VICTORIA B.C.
TEL: 250-588-8201 FAX: 250-588-9771

- EXTERIOR FINISHES:
- 1. BRICKLAYS: BRICKWORK, BRICKS & CONCRETE SET IN MORTAR
 - 2. CONCRETE: STAINLESS STEEL, BRICKWORK, CONCRETE SET IN MORTAR
 - 3. STAINLESS STEEL: STAINLESS STEEL, BRICKWORK, CONCRETE SET IN MORTAR
 - 4. STAINLESS STEEL: STAINLESS STEEL, BRICKWORK, CONCRETE SET IN MORTAR
 - 5. STAINLESS STEEL: STAINLESS STEEL, BRICKWORK, CONCRETE SET IN MORTAR
 - 6. STAINLESS STEEL: STAINLESS STEEL, BRICKWORK, CONCRETE SET IN MORTAR
 - 7. STAINLESS STEEL: STAINLESS STEEL, BRICKWORK, CONCRETE SET IN MORTAR
 - 8. STAINLESS STEEL: STAINLESS STEEL, BRICKWORK, CONCRETE SET IN MORTAR
 - 9. STAINLESS STEEL: STAINLESS STEEL, BRICKWORK, CONCRETE SET IN MORTAR
 - 10. STAINLESS STEEL: STAINLESS STEEL, BRICKWORK, CONCRETE SET IN MORTAR

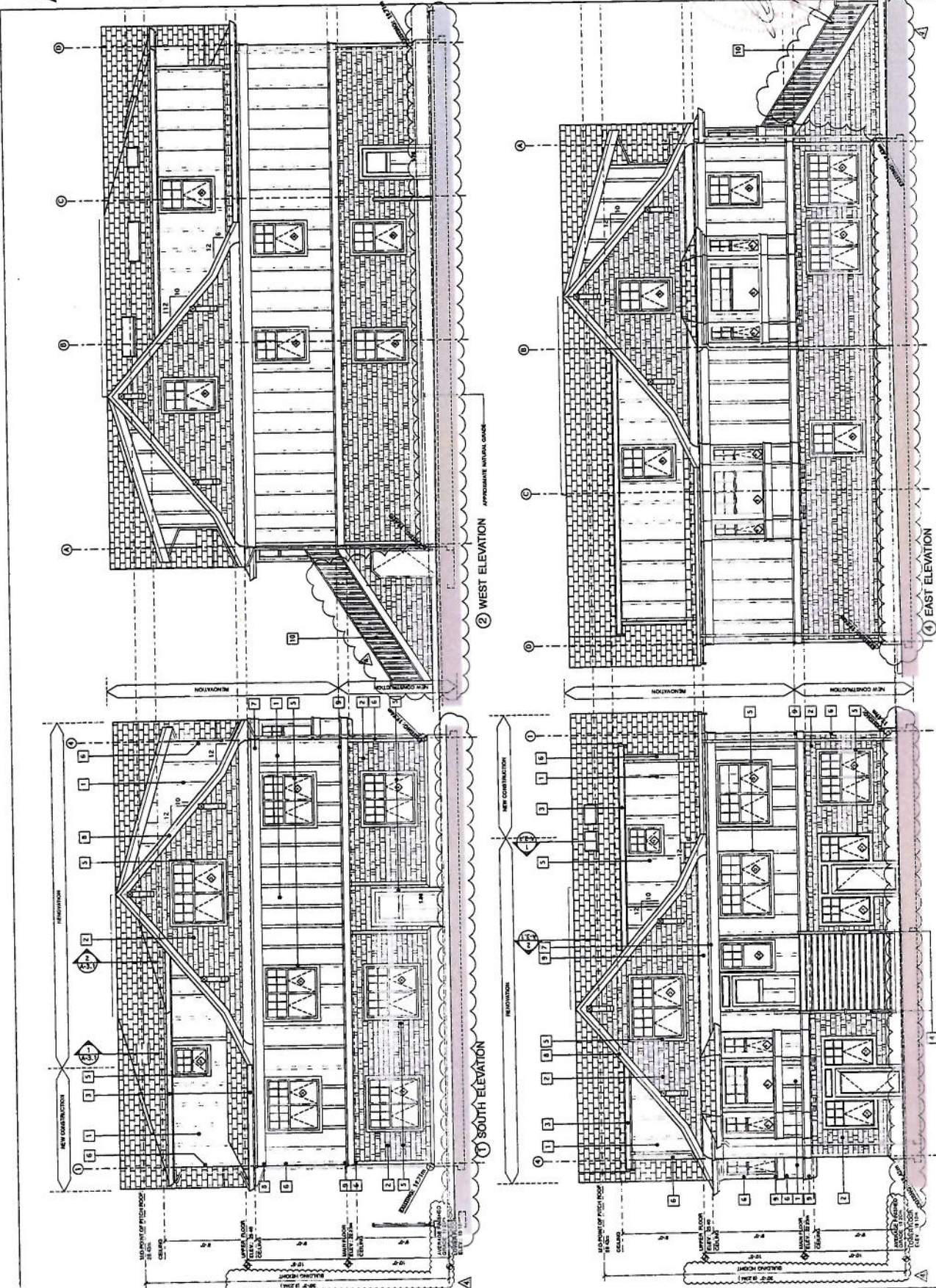
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95	15th 2017	APPROVED
96	16th 2017	APPROVED
97	17th 2017	APPROVED
98	18th 2017	APPROVED
99	19th 2017	APPROVED
100	20th 2017	APPROVED

