



AMENDED AGENDA
PLANNING AND LAND USE COMMITTEE
MEETING OF FEBRUARY 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 February 6, 2014

DECISION REQUEST

2. Rezoning Application # 00438 for 320 and 401 Garbally Road 3 - 17
--D. Day, Director of Sustainable Planning & Community Development

Neighbourhood: Burnside Recommendation: Proceed to PH
3. Rezoning Application # 00425 and Development Permit Application # 000337 for 836 and 838 Broughton Avenue 19 - 68
--D. Day, Director of Sustainable Planning & Community Development

Neighbourhood: Fairfield/ Gonzales Recommendation: Proceed to PH

Late Item: Additional Correspondence from Applicant
- [Addenda]
4. Development Permit with Variance # 000341 for 230 Menzies Street 69 - 84
--D. Day, Director of Sustainable Planning & Community Development

Neighbourhood: James Bay Recommendation: Proceed to PH
5. Development Permit #000328 with Variance for 810 Humboldt Street 85 - 96

--D. Day, Director of Sustainable Planning & Community Development

Neighbourhood: Fairfield Recommendation: Proceed to PH

6. Heritage Designation # 000138 for 39 Lewis Street 97 - 111

--D. Day, Director of Sustainable Planning & Community Development

Neighbourhood: James Bay Recommendation: Proceed to PH

7. Heritage Designation # 000139 for 43 Lewis Street 113 - 126

--D. Day, Director of Sustainable Planning & Community Development

Neighbourhood: James Bay Recommendation: Proceed to PH

8. Heritage Designation # 000140 for 50 Lewis Street 127 - 144

--D. Day, Director of Sustainable Planning & Community Development

Neighbourhood: James Bay Recommendation: Proceed to PH

PROPERTY MAINTENANCE BYLAW HEARING 10:30 A.M.

9. Work Without Permit - 252 Richmond Avenue 145 - 152

--R. Woodland, Director of Legislative and Regulatory Services

Neighbourhood: Gonzales Recommendation: Place Notice on Title

MOTION TO CLOSE THE FEBRUARY 20, 2014, PLANNING & LAND USE COMMITTEE MEETING TO THE PUBLIC

10. Adoption of the Minutes from the Closed Meeting held February 6, 2014

ADJOURNMENT



Planning and Land Use Committee Report

Date: January 23, 2014 **From:** Jim Handy
Development Agreement Facilitator

Subject: **Rezoning Application #00438 for 320 and 401 Garbally Road** – Application to amend the CD-1 Zone, Selkirk Comprehensive District, to permit outside storage and call centre uses in Development Area 3.

Executive Summary

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application for the properties 320 and 401 Garbally Road. The properties are located in Development Area 3 of the CD-1 Zone, Selkirk Comprehensive District, which permits a range of uses including light industrial activities and warehousing. The application proposes to add the outside storage of materials and vehicles as well as call centres to the list of permitted uses in Development Area 3.

The following points were considered in reviewing this application:

- The site is currently predominantly occupied by office development and open areas used for ancillary storage purposes and surface parking.
- The proposal is consistent with the *Official Community Plan*.
- The proposal is generally consistent with the *Burnside Neighbourhood Plan* and *Selkirk Waterfront Urban Design Guidelines*.

Recommendation

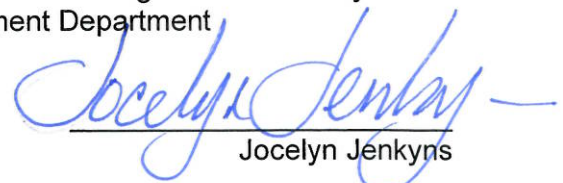
That Rezoning Application #00438 for 320 and 401 Garbally Road proceed for consideration at a Public Hearing and that City staff prepare the necessary *Zoning Regulation Bylaw* amendments.

Respectfully submitted,


Jim Handy
Development Agreement Facilitator
Development Services Division


Deb Day, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:


Jocelyn Jenkyns

JH:aw
S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\REZ\REZ00438\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 properties located at 320 and 401 Garbally Road. The application proposes to add outside storage of materials and vehicles as well as call centres to the list of permitted uses in Development Area 3 of the CD-1 Zone, Selkirk Comprehensive District.

2.0 Background

2.1 Description of Proposal

The application proposes to add the outside storage of materials or vehicles and call centres to the list of permitted uses in Development Area 3 of the CD-1 Zone, Selkirk Comprehensive District.

2.2 Existing Site Development and Development Potential

The application site is located in Development Area 3 of the CD-1 Zone, Selkirk Comprehensive District. The current zoning allows for a range of uses at this location including, but not limited to: offices, retail, banks, restaurants, pubs, light industry, schools, parking lots, warehouses and high tech.

2.3 Land Use Context

The application site is considered part of the Selkirk Waterfront development site and consists of two parcels. The property at 320 Garbally Road is located on the north side of the street and is currently occupied by Electrical Cable Supply Ltd with an associated two-storey office and warehouse buildings. The majority of this property is undeveloped and used as ancillary outdoor storage and surface parking. The property at 401 Garbally Road is located on the south side of the street and is occupied by office buildings of up to four storeys in height. To the north and west of the site are four-storey commercial/office buildings which provide a buffer from the application site to the residential properties located west of Jutland Road. The lands to the south and east of the site are occupied by two-storey light industrial units and the City's Public Works yard.

2.4 Legal Descriptions

Lot A, Section 5, and part of the bed of the Public Harbour of Victoria, Plan VIP57314
Lot A, Section 5, and part of the bed of the Public Harbour of Victoria, Plan VIP60260.

2.5 Consistency with City Policy

2.5.1 Official Community Plan, 2012

The application site is located within the General Employment Urban Place Designation as outlined in the *Official Community Plan* (OCP). This designation anticipates, amongst other place-character features, "large lots with on-site outdoor circulation, storage and materials handling space". It also identifies commercial (including office and retail), light industrial, industrial work/live, research and development, education and health service uses as being appropriate in this location.

2.5.2 Burnside Neighbourhood Plan, Revised 2012

The *Burnside Neighbourhood Plan* identifies the application site for light-industrial use. The Neighbourhood Plan goes on to specifically define light industrial use stating that there will be “no outdoor storage associated with this use”. However, it further states that appropriate zoning for this area would be the S-BP-1 Songhees Business Park Zone. The definition of light industrial activities in this S-BP-1 Zone does not prohibit outside storage. Whilst the site was eventually rezoned to the comprehensive CD-1 Zone and not the suggested S-BP-1 Zone, it is considered that it was not the intent of Neighbourhood Plan policy to prohibit outdoor storage in this location.

2.7 Community Consultation

The proposal was presented to the Burnside Gorge Community Association Land Use Committee (CALUC) on December 9, 2013. The CALUC comments are attached to this report.

3.0 Issues

The key issue relates to whether the proposed outside storage and call centre uses are appropriate in this location.

4.0 Analysis**4.1 Land Use**

The OCP identifies the site as being within the General Employment Urban Place Designation and potentially suitable for commercial (including office and retail), light industrial, industrial work/live, research and development, education and health service uses. This General Employment designation is anticipated to include large lots with on-site outdoor circulation, storage and materials handling space. The *Burnside Neighbourhood Plan* identifies the site as being suitable for light industrial uses but states that outside storage would normally be excluded. However, this Plan goes on to state that an appropriate zone for this site may be the S-BP-1 Zone, Songhees Business Park, which allows the storage of goods. Whilst the site was eventually rezoned to the comprehensive CD-1 Zone and not the suggested S-BP-1 Zone, it is considered that it was not the intent of the Plan to prohibit outdoor storage in this location.

Both the *Burnside Neighbourhood Plan* and the *Selkirk Waterfront Urban Design Manual* explain that the provision of light-industrial uses at this location would provide a transition and buffer from heavy-industrial uses located to the south in Rock Bay. The commercial/office development that now exists directly to the north of the application site would provide a further buffer, this time between light-industrial activities and mixed-use/residential uses situated further to the north in the Selkirk Waterfront development.

In their letter to Mayor and Council, the applicant also points out that the property at 320 Garbally Road was previously occupied by Centra Gas/Fortis Operations Centre. In that instance, the primary use of the site was permitted under the existing CD-1 Zone, however, the operation included warehousing, a storage yard for trucks and fuel containers as a significant ancillary component. The property at 320 Garbally Road is currently occupied by Electrical Cable Supply Limited and the majority of the site continues to be used for ancillary outside storage purposes.

In light of the above, it is considered that the proposal is in compliance with the OCP and meets the land use intent for the area as outlined in the *Burnside Neighbourhood Plan* and *Selkirk Waterfront Urban Design Guidelines*. Activities associated with a call centre are commensurate with uses already permitted in the existing zone (i.e. office use). In terms of outside storage, much of the undeveloped space within the application site is currently used for surface parking or ancillary storage.

The proposed amendment to the *Zoning Regulation Bylaw* will include regulations which mitigate potential visual impacts resulting from the outside storage by limiting the height of stored materials, providing landscape screening and specifically prohibiting the storage of damaged equipment (i.e. scrap materials).

5.0 Resource Impacts

There are no resource impacts anticipated.

6.0 Options

Option 1 (recommended)

That Rezoning Application #00438 for 320 and 401 Garbally Road proceed for consideration at a Public Hearing and that City staff prepare the necessary *Zoning Regulation Bylaw* amendments.

Option 2

That Rezoning Application #00438 be declined.

7.0 Conclusions

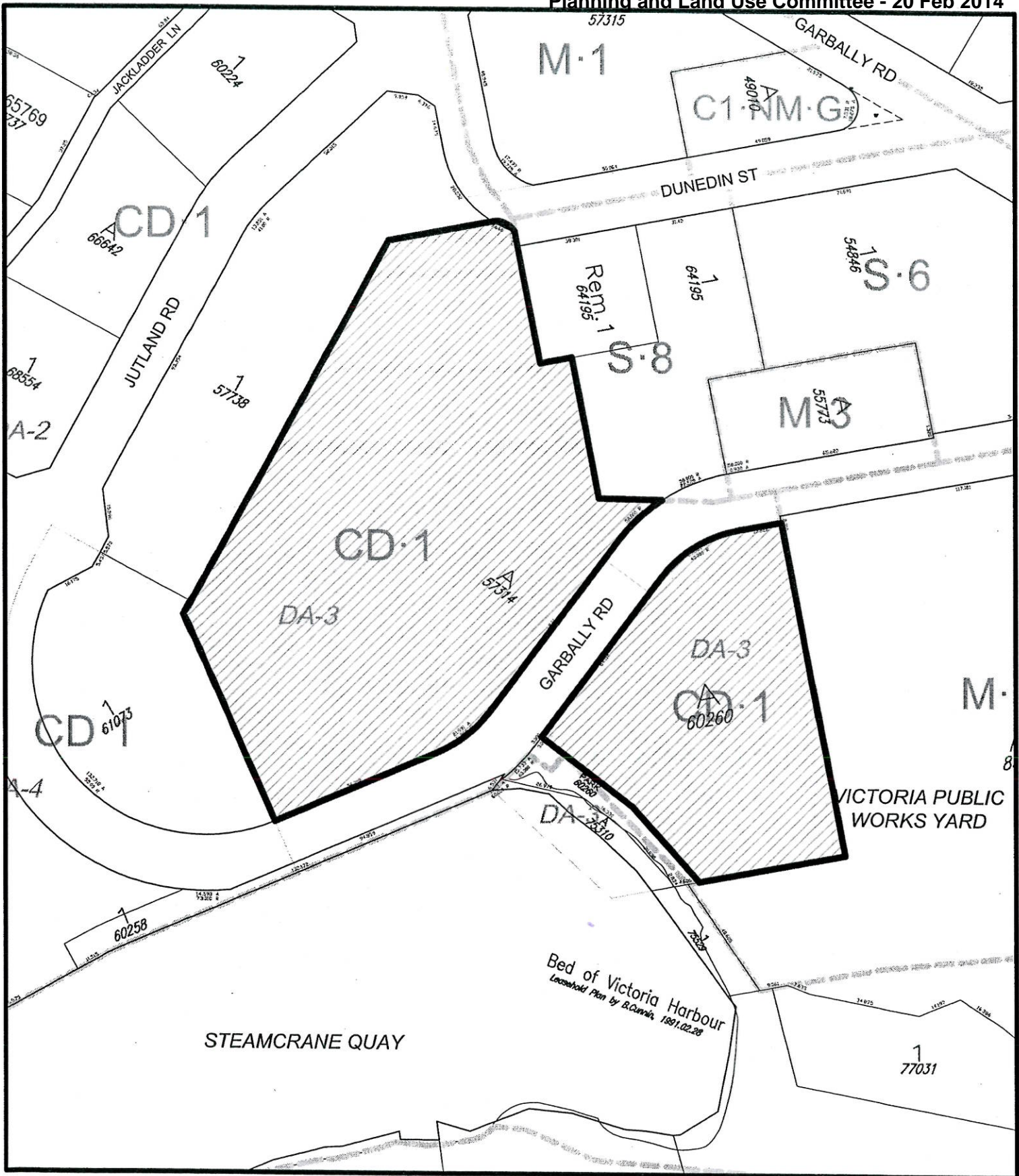
It is considered that the proposal is in compliance with the OCP and meets the original land use intent for the area as outlined in the *Burnside Neighbourhood Plan* and *Selkirk Waterfront Urban Design Guidelines*. It is considered that the proposed outdoor storage and call centre uses are appropriate in this location.

8.0 Recommendation

That Rezoning Application #00438 for 320 and 401 Garbally Road proceed for consideration at a Public Hearing and that City staff prepare the necessary *Zoning Regulation Bylaw* amendments.

9.0 List of Attachments

- Zoning map
- Aerial photograph
- Applicant's letter and plans dated December 19, 2013
- CALUC feedback dated December 19, 2013.

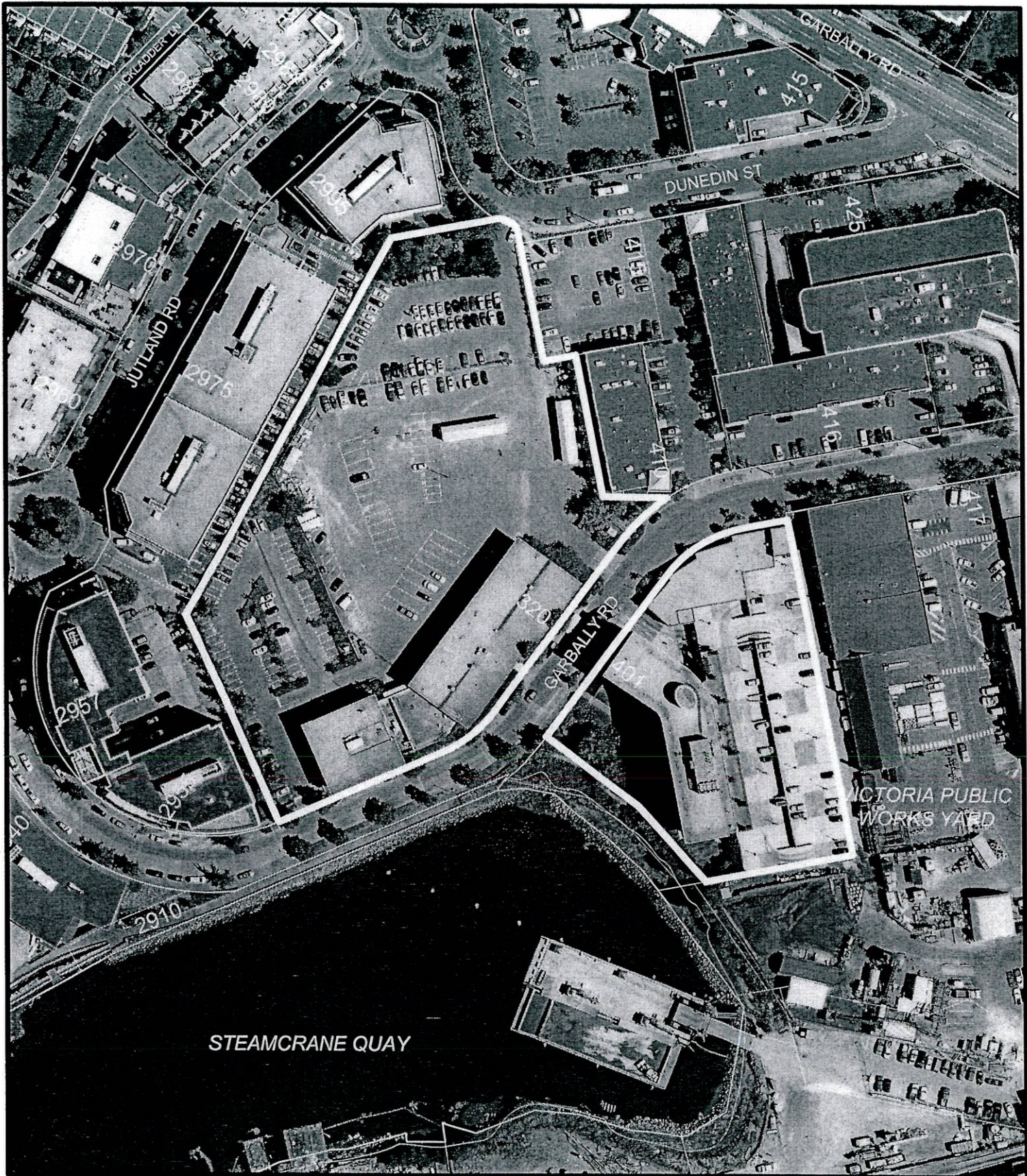


320 & 401 Garbally Road

Rezoning #00438

Bylaw #





320 & 401 Garbally Road

Rezoning #00438

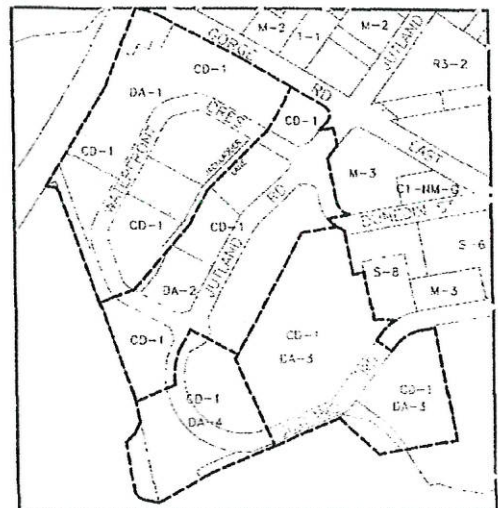
Bylaw #



Rezoning Application # 00438 for 320 and 401 Garbally Road -...



ZONING AMENDMENT APPLICATION
CD-1, Selkirk Waterfront, Victoria B.C.



Submitted on behalf of
SELKIRK WATERFRONT PROPERTIES

December 19 2013

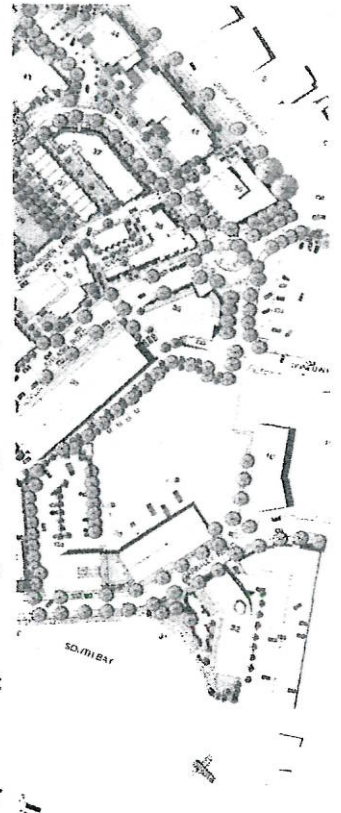
CASCADIA ARCHITECTS
(SAMUEL + JENNIFER, INC.)

CD-I Zoning Amendment, Selkirk Waterfront, Victoria B.C.



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- A. Rezoning Information & Application Form
- B. Owner's Authorization Form & Fee
- C. Application Rationale Letter
- D. 401 Garbally Rd. Certificate of Title & Restrictions
- E. 320 Garbally Rd. Certificate of Title & Restrictions
- F. Ministry of Environment Site Registry Report
- G. Burnside Gorge Community Association Letter



CASCADIA ARCHITECTS

CASCADIA ARCHITECTS
DAMANT + JOHANNKNECHT

19 December 2013

City of Victoria
No 1 Centennial Square
Victoria, B.C.
V8W 1P6



Attn.: Mayor and Council
Re: Proposed Zoning Amendment: CD-1 Selkirk Waterfront

Dear Mayor and Council,

Jawl Holdings Limited is making application to the City of Victoria to amend the CD-1 Selkirk Waterfront zone to expand the uses permitted in the Light Industrial Zone DA-3, in order to bring the zone in closer alignment with the City's other Light Industrial Zones M-1 and M-2.

INTRODUCTION

The Selkirk Waterfront Comprehensive Development Zone CD-1 was created in 1993 to organize the redevelopment and construction of the Selkirk neighbourhood around several key urban planning objectives including built form, arrangement of uses, and the character of public spaces. A fundamental objective of the zoning was to create a truly mixed-use development that would "integrate with surrounding land-uses"¹ which included industrial, commercial and residential areas. This mixture of uses within the Selkirk also reflected good urban planning practise, offering "the potential for residents to work, shop, socialize, attend school and reside in the same localized area."² The urban design sought to achieve more than a simple integration of greater land use patterns, and was crafted with sensitivity to the nature of those different functions and the practical implications of creating mixed adjacencies.

The resulting geographic organization of uses at the Selkirk was a functional arrangement that wouldn't "exclude industry from the area but ... achieve a more compatible balance of land uses."³

¹ Selkirk Waterfront Project Urban Design Manual, de Hoog D'Ambrosio Rowe Architects, pg.6

² Selkirk Waterfront Project Urban Design Manual, de Hoog D'Ambrosio Rowe Architects, pg.8

³ Selkirk Waterfront Project Urban Design Manual, de Hoog D'Ambrosio Rowe Architects, pg.16



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A Corporate Partnership

Principals

GREGORY DAMANT
Architect AIBC, LEED AP

PETER JOHANNKNECHT
Architect AIBC, Dipl.-Ing., LEED AP
Interior Architect AKNW Germany

CD-1 Zoning Amendment, Selkirk Waterfront, Victoria B.C.

Recognizing the importance of the lower harbour as a transportation system for industrial materials and products, and that "some forms of industrial activity are not only compatible with other uses but can significantly add to the interest of an area and the convenience of the workforce",⁴ the design created a graduated transition of uses from industrial in the south to residential at the north.

DA-3, highlighted in blue below, defines the roughly 6 acre (2.43 hectare) zone of light industrial uses in the south-east portion of the Selkirk site. It is located along Garbally Road adjacent to the City of Victoria Works Yard and the steel recycling facility and acts as a buffer between those existing heavier industrial uses and Selkirk's new residential areas to the north.

The CD-1 Zone created in 1993 formalized the light industrial character of DA-3 with a list of permitted uses that generally reflect the City's typical light industrial zones M-1 and M-2, and the first site developed at Selkirk was the 4 acre (1.6 hectare) Centra Gas / Fortis Operations Center at 320 Garbally Road, which included warehousing and a storage yard for trucks, equipment and above-ground fuel containers ancillary to these uses.

The DA-3 area does not, however, explicitly permit exterior storage and so the tenancies of 320 Garbally have not technically been in conformance with the wording of Selkirk's zoning. It is proposed to correct this issue via application to the City to have additional terms added to the permitted uses listed for DA-3 that will better align the CD-1 zone with the M-1 and M-2 zones.

⁴ Selkirk Waterfront Project Urban Design Manual, de Hoog D'Ambrosio Rowe Architects, pg.16

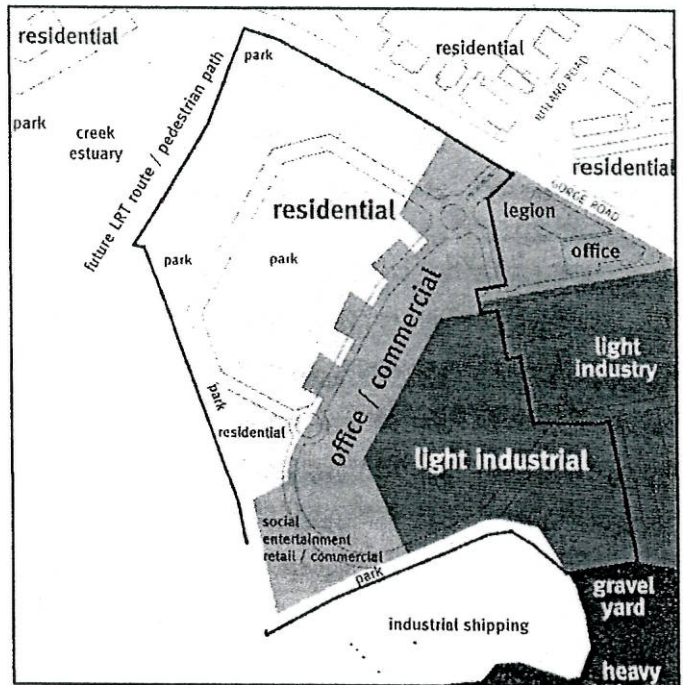


Image excerpted from the Selkirk Waterfront Project Urban Design Manual, pg. 7; prepared by deHoog D'Ambrosio Rowe Architects.



Aerial view of Selkirk Waterfront with zoning diagram overlay.

CASCADIA ARCHITECTS

PROPOSED ZONING AMENDMENT TEXT

Following is an excerpt from the CD-1 zone listing the uses permitted in DA-3. Proposed additional wording to be added by amendment to the CD-1 Zone is highlighted in blue italics:

Development Area 3

The following uses are permitted in Development Area 3 if these uses are not noxious or offensive to the immediate neighbourhood or the general public because of the emission of smoke, noise, vibration, dirt, glare, odour, electrical broadcast interference, dust, effluent, radiation, humidity, heat or hazard:

- (a) offices and retail;
- (b) banks and other financial institutions;
- (c) restaurants;
- (d) neighbourhood pubs;
- (e) bakeries;
- (f) dry cleaners;
- (g) printing and publishing;
- (h) wholesale;
- (i) light industry, including manufacturing, processing, assembly, testing, servicing and repair;
- (j) warehouse;
- (k) schools;
- (l) parkades;
- (m) veterinary hospitals that have enclosed runs;
- (n) residences for caretakers as an accessory use;
- (o) docks and other facilities for pleasure boats, commercial tour boats and ferry boats, excluding marinas,
- (p) parking other than in a parkade,
- (q) high tech,
- (r) storage lot for undamaged equipment, materials, or vehicles intended for lease, resale, or delivery, including above-ground fuel storage ancillary to these uses,*
- (s) call center.*

Note: Both 'storage lot' and 'call center' are uses permitted either one or the other of the City's other Light Industrial Zones (M-1 or M-2).

CD-1 Zoning Amendment, Selkirk Waterfront, Victoria B.C.

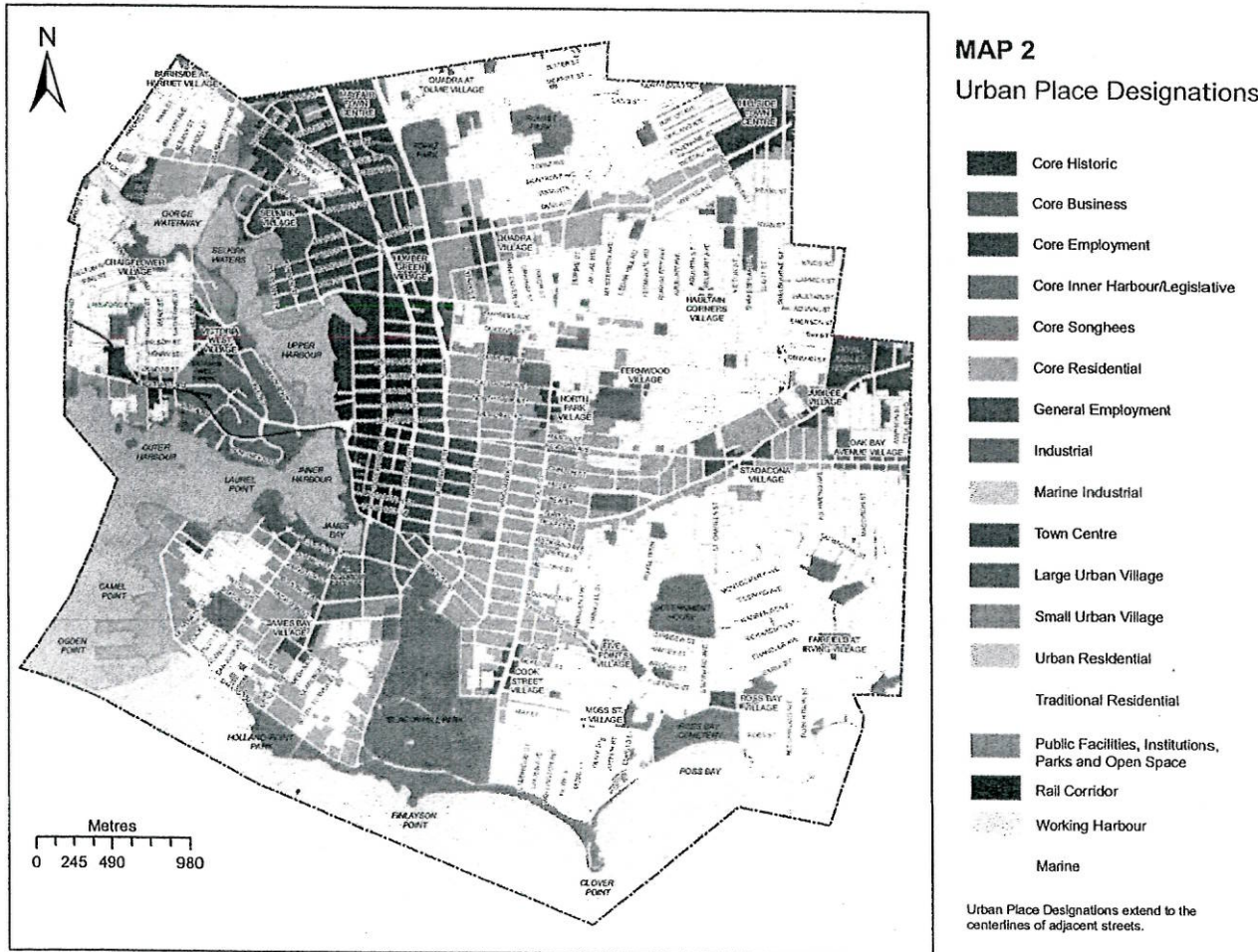
CONFORMANCE WITH CURRENT OCP

Review of the City's recently completed Official Community Plan (OCP) confirms that Selkirk's light industrial uses and the adjacent heavier industry remain integral components of the community's vision for the future development of the area.

The Selkirk is classified as one of the City's Large Urban Villages, suitable for commercial, industrial, and multi-family residential development, with the qualification that "nearby industrial use along Garbally Road continues to operate and is included within this designation to improve compatibility with the adjacent mixed-use Selkirk Waterfront"⁵. This intent is further reflected in the designation of DA-3 as a "General Employment" area, meaning that it is expected and desired to consist "of primarily employment-generating uses and accessory mixed-uses including light-industrial, commercial, and institutional uses contained within a wide range of low to medium-rise building forms, including those with large floor plates on lots with space suitable for vehicle circulation, shipping, and delivery."⁶

⁵ City of Victoria Official Community Plan, page 194

⁶ City of Victoria Official Community Plan, page 35



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CD-1 Zoning Amendment, Selkirk Waterfront, Victoria B.C.

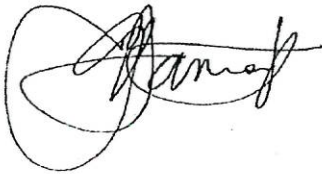
Within the context of the current CD-1 and similar M-1 and M-2 zoning, and with reference to the original Selkirk Design Manual and the current City of Victoria OCP it is clearly appropriate that the CD-1 zone be amended to include the additional permissible uses under DA-3:

- (r) storage lot for undamaged equipment, materials, or vehicles intended for lease, resale, or delivery, including above-ground fuel storage ancillary to these uses,*
- (s) call center.*

This will validate the historical use of the site since redevelopment, and help to ensure that the zoning remains compatible with the range of light industrial businesses and uses that are considered suitable by the planning documents. We trust that this application provides sufficient description and rationale to support the amendment. If you have any questions or require additional information please do not hesitate to contact our office.

Yours sincerely,

CASCADIA ARCHITECTS INCORPORATED

A handwritten signature in black ink, appearing to read 'Gregory Damant', enclosed within a large, loopy circular flourish.

Gregory Damant, Architect

AIBC LEEDap

Principal

greg@cascadiaarchitects.ca

APPENDIX: DA-3 ZONING DATA

Gross Area	Public Right-of-Way	Net Site Area
26,800 sq.m. -	2,590 sq.m. =	24,210 sq.m.

Property Address	Gross Building Area	Parking Count
320 Garbally Road	2464 sq.m.	53 stalls
401 Garbally Road	4736 sq.m.	incl'd. in parkade
Parkade	6600 sq.m.	356 stalls
Total	13800 sq.m.	409 stalls

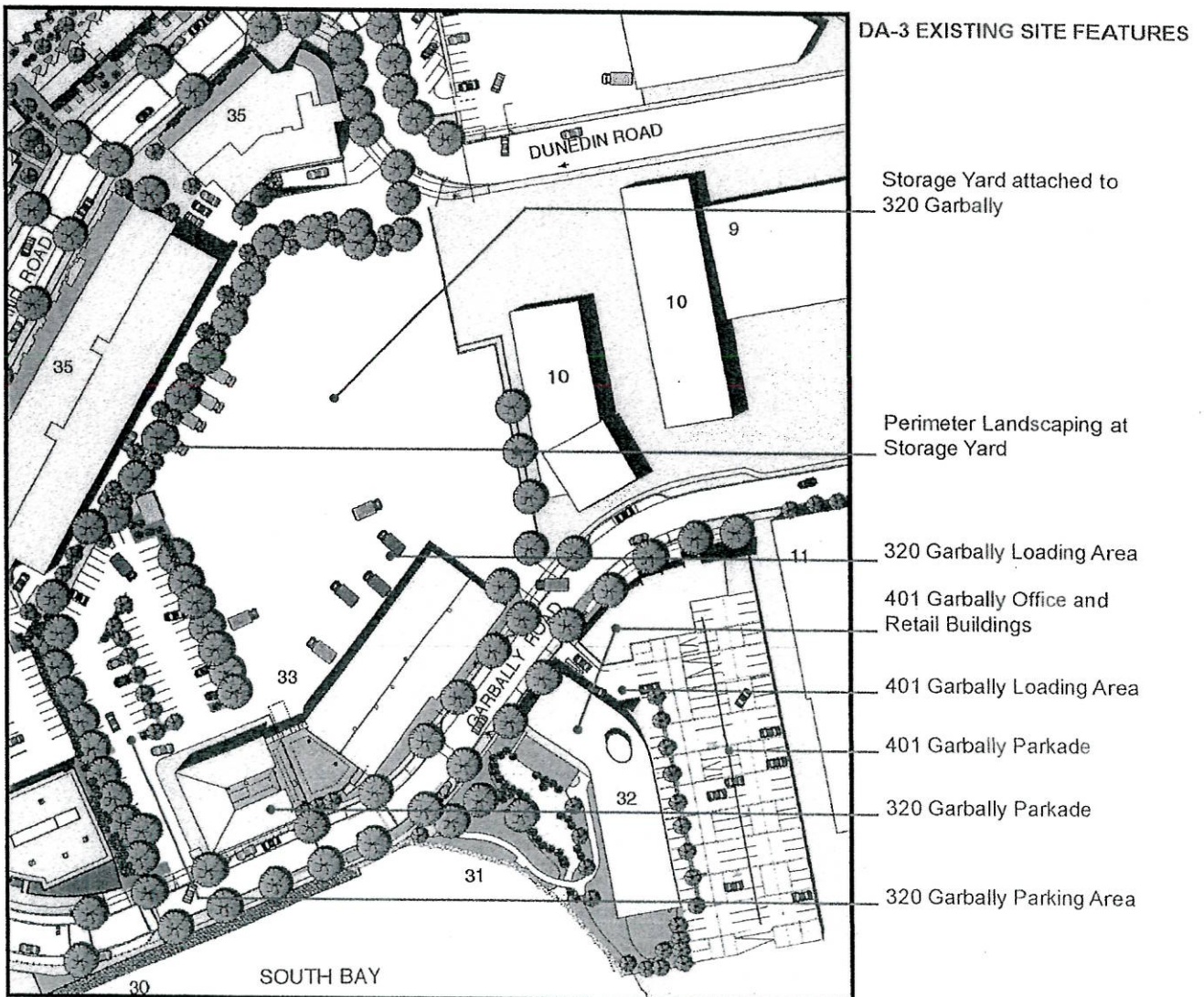


Image excerpted from the Selkirk Waterfront Site Plan prepared by D'Ambrosio architecture + urbanism

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CASCADIA ARCHITECTS



Burnside Gorge Community Association

471 Cecelia Road, Victoria B.C. V8T 4T4
T. (250) 388-5251 | F. (250) 388-5269
bgca@shaw.ca | www.burnsidegorge.ca

Memorandum

Date: December 18, 2013

To: City of Victoria, Karen Jawl

via email

Cc: Burnside Gorge Community Association

From: TJ Schur, Land Use Committee Chair, Burnside Gorge Community Association

Subject: Proposed definition changes for Selkirk CD-1 Zone

On December 09, 2013, Jawl Properties attended the Burnside Gorge Community Association Land Use Committee (LUC) meeting to discuss the proposed changes to the included uses for Selkirk CD-1 Zone.

Karen Jawl submitted the information to the LUC on November 19 and it was circulated to all committee members and to BGCA Board members that live within Selkirk. Additionally, the proposed change was also reviewed by two persons associated with the residential stratas within Selkirk.

The LUC had questions about the impact of the changes on traffic and potential new tenants. Karen indicated that there have been call centres already within the site as well as the storage. The primary road use would be out through Jutland and there is no anticipated increase in traffic.

From our review of the information and our discussions with the community members, proponents and Brian Sikstrom:

- The intent is to correct an omission from the original zoning as it was intended for light industrial businesses and tenancies.
- The proposed uses bring zoning in line with existing use;
- The proponent worked extensively with the City to develop the appropriate wording;
- The proposed wording of the rezoning is more limiting than what would be considered standard;
- There were no significant concerns on proposed language and updated zoning by community members contacted

For these reasons, the LUC was unanimous in its decision to waive the need for a Community meeting for the nature of the application is housekeeping in nature. However, the LUC would like to be advised if any changes are proposed after the submission of this letter.

With thanks,

TJ Schur

TJ Schur
Land Use Chair
Burnside Gorge Community Association

Received
City of Victoria

DEC 19 2013

Planning & Development Department
Development Services Division



Planning and Land Use Committee Report

Date: February 7, 2014 **From:** Helen Cain, Senior Planner
Development Services

Subject: **Rezoning Application #00425 and Development Permit Application #000337 for 836 and 838 Broughton Street** - Applications to rezone lands to increase density and to construct an 84 unit residential mixed-use building

Executive Summary

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application and Development Permit Application for the properties at 836 and 838 Broughton Street. These properties are located in the CHP-CR Zone (Cathedral Hill Precinct Commercial Residential District), which permits a maximum floor space ratio (FSR) of 2.0:1 for a multiple dwelling. The applicant proposes to rezone to increase the density to 5:1 FSR, and to construct an 84-unit residential mixed-use building with underground parking.

The following points were considered in assessing this application:

- The proposal is generally consistent with land use policies and design guidelines in the Official Community Plan, 2012 (OCP) and the applicable local area plans for the Downtown Core Area and Cathedral Hill Precinct.
- While the Downtown Core Area Plan includes the subject site in the "special density area," where there is no prescribed maximum density, the OCP identifies a base of 3:1 FSR and notes that up to approximately 5:1 FSR is supportable where a proposal significantly advances the OCP objectives. Accordingly, the applicant should provide a justification for the increased density from 3:1 FSR to 5:1 FSR.
- Although the proposal is largely consistent with the relevant design guidelines, it would benefit from further design revisions to ensure a positive street relationship is achieved.

Staff support this application advancing for consideration at a Public Hearing subject to the conditions outlined in the recommendation below.

Recommendations

1. That Rezoning Application #00425 for 836 and 838 Broughton Street proceed for consideration at a Public Hearing, subject to:
 - (a) provision of a third-party land lift analysis that justifies any increase in density that exceeds the floor space ratio of 3:1 FSR with a contribution of 75% of the value of any identified land lift being made to the Downtown Core Area Public Realm Improvement Fund (75%) and the Downtown Heritage Building Seismic Upgrade Fund (25%) to be secured to the satisfaction of the City Solicitor and the Director of Sustainable Planning and Community Development;

Planning and Land Use Committee

February 7, 2014

Rezoning Application #00425 and Development Permit Application #000377

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for 836 and 838 Broughton Street

- (b) preparation of a *Zoning Regulation Bylaw* amendment to accommodate the proposal;
 - (c) preparation of legal agreements to the satisfaction of the City Solicitor and the Director of Sustainable Planning and Community Development to ensure that future strata bylaws cannot prohibit strata owners from renting residential strata units.
 - (d) preparation of legal agreements to the satisfaction of the City Solicitor and the Director of Engineering and Public Works for sewage attenuation to mitigate the impact of increased density.
2. Review by the Advisory Design Panel of Development Permit Application #000377 prior to Council considering issuing the permit with special attention to the proposal's street relationship and contextual fit.
3. Following consideration of Rezoning Application #00425, that Council authorize the issuance of a Development Permit for 836-838 Broughton Street, in accordance with:
 - (a) plans stamped Development Permit #000377 dated January 28, 2014;
 - (b) development meeting all *Zoning Regulation Bylaw* requirements;
 - (c) final plans to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.
4. Following consideration of Rezoning Application #00425, that Council authorize staff to prepare and enter into an Encroachment Agreement for a fee of \$750 plus \$25 per m² of exposed shored face during construction, to the satisfaction of the City Solicitor and the Director of Engineering and Public Works.

Respectfully submitted,

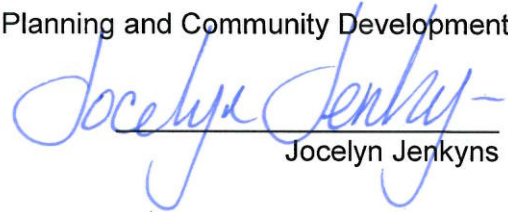


Helen Cain
Senior Planner
Development Services



Deb Day
Director
Sustainable Planning and Community Development

Report accepted and recommended by the City Manager:



Jocelyn Jenkyns

HC/ljm

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1.0 Purpose

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application and Development Permit Application for the properties at 836 and 838 Broughton Street.

2.0 Background

2.1 Description of Proposal

The applicant proposes to rezone the property at 836 and 838 Broughton to permit increased density, from the maximum for a multiple dwelling of 1.2:1 FSR in the existing CHP-CR Zone (Cathedral Hill Precinct Commercial Residential District) to 5:1 FSR. The proposal is for a multi-unit building with two units along the street frontage that would be either live-work, or commercial office or retail, and approximately 82 residential apartments on upper storeys. It is intended that the building be held in strata ownership.

The proposed development, urban design, architecture and landscape include the following details:

- mid-rise building form with primary and secondary street walls along the front (Broughton Street) elevation, and all parking underground
- siding: brick veneer (charcoal) at building base along primary street wall and architectural concrete panels in four colours for secondary street wall (brown), tertiary building face (light grey and dark grey), and accent line feature (white)
- windows and doors: aluminum windows and aluminum sliding doors to balconies, front patios, and roof decks on third and ninth floors; and balcony inset panels in combination of clear and white opaque glazing
- hardscape: mix of decorative and coloured concrete surfaces along frontage and pathway from street to the main building entrance
- trees and plantings: two new street trees and eight new trees on site with shrubs and groundcover along the primary street wall, within the east setback and vines overhanging the ramp to underground parking
- 82 vehicle parking stalls
- 100 Class One bike storage spaces.

2.2 Land Use Context

The subject property is located in north Fairfield and in an area of transition three blocks from the south boundary of the Downtown Core Area. Residential, residential mixed use and commercial development of medium-to-high density are appropriate in this area, where the existing place character includes low-rise commercial buildings, public buildings (Royal Theatre), community facilities (YMCA), and surface parking. Currently, the properties are used for surface parking.

2.3 Community Consultation

The applicant consulted with the Fairfield Gonzales Community Association Land Use Committee (CALUC) on October 21, 2013. Minutes from the CALUC meeting are attached to this report.

2.4 Existing Site Development and Development Potential

The data table (below) compares the proposal with the existing CHP-CR Zone (Cathedral Hill Precinct Commercial Residential District). The proposed apartment building is less stringent than the standard zone in criteria identified with an asterisk (*) below.

Zoning Criteria	Proposal	CHP-CR Zone
Site area (m ²) – minimum	1337.8	n/a
Total floor area (m ²) – maximum	6686	n/a
Density (Floor Space Ratio) – maximum	5:1*	2:1
Height (m) – maximum	32.9*	22.5
Storeys – maximum	11 (10 storeys for main building, small washroom/storage and stairs associated with roof top access trigger identification of eleventh storey)	n/a
Site coverage (%) – maximum	86	n/a
Open site space (%) – minimum	16	n/a
Setbacks (m) – minimum south (front) north (rear) west (side) east (side)	2.38 Nil (main floor) 4.4 m (building face) Nil (1 st to 4 th floor) 5.1	2 n/a n/a n/a
Parking (stalls) – minimum	82*	115 – if all residential 120 – if ground floor retail
Bicycle storage – minimum	100	85
Bicycle rack – minimum	7	7

2.5 Legal Description

Lot 266 and Lot 267, Victoria City

2.6 Consistency with City Policy

2.6.1 Regional Growth Strategy

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

2.6.2 Official Community Plan, 2012

The proposed development is consistent with land use policies of the *Official Community Plan 2012* (OCP). The properties at 836 and 838 Broughton Street are designated as Core Residential, where the OCP envisions diverse housing types, including low, mid and high-rise multi-unit residential and mixed use, as well as commercial and institutional uses. Heights identified in the OCP in this location are "from three storeys up to approximately 20 storeys". It should be noted, however, that this broad OCP vision for height is more narrowly defined in the *Downtown Core Area Plan, 2011*, detailed in Section 2.6.3 below.

Generally, the OCP envisions a density of 3:1 FSR for those parts of the Core Residential area west of Quadra Street, and this includes the 800-block of Broughton Street. Increased density up to a total of approximately 5:1 FSR may be considered for such locations within the Urban Core, and "where a proposal significantly advances the objectives of this plan". The subject site at 836 and 838 Broughton Street is eligible for bonus density, insofar as these land parcels are located in the Urban Core.

In accordance with the OCP, the new residential mixed-use apartment building is subject to DPA14 Cathedral Hill Precinct. The objectives of DPA 14 are:

4. (a) *To revitalize an area of commercial use through redevelopment of sites including surface parking lots and public realm improvements to increase vibrancy, complement the adjacent Core Business area and strengthen commercial viability.*
- (b) *To enhance the Cathedral Hill Precinct through a high quality of architecture, landscape and urban design that reflects the function of a major residential centre on the edge of the central business district in scale, massing and character, while respecting prominent heritage properties and landmarks.*
- (c) *To recognize the transitional nature of the area between a high density of Downtown and the medium to lower density residential neighbourhood through sensitive infill and the enhancement of streetscapes.*

The proposed development at 836 and 838 Broughton Street is consistent with DPA 14 objectives for redevelopment of parking lots specifically, and overall high-quality design.

2.6.3 Downtown Core Area Plan, 2011 and Cathedral Hill Precinct Plan, 2004

With respect to local area plans, the *Downtown Core Area Plan, 2011* ("DCAP") and the *Cathedral Hill Precinct Plan, 2004* ("CHPP"), apply to the subject site. Within the DCAP, the Core Residential Mixed District (RMD) includes the 800-block of Broughton Street. The latter is both a transitional zone from high-to-medium density, in the "Cross Town Concept", and where height transitions from high-rise to mid-rise buildings in the "Urban Amphitheatre Concept".

The DCAP does not identify a maximum density for Broughton Street between Blanshard Street and Quadra Street because this block is located in the "Special Density Area" where the appropriate density is determined on a site-by-site basis. However, policies in the DCAP for form, massing and design considerations, such as height, serve to shape the potential density of a specific site. For instance, "Map 32 - Maximum Building Heights" identifies a height ceiling for the subject properties of up to 30 m, which is approximately ten storeys for residential buildings, or eight commercial storeys. CHPP similarly identifies height of up to eight storeys for the same block, and "Map 3 - Anticipated Redevelopment" includes the location as a priority for redevelopment.

These DCAP policies should also be considered in review of the proposed rezoning and design:

Residential Mixed-Use District (RMD) - Objectives and Policies

1. *To encourage multi-unit residential development appropriate to the context and function of each neighbourhood and (that) reflects the differences in allowable building heights and density throughout the RMD along with other land uses, public amenities and services that help to develop complete communities.*
2. *To ensure new residential development includes active street-level businesses where appropriate, to provide commercial services and activities and to increase pedestrian activity within the public realm.*
- 3.102 *Ensure that designs for new buildings and improvements to the public realm located along the edges of the RMD consider scale, orientation, setbacks, mass and building height to provide sensitive transitions to surrounding Districts.*

Development Blocks - Policies

- 6.165 *Locate the tallest buildings closer to the middle of the development block, where the development block has an east-west orientation, in order to reduce the potential shading and wind effects on adjacent north-south streets.*

The proposal for a building of maximum height is generally consistent with DCAP Policy 6.165 in terms of the location of the apartment building in the middle of the development block.

2.7 Consistency with Design Guidelines

The proposal is subject to review under DPA 14 Cathedral Hill Precinct. Building form, character, finishes, and landscaping details are controlled and regulated in relation to the applicable guidelines in the *Downtown Core Area Plan, 2011*, and the *Cathedral Hill Precinct Plan, 2004*. The proposal responds well to the design considerations, as summarized below.

2.7.1 Building Separation and Setbacks

The proposed site plan for the residential mixed use development is consistent with the DCAP guidelines for residential building separation distances and setbacks. Buildings that are up to 30 m in height should have a minimum of 3 m setback for side and rear yards, for the upper storeys of the face of the tower; the proposal fully complies with that criteria. It should be noted that Broughton Street fits the category "narrow street" in the DCAP, where the front setback should be less than 3 m in order to create a sense of animation. Here again the proposal is

generally compliant as the main portion of the building has a setback of 2.38 m; the easterly portion of the front façade does not meet this guideline as an area of side yard needs to be maintained in order to accommodate an easement for the neighbouring property; additionally, the main entrance is set further back from the property line.

2.7.2 Building Design

The proposed building is consistent with the heights outlined in the DCAP and the associated maximum height for the specific block of the subject site. The proposal also complies with Appendix 7 "Building Design Guidelines" in the DCAP and its related Policy 6.185 for "street walls and setbacks - narrow streets". Overall, the proposed form and massing is organized to demarcate the building base, body and top. An enhanced street presence could be achieved with further refinement to aspects of the design and architecture in order to foster a more human-scaled design and overall appropriate contextual fit. With respect to technical details for building proportions, the proposed design fully complies with the required width, height and setbacks for primary and secondary street wall, and building face above 20 m.

2.7.3 Building and Street Interface

In the DCAP Appendix 5 "Building and Street Interface Guidelines", this block of Broughton Street is identified as a "commercial street". In these locations, public realm improvements should be designed to relate to adjacent retail, office and mixed-use land uses, and to provide comfortable, safe and animated pedestrian environments. The proposal includes commercial and/or live work uses at grade and this would contribute to street animation in combination with frontage features such as articulation at the building base, multiple entrances, extensive glazing and awnings for weather protection for pedestrians. Also, two new street trees are proposed along with three trees and a row of plantings along the front (south) property line on site.

3.0 Issues

The following issues are associated with these applications:

- increased density within the Core Residential Areas
- commercial use at street level and potential for design refinements
- building height
- parking and traffic
- encroachment agreement for underpinning.

4.0 Analysis

4.1 Increased Density within the Core Residential Areas

The OCP states that new development in locations that are west of Quadra Street may exceed the maximum density of 3:1 FSR prescribed for Core Residential areas with extra density up to 5:1 FSR where a proposal includes features that "significantly advance" the OCP objectives. For instance, the contribution of a public amenity may justify extra density above 3:1 FSR. The proposed development for 836 and 838 Broughton Street has a density of 5:1 FSR. Should Council wish to approve these applications, the applicant should justify the proposed land lift from the base density of 3:1 FSR envisioned in the OCP for Core Residential areas located west of Quadra Street to permit the increased density of 5:1 FSR, representing 2:1 FSR of bonus density.

The applicant has submitted a letter dated February 3, 2014 (attached) indicating that they have voluntarily undertaken a third-party land lift analysis to quantify the value (if any) of the land lift. They have also requested in this letter that if it is determined that there is value gained from the land lift, that instead of the City's standard requirement to secure 75% of this value, that it be reduced to 25%. This request is based on the policy that applies to a portion of the Central Business District (CBD) between Blanshard and Douglas Streets where applications that were made prior to December 31, 2013, would only be required to contribute 25% in order to provide a "phase-in" period. This "phase-in" period was established in recognition of policies contained in the previous *Downtown Plan*, 1990, that applied to this area and supported higher densities for certain types of development. This property is located outside this area but the application was submitted to the City on December 3, 2013. An alternate motion that would reflect this request is presented later in this report as Option Two.

Additionally, a Section 219 Covenant for sewage attenuation is required for infrastructure improvements to support the proposed increase in density from the 2:1 FSR maximum for multiple dwellings, in the existing zoning entitlement, to 5:1 FSR. Wording to capture this requirement is provided in both Options One and Two of this report.

4.2 Commercial Use at Street Level and Potential for Design Refinements

The applicant is proposing that two units at grade would be either "live/work" or be used as commercial space such as office or retail. Given that the 800-block of Broughton Street is categorized as a "commercial street" in the DCAP, the proposed mixed-use development is supportable, but the custom zone would need to be flexible in the permitted uses.

The project may benefit from further consideration of the design of the lower levels adjacent to the street in order to help ensure that a positive street presence is fostered. In particular, review of the lower level design, architectural features, entries, windows and materials would be useful. The staff recommendation contains language referring the application to Advisory Design Panel in order to get further input on these aspects of the proposal.

4.3 Building Height

The proposal is technically considered an eleven storey building because of a washroom, storage area and stairs associated with a roof top deck. These features are connected with the elevator shaft and mechanical apparatus which are normally exempted from the definition of a storey. Given the small area dedicated to these features, this "eleventh storey" will read as part of the mechanical penthouse, giving the building the overall appearance of a ten storey building. If Council chooses to advance the proposal for further consideration at a Public Hearing, the zoning bylaw amendments would be drafted to capture this limitation.

This height is appropriate to the mid-block location of the subject site and would help to create a new place character of mid-to-high rise building forms within the south edges of the Urban Core. While the residential mixed-use development would be a "tower", its height and scale would be modest in relation to Yates Street and Douglas Street, where the DCAP envisions the apex of the skyline to have built forms rising to 20 storeys.