815 QUEENS AVENUE

ELEVATIONS

DATE: 13.05.14
SCALE: 1/4" = 1'-0"
DATE: 27 JULY 2013

A4.1r4





M e m o



Date: March 7, 2014
To: Robert Woodland, Director
From: Andrew Dolan, Senior Bylaw Officer
Department: Legislative and Regulatory Services
Regarding: 737 Princess Ave. / Bylaw File #33487

RECEIVED

MAR 07 2014

LEGISLATIVE SERVICES

At its meeting of January 9, 2014, the Planning and Land Use Committee made a motion to postpone consideration of the recommendation to file a Notice on Title for 737 Princess Street for 60 days. The purpose of this postponement was to give the property owner(s) an opportunity to make application for the necessary building, plumbing and/or electrical permits, and complete the work and inspection process required, to bring the property into compliance.

The Planning and Land Use Committee will further consider the recommendation to file a Notice on Title at the Committee meeting on Thursday, March 20, 2014.

To date, the City has not received any applications for permits; however, the property owner(s) have reportedly engaged Victoria Design Group to identify the highest and best use of the property and develop design plans for submission to the City's Planning Department. Unfortunately, due to work load and other commitments additional time will be required to prepare the owner's submission as per the letter from Victoria Design Group dated February 28, 2014 (see attached).



VICTORIA DESIGN
G R O U P

103 – 891 Attree Ave. Phone. 250.382.7374
Victoria, B.C. V9B 0A6 Fax. 250.382.7364
Website: www.victoriadesigngroup.ca
Email: info@victoriadesigngroup.ca

February 28, 2014

Attention: Mr. Andrew Dolan
Bylaw Department
City of Victoria

Dear Mr. Dolan,

Re: 737 Princess Avenue - Architectural drawings.

We are Kaisaiah Investment Corporation's designer for the two projects that your department has care of, namely 1601 Jubilee Avenue and 737 Princess Avenue.

We have been engaged and have been working on 737 Princess Avenue for a number of weeks now, and wanted to update you on our progress.

Our client had given us a deadline of March 9th 2014 based on a two month agreement he had made in Council on January 9th, 2014.

The original decision reached by our clients was to close off the areas that were non-conforming, and show the existing floor plans, and design new plans showing our intention to close off the non-conforming areas including the two sets of stairs from any future use.

In the process of working on the project, and investigating the roof top suite, we came to the realization that this property at 737 Princess Avenue, because of its large size (over 2600SF), and the fact that it was constructed in 1910 (pre-1930), this allows us to develop the property legally to take advantage of all three floors.

That said, we found that 737 Princess Avenue qualifies under this M1 zoning to apply for a work-live use, and lift the house accordingly to accommodate this. As well, because of the heritage vintage of the house, we are able to legally add the roof top suite as an additional legal self-contained unit under the zoning.

Unfortunately, we had not focused on this in our original mandate with our clients, and only just found this out in the last week.

For this reason, we have an agreement from our clients, that the highest and best use of the property is the best long term plan moving forward with this development permit.

Based on this new mandate, we have had to retool and have already started the process to engage consultants to prepare all the site plans, surveys and onsite building measurements. We anticipate we will have these reports back in the next 5 to 7 business days.

We will then be able to develop the new design plans for immediate submission to the City of Victoria planning department.

The good news is our client has the ability to restore this very heritage property to its highest and best use, rather than just shutting down sections of the house for the foreseeable future, which is not in the best interests of the immediate area or the city of Victoria community.

However due to this change of direction, this is far more comprehensive, and we will require an additional 20+/- business days) to be able to prepare these new architectural designs and to submit them to the City of Victoria Planning department.

In consideration, we will try our best to give this urgent priority, even while we are already overwhelmed with other contracts for many other clients.

We thank you in advance for your understanding and assistance in relation to these new circumstances.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. Peereboom', written over the word 'Sincerely,'.

W. Peereboom
Victoria Design

**Legislative and
Regulatory
Services
Department**

Legislative Services

#1 Centennial Square

Victoria

British Columbia

V8V 1P6

Tel (250) 361-0571

Fax (250) 361-0348

www.victoria.ca



February 27, 2014

Mr. John Asfar
158 Barkley Terrace
Victoria, BC
V8S 2J6

Dear Mr. Asfar,

Re: Illegal Use and Work without Permit - 737 Princess Avenue

At its meeting of January 9, 2014, the Planning and Land Use Standing Committee made the following motion after the hearing closed:

That Committee postpone consideration of the recommendation to file a Notice on Title for 737 Princess Street for 60 days.