4.4 Parking and Traffic

The applicant provided a Traffic and Parking Study which has been reviewed by the Transportation Section of the Engineering and Public Works Department. This study provided useful data, enabling staff to better understand the potential impacts of the proposed development and to plan for eventual improvements and changes that will be required, in due course, to ensure that traffic is managed in an effective manner. In terms of parking requirements, the study also bore out that the proposed total number of parking stalls, although slightly less than what is required in Schedule C of the *Zoning Regulation Bylaw* is acceptable. Additionally, the applicant has provided more than the required bicycle storage facilities.

4.5 Encroachment Agreement for Underpinning

With any project of this scale that has small setbacks and requires significant excavation, construction methods often require a form of underpinning which can result in material being left in the public right-of-way. The resulting material (typically rock anchors) presents no concerns to the public interest and do not impact underground infrastructure, however an Encroachment Agreement between the City and the developer is required. The staff recommendation includes direction to allow staff to enter into such an agreement, if the rezoning application is approved by Council and if it is deemed necessary to facilitate the construction of the project.

5.0 Resource Impacts

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

6.0 Options

Option One: (Staff Recommendation)

1. That Rezoning Application #00425 for 836 and 838 Broughton Street proceed for consideration at a Public Hearing, subject to:
 - (a) provision of a third-party land lift analysis that justifies any increase in density that exceeds the floor space ratio of 3:1 FSR with a contribution of 75% of the value of any identified land lift to be made to the Downtown Core Area Public Realm Improvement Fund (75%) and the Downtown Heritage Building Seismic Upgrade Fund (25%) to be secured to the satisfaction of the City Solicitor and the Director of Sustainable Planning and Community Development;
 - (b) preparation of a Zoning Regulation Bylaw amendment to accommodate the proposal;
 - (c) preparation of legal agreements to the satisfaction of the City Solicitor and the Director of Sustainable Planning and Community Development to ensure that future strata bylaws cannot prohibit strata owners from renting residential strata units.
 - (d) preparation of legal agreements to the satisfaction of the City Solicitor and the Director of Engineering and Public Works for sewage attenuation to mitigate the impact of increased density.

2. Review by the Advisory Design Panel of Development Permit Application #000377 prior to Council considering issuing the permit with special attention to the proposal's street relationship and contextual fit.
3. Following consideration of Rezoning Application #00425, that Council authorize the issuance of a Development Permit for 836-838 Broughton Street, in accordance with:
 - (a) plans stamped Development Permit #000377 dated January 28, 2014;
 - (b) development meeting all *Zoning Regulation Bylaw* requirements;
 - (c) final plans to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.
4. Following consideration of Rezoning Application #00425, that Council authorize staff to prepare and enter into an Encroachment Agreement for a fee of \$750 plus \$25 per m² of exposed shored face during construction, to the satisfaction of the City Solicitor and the Director of Engineering and Public Works.

Option Two: (Applicant Preference for 25% Land Lift Contribution)

1. That Rezoning Application #00425 for 836 and 838 Broughton Street proceed for consideration at a Public Hearing, subject to:
 - a) provision of a third-party land lift analysis that justifies any increase in density that exceeds the floor space ratio of 3:1 FSR with a contribution of 25% of the value of any identified land lift to be made to the Downtown Core Area Public Realm Improvement Fund (75%) and the Downtown Heritage Building Seismic Upgrade Fund (25%) to be secured to the satisfaction of the City Solicitor and the Director of Sustainable Planning and Community Development;
 - b) preparation of a Zoning Regulation Bylaw amendment to accommodate the proposal;
 - c) preparation of legal agreements to the satisfaction of the City Solicitor and the Director of Sustainable Planning and Community Development to ensure that future strata bylaws cannot prohibit strata owners from renting residential strata units.
 - d) preparation of legal agreements to the satisfaction of the City Solicitor and the Director of Engineering and Public Works for sewage attenuation to mitigate the impact of increased density.
2. Review by the Advisory Design Panel of Development Permit Application #000377 prior to Council considering issuing the permit with special attention to the proposal's street relationship and contextual fit.
3. Following consideration of Rezoning Application #00425, that Council authorize the issuance of a Development Permit for 836-838 Broughton Street, in accordance with:
 - a) plans stamped Development Permit #000377 dated January 28, 2014;
 - b) development meeting all Zoning Regulation Bylaw requirements;

- c) final plans to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.
- 4. Following consideration of Rezoning Application #00425, that Council authorize staff to prepare and enter into an Encroachment Agreement for a fee of \$750 plus \$25 per m² of exposed shored face during construction, to the satisfaction of the City Solicitor and the Director of Engineering and Public Works.

Option Three: (Decline)

That Rezoning Application #00425 and Development Permit Application #000377 for 836 and 838 Broughton Street be declined.

7.0 Conclusions

This proposed development at 836 and 838 Broughton Street as a high density, mid-rise mixed use development would support the planning objectives for Downtown found in the OCP and the applicable local area plans for the Downtown Core Area and Cathedral Hill Precinct. While the DCAP includes the subject site in the "special density area" where there is no prescribed maximum density, the OCP identifies a base ceiling of 3:1 FSR for Core Residential areas located west of Quadra Street. It also identifies that bonus density up to approximately 5:1 FSR is supportable in these locations where a proposal significantly advances the OCP objectives. Accordingly, the applicant should provide a justification for the increased density from 3:1 FSR to 5:1 FSR based on OCP policy and the land lift analysis.

8.0 Recommendations

1. That Rezoning Application #00425 for 836 and 838 Broughton Street proceed for consideration at a Public Hearing, subject to:
 - (a) provision of a third-party land lift analysis that justifies any increase in density that exceeds the floor space ratio of 3:1 FSR with a contribution of 75% of the value of any identified land lift to be made to the Downtown Core Area Public Realm Improvement Fund (75%) and the Downtown Heritage Building Seismic Upgrade Fund (25%) to be secured to the satisfaction of the City Solicitor and the Director of Sustainable Planning and Community Development;
 - (b) preparation of a Zoning Regulation Bylaw amendment to accommodate the proposal;
 - (c) preparation of legal agreements to the satisfaction of the City Solicitor and the Director of Sustainable Planning and Community Development to ensure that future strata bylaws cannot prohibit strata owners from renting residential strata units.
 - (d) preparation of legal agreements to the satisfaction of the City Solicitor and the Director of Engineering and Public Works for sewage attenuation to mitigate the impact of increased density.
2. Review by the Advisory Design Panel of Development Permit Application #000377 prior to Council considering issuing the permit with special attention to the proposal's street relationship and contextual fit.

3. Following consideration of Rezoning Application #00425, that Council authorize the issuance of a Development Permit for 836-838 Broughton Street, in accordance with:
 - (a) plans stamped Development Permit #000377 dated January 28, 2014;
 - (b) development meeting all *Zoning Regulation Bylaw* requirements;
 - (c) final plans to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.
4. Following consideration of Rezoning Application #00425, that Council authorize staff to prepare and enter into an Encroachment Agreement for a fee of \$750 plus \$25 per m² of exposed shored face during construction, to the satisfaction of the City Solicitor and the Director of Engineering and Public Works.

9.0 List of Attachments

- Zoning map
- Aerial photo
- Letters from architect, stamped December 3, 2013
- Letter from applicant, stamped February 3, 2014
- Plans for Rezoning Application and Development Permit Application, stamped January 28, 2014
- Minutes from Fairfield and Gonzales Community Association Meeting on October 21, 2013.



836 and 838 Broughton Street
Development Permit #000337

Rezoning Application # 00425 and Development Permit Applicat...



**Musson
Cattell
Mackey
Partnership**

December 2, 2013

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

Attention: **Mayor and Council**

Dear Sirs:

Re: **838 BROUGHTON STREET
OUR PROJECT NO. 213029.01 – 1.6.1.1
REZONING AND DEVELOPMENT PERMIT APPLICATION**

Architects
Designers
Planners

A Partnership
Of Corporations

1600 - Two Bentall Centre
555 Burrard Street, Box 264
Vancouver, British Columbia
Canada V7X 1M9

This letter is in support of our application for a Rezoning and Development Permit for the above property. The proposal is for a residential condominium tower with a total floor area of 6,686 square metres (71,970 square feet) and a floor space ratio of 5:1. The proposed building is 10 stories high, with an overall height of 29.9 metres (98 feet), and has a total of 85 residential units.

T 604. 687. 2990
F 604. 687. 1771
www.MCMParchitects.com

Planning Policy

This property is situated in the northeast corner of the Fairfield neighbourhood, adjacent to the Downtown and Harris Green neighbourhoods. More specifically, it is within the Cathedral Hill Precinct Plan of Fairfield. In addition to the Official Community Plan and the Cathedral Hill Precinct Plan, the property is also covered by the Downtown Core Area Plan 2011. The Official Community Plan 2012 envisages floor space ratios to a maximum of 5:1 in this area, while the Downtown Core Area Plan 2011 more specifically deals with height limits of 30 metres. These approved policies and documents may be described as generally having the following objectives:

- Provide greater density and housing opportunities in and around the downtown core.
- Facilitate a transition area in terms of height and density between the downtown to the west and the lower density residential areas in Fairfield to the south and east.
- Enhance the streetscape through building and landscape design.

Design Response

This project provides 85 one and two bedroom condominium residential units, generally at a smaller, affordable scale. Ground level units have direct access from the street; all other units have access to roof decks, balconies, or open windows with "Juliet" style balconies. A common rooftop amenity area is provided for the use of all residents; it will have a barbeque and seating areas and landscaping, and will enjoy views in all directions.

Mayor and Council, City of Victoria
December 2, 2013



**Musson
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Partnership**

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The existing street has a mix of uses, scales and heights of buildings; generally most of the existing buildings are in the two-to-three-storey range. In recognition of this, the lower four floors of the proposal are set back approximately 2 metres from the property line, while the above levels 5 to 8 are stepped further back, and levels 9 and 10 are further back again. Setbacks and variations not only provide architectural interest when seen from a distance, but provide a more human scaled view scape for passers-by.

Sustainability

By its nature, a higher density project of this nature serves sustainability goals by providing residential opportunities within walking distance of downtown employment and amenities, and its adjacencies to transit routes. In recognition of these advantages, a lower parking ratio of .65 cars per unit is proposed. There is a large bicycle storage facility conveniently located at the ground level with space for 100 bicycles for the 85 apartments. This room will also have a repair table provided with holding clamps, etc. for the use of cyclists. There is also provision for motor scooters in the first parking level.

The project will be fully compliant with the new energy requirements being incorporated in the British Columbia Building Code as of December 2013. These include:

- High performance building envelopes in terms of insulation values, reduced window areas.
- Energy efficient lighting and electrical systems, including motion sensors lighting, LED lighting and other similar provisions.
- Low flush toilets and high efficiency plumbing fixtures, drought-tolerant landscaping and efficient drip irrigation.
- Construction waste management during construction.

Other than areas for entry / exit, private terraces, and mechanical equipment, a considerable part of the remaining roof is devoted to intensive planting, whether as screening and privacy elements at the ground and second levels, or as part of a roof garden at the top of the building for use by all residents.

The proposed building relies on fresh air ventilation and does not have air-conditioning systems. Efficient electric heating systems will have time-controlled thermostats.

CPTED

As noted above, one of the policy goals of development in this area is to enhance the streetscape and pedestrian experience, including the feeling of safety and security. It is achieved in the project through the design provision of street level units ("eyes on the street"), and an open lobby entry area fully visible from the street and adjacent to the parkade entry.

Mayor and Council, City of Victoria
December 2, 2013

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Floor Area Exemption

Rooms for bicycle parking and storage lockers have been located at the rear of the ground floor. As the ceilings in these rooms will be more than 1.8 metres above grade (will be approximately 2.7 metres), under the Zoning Bylaw they would be included in the total floor area. We are asking that these areas be exempted from the floor area.

From a design perspective, locating these facilities at the rear of the ground floor utilizes space that has no other practical purpose. If the area was treated as private outdoor space for dwelling units, it would mean those units would open into a space surrounded by blank walls to the east and west, with unknown future developments to the north (and currently a fairly unkempt area), and being on the north side, mostly in shadow. It is not a desirable area either for outlook or for an outdoor space.

Locating the bicycle parking and storage lockers at this level provides much better access for residents than locating them in basement levels as is commonly done. This is especially true for bicycle facilities which are used on a daily basis.

It is also worth noting that the Bylaw exempts floor area above grade that is used for motorized vehicle parking. To exempt cars and yet count bicycle space is, we submit, unfair and runs against the broader goal of encouraging cycling and lessening dependence on cars.

Adaptable Units

Fifty percent of the units will be constructed to the City's Adaptable Housing Standards, which allow for fitting out for the infirm and people in wheelchairs.

In summary, we believe this project will help in meeting policy objectives of the City of Victoria for this area, and provide a very livable and affordable opportunity for residents.

Yours truly

**MUSSON CATTELL MACKEY PARTNERSHIP
ARCHITECTS DESIGNERS PLANNERS**



Bill Reid, ARCHITECT AIBC, MRAIC, CP
William J. Reid Architect Ltd., Partner

BR:eer

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February 3, 2014

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

Attention: Ms. Helen Cain, Senior Planner

Dear Ms. Cain,

Re: Density Bonus - 836/838 Broughton Street, Victoria BC

Further to our meeting of January 30, 2014 with Deb Day and Alison Meyers, we are writing to advise on our views regarding the City of Victoria Density Bonus Provisions.

Firstly, in our opinion, the Downtown Core Area Density Bonus system is contrary to the City's attempts to implement an OCP and DCAP that will assist in creating a vibrant downtown and an affordable supply of new residential housing. It has the effect of increasing the cost of the end product by introducing a hidden tax and compounding an already challenging set of development and market conditions.

In our view, the City should be encouraging projects in any way possible to achieve downtown rejuvenation and healthy growth as you have outlined in other section of the OCP and DCAP. By working with developers to address affordability issues head-on, the City could support a healthy downtown core alongside the benefits of higher property taxes in perpetuity rather than looking for a onetime 'tax grab' in the form of a density bonus payment.

Secondly, with regards to the proposed rezoning of 836/838 Broughton Street from a base density of 3.0 FSR to 5.0 FSR as outlined and permitted under the City policies, we will undertake the following in an attempt to have our application processed efficiently and in recognition of the City's policies:

1. Undertake a bonus density analysis by one of the two preferred economists selected by the City of Victoria.
2. Request Staff consider that this application be processed using the bonus density policy uplift formula of 25% as outlined in Section 4.15.1 rather than Section 4.15.2 given:
 - The application for rezoning and DP was submitted to the City of Victoria on December 3, 2013.

- The subject property backs onto the downtown area where the 25% land lift value was illustrated.
- We understand that the demarcation line was somewhat arbitrary at the time that Maps 14 and 15 were prepared. We consider a 75% Bonus density uplift to be very punitive with a direct impact on increasing costs of housing within the neighbourhoods that are adjacent to the downtown core.

We expect that the City will likely require 836/838 Broughton to include a sewer attenuation system that will add at a minimum \$250,000 in costs to the development. The size of a 14,400 liter tank is very significant in any urban development and will likely reduce parking stalls by 3 or 4 stalls. The requirement for holding tanks is another challenge and cost to developing in downtown Victoria.

In summary, we request the consideration of City Staff on the following:

1. If a Density Bonus payment is required, have it based on 25% of the land lift value as the application was made prior to December 3, 2013 and given the subject property backs onto the designated area which require a 25% calculation.
2. The elimination of a sewer attenuation tank for the development that imposes increased development costs for the project and increased strata fees arising from maintenance costs for the owners of the suites in the long term.

Should you have any questions or comments on our requests please do not hesitate to call me directly.

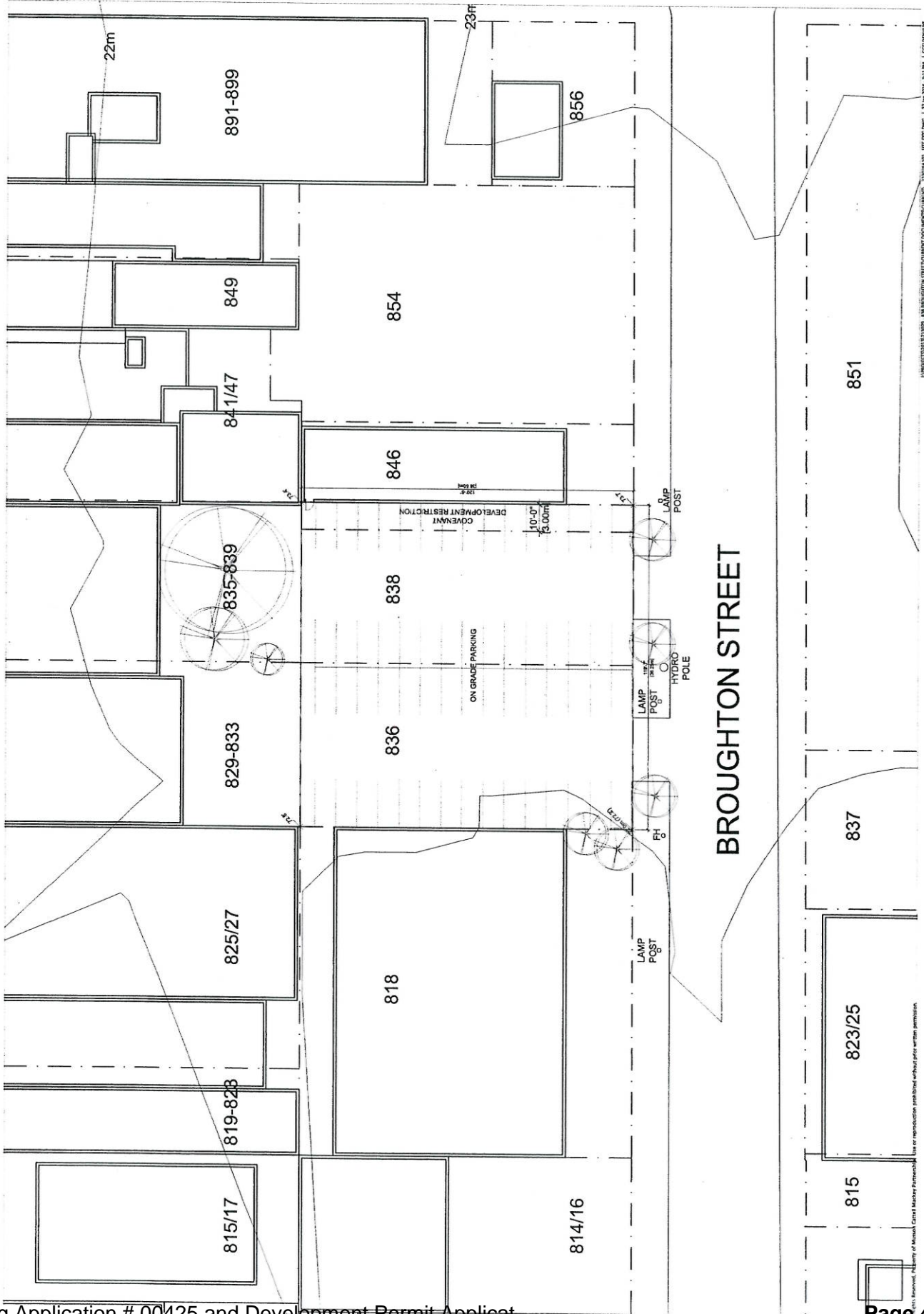
Thank you for your consideration.

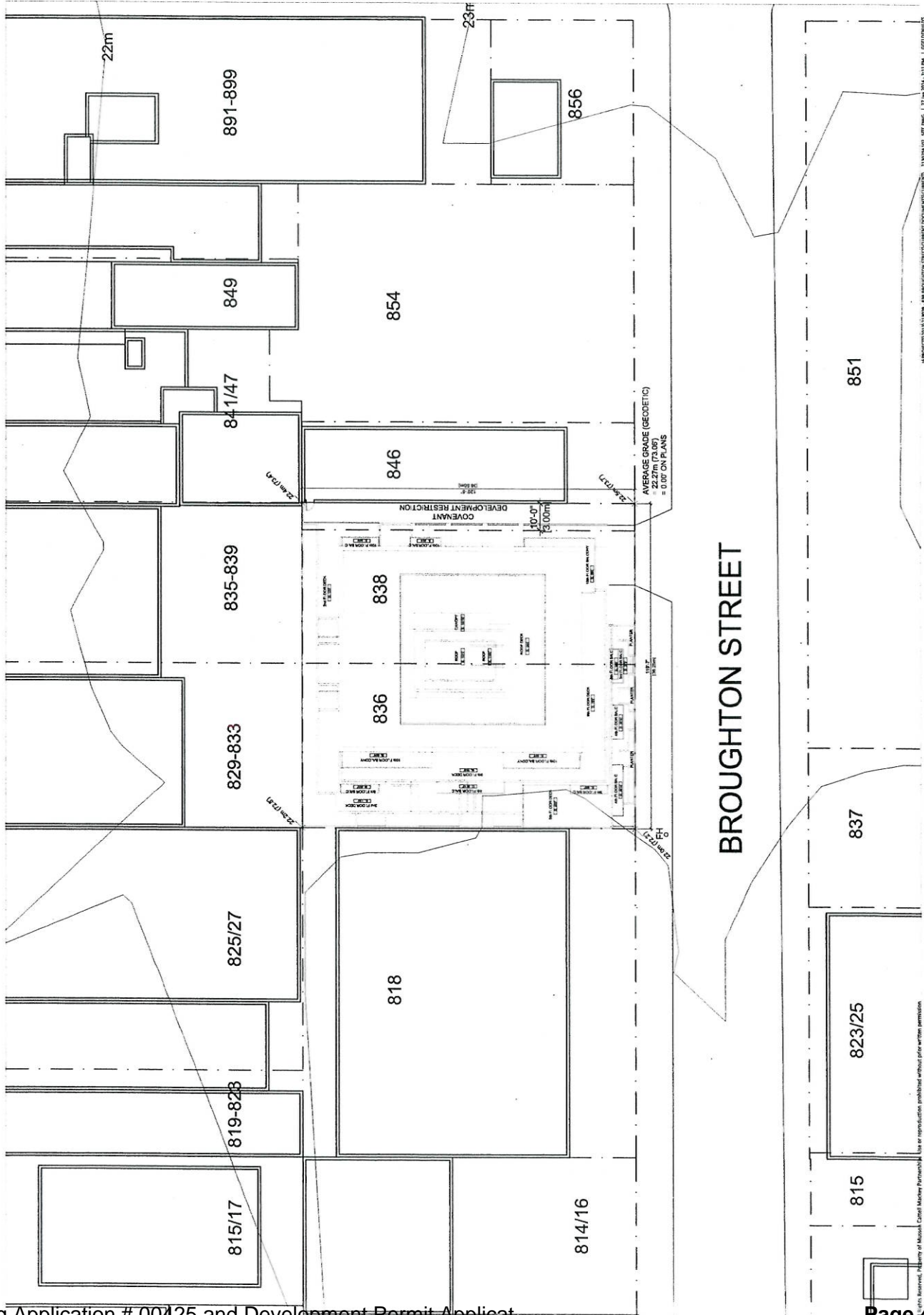
Yours truly,
CHARD DEVELOPMENT LTD.

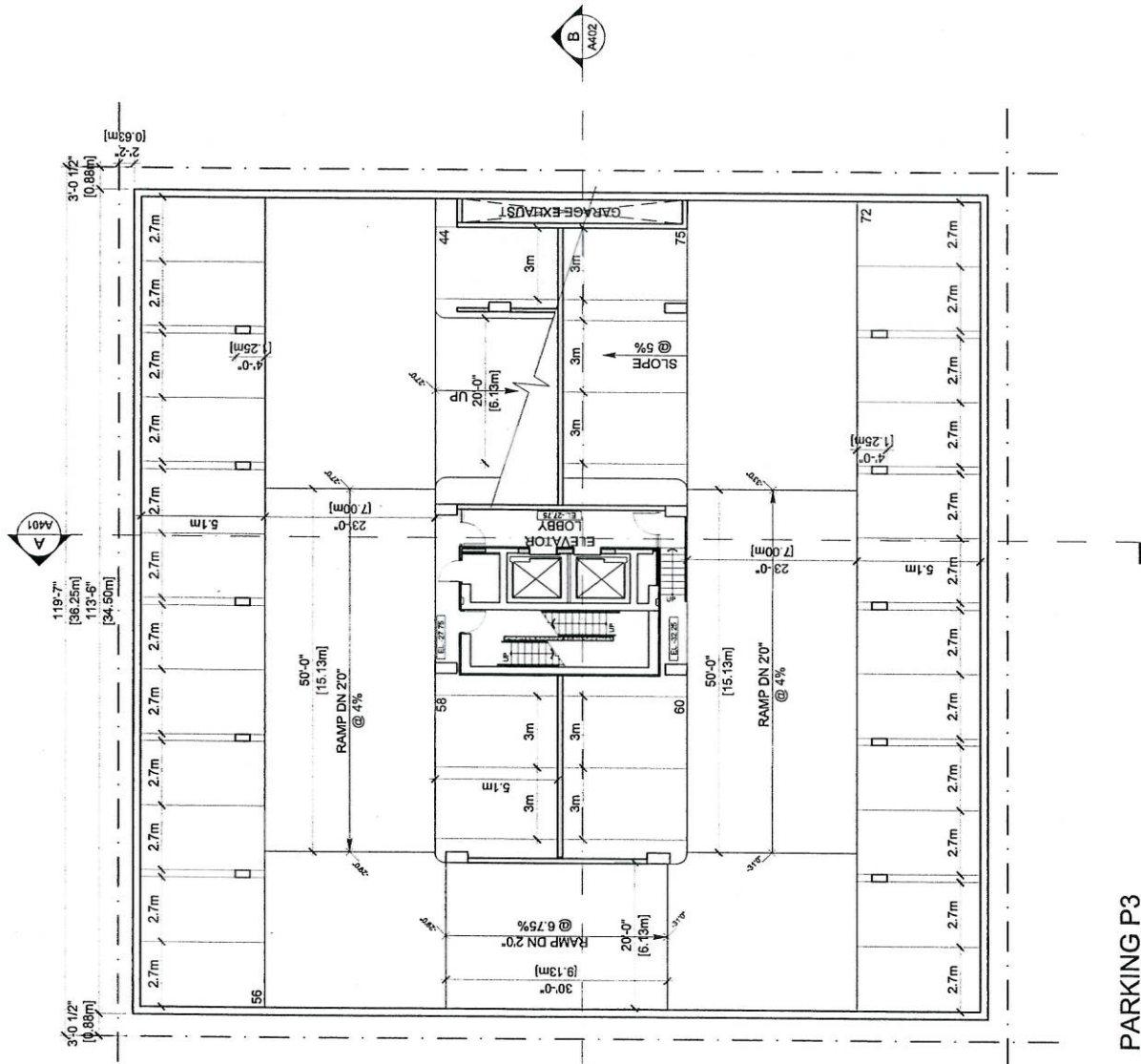


David Chard
dave@charddevelopment.com

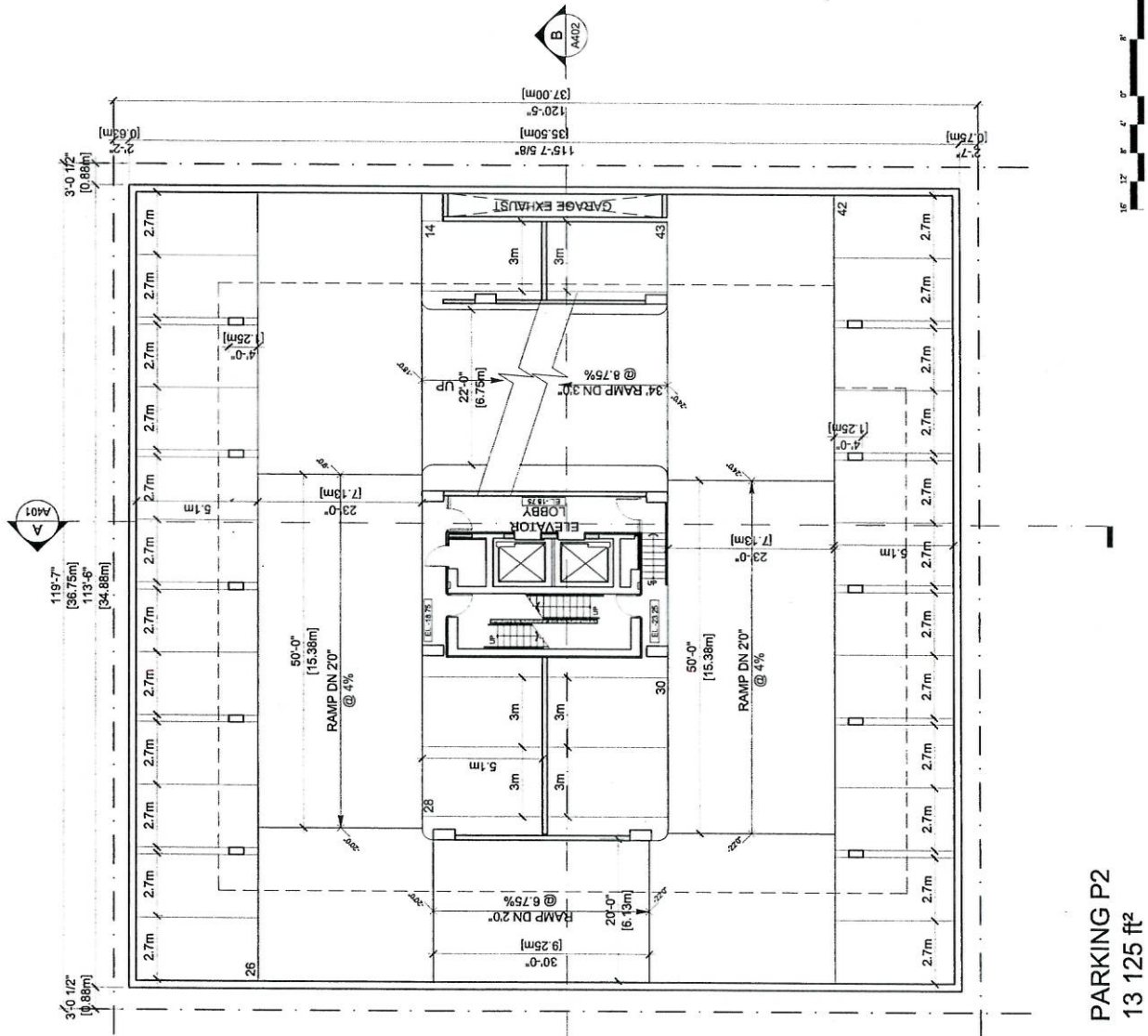
Cc: Alison Meyers – Assistant Director, Development Services
Deb Day – Director of Planning & Development



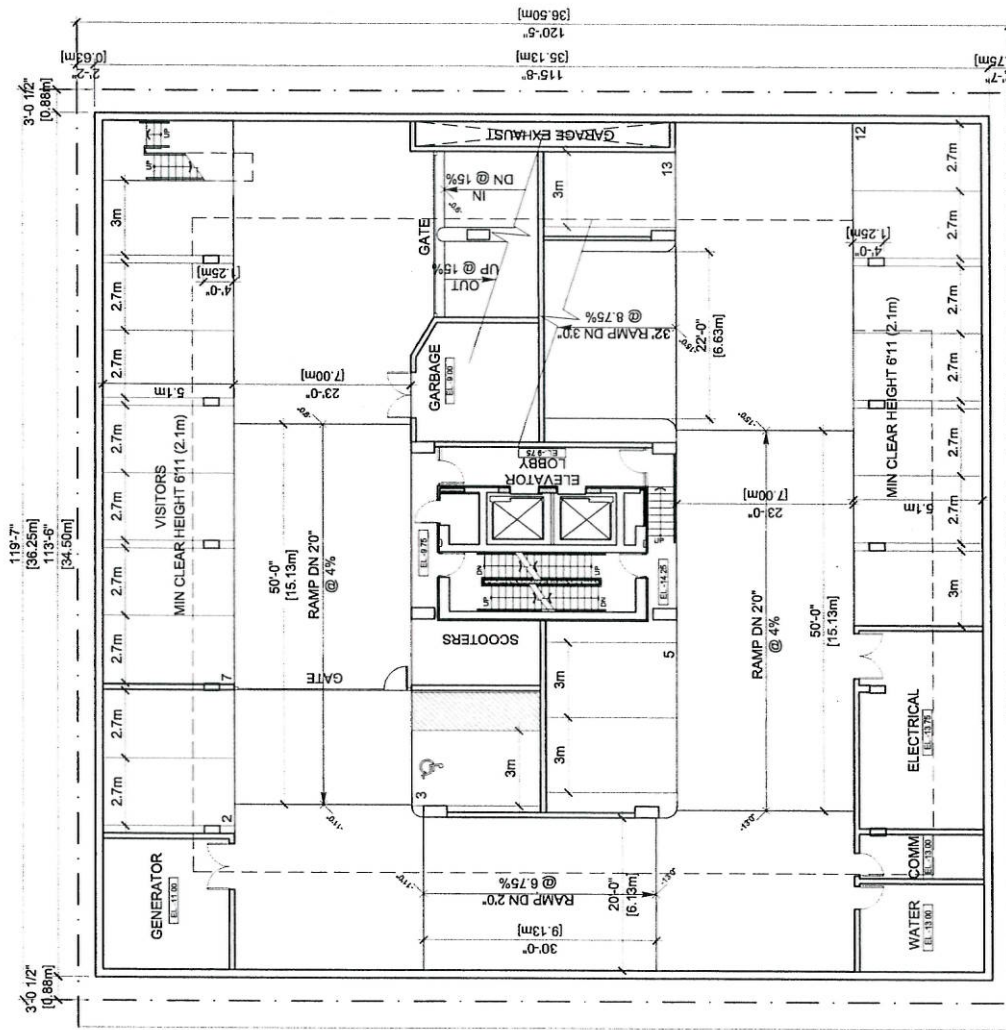




PARKING P3
13 125 ft²

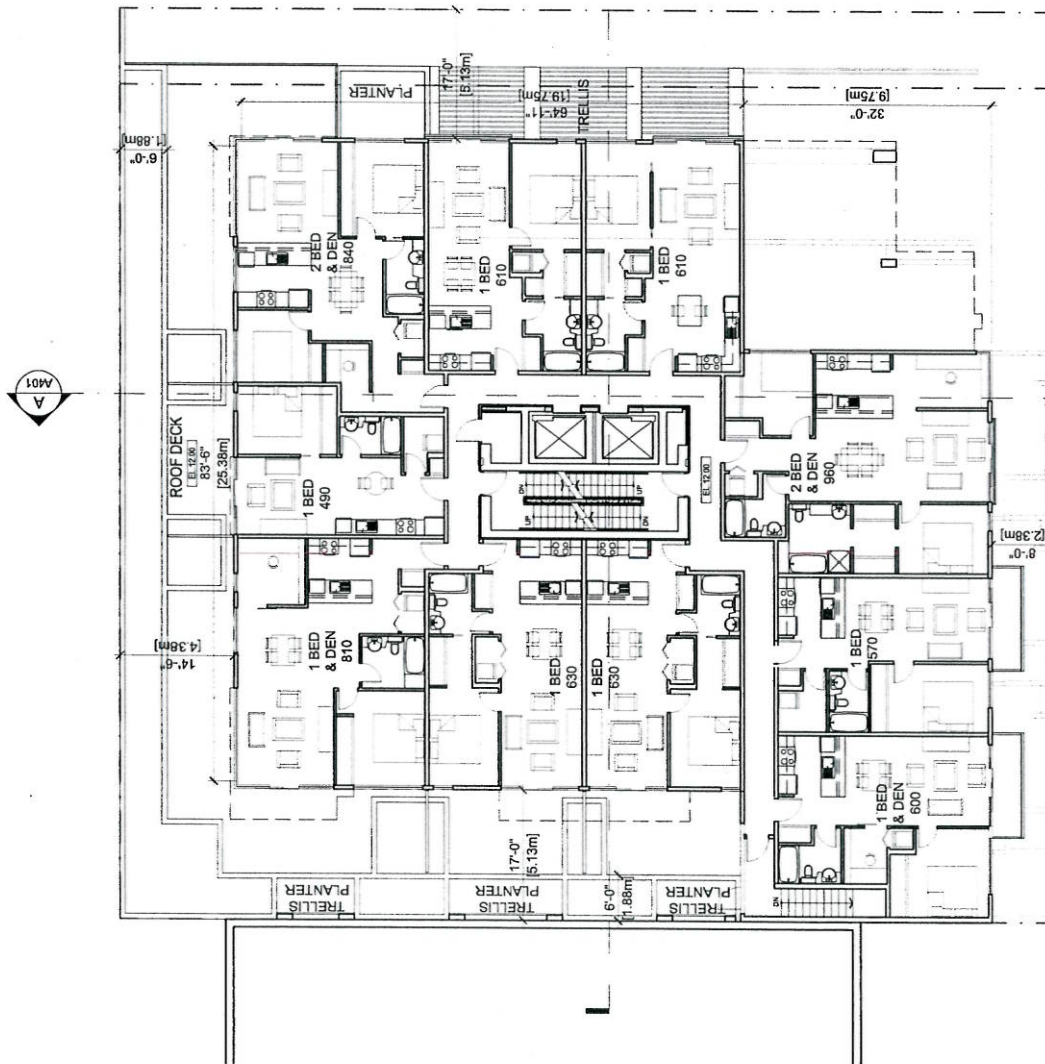
PARKING P2
13 125 ft²

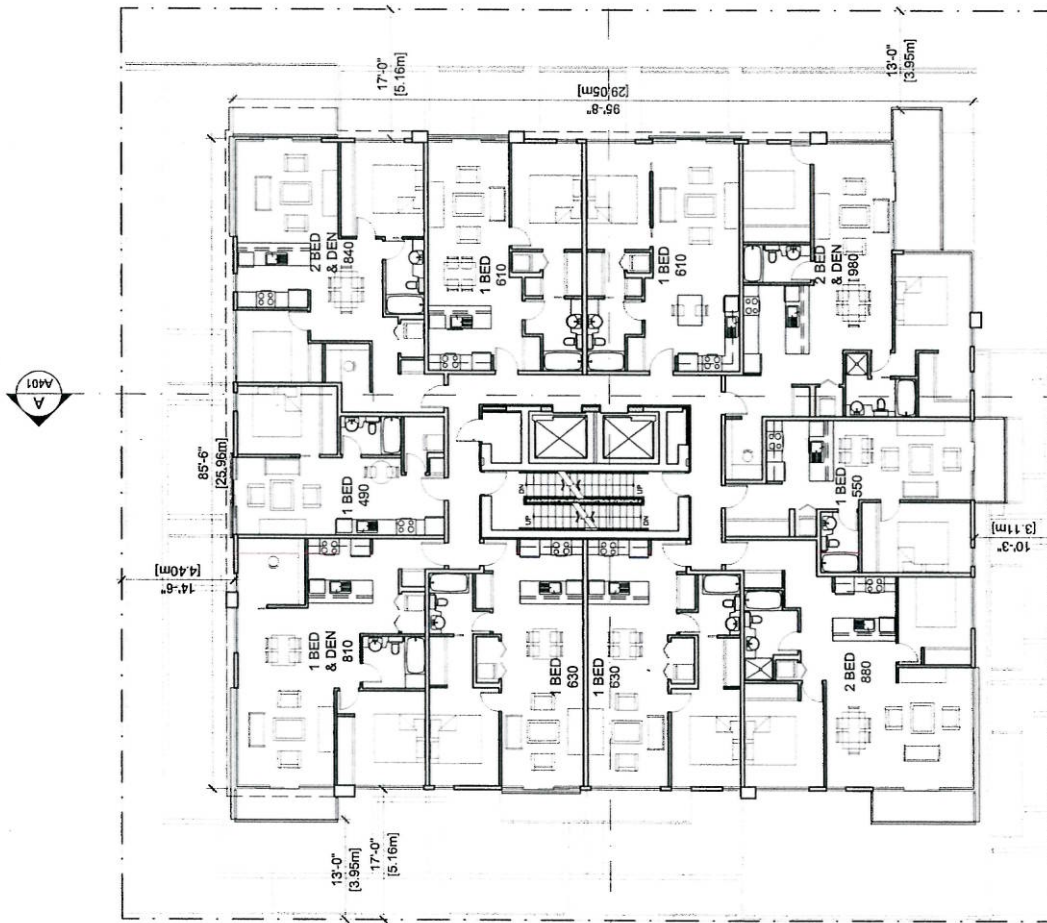
1"=10'-0" (30.48m) 1/8"=1'-0" (30.48m) 1/16"=1'-0" (30.48m) 1/32"=1'-0" (30.48m) 1/64"=1'-0" (30.48m)



PARKING P1
13 125 ft²

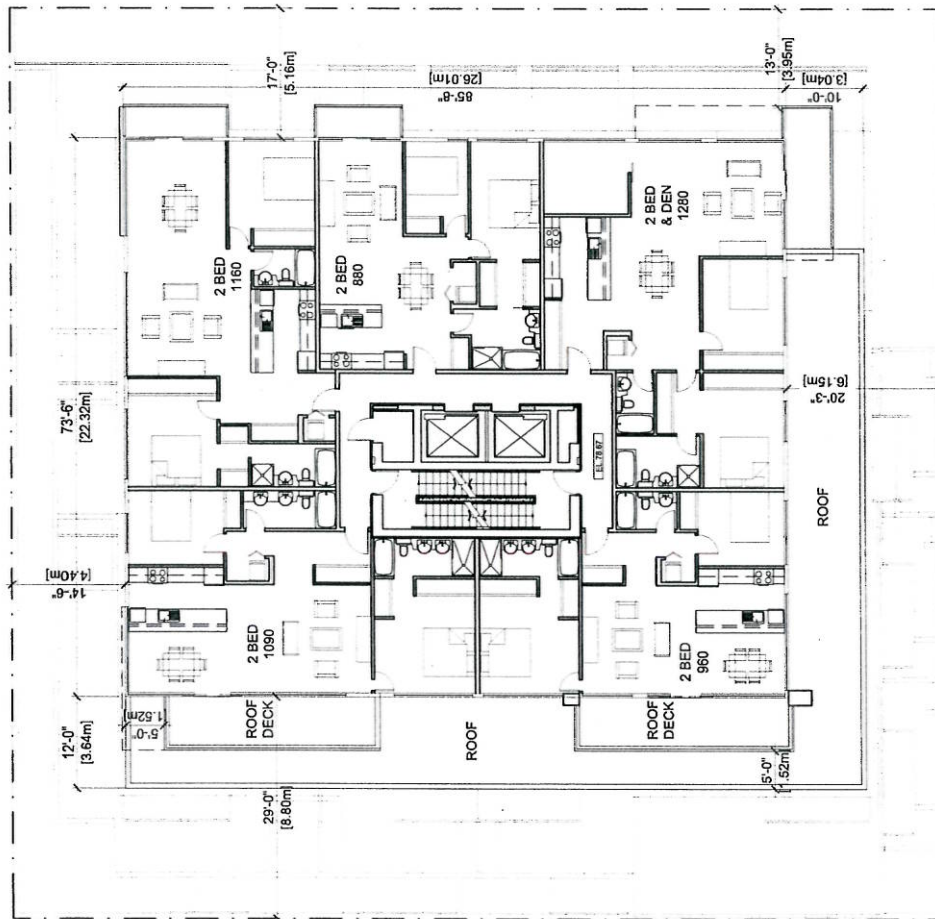






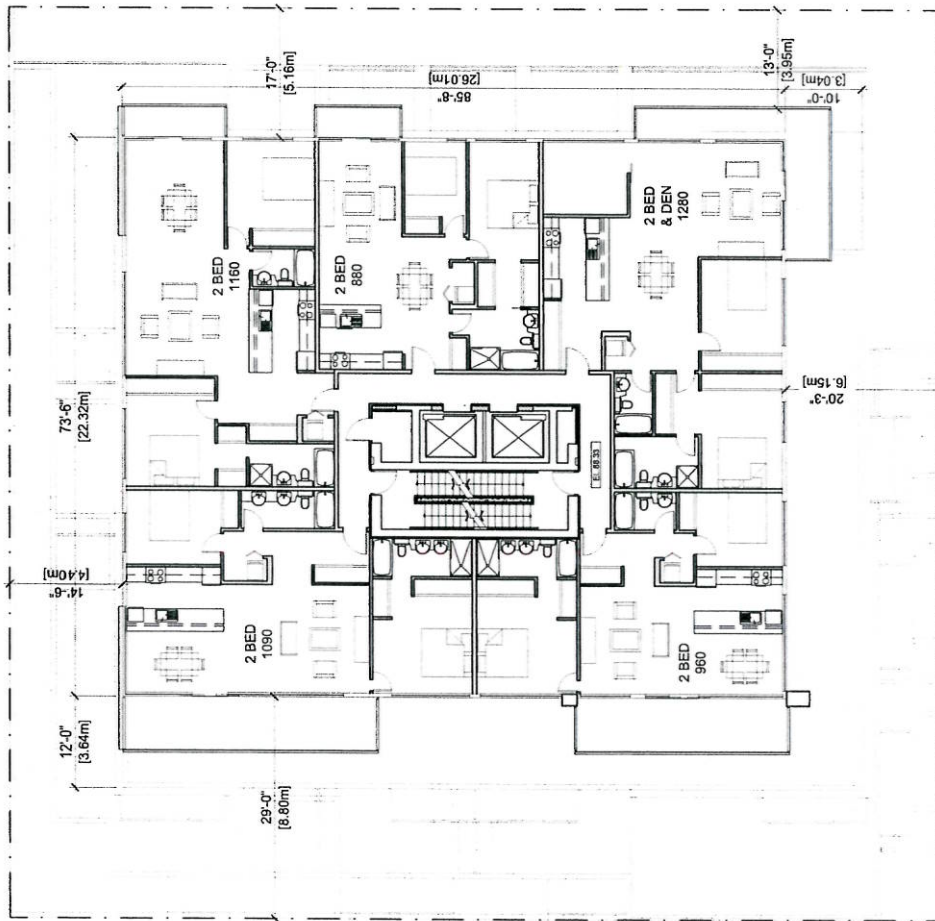
FIFTH THRU EIGHTH FLOOR
7 746 ft²





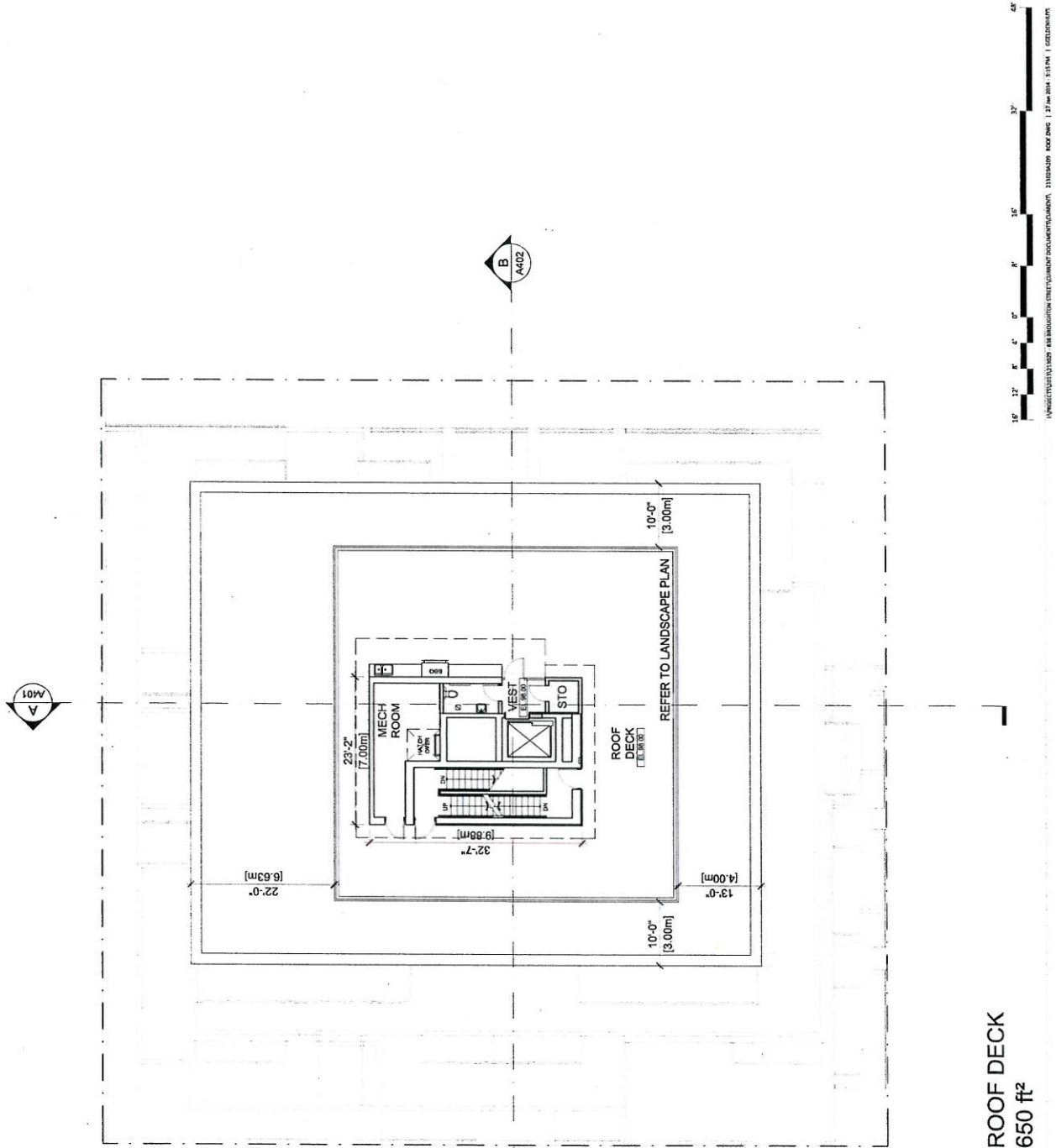
NINTH FLOOR
6 036 ft²





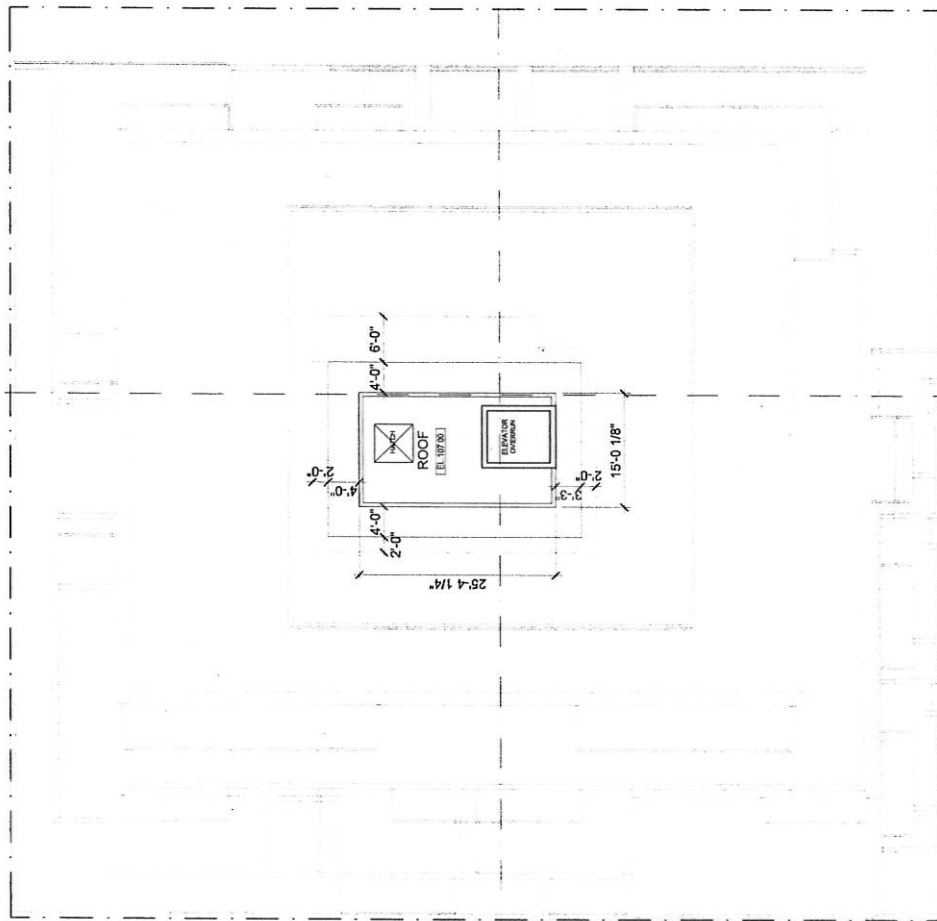
TENTH FLOOR
6 036 ft²





ROOF DECK
650 ft²

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A
A401B
A402

ROOF PLAN





MCM

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Architects
Designers
Planners

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838
BROUGHTON ST
VICTORIA, BC

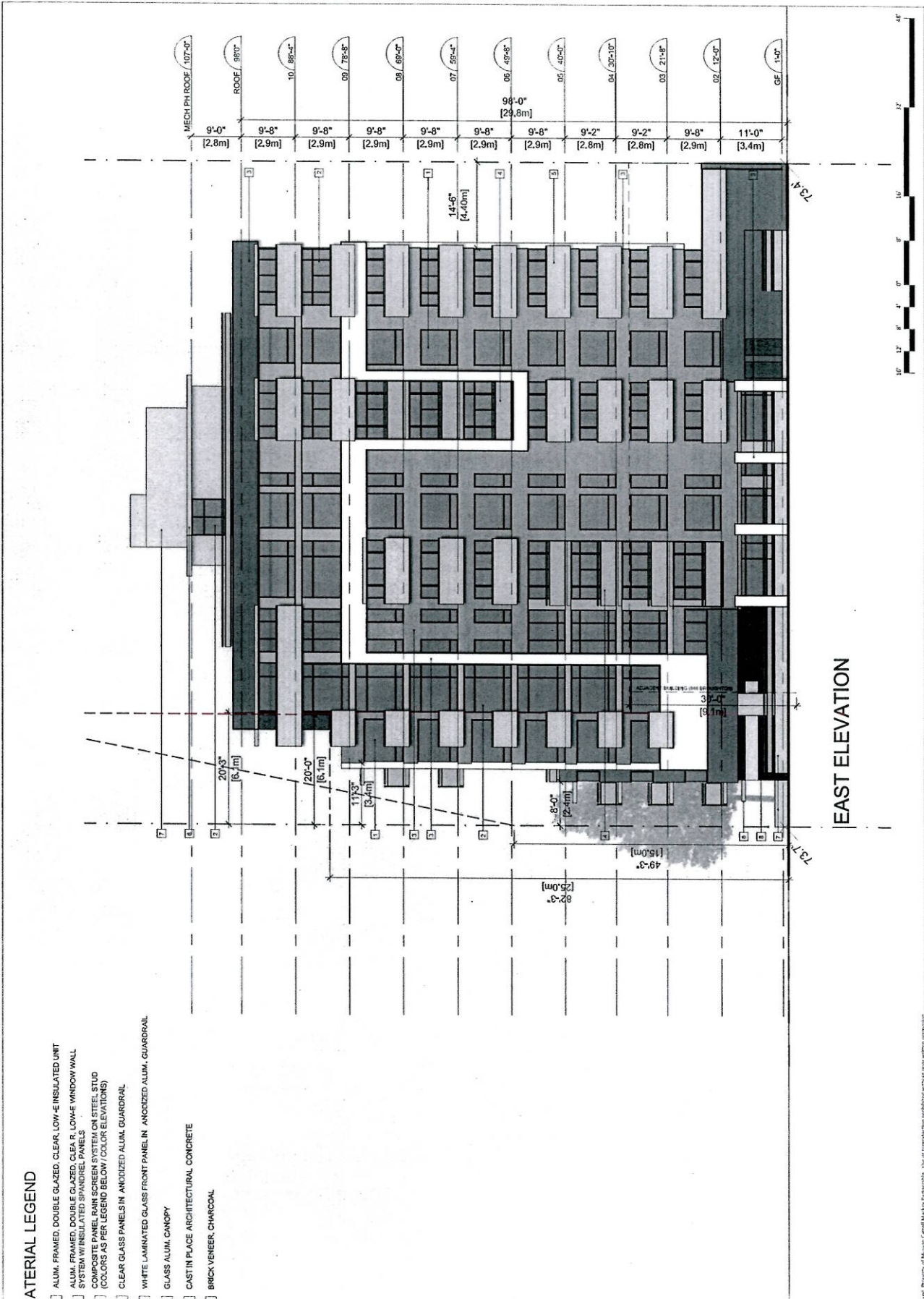
Project #:
213029.1

2 PAGES 11 OF 11 SUBMISSION
20 JAN 14 OF REVISIONS

EAST
ELEVATION

1/16" = 1'-0"