The Planning and Land Use Committee will further consider the recommendation to file a Notice on Title for 737 Princess Street at the Committee meeting on **Thursday, March 20, 2014, at 10:30 a.m.**, in the Council Chambers, at Victoria City Hall, #1 Centennial Square (corner of Douglas and Pandora).

Please be advised that the Planning and Land Use Committee is considering a motion to instruct the Corporate Administrator to file a Notice in the Land Title Office regarding Illegal Use, Illegal Suite and Work Without Permit for 737 Princess Avenue.

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 submission you wish to provide to the Committee, by Thursday, March 14, 2014.

Yours truly,

A handwritten signature in black ink, appearing to read "R. Woodland".

Robert G. Woodland
Corporate Administrator

6. PROPERTY MAINTENANCE HEARINGS

6.1 Illegal Use and Work Without Permit – 737 Princess Avenue

Committee received a report dated November 12, 2013, from Legislative & Regulatory Services in respect to work that has been done without permit to convert the building from its approved use as a single family dwelling to three separate self-contained dwelling units. The property owner was directed to vacate the unpermitted residential occupancy of both the top floor and basement suites, and to make application for the building, plumbing, and/or electrical permits required to return the property to a permitted use.

Recommendation: The Manager, Bylaw & Licensing (Building Inspector) recommends that the Planning and Land Use Standing Committee direct the Corporate Administrator to file a Notice on title in the Land Title Office in relation to the property located at 737 Princess Avenue, legally described as PID 000-947-334, LOT D, SECTION 3, VICTORIA DISTRICT, PLAN 3958, indicating that a resolution relating to this property has been made under the authority delegated pursuant to Section 57(3) of the *Community Charter* and the provisions of the *Property Maintenance Delegation Bylaw*, and advise that further information regarding this resolution may be inspected at the Legislative & Regulatory Services Department in Victoria City Hall.

The Chair opened the hearing at 10:30 a.m.

The Chair explained the recommendation that was before Committee.

The Chair asked if the property owner was present and if they had received notification of this hearing.

John Asfar (Property Owner Representative): Yes

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

A. Dolan (Senior Bylaw Officer): The property at 737 Princess Avenue is located in the Rock Bay neighbourhood in the M-1, Limited Light Industrial District. The approved use of the property is single family dwelling (SFD). The property was inspected by a multi-agency team on July 23, 2013, after concerns were raised regarding the number of occupants residing at the location. Upon inspection it was discovered that the building contained three separate self-contained units: a five bedroom suite in the basement, a five bedroom suite on the main floor and a two bedroom suite in the attic. Due to the low ceiling height in the basement and lack of access to the attic it has been determined that neither area was originally intended to be habitable. The original letter and notice of hearing was sent to the wrong address and such the hearing was postponed until January 9, 2014. Since that time they have heard from Mr. Asfar on several occasions. To date there are no building permits applied for and the property still remains as rental suites.

The Chair asked if the property owner representative had any questions for Mr. Dolan.

J. Asfar (Property Owner Representative): He would like to point out that as soon as he found out about the hearing he was quick to take action.

A. Dolan (Senior Bylaw Officer): He has been working with Mr. Asfar on another property to bring into compliance and Mr. Asfar has been very cooperative.

The Chair asked if Committee members had any questions.

The Chair asked the property owner if he wished to explain his version of the events.

J. Asfar (Property Owner Representative): When the property was purchased in 2004 it had a suite on the top floor. It is a character home from about 1910, and all the wood work is original. The main floor is a character suite that has had minor aesthetic upgrades. The basement appears to be altered within the last 25 years. Some work has been completed to improve the suite such as new bathroom fixtures and replacement of the panelling. Once notice was received about the hearing for this property he immediately hired an architect and provided eviction notice to the tenants. He requested that the hearing be postponed to allow him more time to work at bringing the property into compliance.

The Chair asked if Mr. Dolan had any questions for the property owner.

A. Dolan (Senior Bylaw Officer): Clarified that after the last hearing Bylaw & Licensing posted notices on the apartment doors notifying the occupants that occupancy was unapproved.

The enforcement letter that was sent from the Building Inspector on August 15, 2013, provided a detailed plan to bring the property into compliance and should be helpful to Mr. Asfar.

Mr. Dolan stated that not be opposed to a motion to postpone the registration of a Notice on Title. The Notice on Title may prevent Mr. Asfar from obtaining financing to bring the property into compliance.

The Chair asked if Committee Members had any further comments.

Councillor Madoff: When the property was purchased did you confirm the legal use?

J. Asfar (Property Owner Representative): At the time four properties were purchased at once and the intent was to demolish the buildings to make a parking lot.

The Chair asked if any members of the public wished to comment.

The Chair asked if staff had any final comments.

The Chair closed the hearing at 10:49 a.m.

Action: Councillor Helps moved that Committee postpone consideration of the recommendation to file a Notice on Title for 737 Princess Street for 60 days.