A.302



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838
BROUGHTON ST
VICTORIA, BC

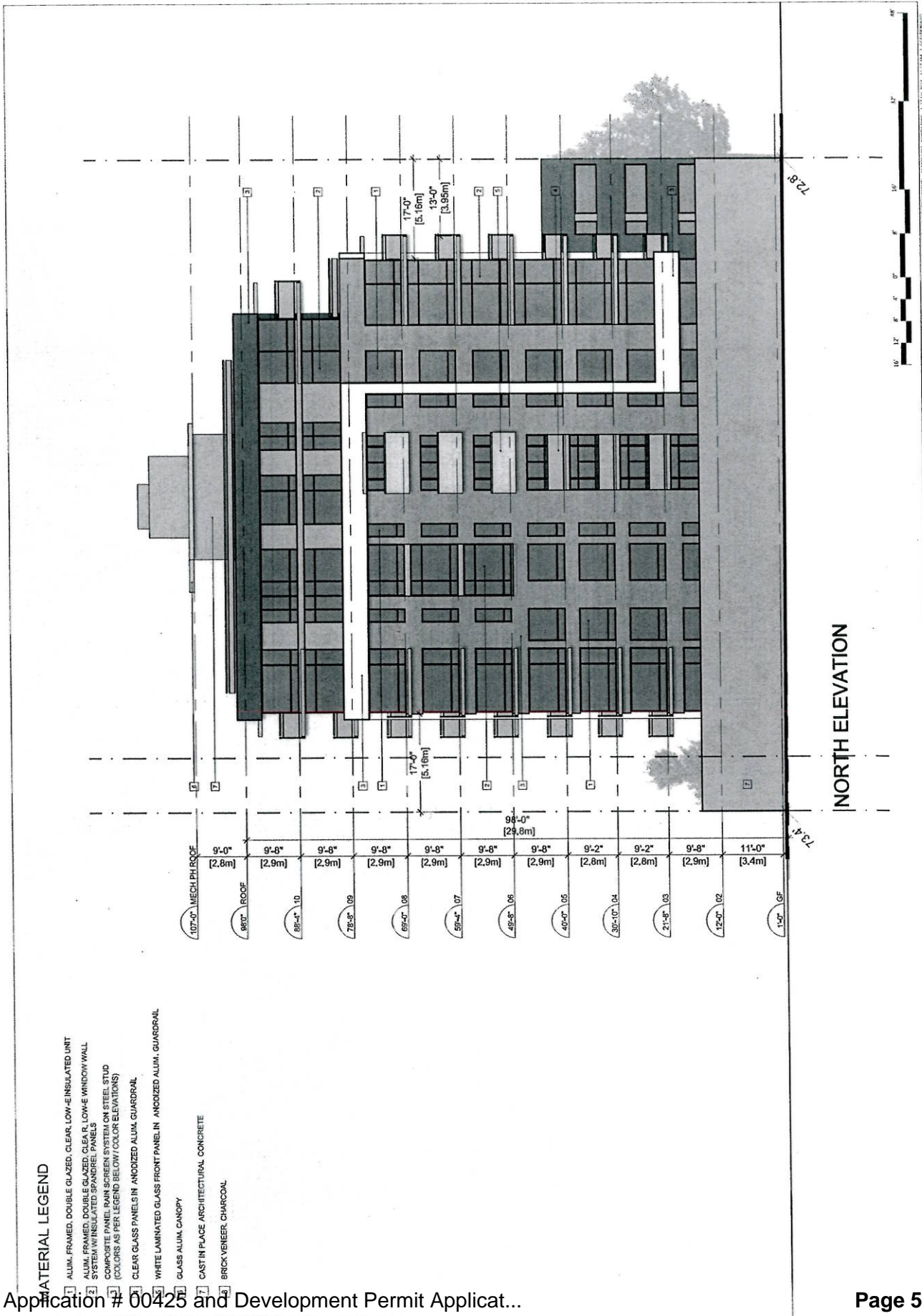
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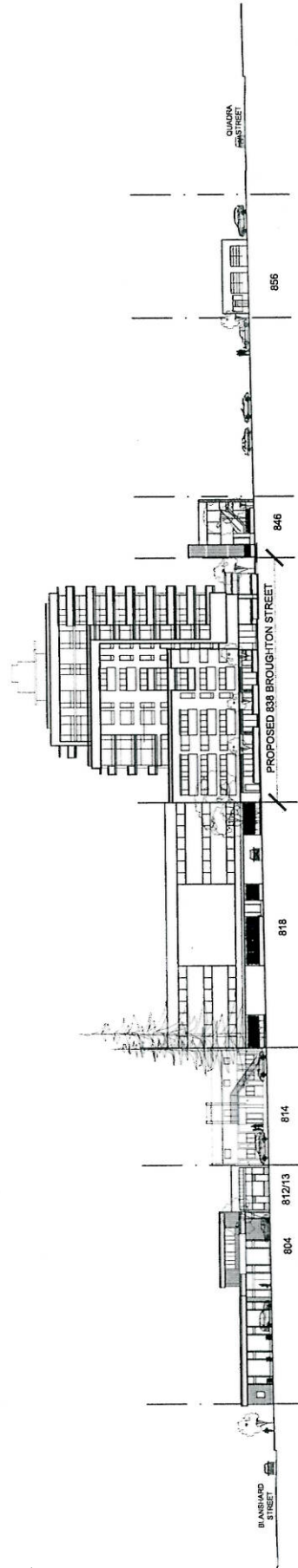
2 DAY 11:00 SUBMISSION
28 JAN 14 09:00 CLOSURE

NORTH
ELEVATION

1/16" = 1'-0"

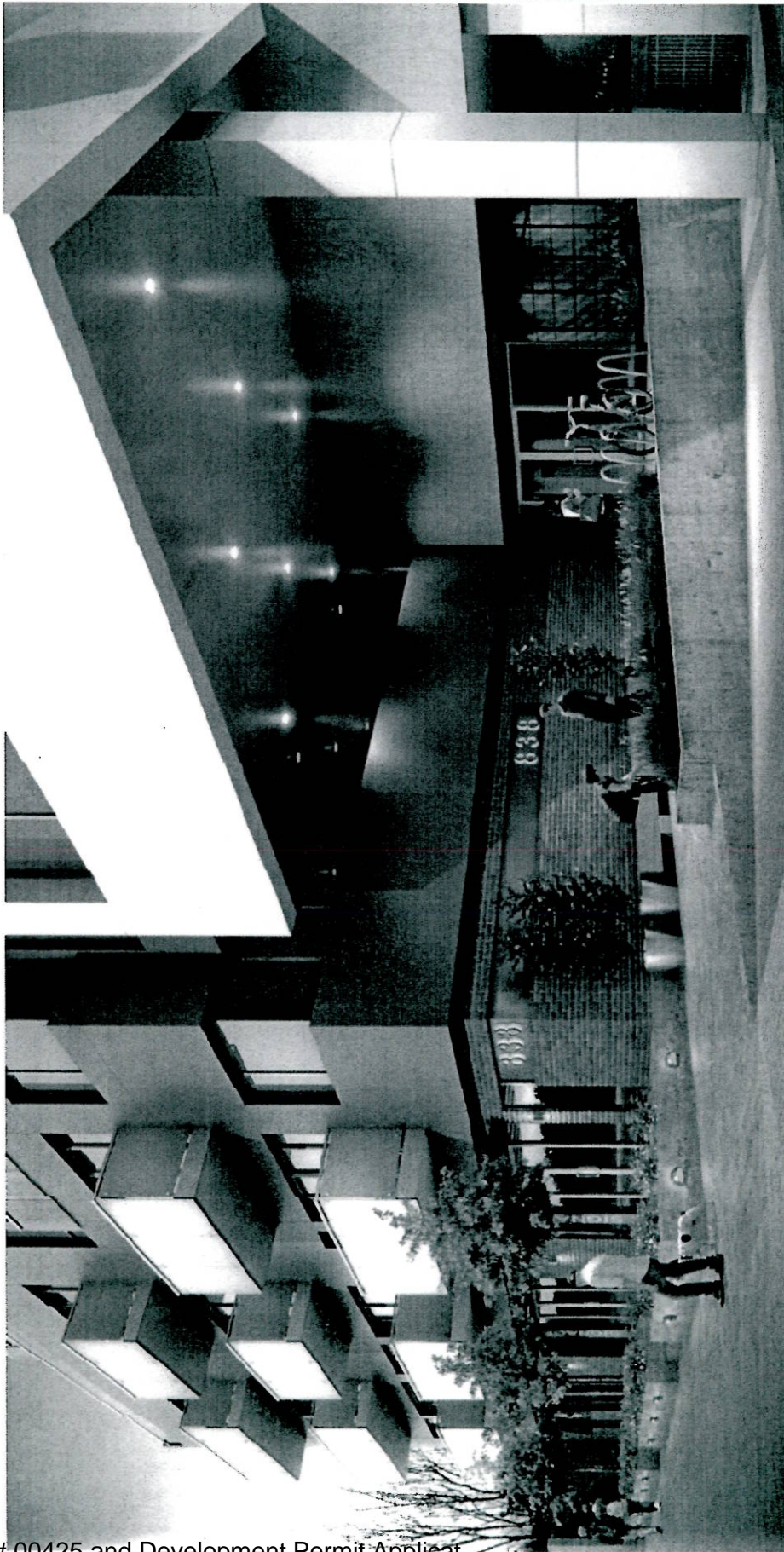
A.303





PROPERTY DESIGN & CONSULTING INC. 1100 BROADVIEW STREET, SUITE 100, VICTORIA, BC V8W 2Y1. TEL: 250-383-1100. FAX: 250-383-1101. WWW.PDSI.VIC.BC.CA

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838
BROUGHTON ST
VICTORIA, BC

Project #
213029.1

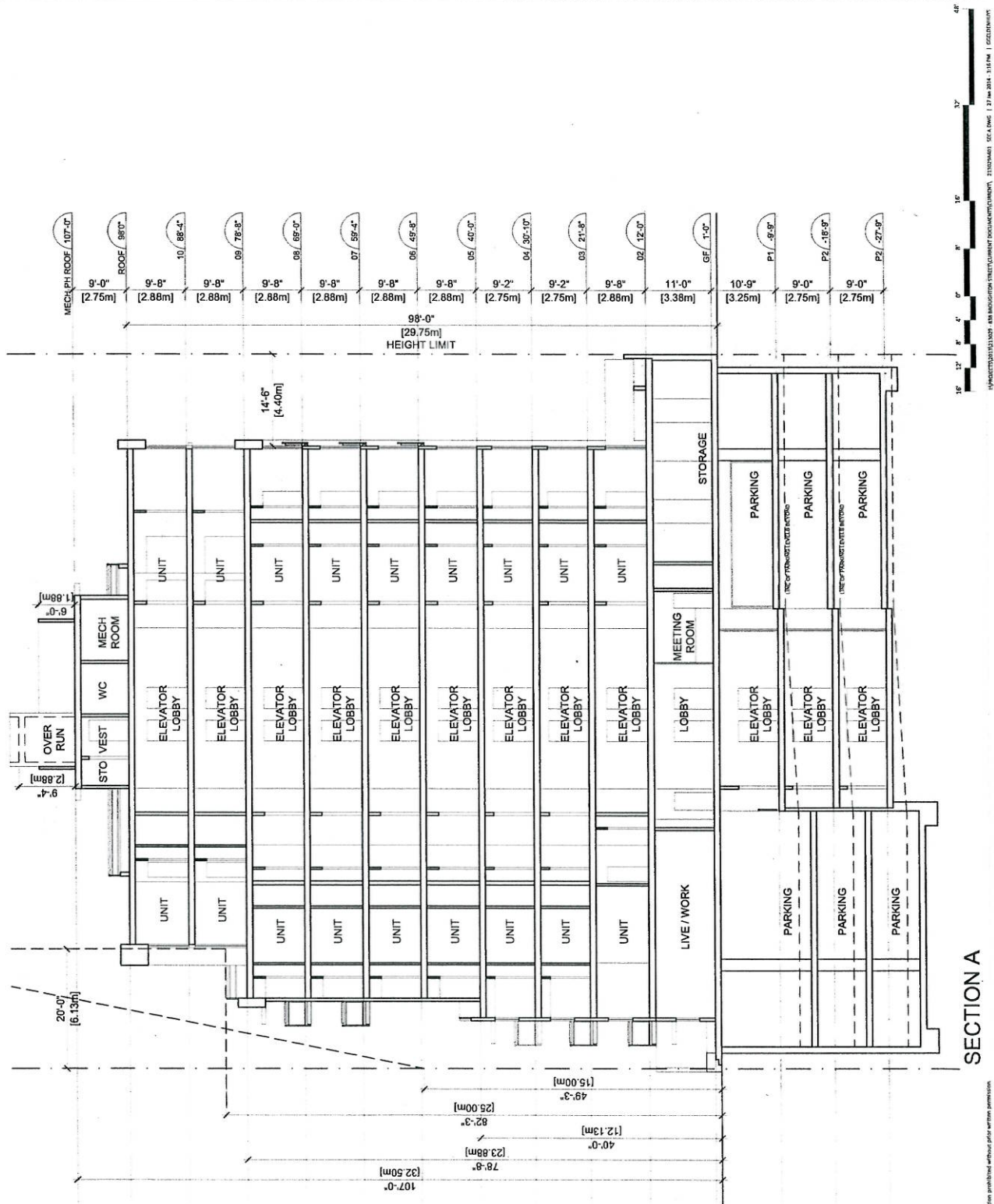
2 DEC 13 DP SUBMISSION
26 JAN 14 DP REVISIONS

Planning and Land Use Committee - 20 Feb 2014

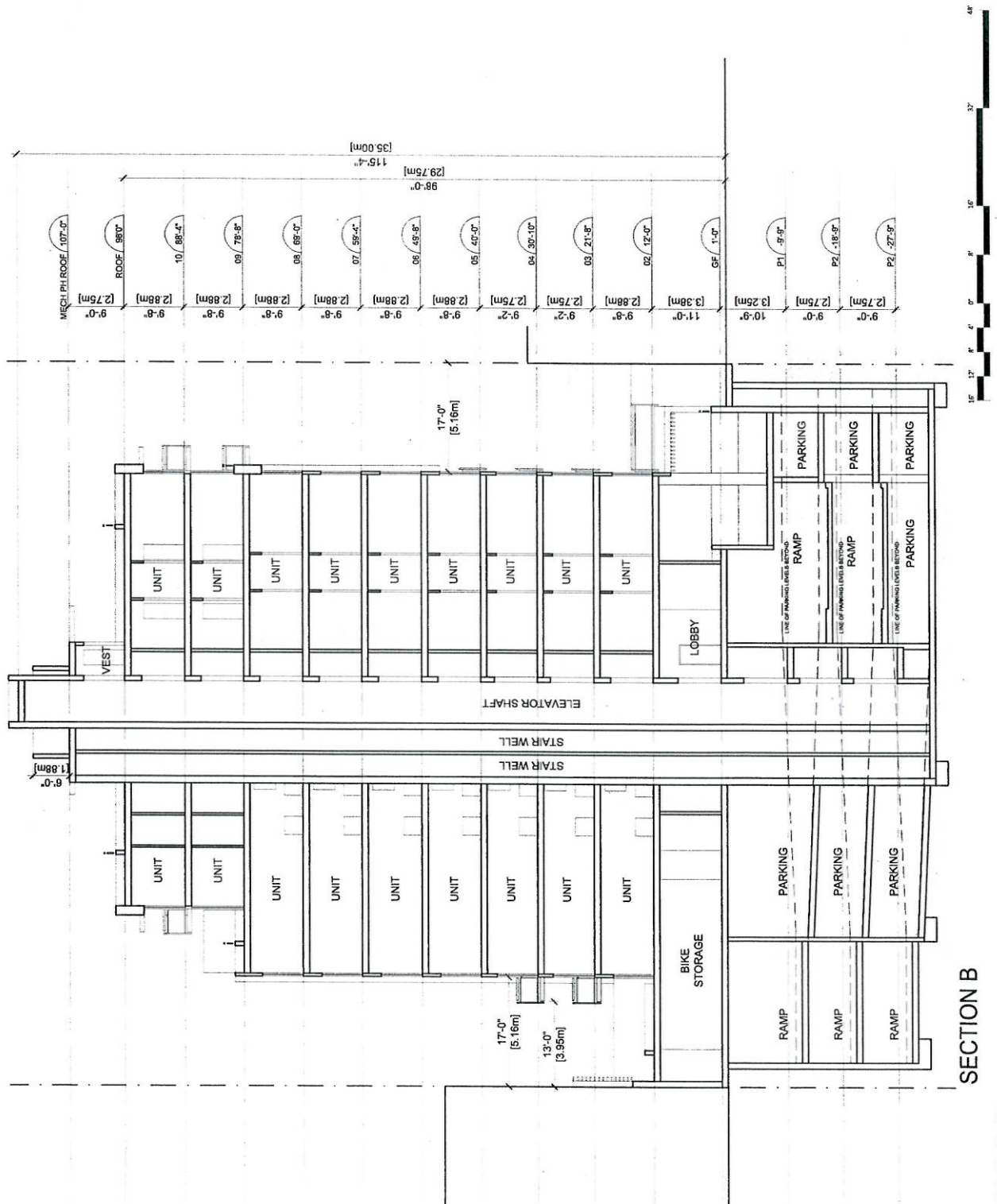
SECTION A

1/16" = 1'-0"

A.401



SECTION A



SECTION B

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B Jan 27-14 Issued for DP
A Nov 27-13 Issued for DP



LADR LANDSCAPE ARCHITECTS

28-495 Duglin Rd. Victoria, B.C. V8C 1K2
Phone: (250) 598-0105 Fax: (250) 412-0900

PROJECT

838 Broughton Street
Victoria, BC

TITLE

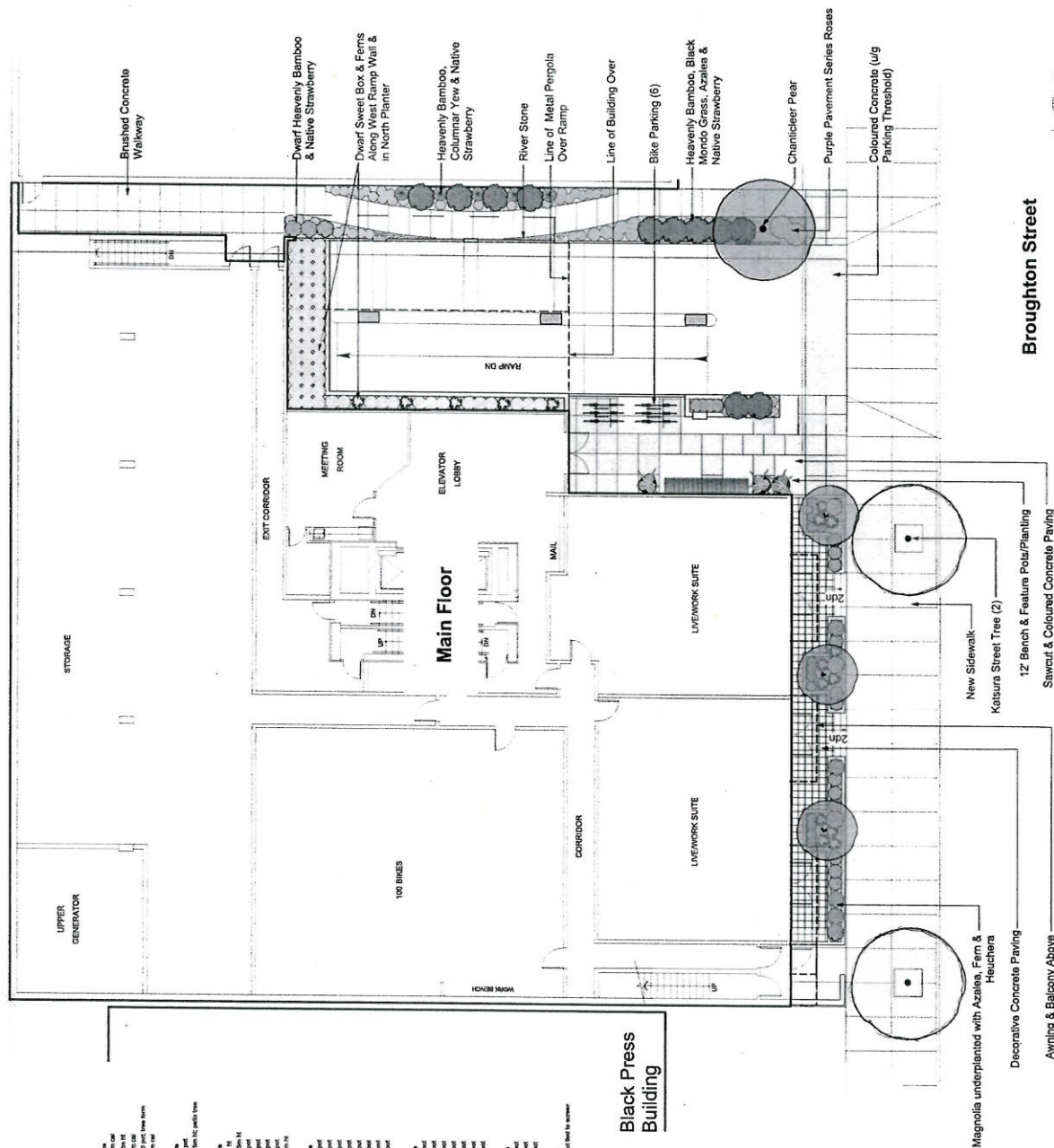
Landscape Concept Plan
Ground Level &
Nursery Schedule

SCALE
1/8"=1'-0"

PROJECT NO
1325

DATE
Nov 26-13

L1 of 3
SHEET



Recommended Nursery Stock

Trees		Quantity	Notes
Total 10			
Large Shrubs			
Total 4			
Medium Shrubs			
Total 28			
Small Shrubs			
Total 140			
Perennials, Annuals and Ferns			
Total 120			
Groundcovers			
Total 52			
Vines			
Total 14			

Notes:
1. All work to be completed to current BCCLA Landscape Standards.
2. All soft landscape to be irrigated with an automatic irrigation system.

Black Press Building

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LADR
28-605 Dwyer Rd., Victoria, B.C. V8T 2R8
Phone: (250) 598-0105 Fax: (250) 472-9098

PROJECT
838 Broughton Street
Victoria, BC

TITLE

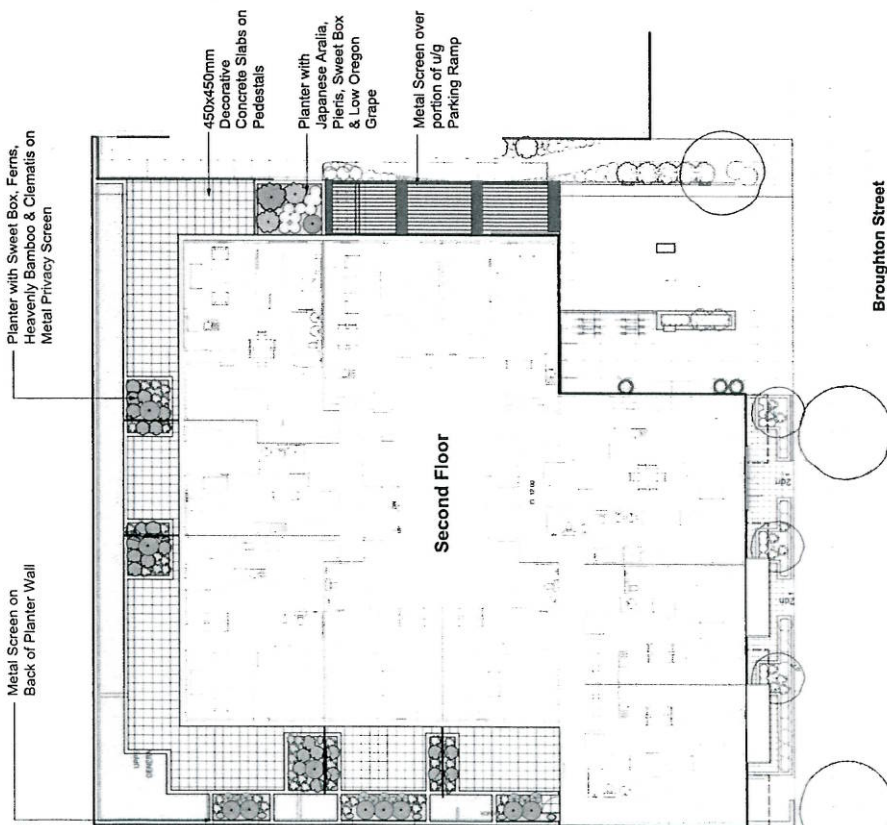
Landscape Concept Plan
Second Floor & Roof

SCALE
3/32"=1'-0"

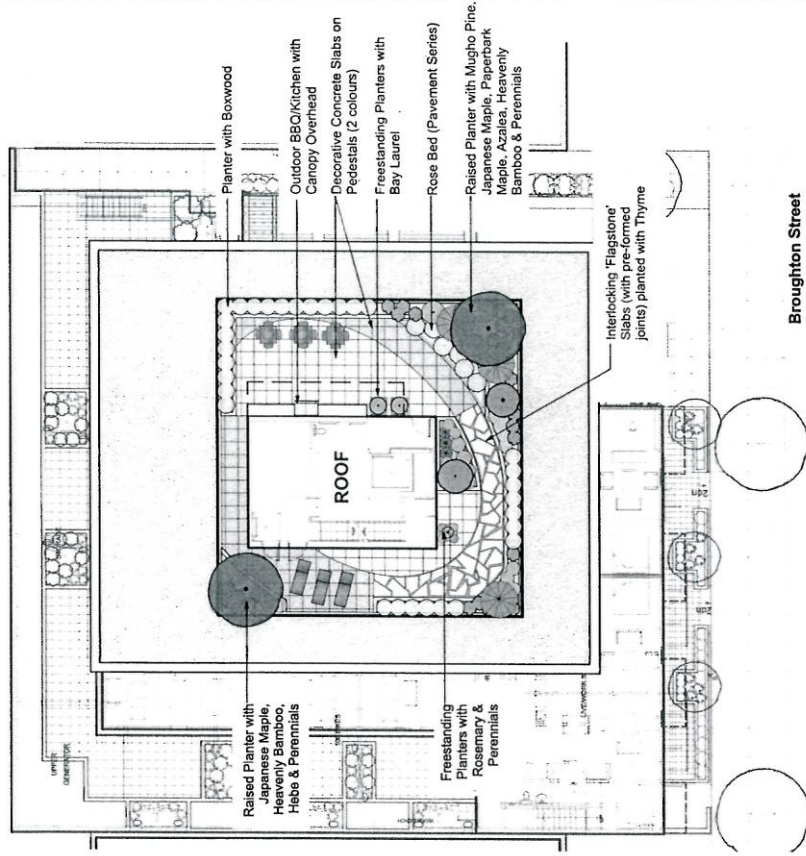
PROJECT No. 1325

DATE
Nov 24-13

L2 of 2
SHEET



Second Floor Plan



Roof Garden

Planning and Zoning Committee
Fairfield Gonzales Community Association
October 21, 2013



Members of FGCA Planning and Zoning Committee:

Paul Brown (chair), George Zador, Jim Masterton and Bill Rimmer

Subject Property:

818, 836, 838 Broughton Street. Proposed 10 storey residential building, approx 100 units plus rezoning of existing Black Press Building

13 attendees

Attendee Questions & Comments from Attendees:

- Will adjacent buildings on Fort Street be landlocked?
- Concern regarding removal of pay parking for patrons of the YMCA and Royal Theatre
- Will there be a mid-block walkway?
- What about security measures for the dead end pathway to back of Fort Street building?
- Not seeking any type of building certification
- Will be 3 raised 'City Home Units' that are not live/work
- All units will be condos
- 3 underground parking levels
- Some blasting will be required, however it is believed excavation will be mostly clay
- Projecting construction in 18 months and 22 months for construction
- What might the City want in return for density bonus? \$, rentals, amenities
- Why residential here?
- What steps will be taken to protect heritage building across street (former CFA Building) from blasting? Good studies, engineering and planning; inspection of adjacent buildings prior to blasting
- Will contribute shoppers and security to the neighbourhood
- Intent is to keep Black Press Building (with improvements) for the foreseeable future
- Exterior will use composite panels – very durable
- Target market: mid-price ranges, lots of one bedrooms, smaller units
- Both proponent and attendees stressed importance of use of quality materials for aesthetics

Subject Property:

1030-1038 McClure Street. Proposed 4-story bldg with 36 condo units, 36 underground parking. Rezoning variance sought on bldg. height, setback and parking.