CARRIED UNANIMOUSLY 14/PLUC012



Planning and Land Use Standing Committee Report

Date: Nov 12, 2013 **From:** Robert Woodland, Director
Subject: Illegal use / work without permit – 737 Princess Ave. / Bylaw File #33487

Executive Summary

The purpose of this report is to recommend the filing of a notice on title in respect to work that has been done without permit to convert the building from its approved use as a single family dwelling to its current use as 3 separate self-contained dwelling units. The property owner was directed to vacate the unpermitted residential occupancy of both, the top floor and basement suites, and make application for the building, plumbing, and/or electrical permit(s) required to return the property to a permitted use. The owner has thus far failed to comply and has instead continued to operate monthly room rentals.

Recommendation

The Building Inspector recommends:

1. That the Committee direct the Corporate Administrator to file a notice in the Land Title Office in relation to the property located at 737 Princess Avenue, legally described as **Lot D Section 3 Victoria Plan 3958**, indicating that a resolution relating to this property has been made under the authority delegated pursuant to Section 57(3) of the *Community Charter* and the provisions of the *Property Maintenance Delegation Bylaw*, and advise that further information regarding this resolution may be inspected at the Legislative & Regulatory Services Department in Victoria City Hall.

Respectfully submitted,

A black ink signature of Andrew Dolan.

Andrew Dolan
 Senior Bylaw Officer
 Bylaw & Licensing Services

A black ink signature of Robert Woodland.

Robert Woodland
 Director
 Legislative & Regulatory Services

List of Attachments

Appendix A – Bylaw enforcement letter to property owner dated August 15, 2013

Appendix B – One (1) exterior photograph of the subject property taken July 24, 2013

Purpose

The purpose of this report is to advise the Planning and Land Use Standing Committee about the conditions and illegal use of the property at 737 Princess Avenue, the enforcement action that has been taken in order to secure voluntary compliance with the *Zoning Regulation Bylaw* and Section 2.2(1) of the *Building Bylaw*, and to recommend to the Committee that under Section 57(3) of the *Community Charter* and the provisions of the *Property Maintenance Delegation Bylaw*, that a notice be filed in the Land Title Office in respect to this property to warn prospective purchasers and lenders of bylaw violations in respect to the work that has been done without permit to convert the building from its approved use as a single family dwelling to its current use as 3 separate self-contained dwelling units.

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 on title under Sec. 57 of the *Community Charter*, Council must give the Building Inspector and the property owner an opportunity to be heard.

For the purpose of filing notices under Sec. 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 Sec. 57 of the *Community Charter* to the Planning & Land Use Standing 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 the 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 737 Princess Ave. is located in the Rock Bay neighbourhood in the M-1, Limited Light Industrial District. The approved use of the property per the approved building plans is single family dwelling (SFD). The property was inspected by a multi-agency team on July 23, 2013 after concerns were raised regarding the number of occupants residing at this location. Upon inspection it was discovered that the building contained 3 separate self-contained dwelling units; a 5 bedroom suite in the basement, a 5 bedroom suite on the main floor, and a 2 bedroom suite in the attic. Due to the low ceiling height in the basement and lack of access to the attic it has been determined that neither area was originally intended to be habitable.

The property owner was directed to vacate the unpermitted residential occupancy of both, the top floor and basement suites, and make application for the building, plumbing, and/or electrical permit(s) required to return the property to a permitted use. The owner has thus far failed to comply and continues to operate monthly room rentals, although it appears that he has now removed all online advertising related to this property.

Options and Impacts

The filing of a notice on land 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 done without a permit. Filing a notice on title under Sec. 57 of the *Community Charter* is therefore intended to ensure that a potential purchaser is aware of bylaw violations in respect to the work that has been done without permit to convert the building from its approved use as a single family dwelling to its current use as 3 separate self-contained dwelling units. The notice can be easily removed once the property has been brought into compliance.

Official Community Plan Consistency Statement

The enforcement action recommended in this report is being sought in order to ensure that improvements made on the property and the use of the property are in compliance with the provisions of the *Zoning Regulation Bylaw* and the *Building Bylaw* as appropriate. This in turn helps ensure congruency with the OCP.

Financial and Staff Capacity Assessment

Staff have spent approximately 11 hours working on this file in order to obtain compliance. Filing of a Notice on Title (as recommended) will cost the City \$47.30.

Public Engagement and Consultation

Committee consideration of this matter requires a public hearing at which time the affected property owner may make a presentation directly to the Committee in respect to the recommendation or a related issue. Other members of the public who have a direct interest in this matter may also provide input to the Committee, at the discretion of the Committee.

Conclusion

Given the owner's failure to comply and the continuing unpermitted residential use 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 ensure that full disclosure is made to a prospective purchaser and/or lender should this property be listed for sale.

Recommendation

The Building Inspector recommends:

1. That the Committee direct the Corporate Administrator to file a notice in the Land Title Office in relation to the property located at 737 Princess Avenue, legally described as **Lot D Section 3 Victoria Plan 3958**, indicating that a resolution relating to this property has been made under the authority delegated pursuant to Section 57(3) of the *Community Charter* and the provisions of the *Property Maintenance Delegation Bylaw*, and advise that further information regarding this resolution may be inspected at the Legislative & Regulatory Services Department in Victoria City Hall.