9 attendees

Attendee Questions & Comments from Attendees:

To note: Planning and Zoning Committee chair Paul Brown's own home is within the notification area of subject project, therefore he recused himself from chairing this session. Chair and minutes taker was George Zador.

Attendee questions and comments:

- impression was that ,generally ,the residents were satisfied with the proposal and were content to just comment on details
- difference in setback between subject and other properties on the block
- exterior colour scheme
- exterior cladding material cement board and brick; would like to see more brick
- "a very large building among much smaller structures"
- "prefer fewer units with more parking"
- what care will be taken when excavating, blasting, to protect existing structures
- concern expressed regarding impact on visitor street parking availability for existing buildings
- timing and duration of construction, working hours, noise
- "appreciate the intended quality of the development"
- Will there be any low rental units for families? We keep building for the rich.

CHARD

February 18, 2014

By Hand & Email

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

Dear Mayor & Council Members,

**Re: 836/838 Broughton Street, Victoria BC
Rezoning and Development Permit Applications**

We are pleased to present applications for the Rezoning and a Development Permit for the above noted lands to develop a 10 storey, 82 unit condominium building. This will be Chard's sixth condominium development in the City of Victoria.

It has been a pleasure to work in the City of Victoria for the past 10 years endeavouring to achieve the objectives of Council and meet the policy objectives set forth in the Official Community Plan (OCP), and most recently, the Downtown Community Area Plan (DCAP).

However, there are policies set forth in these documents that run counter to the positive momentum we have seen in the City and our ability, as developers, to help create a more livable and successful downtown. This Council and Council's before have stressed the importance of housing affordability, yet several policies are contrary to this objective.

The bonus density requirement has the effect of increasing the cost of the end selling price of a condominium by introducing this hidden bonus density tax and compounding an already challenging set of development and market conditions in downtown Victoria. The bonus density program is a deterrent to revitalization and is counter to the major growth and economic objectives established by the City of Victoria.

In our view, the City should be encouraging projects in any way possible to achieve downtown rejuvenation and healthy growth as you have outlined in sections of the OCP and DCAP. By working with developers to address housing affordability issues head on, and in turn making downtown living more attainable for a greater number, the City could see the benefits of critical mass with regards to vitality, economic growth and attracting businesses and employers to downtown. In addition, the City would see the long-term benefits of higher property taxes in perpetuity rather than looking for a onetime 'tax grab' in the form of a density bonus payment.

CHARD DEVELOPMENT LTD.

THIRD FLOOR - 1 WEST 7TH AVENUE, VANCOUVER, BC, CANADA V5Y 1L4
WWW.CHARDEVELOPMENT.COM tel 604.682.6046 fax 604.682.4160

We propose a rezoning of 836/838 Broughton Street from a base density of 3.0 FSR to 5.0 FSR as outlined under the City policies. We have agreed with City Staff that we will undertake a bonus density analysis by one of the two preferred economists selected by the City of Victoria. This study will cost \$7,000.00.

In further discussion with City Staff, we have requested that this application be processed using the bonus density policy uplift formula of 25% as outlined in Section 4.15.1 rather than Section 4.15.2 given:

- The application for rezoning and DP was submitted to the City of Victoria on December 3, 2013.
- The subject property backs on to the downtown area where the 25% land lift value is applicable. We understand that the demarcation line was somewhat arbitrary at the time that Maps 14 and 15 were prepared. We consider a 75% Bonus density uplift to be very punitive with a direct impact on increasing costs of housing within the neighbourhoods that are adjacent to the downtown core.

The City will likely require 836/838 Broughton to include a sewer attenuation system that will add further development costs to the project. The size of a 14,400 liter tank (as calculated by our Mechanical Engineer) is very significant in any urban development. The requirement for holding tanks is another challenge that increases the selling cost of a condominium by approximately \$3,000 per suite. This is another deterrent to developing in downtown Victoria.

In summary, we request the consideration of Council to approve the following:

1. If a Density Bonus payment is required, have it based on 25% of the land lift value as the application was made prior to December 3, 2013 and given the subject property is adjacent to lands which require only a 25% calculation.
2. The elimination of a sewer attenuation tank for this development. These tanks impose increased development costs for the project and increased long term strata fees arising from maintenance costs for the owners of the suites. We are speaking from experience of having installed attenuation tanks in two projects to date.

Once again we are pleased to highlight a few of the project benefits for the City of Victoria should this project be approved in a form that is economically viable:

- The project advances the objectives of the OCP and DCAP.

- 836/838 Broughton is currently a surface parking lot located on a portion of Broughton street that requires renewal. We are proposing a development that meets the recommended scale and objectives set forth in the OCP and DCAP, and a primary objective of numerous Councils, the elimination of another surface parking lot.
- The addition of 82 residential units and 2 live work street front units. This will likely provide at least 150 additional residents in the downtown core.
- This project would increase the City's tax base four to five fold from the current use as a surface parking lot.
- The building is in keeping with the OCP and DCAP for building height and FSR.
- 100 bicycle lockers have been provided for residents in addition to exterior visitor bike racks.
- 75 parking stalls plus 7 visitor stalls will be provided for the project. This is lower than the current parking requirements of the Cathedral Hill zone but 82 stalls more than required within the Harrison Green neighborhood. We consider the proposed parking meets or exceeds the expectations of the OCP and DCAP
- The streetfront retail or live/work units will provide for a different form of housing and business use that our company has seen inquiries for in recent years. As Broughton Street is not currently a busy pedestrian street, an office or live/work environment would add interest and vitality at street level.
- The project is articulated with a variety of building setbacks and materials to create an interesting building statement on all four elevations.
- Approximately 50% of the units will be designed as adaptable units.
- The project's street frontage will be landscaped to create an attractive and interesting frontage for this currently bland block of Broughton Street which primary consists of surface parking.
- The suite mix, variety of floorplans and suite sizes provides for a variety of demographics and income levels.

We thank Council for their consideration of this Rezoning and Development Permit application and respectfully request a relaxation of the bonus density calculation to 25% of the land lift value or the cancellation of the requirements for any bonus density analysis and land lift payment on this property altogether.

Yours truly,
CHARD DEVELOPMENT LTD.



David Chard
dave@charddevelopment.com

Cc: Alison Meyers – City of Victoria
Development Services Division
Sustainable Planning and Community Development

Planning and Land Use Committee Report

Date: January 27, 2014 **From:** Murray G. Miller, Senior Planner
Subject: **Development Permit Application with Variance for 230 Menzies Street #000341** - Application to vary the required parking from 26 to 25 stalls to permit the enclosure of the pedestrian breezeway and an alcove.

Executive Summary

The purpose of this report is to present Council with information, analysis and recommendations regarding a Development Permit Application with Variance for the property located at 230 Menzies Street. This application is to enclose a pedestrian breezeway, an entrance alcove and reconfigure doors and windows on the lower floor level. The following points were considered in analyzing this application:

1. The subject property is within DPA 5: Large Urban Villages, James Bay Village, which encourages ground-oriented commercial and community services that reinforce the sidewalk.
2. The proposal satisfies the *Official Community Plan* and *Advisory Design Guidelines for Buildings, Signs and Awnings* where consideration of street relationship and access to the street is to be taken into account in the design.
3. While the proposal satisfies the above Guidelines in relation to the importance of entrances facing the street, the development does not meet the required parking for the proposed additional floor area that would be created by the enclosures and a variance to reduce the parking requirement from 26 stalls to 25 stalls is being requested.

Staff support the application.

This Development Permit Application has variances, therefore, it requires notification, sign posting and a hearing.

Recommendations

That Council advance Development Permit Application with Variance #000341 for consideration at a Public Hearing in accordance with:

1. Revised plans date-stamped January 28, 2014.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for a variance from Schedule C - number of parking spaces relaxed from 26 to 25.

Respectfully submitted,


Murray G. Miller
Senior Planner, Urban Design
Development Services


Deb Day, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

MGM:aw

S:\TEMPEST_ATTACHMENTS\PROSPERO\PLDP\DP000341\PLUSC PLANNING REPORT TEMPLATE DP & DVP3.DOC

1.0 Purpose

The purpose of this report is to present Council with information, analysis and recommendations regarding a Development Permit Application with a variance for the property located at 230 Menzies Street.

2.0 Background

2.1 Description of Proposal

This application is to enclose the pedestrian breezeway, which provides access to lower-level commercial-retail units. In addition, this application proposes to alter an existing recessed alcove fronting onto Menzies Street by making it flush with the existing exterior wall.

The above two areas of alteration will include the reconfiguration of existing openings and the installation of new doors. An existing covered area will be converted to Class 1 bicycle storage, with an ornamental chain link fence with a secure gate that is accessed from the upper-level sidewalk.

The proposed enclosures would create additional floor area that, in turn, would require an additional parking stall. The applicant requests a parking variance that would reduce the required number of parking stalls from 26 to 25.

2.2 Existing Site Development and Development Potential

2.3 Data Table

The following data table compares the proposal with the existing C-1 Zone. A double asterisk (**) is used to identify an existing non-conforming condition.

Zoning Criteria	Proposal	C-1 Zone Standard
Density (Floor Space Ratio) – maximum	0.79:1 (existing) 0.80:1 (proposed)	1.4:1
Parking – minimum	25 **	63 (existing, required under C-1 Zone) 64 (proposed, required under C-1 Zone) 25 (established as legal non-conforming condition)
Bicycle storage (Class 1) – minimum	0** (existing) 6 (proposed)	6
Bicycle rack (Class 2) – minimum	0**	6

2.4 Land Use Context

The subject property:

- is zoned C-1, Limited Commercial District, and is bounded to the east by Menzies Street and to the south by Simcoe Street
- is situated in Development Permit Area 5: Large Urban Villages - James Bay Village, where ground-oriented commercial and community services are envisioned
- is flanked to the north by 234 Menzies Street, which is zoned R3-H, High Density Multiple Dwelling District
- abuts 450 Simcoe Street along its western boundary, which is zoned R3-H, High Density Multiple Dwelling District
- is across the street from 425-475 Simcoe Street, which is zoned C1-JB, James Bay Extended Commercial District
- is across the street from 201-211 Menzies Street, which is zoned C1-S, Limited Commercial Service Station District
- is across the street from 225 Menzies Street, which is zoned CR-M, Menzies Commercial Residential
- is diagonally opposite 141-159 Menzies Street, which is zoned C-1, Limited Commercial District.

2.5 Legal Description

Lot 1 of Lots 1850, 1851 and 1852, Victoria City, Plan 28096.

2.6 Relevant History

2.7 Consistency with City Policy

Urban Place Designations

The subject property is within an area that is designated Large Urban Village. The OCP anticipates:

- *Built Form consisting of freestanding commercial and mixed-use buildings*
- *Place Character Features where ground-oriented commercial and community services reinforce the sidewalk*
- *Off-street parking underground, at the rear or otherwise screened.*

The proposed development responds to the built-form objectives of the OCP by being a low-rise freestanding ground-oriented commercial use. In relation to Place Character Features, the proposed development maintains pedestrian access from the Menzies Street sidewalk at the location of the proposed breezeway enclosure by relocating the door to the existing vacant commercial unit. The enclosure of the alcove to the existing vacant commercial unit will include a new door and will, therefore, continue to allow direct access from the Menzies Street sidewalk.

The property is included in Development Permit Area 5: Large Urban Villages, James Bay Village, which references the *Advisory Design Guidelines for Buildings, Signs and Awnings* (1981). These guidelines note the importance of ensuring a positive street relationship and including access to the street. The proposed number of entrances facing Menzies Street will maintain the building's street relationship and access to the street.

2.8 Community Consultation

In compliance with the *Community Association Land Use Committee Procedures for Processing Variances*, this application was referred to the James Bay CALUC for a 30-day review period. No comments were received at the time of writing this report.

This Development Permit Application has variances, therefore, it requires notification, sign posting and a hearing.

3.0 Issues

The key issue related to this application is parking.

4.0 Analysis

4.1 Parking

The requirement for an additional parking space that results from the floor area created by the two enclosures has been reviewed by the Engineering and Public Works Department. Staff consider that while the total required parking on the site does not satisfy Schedule C, a legal non-conforming condition permitting the existing 25 stalls instead of the 63 that would be required under Schedule C has been established. The requested variance of one additional parking space increasing the total required to 26 spaces will only have a minor impact on parking availability for residents and businesses in the area. It is also noted that with this application the applicant is introducing six Class 1 bicycle stalls.

5.0 Resource Impacts

There are no resource impacts anticipated.

6.0 Options

1. That Council advance the application for consideration at a Public Hearing (recommended).
2. That Council decline the application.

7.0 Conclusions

The proposed enclosure of the pedestrian breezeway and the entrance alcove that fronts onto Menzies Street will generate a requirement for one additional parking space. Staff consider that the requested variance would be minor and, therefore, support the application.

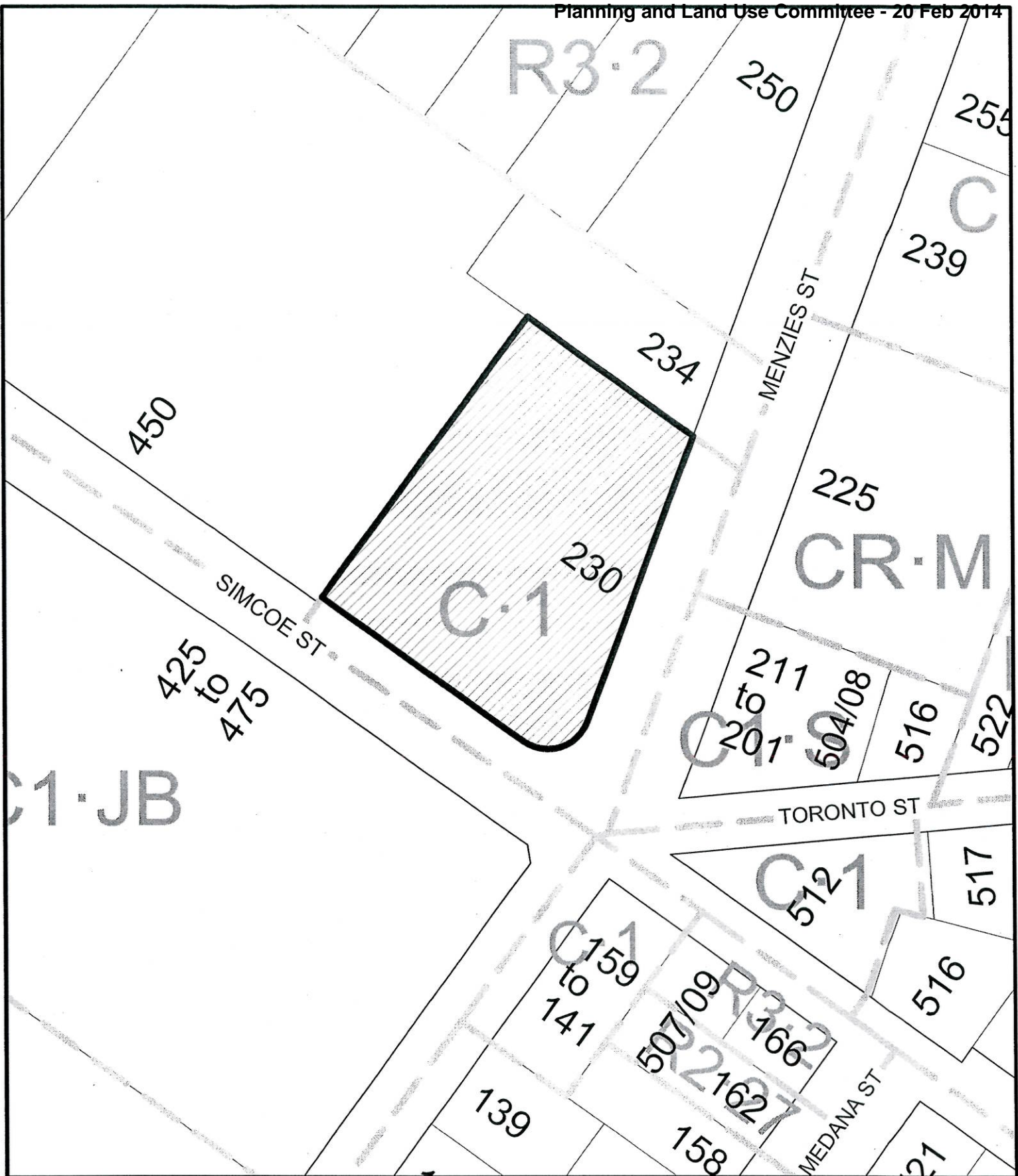
8.0 Recommendations

That Council advance Development Permit Application with Variance #000341 for consideration at a Public Hearing in accordance with:

1. Revised plans date-stamped January 28, 2014.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for a variance from Schedule C - number of parking spaces relaxed from 26 to 25.

9.0 List of Attachments

- Zoning map December 10, 2013
- Aerial map
- Letter from applicant dated
- Revised plans date-stamped January 10, 2014.



N



230 Menzies Street
Development Permit #000341

Development Permit with Variance # 000341 for 230 Menzies St...



CITY OF
VICTORIA



Development Permit with Variance # 000341 for 230 Menzies St...





525 Pandora Ave.
Victoria, BC, V8W 1N5
t 250.360.1602
f 250.360.1610
info@kmp-arch.com
www.kmp-arch.com

December 10, 2013

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

Re: Development Permit Application – 230 Menzies Street

Your Worship and Members of Council:

We are pleased to submit this Development Permit application for the proposed changes at the Parliament Mews located at 230 Menzies Street. This complex serves many functions and is a vital part of the inner urban village in the "Five Corners" of the James Bay neighbourhood. This proposal includes enclosing an existing lower level breezeway and moving an existing alcove entry to be flush with the existing exterior façade. These proposed changes provide a more efficient commercial retail unit (CRU) floor space while limiting potential crime activities from the covered area. Included in this development permit application is a parking variance addressing the non-conforming stall count by offering covered and secured bike storage for the employees of this complex.

The first component of this proposal is enclosing an existing below grade breezeway. This walkway is open 24 hours a day and allows public access from Menzies Street to the lower level store fronts on the east side of the parking area. In the breezeway there are 3 existing CRU entrances. Over time, these CRUs have had many tenancies. This covered walkway is dark and hidden from view off Menzies Street. This characteristic has made the CRUs difficult to lease and this area has been subject to repeat vandalism. By enclosing this space from both sides, the newly created interior space allows the connection of 5 of the 7

Brian Kapuscinski, M.Arch., Architect AIBC, MRAIC, LEED® A.P.
John Pettigrew, AT.AIBC, MCPM, LEED® A.P.



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lower level CRUs, creating a larger and more inviting space. Currently 4 of the 5 CRUs affected by this proposal are vacant.

The modification required to enclose this breezeway is extremely limited in what would be visually observed by the public. The Menzies Street sidewalk is approximately 1.5m above the enclosed portion, and the inner storefront side is almost entirely hidden from view.

The second component of this proposal is the minor modification of an existing CRU exterior entrance alcove on Menzies Street. This alcove is set back approximately 1.0m from the remainder of the adjacent façade. The doorway is accessible from the street via 6 stairs. The modification of this entrance would make the exterior wall flush with the building's façade above. This change will also allow for a more useable interior CRU space with limited changes to the exterior.

The cladding material proposed is comprised of the same palette of cladding matching the existing adjacent facades. The enclosed breezeway cladding would include both a painted rusticated masonry brick (to match existing) and stained cedar. The altered alcove would be exactly the same in the elevation including windows matching what is existing, and therefore no visible change of materials than what is already visually seen.

The last item in this proposal is the parking variance. The Parliament Mews complex has 25 parking stalls that includes 2 handicap stalls. The current 25 vehicle count is 2 less than what was originally included in the 1976 building permit. The existing stall configuration has complied with the current vehicle stall sizes of the City of Victoria's Schedule 'C' parking requirements. In discussions with the zoning department, this project proposes to offer class-1 bicycle storage for the employees of the complex. The additional floor area proposed triggers an additional vehicle stall and as proposed this variance would be for this additional parking stall. The location of the bike storage is to be located under an existing covered and secured area in front of the upper level pharmacy at the corner of Menzies and Simcoe Streets.

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This application is following the Advisory Design Guidelines for Buildings, Signs and Awning (1981) as part of the Development Permit Area 5, Large Urban Villages: James Bay Village.

The total floor area of the building would be increased by 38.98 sqm, to a total floor area of 2363.80 sqm. This will increase the floor space ratio (FSR) from 0.79 to 0.80. The allowable FSR is 1.4 to 1.

In conclusion, this Development Permit application, including one parking variance, is attempting to revitalize and strengthen commercial viability in the area by allowing a more efficient CRU space to be more leasable.

I trust this is satisfactory.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Adam Gerber', is written over the typed name and title.

Adam Gerber
Senior Technologist
B.Sc. Dip.A.M.E. CTech LEED AP

cc: RJ

Brian Kapuscinski, M.Arch., Architect AIBC, MRAIC, LEED® A.P.
John Pettigrew, AT.AIBC, MCPM, LEED® A.P.



kmp
architecture inc.

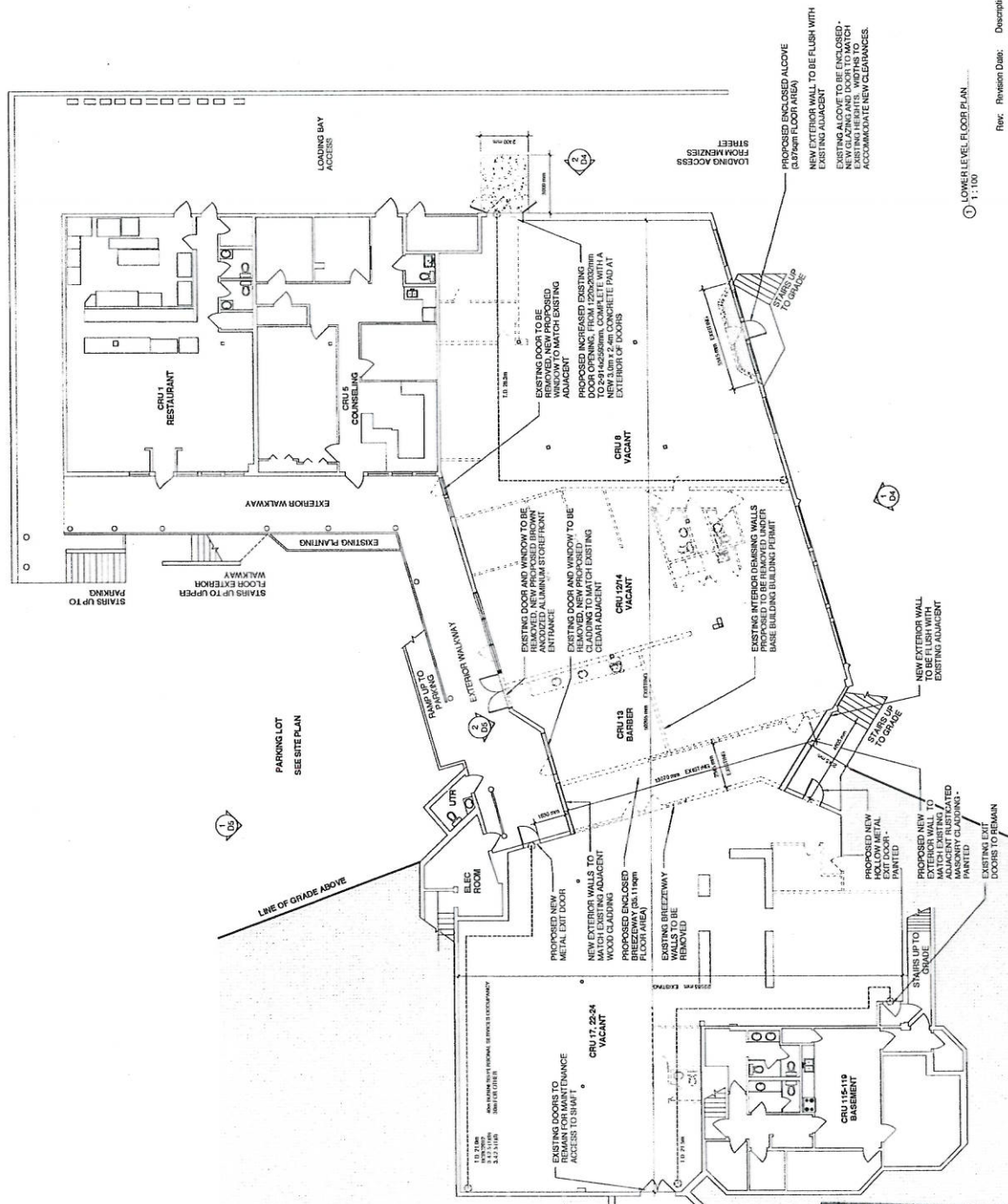
Rev: 2
Revision Date: 10 JAN 2014
Description: Restaurant for CRP - Allow Door

D2

LOWER FLOOR PLAN

PARLIAMENT NEWS
DEVELOPMENT PERMIT APPLICATION
230 MENZIES STREET
VICTORIA, BC

YENNADON HOLDINGS LTD



Received
City of Victoria
JAN 10 2014
Planning & Development Department
Development Services Division