Appendix A



August 15, 2013

Legislative and
Regulatory Services
Department

Bylaw and Licensing
Services Division

1 Centennial Square
Victoria BC V8W 1P6

Mr. John Asfar
Princess Manor Holdings Ltd.
#419-1315 Esquimalt Rd.
Victoria, BC
V9A 3P5

COPY

Re: 737 Princess Ave. / Bylaw File #33487

Dear Sir,

This letter is a follow-up to the safety and compliance inspection that was conducted at 737 Princess Avenue on July 23, 2013. This inspection and my subsequent search of city records have confirmed that this property is in violation of a number of city bylaws, including but not limited to, the *Zoning Regulation Bylaw*, *Building Bylaw*, *Plumbing Bylaw*, *Electrical Safety Regulation Bylaw*, and the *Business License Bylaw*. These bylaw violations are significant and so they will be explained in detail below:

Zoning Regulation Bylaw

This property is located in the M-1, Limited Light Industrial District and the legal use of the structure located upon this property according to our records is single-family dwelling (SFD). The inspection revealed that the structure has been altered substantially and now contains 3 separate self-contained dwelling units. All of this work has evidently been completed without building, plumbing, or electrical permits and/or the required inspections.

As a result, it has been determined that the current use and/or occupancy of this property is in contravention of the approved use. A person must not use or occupy, or allow or permit another person to use or occupy land or a building in contravention of the approved use as per Sch. B Part 7.1 Sec. 1 of the *Zoning Regulation Bylaw*. This is an offence for which the penalty is a fine of \$200 per day for each day that the offence continues.

Building Bylaw

The inspection revealed a number of safety issues and violations related to work that have been done without permit. The Building Inspector's report of his findings and various options available to you to bring the property into compliance is very detailed so it has been included on the following page for your review.

To Contact

Telephone: 250.361.0215
E-Mail: bylawenforcement@victoria.ca

Fax: 250.361.0205
Web: www.victoria.ca

ITEM 1 - SFD CONVERSION TO A 3-SUITE RESIDENTIAL BUILDING

The last approved and known use of this building was as a single-family dwelling. The building has been substantially altered and is currently being used as a 3-suite building. There is a common laundry room area accessible from the exterior at the rear of the building. The first floor level has one private entry/exit, the second floor level has one private entry/exit and one shared entry/exit, and third floor level has one shared entry/exit. There are a number of BC Building Code items that are non-conforming, and the finished state of the building is not conducive to confirming compliance visually. These items include many building systems such as, but not limited to;

- Fire & sound separations
- Ventilation systems
- Structural & non-structural framing assemblies
- Smoke alarms
- Exit exposure protection
- Shared egress requirements
- Vertical travel limits to exits
- Building envelope assemblies around wall penetrations
- Spatial separation requirements

These items are just a sample of items requiring attention. Options for the use of this building are as follows:

1. Obtain a building permit to return this building into its last approved state as a single-family dwelling (SFD).
2. Obtain a building permit to legalize a 2-suite residential use. Note that all work will be considered new work and must conform to the 2012 BC Building Code. Further, this option may involve a re-Zoning and some sort of variance for this use.
3. Obtain a building permit to legalize a single family dwelling with a secondary suite. Note that all work will be considered new work and must conform to the 2012 BC Building Code. Further, this option may involve a re-Zoning and some sort of variance for this use.
4. Obtain a building permit to lift the building and legalize a 3-suite residential use. (See second finding below.) Note that all work will be considered new work and must conform to the 2012 BC Building Code. Further, this option may involve a re-Zoning and some sort of variance for this use.

ITEM 2 - BASEMENT CONVERTED INTO HABITABLE SPACE, AND A SEPARATE SUITE

The unfinished basement of the property has been converted into livable space in the form of a private residential suite with 5 bedrooms, a bathroom and a kitchen. As the ceiling height is approximately 5'9", this space is not permitted to be used as habitable space. Options for this space are as follows:

1. Obtain a demolition permit and remove all finishing work and restore the space to an unfinished state.
2. Obtain a building permit to raise the building to accommodate a 2.1 m finished ceiling height and convert this space into habitable space.
3. Obtain a building permit to raise the building to accommodate a 2.0 m finished ceiling height and convert this space into secondary suite.

ITEM 3 - ATTIC APPEARS TO HAVE BEEN FINISHED INTO HABITABLE SPACE

Records for this building are not thorough enough to determine that the third floor level was ever permitted. Based on ceiling heights, access to the storey and the era of this building's construction, it is the belief of the building inspector that this space was never designed as a finished space. As such, it is the owner's responsibility to prove to the City that this floor level was created legally with a building permit in order for it to be allowed to be used in the future as it is currently when considering any of the above items. This will involve providing old building records, opening up construction assemblies for inspections, and/or providing thorough reports from registered professionals that can confirm use and assemblies. Failing this, the third floor level must be converted back into an unfinished attic.

ITEM 4 - FRONT AND REAR DECK & STAIR ASSEMBLIES ARE NOT CODE-COMPLIANT

The front and rear decks have been installed in such a way that the structures and dimensions are mostly non-conforming to the BC Building Code. The only options for these assemblies are to obtain building permits to re-construct the deck and stair assemblies, creating Code conforming structures. These permits must align with all other directions outlined in the above items.

Completing work and/or changing the occupancy of a building without a building permit are an offence for which the penalty is a fine of \$400 per day as per Sec. 2.2(1) of the *Building Bylaw*. Occupying or permitting the occupancy of a building without an approved occupancy permit is an offence with an additional fine of \$400 per day as per Sec. 2.2(2) of the *Building Bylaw*.

Plumbing Bylaw

The inspection revealed violations related to work that have been done without permit to install additional plumbing fixtures in the lower and upper floor suites as well as the common laundry room. Completing plumbing work without a valid plumbing permit is an offence for which the penalty is a fine of \$400 per day as per Sec. 6(1) of the *Plumbing Bylaw*.

Electrical Safety Regulation Bylaw

The inspection revealed violations related to work that have been done without permit to convert the structure from an SFD to a triplex. Completing electrical work without a valid electrical permit is an offence for which the penalty is a fine of \$400 per day as per Sec. 5(1) of the *Electrical Safety Regulation Bylaw*.

Business License Bylaw

The inspection revealed that you are currently renting 3 separate self-contained suites and/or individual rooms. Providing rental accommodation is an activity for which a business license is required. Conducting business without a valid business license is an offence for which the penalty is a fine of \$250 per day as per Sec. 4 (a) of the *Business License Bylaw*.

Notwithstanding any orders that may be given to you separately by the Electrical Inspector, and/or the Fire Inspector, you are hereby directed to take the following action:

1. Vacate the unpermitted residential occupancy of both; the top floor suite and the basement suite on or before September 30, 2013.
2. Make application for the building, plumbing, and/or electrical permit(s) required to return this property to a permitted use (as outlined in the Building Inspector's report) by September 30, 2013.
3. Make application for a business license by September 30, 2013. Note that the license(s) will not be issued until such time as occupancy has been re-issued.
4. Complete all the work required to return the property to a legal use, pass all follow-up inspections, and obtain a new occupancy permit by October 31, 2013.

Failure to comply with the above will result in the issuance of fines, the placing of a notice on land title, and/or further legal action.

Should you have any questions regarding the direction you have been given please do not hesitate to contact me directly by telephone at 250.361.0578 or by email at adolan@victoria.ca

Regards,

A handwritten signature in black ink, appearing to read 'Andrew Dolan', followed by a long horizontal line.

Andrew Dolan
Senior Bylaw Officer
Bylaw & Licensing Services
City of Victoria

Cc: Reed Cassidy, Building Inspector
Mike Shea, Chief Electrical Inspector
Roy Kellington, Plumbing Inspector
Chris Kelly, Fire Prevention Officer
Thom Pebernat, Zoning Administrator
Kim Ferris, Business License Inspector
Bylaw File #33487



Planning and Land Use Committee Report

Date: February 27, 2014 **From:** Robert Woodland, Director
Subject: Work without permit – 584 John St. / Bylaw File #35926

Executive Summary

The purpose of this report is to recommend the filing of a notice on title in respect to work that has been done without permit to this single family dwelling, including; the construction of an older addition to the front of the original structure and the enclosure of a deck at the rear of the structure, as well as various plumbing and electrical work. The property owner was directed to make application for the building, plumbing, and/or electrical permit(s) required to correct all deficiencies and return the structure to an approved configuration, however, has thus far failed to comply and is instead actively trying to sell the property despite unrepaired damage from a recent fire.

Recommendation

The Building Inspector recommends:

1. That the Committee direct the Corporate Administrator to file a notice in the Land Title Office in relation to the property located at 584 John Street, legally described as **Lot 24 Block R Plan 33A Section 4 Victoria E Pt**, indicating that a resolution relating to this property has been made under the authority delegated pursuant to Section 57(3) of the *Community Charter* and the provisions of the *Property Maintenance Delegation Bylaw*, and advise that further information regarding this resolution may be inspected at the Legislative & Regulatory Services Department in Victoria City Hall.

Respectfully submitted,

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

Andrew Dolan
 Senior Bylaw Officer
 Bylaw & Licensing Services

A handwritten signature in blue ink, appearing to read 'Mark Hayden'.

Mark Hayden
 Manager
 Bylaw & Licensing Services

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

Robert Woodland
 Director
 Legislative & Regulatory Services

Report accepted and recommended by the City Manager:

Date:

A handwritten signature in black ink, appearing to read 'March 5, 2013'.

March 5, 2013

List of Attachments

- Appendix A – Bylaw enforcement letter to property owner dated October 8, 2013
- Appendix B – Two (2) exterior photographs of the subject property taken September 19, 2013
- Appendix C – Two (2) interior photographs of the subject property taken September 19, 2013
- Appendix D – Map showing location of subject property – VicMap (Internal Version)

Purpose

The purpose of this report is to advise the Committee about the condition of the property at 584 John Street, the enforcement action that has been taken in order to secure voluntary compliance with the *Zoning Regulation Bylaw* and Section 2.2(1) of the *Building Bylaw*, and to recommend to the Committee that under Section 57(3) of the *Community Charter* and the provisions of the *Property Maintenance Delegation Bylaw*, that a notice be filed in the Land Title Office in respect to this property to warn prospective purchasers and lenders of bylaw violations in respect to the work that has been done without permit, including; the construction of an older addition to the front of the original structure and the enclosure of a deck at the rear of the structure, as well as various plumbing and electrical 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 on title under Sec. 57 of the *Community Charter*, Council must give the Building Inspector and the property owner an opportunity to be heard.