① LOWER LEVEL FLOOR PLAN
1:100

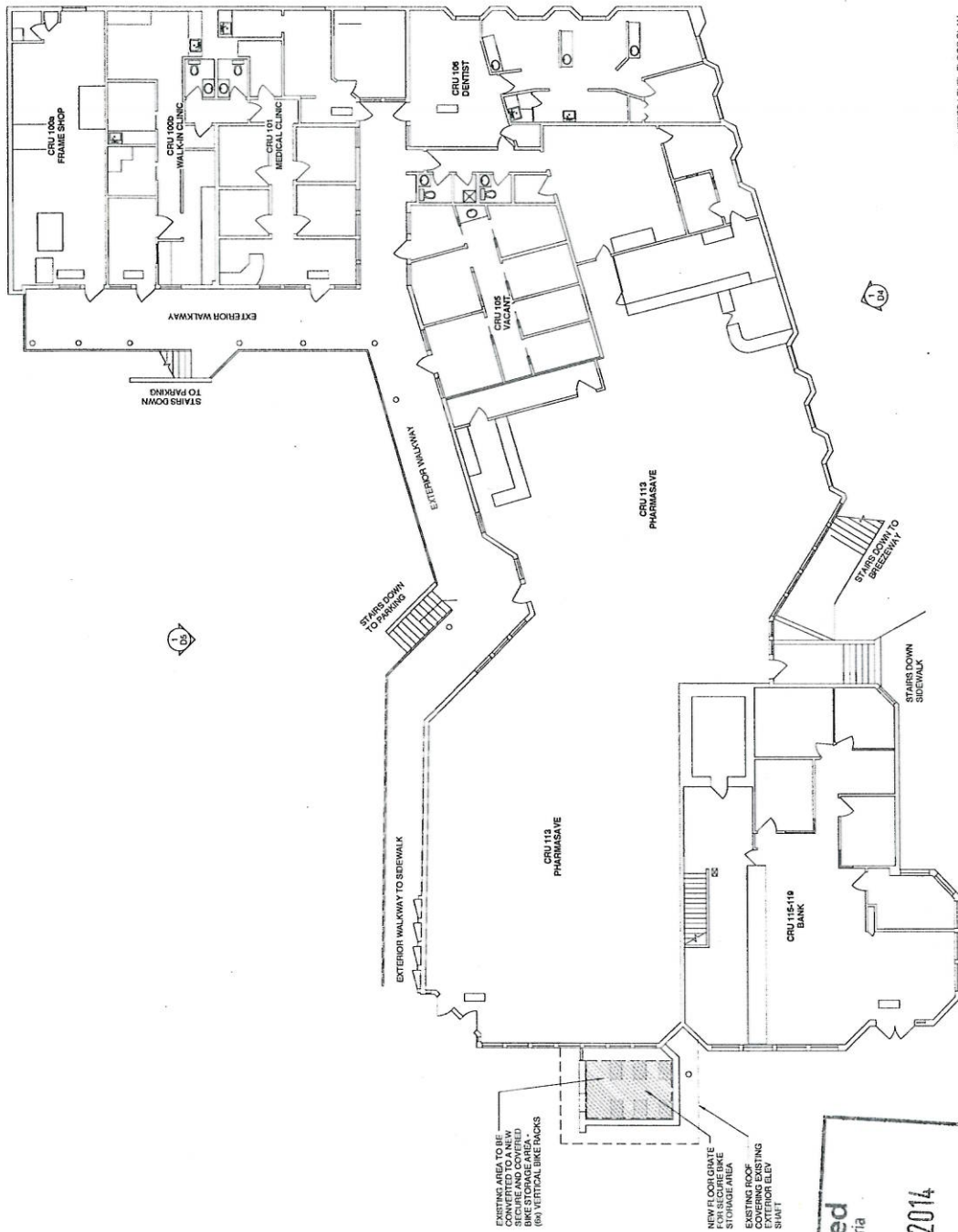
Rev:	Revision Date:	Description:
2	10 JAN 2014	Re-issued for DP - Access Door

D3

UPPER FLOOR PLAN

**PARLIAMENT MEWS
DEVELOPMENT PERMIT APPLICATION
230 MENZIES STREET
VICTORIA, BC**

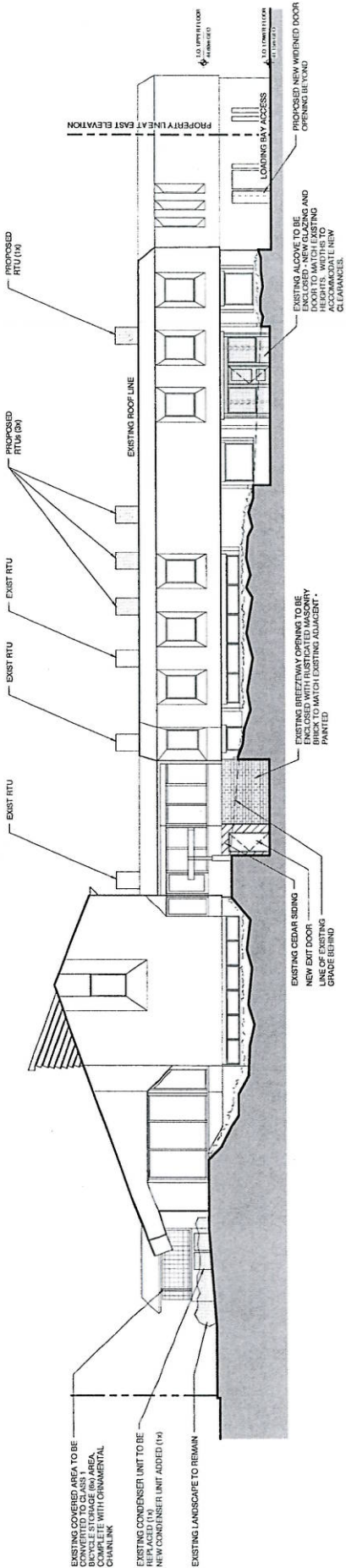
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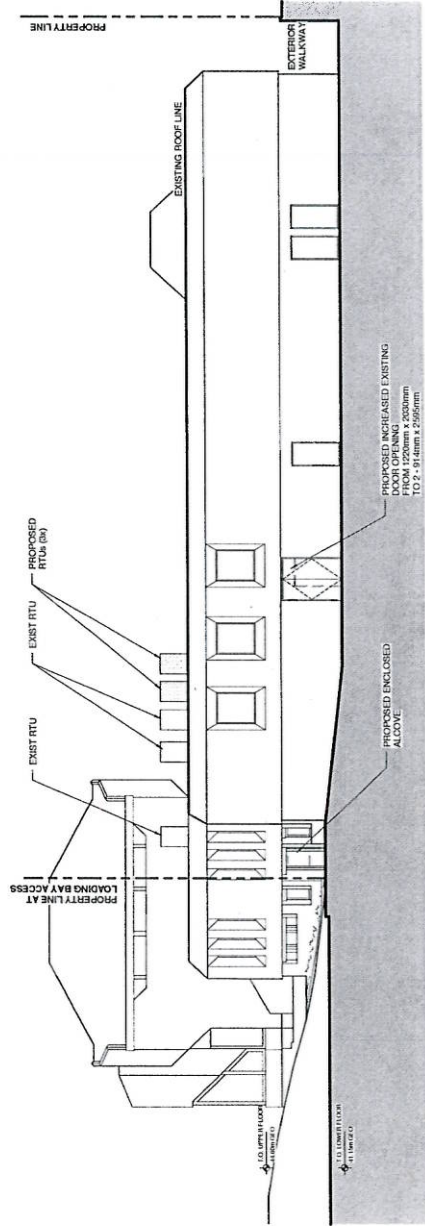
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City of Victoria

JAN 10 2014

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Development Services Division



① EAST ELEVATION
1:100



② NORTH ELEVATION
1:100

Received
City of Victoria
JAN 10 2014
Planning & Development Department
Development Services Division

Rev: 2
Revision Date: 10 JAN 2014
Description: Re-submitted for DP - Above Door

kmp
architecture inc.

D4

ELEVATIONS

PARLIAMENT MEWS
DEVELOPMENT PERMIT APPLICATION
230 MENZIES STREET
VICTORIA, BC
YENNADON HOLDINGS LTD

ELEVATIONS

**PARLIAMENT MEWS
DEVELOPMENT PERMIT APPLICATION
230 MENZIES STREET
VICTORIA, BC**

YENNADON HOLDINGS LTD

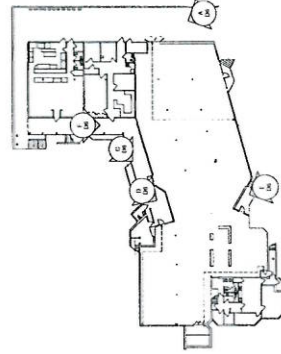
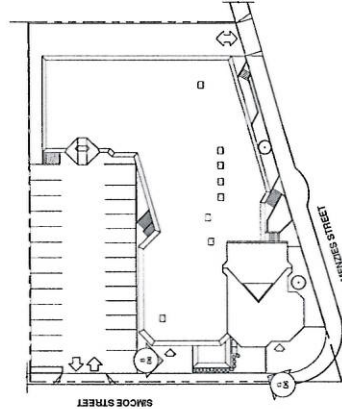
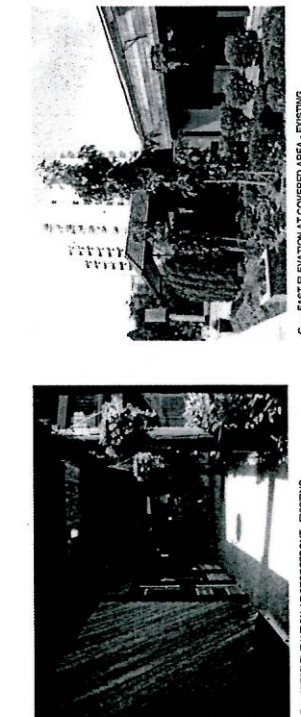
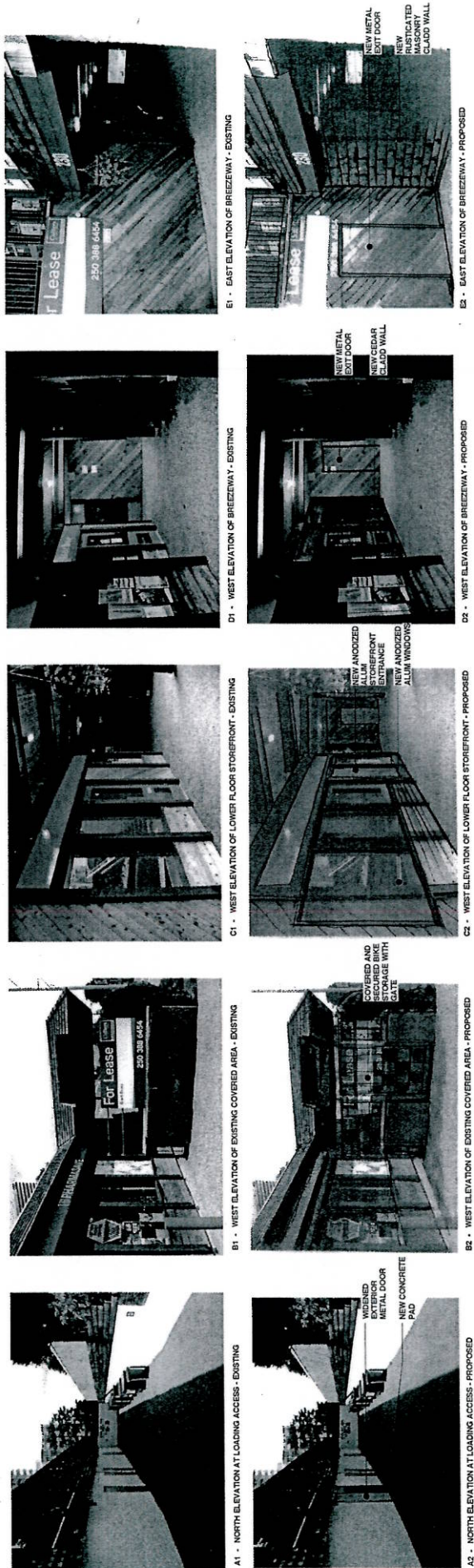
JAN 10 2014

Planning & Development Department
Development Services Division



② PARTIAL WEST ELEVATION
1:100

[illegible]



Received
City of Victoria
JAN 10 2014
Planning & Development Department
Development Services Division
PARLIAMENT NEWS
DEVELOPMENT PERMIT APPLICATION
230 MENZIES STREET
VICTORIA, BC
YENNADON HOLDINGS LTD

IMAGES AND RENDERINGS

D6

kmp
architects inc.

Rev: 2
Revision Date: 10 JAN 2014
Description: Re-issued for DP - Allow Door

Planning and Land Use Committee Report

Date: January 31, 2013 **From:** Murray G. Miller, Senior Planner

Subject: **Development Permit with Variance Application #000328 for 810 Humboldt Street** - Application to vary the required parking from 158 spaces to 146 spaces to permit the repurposing of the seventh floor of Building B for a ballroom/reception area.

Executive Summary

The purpose of this report is to present Council with information, analysis and recommendations regarding a Development Permit Application with Variance for the property located at 810 Humboldt Street. This application is to repurpose the seventh floor of Building B from office use to assembly use. The following points were considered in analyzing this application:

- The subject property is within DPA 9: Inner Harbour.
- The property is designated Urban Residential which enables mixed-use along arterial and secondary arterial roads.
- The subject property abuts Blanshard Street which is an arterial street.
- The number of proposed parking spaces would not meet Schedule C of the *Zoning Regulation Bylaw*. The applicant is requesting a parking variance from 158 spaces to 146 spaces.

While the proposed development does not meet the required parking for the proposed use, staff support this application because the parking data provided with the application confirmed that the additional parking demand should be absorbed by the existing parking surplus.

This Development Permit Application has variances, therefore, it requires notification, sign posting and a hearing.

Recommendations

That Council advance Development Permit with Variance Application #000328 for 810 Humboldt Street for consideration at a Public Hearing, in accordance with:

1. Plans stamped "Planning & Development Department, Development Services Division, January 2, 2014".

Planning and Land Use Standing Committee

January 27, 2014

Development Permit with Variance Application #000328 for 810 Humboldt Street Page 2 of 5

2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance from Schedule C:

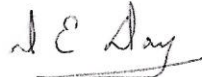
- number of parking spaces relaxed from 158 spaces to 146 spaces.

Respectfully submitted,



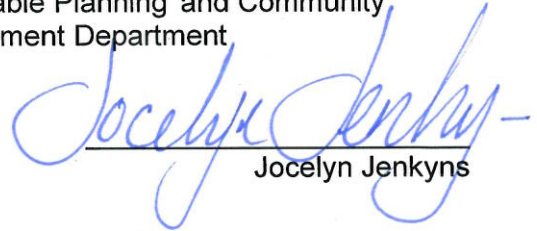
Murray G. Miller
Senior Planner, Urban Design
Development Services Division

am



Deb Day, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:


Jocelyn Jenkyns

MGM:aw

S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\DP\DP000328\PLUSC PLANNING REPORT TEMPLATE DP & DVP3.DOC

1.0 Purpose

The purpose of this report is to present Council with information, analysis and recommendations regarding a Development Permit Application with Variance for the property located at 810 Humboldt Street. This application is to repurpose the seventh floor of Building B from office use to assembly use.

2.0 Background

2.1 Description of Proposal

This proposal is to use the space on the seventh floor in accordance with the *BC Building Code*, for the assembly of up to 150 persons in various ballroom and meeting room configurations. The subject property is fully built-out, which restricts the incorporation of additional parking that is triggered by the change in use of the seventh floor.

Based on the *Zoning Bylaw Regulation*, 158 parking spaces are required for this change of use. The applicant requests a parking variance that would allow 146 spaces in total to be provided on site.

2.2 Land Use Context

The subject property:

- is zoned CD-4 (DA1-B), Fairfield Block Comprehensive District, and is bounded to the east by Menzies Street and to the south by Simcoe Street
- is situated in Development Permit Area 9, Inner Harbour
- is across the street from 780-796 Humboldt Street, which is zoned CA-48, Y-Lot 2 District
- is across the Blanshard Street/Humboldt Street intersection from 626 Blanshard Street, which is zoned CA-4, Central Area Commercial Office District, and is a Heritage-Designated property (Church of Our Lord)
- is across the street from 835 Humboldt Street, which is zoned SA-1, St. Ann's Academy District, and is a Heritage-Designated property (St. Ann's Academy)
- abuts 827 Fairfield Road and 841-861 Fairfield Road to the east, both zoned PB, Public Buildings District
- abuts 840 Humboldt Street to the southeast, which is zoned CD-4, Fairfield Block Comprehensive District, and is a Heritage-Designated property (former St. Joseph's Hospital).

2.3 Legal Description

Strata Lot 142 of Lots 328, 329, 330, 331, 1240, 1241, 1242, 1243 and 1244, Victoria City, Strata Plan VIS6830 together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form V.

2.4 Consistency with City Policy

Urban Place Designations

The subject property is within an area that is designated Urban Residential, consisting of attached and detached buildings up to three storeys and low-rise and mid-rise multi-unit buildings up to approximately six storeys having a density generally up to 1.2:1.

2.5 Community Consultation

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

This Development Permit Application has variances, therefore, it requires notification, sign posting and a hearing.

2.6 Issues

The issue associated with this application is insufficient off-street parking to satisfy the requirements of Schedule C.

3.0 Analysis

The applicant's parking analysis shows that there is a surplus of parking spaces available on-site during peak occupancies. The data that tabulates parking stall usage on the site was recorded between June 2013 and December 2013, indicating an average occupancy rate of 82.45%. In those circumstances when the occupancy rate is at 95% or greater, adequate parking was still found to be available to compensate for the requested variance of 12 parking spaces.

The City's Engineering and Public Works Department has reviewed the parking data provided by the applicant and is supportive of the requested variance.

4.0 Resource Impacts

There are no resource impacts anticipated.

5.0 Options

1. That Council advance the application for consideration at a Public Hearing (recommended).
2. That Council decline the application.

6.0 Conclusions

While the proposed development does not meet the required parking for the proposed change of use on the seventh floor, the parking data provided with the application confirms that the additional parking demand is expected to be absorbed by the existing parking surplus. Staff therefore support this application.

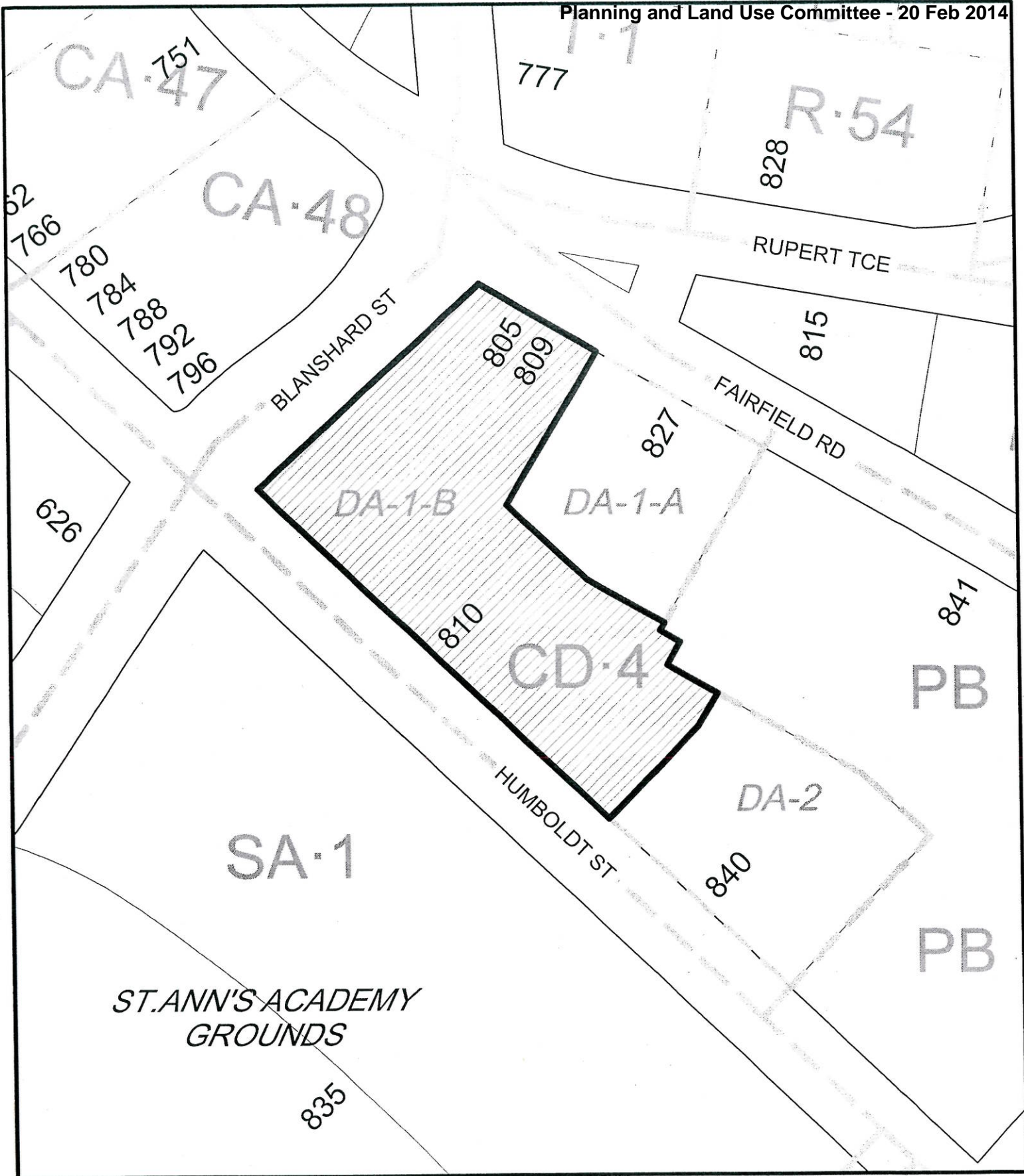
7.0 Recommendations

That Council advance Development Permit Application with Variance #000328 for consideration at a Public Hearing, in accordance with:

1. Plans stamped "Planning & Development Department, Development Services Division, January 2, 2014".
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance from Schedule C:
 - Number of parking spaces relaxed from 158 spaces to 146 spaces.

8.0 List of Attachments

- Zoning map
- Aerial map
- Letter from applicant dated August 20, 2013
- Plans date-stamped January 2, 2014.



810 Humboldt Street
Development Permit #000328

Development Permit #000328 with Variance for 810 Humboldt St...



ST. ANN'S ACADEMY
GROUNDS



810 Humboldt Street
Development Permit #000328

Development Permit #000328 with Variance for 810 Humboldt St...



alan  architect inc.



20 August 2013

City of Victoria
Planning Department
#1 Centennial Square
Victoria, British Columbia, V8W 1R6

Attention: Helen Cain

Re: The Parkside, 810 Humboldt Street, Victoria British Columbia

Dear Ms. Cain,

On behalf of our clients, we wish to apply for a Development Permit application for a parking variance of 12 stalls.

The Parkside Resort at 810 Humboldt Street was built as a time share resort with two buildings connected with an atrium. The uses within the building range from transient accommodation to retail to restaurant and office uses. The project was built with 146 parking stalls for the various uses associated with the building.

Our client would like to re-purpose the top floor (7th floor) of building B. This area was used for sales and marketing of the time share units and our client would like to use this area for a ballroom/reception area. The proposal is to use this space for up to 150 persons in various configurations. We propose to add enough washrooms on the 7th floor to meet the BC Building Code requirements for an assembly occupancy. There will be no changes to the exterior of the building.

In changing the use of this space from office to assembly use, we would require an additional 12 parking spaces in accordance with the zoning bylaws for this property. As the property is fully built out, we would request that a parking variance of 12 stalls be granted for this property.


#203-1110 Government Street, Victoria, B.C.

tel. 250.360.2888 fax.250.360.2555

Our client has been monitoring the parking situation for this building and have not had any issues with parking on this property. During peak periods where the hotel was fully occupied and a special event was held in the vacant space on the ground floor, there were still spaces available in the parking lot for additional cars. We will continue to gather data from various events to show that the requested parking variance will not negatively impact the surrounding neighbourhood.

We trust that this is acceptable. Should you have any further questions, please feel free to contact us at 250-360-2888.

Yours truly,

A handwritten signature in dark ink, appearing to read "Alan Lowe". The signature is fluid and cursive, with the first name "Alan" and last name "Lowe" clearly distinguishable.

Alan Lowe
Alan Lowe Architect Inc.

PROJECT INFORMATION

LEGAL ADDRESS: LOT 1 OF LOTS 328,329,330,331,1238,1240,
1241,1242,1243,1244, VICTORIA CITY
1245,1246,1247,1248, EXCEPT THAT PART IN PLAN
V.P. 7410

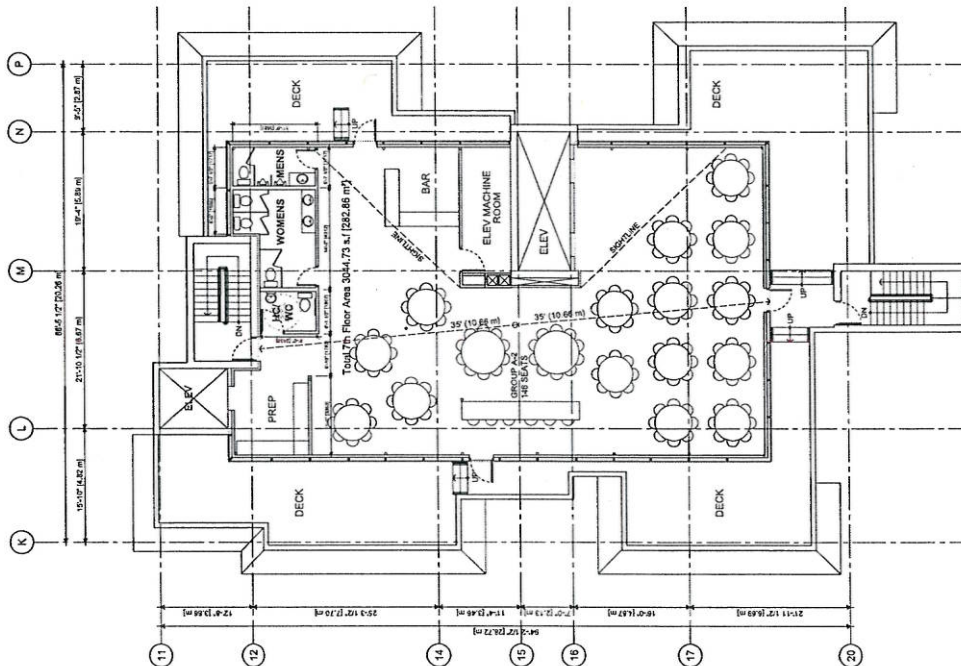
CIVIC ADDRESS: 810 HUMBOLDT STREET (BLDG. B)
VICTORIA, BRITISH COLUMBIA

ZONING DATA
CD-4, FAIRFIELD BLOCK COMPREHENSIVE DISTRICT
1241,1242,1243,1244, VICTORIA CITY
1245,1246,1247,1248, EXCEPT THAT PART IN PLAN
V.P. 7410

SITE AREA BUILDING A & B (DA-1 + DA-2):
5,203.50 m²
SITE 17.32R, F.S.R. 24
TOTAL SITE COVERAGE (INCLUDING ATRIUM):
DA-1 (4823.06m²) + DA-2 (380.30 m²) = 5,203.36 m²
SITE COVERAGE 2894.10 m² (55.6%)
BUILDING HEIGHT: 30.88m
NUMBER OF STOREYS: 10 STOREYS
TOTAL EXISTING PARKING: 148 STALLS (SEE PARKING SUMMARY BELOW)

OCCUPANT LOAD: 160 (SIGNAGE TO BE POSTED)
W/C REQUIRED: 3 WOMEN / 2 MEN
UNIVERSAL W/C PROVIDED: 3 WOMEN / 2 MEN
FIRE PROTECTION: SPRINKLED
BLOOD-FIRE PROTECTION: NON-COMBUSTIBLE
NUMBER OF STREETS FACING: 2

EXISTING OCCUPANCY: OFFICE
PROPOSED OCCUPANCY: ASSEMBLY
VARIANCE: PARKING (12 STALLS)



1. BLDG. B LEVEL 7
1:250 SCALE 1/8"=1'-0"

Received
City of Victoria
JAN 2 2014
Planning & Development Department
Development Services Division

1. DEVELOPMENT PERMIT 20 JAN 13
No. Name / Location

alan lowe architect inc.
205 - 1110 Government St.
VICTORIA, BRITISH COLUMBIA
1 250.362.0000

**PARKSIDE VICTORIA RESORT & SPA
BLDG. B - LEVEL 7
810 HUMBOLDT STREET**
LEVEL 7 FLOOR PLAN

project no.: 12
date: 8 JAN 2013
prepared by: LOWE
checked by: LOWE

A1.0

RESIDENTIAL UNIT SUMMARY BLDGS. A & B	
LOCATION	1. BEDROOM
LEVEL 1	12
LEVEL 2-5	84
LEVEL 6	10
LEVEL 7	8
LEVEL 8	0
SUB TOTALS	114
TOTAL UNITS	126

PROPOSED PARKING SUMMARY	
BUILDING A & B	PROPOSED
TRANSIENT	126x17.0m / 41
RESTAURANT	27x9.5m / 5
RETAIL	126x17.0m / 37.5m
OFFICE	304.27m ² / 69m ²
CONFERENCE	224.1m ² / 9.5m ²
FITNESS	134.3m ² / 9.5m ²
THEATRE	20 SEATS / 10
LOUNGE	209.4m ² / 9.5m ²
ASSEMBLY	282.83m ² / 9.5m ²
TOTAL	316 / 2
VARIANCE: 172 STALLS	

EXISTING PARKING SUMMARY	
BUILDING A & B	EXISTING
TRANSIENT	126x17.0m / 41
RESTAURANT	27x9.5m / 5
RETAIL	126x17.0m / 37.5m
OFFICE	678.1m ² / 69m ²
CONFERENCE	224.1m ² / 9.5m ²
FITNESS	134.3m ² / 9.5m ²
THEATRE	20 SEATS / 10
LOUNGE	209.4m ² / 9.5m ²
TOTAL	291 / 2
VARIANCE: 148 STALLS	

PROJECT INFORMATION

LEGAL ADDRESS: LOT 1 OF LOTS 128, 320, 330, 331, 128, 1240, 1241, 1242, 1243, 1244, VICTORIA CITY PLAN VP 72394, EXCEPT THAT PART IN PLAN

CIVIC ADDRESS: 816 HUMBOLDT STREET (BLDG. B) VICTORIA, BRITISH COLUMBIA

ZONING DATA

ZONING: CD-4
 SITE AREA (DA-1 + DA-2): 5,209.00 m²
 SITE F.A.R. (DA-1 + DA-2): 2,137.50 m²
 TOTAL SITE COVERAGE (INCLUDING ATRIUM): 2,137.50 m²
 DA-1 (4833.06m²) + DA-2 (3360.89 m²) = 5,203.95 m²
 2894.10 m² / 5209.00 m² = 55.36 %

NUMBER OF STOREYS: 10 STOREYS
TOTAL EXISTING PARKING: 148 STALLS (SEE PARKING SUMMARY BELOW)

OCCUPANT LOAD: 180 (SCHEDULE TO BE POSTED)
W/C REQUIRED: 3 WOMEN / 2 MEN
W/C PROVIDED: 3 WOMEN / 2 MEN
UNIVERSAL W/C PROVIDED: 1
BUDGET PROTECTION: SPRINKLERED

EXISTING OCCUPANCY: OFFICE
PROPOSED OCCUPANCY: ASSEMBLY
VARIANCE: PARKING (12 STALLS)

BUILDING CODE: CONCEPTS FOR A LIVES SAFETY BUILDING CODE
 CONCEPTS FOR A LIVES SAFETY BUILDING CODE
 CONCEPTS FOR A LIVES SAFETY BUILDING CODE
 DATED JUNE 2008 FOR THE JUNE '08 PROJECT WAS THE
 BC BUILDING CODE 1998.