For the purpose of filing notices under Sec. 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 Sec. 57 of the *Community Charter* to the Planning & Land Use Standing 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 the 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 584 John St. is located in the Burnside neighbourhood in the M-2, Light Industrial District. The approved use of the property per the approved building plans is single family dwelling (SFD). The property was inspected by a multi-agency team on September 19, 2013 after concerns were raised regarding the number of transient occupants residing at this location as well as a number of suspected health and safety concerns. Upon inspection it was discovered that the structure was not operating as an SFD, but rather, it was operating as a "rooming house" and/or transient accommodation for a large number of persons known to Victoria Police.

The authorized tenant(s) of record who attended the property to facilitate the inspection admitted that while their family pays the monthly rent to the property owner they didn't currently reside on the property. Instead, they stated that they attended the property very infrequently. As a result, it was concluded that the property and/or individual rooms within the structure were being sub-let on a "transient" basis by an unauthorized third party and that no one with any legal authority was in care and control of the property. This had resulted in an increased number of police calls for service and substantial deterioration of the condition of the property.

The property owner was directed to vacate all unpermitted tenancies and/or rental of individual rooms immediately, and make application for the building, plumbing, and/or electrical permit(s) required to return the property to a permitted use and configuration. The property owner did comply and served legal notice to vacate the property. When this was only partially successful, the owner obtained and served an *Order* to vacate issued by the Residential Tenancy Branch. The owner took vacant possession of the property in January 2014, but has since stated his intention to sell the property and/or allow the original family to again take up residency despite unrepaired damage from a recent fire.

Options and Impacts

The filing of a notice on land 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 done without a permit. Filing a notice on title under Sec. 57 of the *Community Charter* is therefore intended to ensure that a potential purchaser is aware of bylaw violations in respect to the work that has been done without permit, including; the construction of an older addition to the front of the original structure and the enclosure of a deck at the rear of the structure, as well as various plumbing and electrical work. The notice can be easily removed once the property has been brought into compliance.

Official Community Plan Consistency Statement

The enforcement action recommended in this report is being sought in order to ensure that improvements made on the property and the use of the property are in compliance with the provisions of the *Zoning Regulation Bylaw* and the *Building Bylaw* as appropriate. This in turn helps ensure congruency with the OCP.

Financial and Staff Capacity Assessment

Staff have spent approximately 23 hours working on this file in order to obtain compliance. Filing of a Notice on Title (as recommended) will cost the City \$47.30.

Public Engagement and Consultation

Committee consideration of this matter requires a hearing at which time the affected property owner may make a presentation directly to the Committee in respect to the recommendation or a related issue. Other members of the public who have a direct interest in this matter may also provide input to the Committee, at the discretion of the Committee.

Conclusion

Given the owner's ongoing failure to comply and the uncertainty of how effectively this property may be managed in the future, 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 ensure that full disclosure is made to a prospective purchaser and/or lender should this property be listed for sale.

Recommendation

The Building Inspector recommends:

1. That the Committee direct the Corporate Administrator to file a notice in the Land Title Office in relation to the property located at 584 John Street, legally described as **Lot 24 Block R Plan 33A Section 4 Victoria E Pt**, indicating that a resolution relating to this property has been made under the authority delegated pursuant to Section 57(3) of the Community Charter and the provisions of the Property Maintenance Delegation Bylaw, and advise that further information regarding this resolution may be inspected at the Legislative & Regulatory Services Department in Victoria City Hall.



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

March 6, 2014

Mr. Huan Nguyen

Dear Huan Nguyen:

Re: Work without Permit – 584 John 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 work without permit for 584 John 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, March 20, 2014, at 10:30 a.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 0598, if you have any written materials you wish added to the agenda, by Thursday, March 13, 2014.

Yours truly,

A handwritten signature in black ink, appearing to read "R. G. Woodland".

Robert G. Woodland
Corporate Administrator

:jda

Enclosure (1)

- c. A. Dolan, Senior Bylaw Officer
- M. Hayden, Manager, Bylaw & Licensing Services

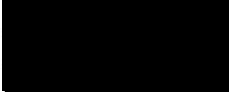


October 8, 2013

COPY

Legislative and
Regulatory Services
Department

Mr. Huan Nguyen



Bylaw and Licensing
Services Division

Re: 584 John St. / Bylaw File #35926

1 Centennial Square
Victoria BC V8W 1P6

Dear Sir,

This letter is a follow-up to the multi-agency safety and compliance inspection that was conducted at 584 John Street on September 19, 2013. This inspection came as a result of a number of earlier Victoria Police calls for service at this address. While onsite Police noted a number of suspected safety and health concerns and reported them to my office. The subsequent inspection and my search of city records have confirmed that this property is in violation of a number of city bylaws, including but not limited to, the *Zoning Regulation Bylaw*, *Building Bylaw*, *Plumbing Bylaw*, and the *Electrical Safety Regulation Bylaw*. These bylaw violations are significant and so they will be explained in detail below:

Zoning Regulation Bylaw

This property is located in the M-2, Light Industrial District and the legal use of the building on this property according to our records is single-family dwelling (SFD). The inspection revealed that the building is not currently operating as a single-family home. Instead, the building appears to be operating as a "rooming house" and/or flop-house for transient individuals; many of whom are street-involved drug addicts and/or criminals known to Police.

In addition, Josephine Sanchez who I was told was your primary "tenant" admitted under questioning that she does not live at the address. She stated that she pays you the monthly rent; however, the tenancies are handled by her brother. When her brother arrived with a key to a locked room he too admitted that he does not regularly live at the address. Instead, it appears that the property and/or rooms within the building are being sub-let and no one is in direct control of the property.

As a result, it has been determined that the current use and/or occupancy of this property is in contravention of the approved use. A person must not use or occupy, or allow or permit another person to use or occupy land or a building in contravention of the approved use as per Sch. B Part 1.2 Sec. 1 of the *Zoning Regulation Bylaw*. This is an offence for which the penalty is a fine of \$200 per day for each day that the offence continues.

To Contact

Telephone: 250.361.0215
E-Mail: bylawenforcement@victoria.ca

Fax: 250.361.0205
Web: www.victoria.ca

Building Bylaw

The inspection revealed a number of safety issues and violations related to work that has been done without permit, including; an older addition to the front of the original house and the expansion and enclosure of a deck at the rear of the building. Completing work and/or changing the occupancy of a building without a building permit are an offence for which the penalty is a fine of \$400 per day as per Sec. 2.2(1) of the *Building Bylaw*. Occupying or permitting the occupancy of a building without an approved occupancy permit is an offence with an additional fine of \$400 per day as per Sec. 2.2(2) of the *Building Bylaw*.

Plumbing Bylaw

The inspection revealed violations related to work that have been done without permit. Plumbing records indicate only one 3 piece washroom and 1 kitchen sink on the main floor and 1 laundry/clothes washer in the basement. All other fixtures outside of the aforementioned fixtures on the main floor have been installed with-out permit and inspection. The inspection of the plumbing system also revealed that most of the existing plumbing piping has been altered and does not comply with the *BC Plumbing Code*. In addition, there has been an illegal connection of drainage system, and failure to install cap-or plug on the abandoned sewer pipe. All these deficiencies will need to be corrected with permit(s) and follow-up inspection. Completing plumbing work without a valid plumbing permit is an offence for which the penalty is a fine of \$400 per day as per Sec. 6(1) of the *Plumbing Bylaw*.

Electrical Safety Regulation Bylaw

The inspection revealed electrical safety issues and violations related to work done without permit. These items include; extensive use of temporary extension cords in place of permanent wiring, missing cover plates, exposed live conductors, the use of unapproved devices, and inappropriate use of electrical fittings. Immediately following the inspection the Electrical Inspector issued an order that hire an Electrician to conduct a safety survey and correct all deficiencies by September 26, 2013. A copy of this order was delivered to your residence by me personally. Completing electrical work without a valid electrical permit is an offence for which the penalty is a fine of \$400 per day as per Sec. 5(1) of the *Electrical Safety Regulation Bylaw*.

Notwithstanding any orders that may be given to you separately by the Electrical Inspector, and/or the Fire Inspector, you are hereby directed to take the following action:

1. Vacate all unpermitted tenancies and/or rental of individual bedrooms immediately.
2. Make application for the building, plumbing, and/or electrical permit(s) required to return this property to its legal use and configuration by November 9, 2013.
3. Complete all the work required to return the property to a legal use, pass all follow-up inspections, and obtain a new occupancy permit by December 9, 2013.

Failure to comply with the above will result in the issuance of fines, the placing of a notice on land title, and/or further legal action.

In conclusion, I must advise you that the condition of this property is very poor and the conditions within are deplorable. In the event that you have not inspected this property recently I have enclosed a number of photographs to help demonstrate the filthy conditions. You must take immediate action to regain control of this property and address the issues outstanding. Should you like to meet to discuss the property further or if you have any questions regarding the direction you have been given please do not hesitate to contact me directly by telephone at 250.361.0578 or by email at adolan@victoria.ca

Regards,



Andrew Dolan
Senior Bylaw Officer
Bylaw & Licensing Services
City of Victoria

Cc: Ray Berkeley, Building Inspector
Philip Corby, Electrical Inspector
Roy Kellington, Plumbing Inspector
Chris Royle, Fire Inspector
Les McIntosh, Health Inspector
Cst. Nicky Schnare, Community Resource Officer
Thom Pebernat, Zoning Administrator
Bylaw File #35926

Appendix B



Appendix C