BUILDING AREA: APPROX. 2900 m²
PART STOREY: YES
CONSTRUCTION: YES
CONSTRUCTION: YES
CONSTRUCTION: YES
CONSTRUCTION: YES

BUILDING CODE: CONCEPTS FOR A LIVES SAFETY BUILDING CODE
 CONCEPTS FOR A LIVES SAFETY BUILDING CODE
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CONSTRUCTION: YES
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BUILDING CODE: CONCEPTS FOR A LIVES SAFETY BUILDING CODE
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BUILDING AREA: APPROX. 2900 m²
PART STOREY: YES
CONSTRUCTION: YES
CONSTRUCTION: YES
CONSTRUCTION: YES

BUILDING CODE: CONCEPTS FOR A LIVES SAFETY BUILDING CODE
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 DATED JUNE 2008 FOR THE JUNE '08 PROJECT WAS THE
 BC BUILDING CODE 1998.

BUILDING AREA: APPROX. 2900 m²
PART STOREY: YES
CONSTRUCTION: YES
CONSTRUCTION: YES
CONSTRUCTION: YES

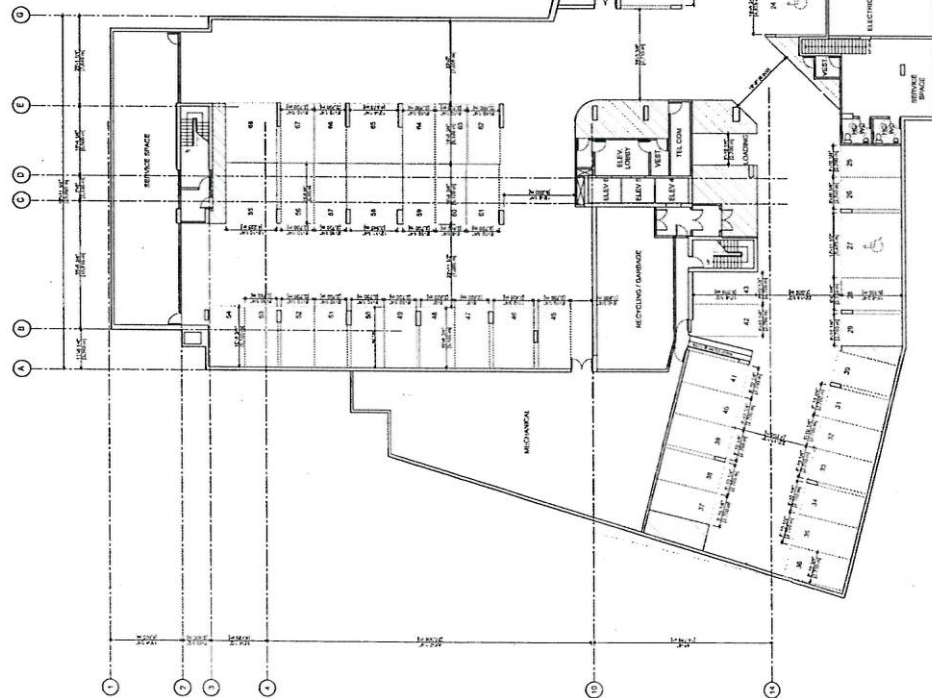
BUILDING CODE: CONCEPTS FOR A LIVES SAFETY BUILDING CODE
 CONCEPTS FOR A LIVES SAFETY BUILDING CODE
 CONCEPTS FOR A LIVES SAFETY BUILDING CODE
 DATED JUNE 2008 FOR THE JUNE '08 PROJECT WAS THE
 BC BUILDING CODE 1998.

BUILDING AREA: APPROX. 2900 m²
PART STOREY: YES
CONSTRUCTION: YES
CONSTRUCTION: YES
CONSTRUCTION: YES

RESIDENTIAL UNIT SUMMARY BLDGS. A & B		
LOCATION	1 BEDROOM	2 BEDROOM
LEVEL 1	14	8
LEVEL 2	14	8
LEVEL 3	14	8
LEVEL 4	14	8
LEVEL 5	14	8
LEVEL 6	14	8
LEVEL 7	14	8
LEVEL 8	14	8
SUB TOTALS	114	128
TOTAL UNITS	114	128

EXISTING PARKING SUMMARY		
BUILDING A & B	REQUIRED	PROPOSED
TRANSIENT	128 STALLS	128 STALLS
RESTAURANT	56 STALLS	56 STALLS
RETAIL	35 STALLS	35 STALLS
OFFICE	11 STALLS	11 STALLS
CONFERENCE	24 STALLS	24 STALLS
FITNESS	15 STALLS	15 STALLS
THEATRE	2 STALLS	2 STALLS
LOUNGE	22 STALLS	22 STALLS
TOTAL	251 / 2	148 STALLS

PROPOSED PARKING SUMMARY		
BUILDING A & B	REQUIRED	PROPOSED
TRANSIENT	128 STALLS	128 STALLS
RESTAURANT	56 STALLS	56 STALLS
RETAIL	35 STALLS	35 STALLS
OFFICE	11 STALLS	11 STALLS
CONFERENCE	24 STALLS	24 STALLS
FITNESS	15 STALLS	15 STALLS
THEATRE	2 STALLS	2 STALLS
LOUNGE	22 STALLS	22 STALLS
ASSEMBLY	30 STALLS	30 STALLS
TOTAL	251 / 2	148 STALLS



Received
 City of Victoria
 JAN 2 2014
 Planning & Development Department
 Development Services Division

1 PARKING LEVEL 1
 A2.1 SCALE 1/8" = 1'-0"

1. BUILDING PERMIT
 No. 128-1240-1241-1242-1243-1244
 Date: 2014-01-20
 Project: 128-1240-1241-1242-1243-1244
 City: Victoria, British Columbia

alan lowe architect inc.
 202 - 1110 Government St.
 Victoria, British Columbia
 1 250-361-1111

PARKSIDE
 VICTORIA RESORT & SPA
 816 HUMBOLDT STREET
 Parking Level 1

project no.: 128-1240-1241-1242-1243-1244
 date: 2014-01-20
 sheet: 111
 checked by: LOWE
 date: 2014-01-20

A2.1



Planning and Land Use Committee Report

Date: January 22, 2014

From: Steve Barber, Senior Heritage Planner

Subject: 39 Lewis Street
Heritage Designation Application #000138
Request for Heritage Designation by the owner
Zoned: R-2 - Two Family Dwelling

Executive Summary

This is an owner request to designate an existing one-and-a-half-storey residence, located on Lewis Street in the James Bay neighbourhood, as a Municipal Heritage Site. The house was built in 1908 and contributes to the historic character of Lewis Street, a small dead-end street with an intact historic streetscape of houses of a variety of styles, built at the beginning of the twentieth century.

The application was reviewed by the Heritage Advisory Panel at its January 14, 2014 meeting and was recommended for approval.

Recommendations

That Heritage Designation Application #000138 for 39 Lewis Street proceed for consideration at a Public Hearing and that City staff prepare the Heritage Designation Bylaw to designate the property as a Municipal Heritage Site.

Respectfully submitted,

A handwritten signature in blue ink that reads 'Steve Barber'.

Steve Barber
Senior Heritage Planner
Community Planning Division

Alt.

A handwritten signature in blue ink that reads 'Deb Day'.

Deb Day
Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

A large, stylized handwritten signature in blue ink that reads 'Jocelyn Jenkyns'.

Jocelyn Jenkyns

SB/ljm

S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\HD\HD000138\PLUC REPORT 39 LEWIS ST - HD.DOC

1. Purpose

The purpose of this report is to describe the heritage significance of the house at 39 Lewis Street which the owner has requested be considered for heritage designation as a Municipal Heritage Site. This report fulfills the requirements of Section 968(5) of the *Local Government Act*.

2. Background

An application for heritage designation from the owner was received on December 2, 2013. It was reviewed by the Heritage Advisory Panel at its January 14, 2014 meeting and was recommended for approval.

3. Issues

The issue is the voluntary heritage protection of a heritage building that is not on the Heritage Register.

4. Analysis**Statement of Significance****Description**

The historic place is a one-and-a-half storey, modified Colonial Bungalow style house, built in 1908, located in the James Bay neighbourhood of Victoria.

Heritage Value

This house contributes to the historic character of Lewis Street, a small dead-end street in the James Bay neighbourhood with an intact historic streetscape of houses of a variety of styles, built at the beginning of the twentieth century. The street is narrow with no sidewalks, and the proximity of the houses to the street creates a small, intimate urban scale which recalls the early years of the development of Victoria as a city. James Bay is significant as Victoria's oldest residential neighbourhood, and illustrates the early pattern of neighbourhood settlement as pioneer farms were subdivided to form the first suburbs. The close proximity and compact nature of this unusually intact historic streetscape offers a window into what a typical James Bay street might have looked like prior to the Second World War. Built in 1908 by William Knight, a carpenter, the house at 39 Lewis Street illustrates a modified Colonial Bungalow style with elements of the Edwardian Arts and Crafts style of architecture. The house is valued as a representative example of the modest working class homes which sprang up due to the close walking distance to the industrial activity around Ogden Point which was fueled by the economic boom prior to World War One.

Character-defining Elements

All elements of the modified Colonial Bungalow style including, but not limited to:

- Bellcast roof
- Angled bay window on front façade with cutaway brackets

- Proximity to the street
- Wood sash windows and art glass
- Exterior cladding of double bevel wood siding, wood trim and wood shingles
- Chamfered porch columns
- Second storey dormers
- Tall corbelled brick chimneys.

Official Community Plan/Neighbourhood Plans

The conservation of this building is consistent with Chapter 8, "Placemaking (Urban Design and Heritage)" of the *Official Community Plan 2012* which states:

City Form

- 8.6 *Conserve and enhance the heritage value, character and special features of areas, districts, streetscapes, cultural landscapes and individual properties throughout the city.*
- 8.11 *Determine the heritage value of areas, districts, streetscapes, cultural landscape and individual properties using the Victoria Heritage Thematic Framework as identified in Figure 12.*

Streetscapes and Open Space

- 8.51 *Continue to give consideration to tools available under legislation to protect or conserve heritage property including, but not limited to: heritage designation bylaws; listing on the heritage register; temporary protection; heritage alteration permits; heritage revitalization agreements; design guidelines; and, the protection of views of heritage landmark buildings from public vantage points as identified in Map 8, and to be determined in future local area plans.*
- 8.54 *Continue to work with senior government, community and business partners to identify, protect and conserve property of heritage value.*

The preservation of this building is consistent with the *James Bay Neighbourhood Plan* policies which state:

Objectives

- 1. *Encourage the conservation and rehabilitation of buildings, lands and structures of heritage significance which contribute to the neighbourhood's attractive character.*
- 2. *Promote positive public awareness of the value of heritage resources.*
- 3. *Encourage retention of clusters of heritage houses, including streetscapes.*

Zoning/Land Use

The proposed designation is consistent with the policies for neighbourhood conservation and maintains the residential land use.

Condition/Economic Viability

The building appears to be in reasonable condition.

Need for Financial Support

The owner may apply for the Victoria Heritage Foundation House Grant Program.

4.a. Options

Council can approve or decline the request for heritage designation.

4.b. Resource Impacts

Financial assistance is provided through the Victoria Heritage Foundation, which receives an annual grant from the City.

4.c. Conclusions

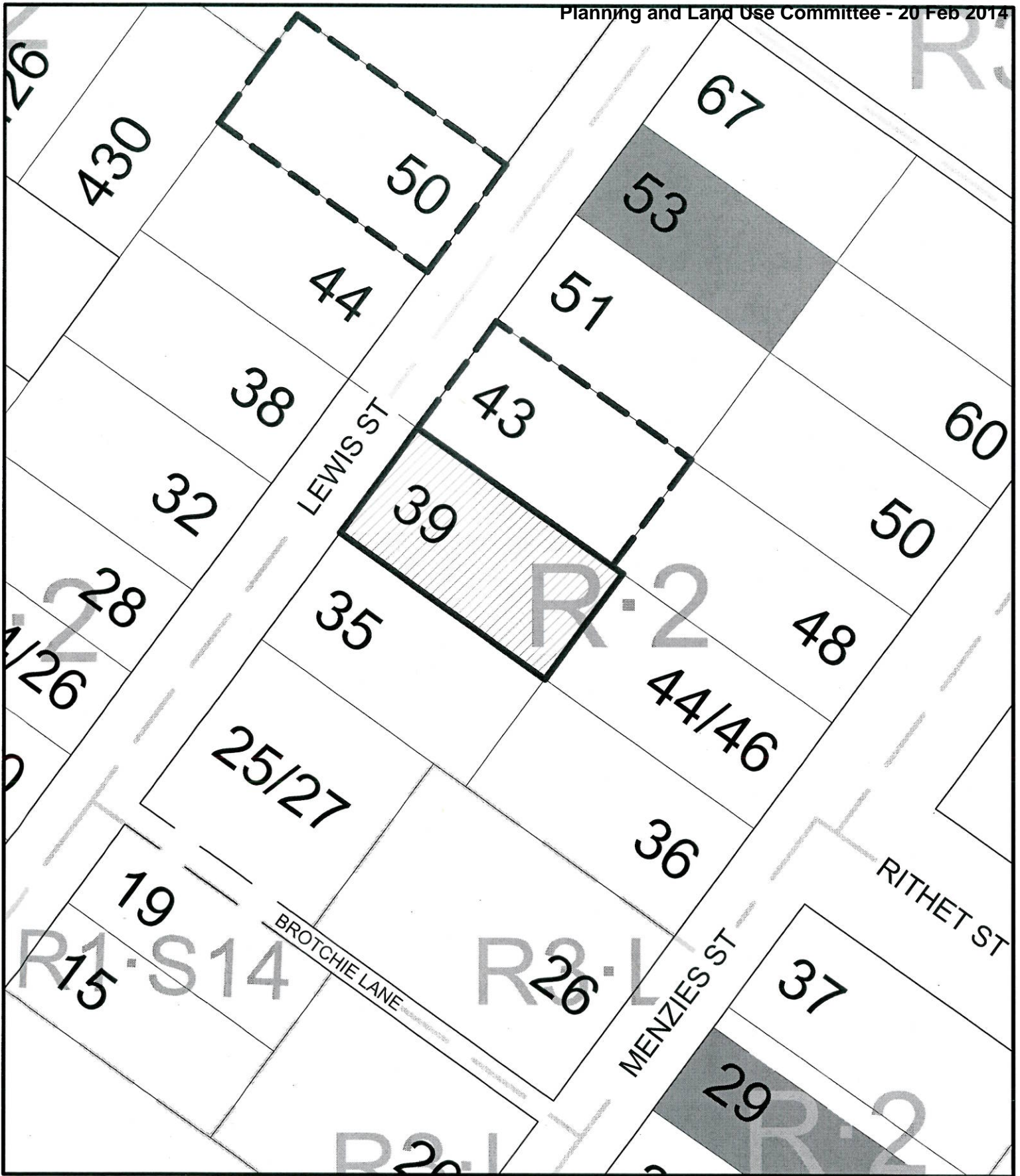
The heritage designation of this building is justified in view of the significance of the structure as outlined in the Statement of Significance.

5. Recommendations

That Heritage Designation Application #000138 for 39 Lewis Street proceed for consideration at a Public Hearing and that City staff prepare the Heritage Designation Bylaw to designate the property as a Municipal Heritage Site.

6. List of Attachments

- Map of subject property
- Photos
- Draft description from *This Old House, Volume Two: James Bay*
- Letter from owner, dated December 2, 2013
- *History of Lewis Street: A Historic James Bay Street*, dated December 2, 2013.



39 Lewis Street

Heritage Designation #000138

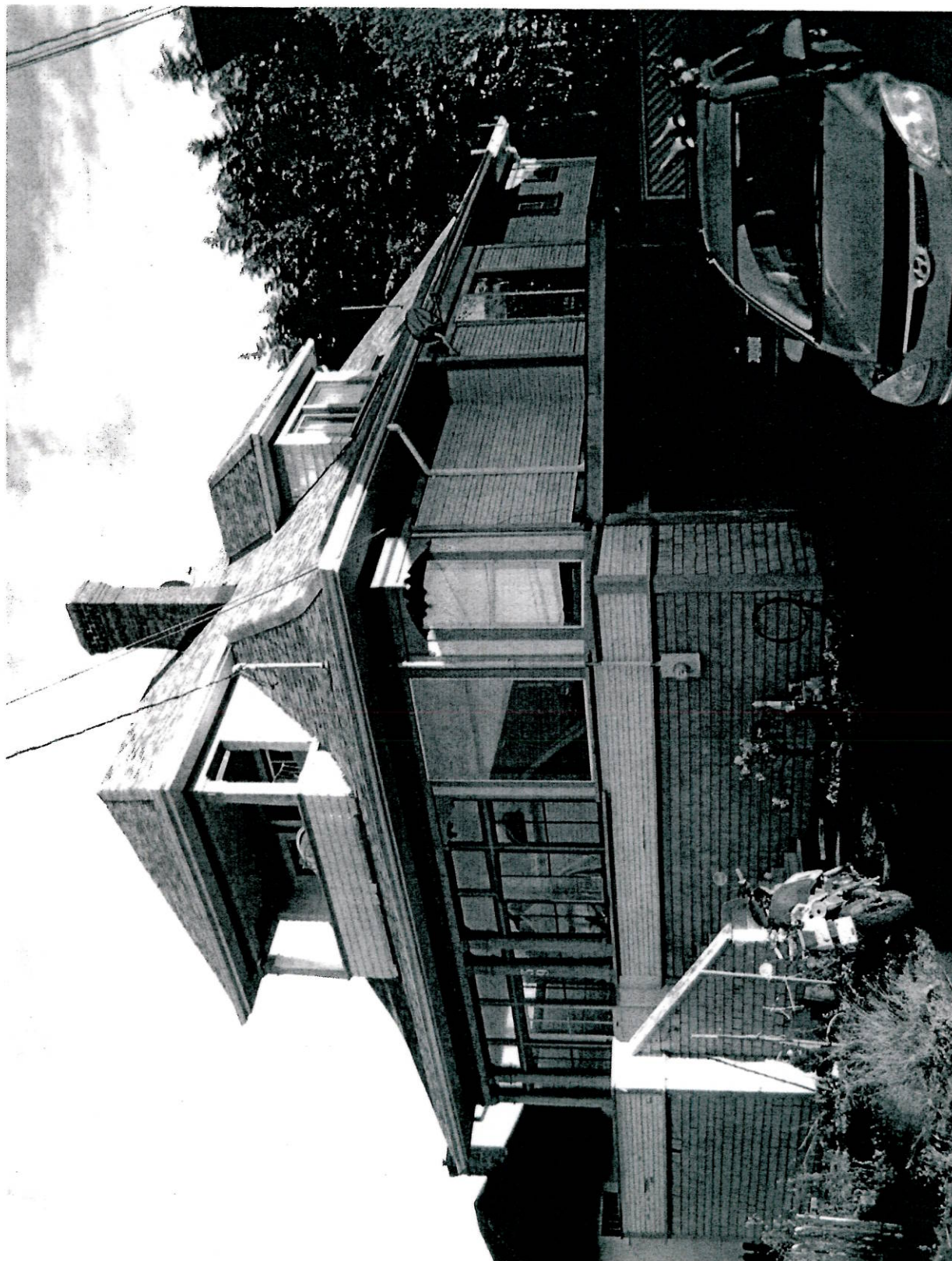
■ Designated ■ Registered

--- Designation Application Pending





39 Lewis Street



39 Lewis Street

39 Lewis Street



39 Lewis Street

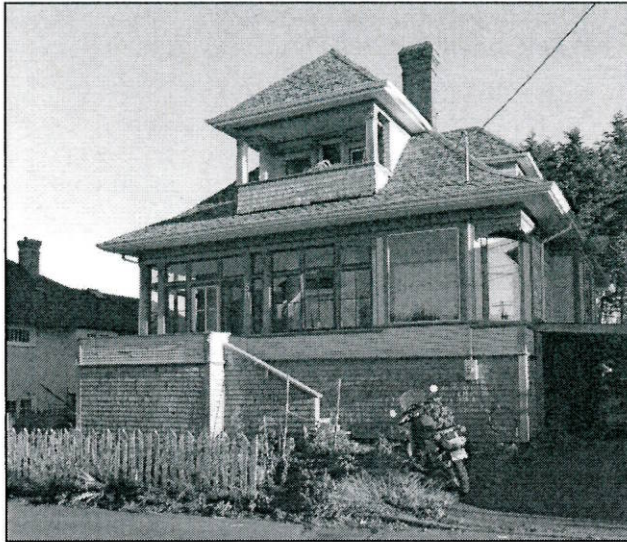




39 Lewis Street

39 Lewis Street
For: William Henry Knight

1908

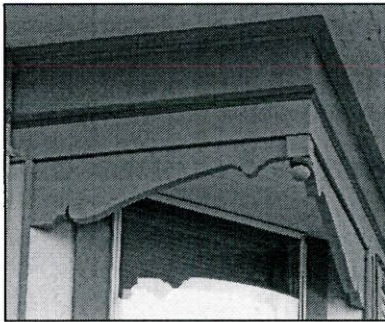


39 Lewis St, 2013

VHF / Nick Russell

Although William H. Knight appears to have only had a short career as a carpenter, he showed considerable skill with this house, which he built in 1908 at an estimated cost of \$1,800.

The style of the house is reminiscent of a Colonial Bungalow, but with earlier Queen Anne features such as the cutaway bay with sawn brackets. The 1½-storey house has a steep bellcast, hipped roof with a dominant bellcast



Cutaway bay brackets VHF / Nick Russell

dormer over a sleeping porch. The front façade originally featured a shallow angled bay on the right and a recessed porch and front door on the left. Hand-some chamfered columns on the porch are matched on the dormer. The

effect has been somewhat flattened by later glazing, which partly obscures the ornate brackets on the cutaway corner. The transom on the bay features art glass, with a matching window on the inner entry. The original sash windows have horns.

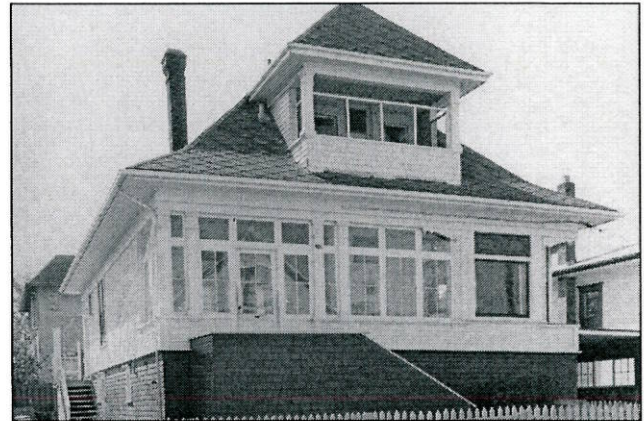
The house has a surprisingly large footprint. The main floor is covered in double-beveled siding, while the basement and stairway walls are shingled. Side-facing steps with low cheeks access the front porch.

The right side features a full-height box bay, with a dormer above, and a matching dormer on the rear. On the left, there is a side-facing back door near the rear corner, with front-facing steps. There are two tall, corbelled chimneys.

Lewis Street forms an intimate streetscape where the houses are built in close proximity to the street with no sidewalks or boulevards. The one-block long dead-end street is connected to Menzies St to the east by a narrow walkway known as Brochty Lane and to Luxton Av to the west through a small playlot.

The street was named after the well-respected Capt. Herbert George Lewis. He began his career with the Hudsons Bay Co. arriving in Victoria in 1847. He married Mary Langford, daughter of Capt. E.E. Langford in 1870 and in 1878 they built a substantial house facing Dallas Rd on the southeast corner of Lewis St. The house was demolished in the 1960s.

39 Lewis Street was built by first owner William Henry Knight (b. Cornwall, ENG, c.1884). William married Jennie (née Beatty, Toronto, ON, c.1883) in New Westminster in 1904. William also built **1560 Gladstone Av**, Fernwood, where they lived from 1905-08 while William worked as a bicycle manufacturer. The Knights lived



39 Lewis St, 1970s

Hallmark Heritage Society Archives

at 39 Lewis for two years before building an Edwardian Vernacular house at 149 Medana St.

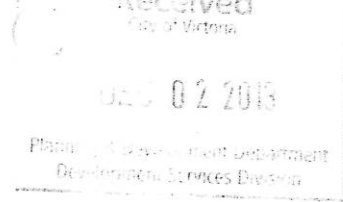
By 1911 William Stephen (b. London ENG, 1878-1947) and Hanna Caroline (née Brandon, ENG, c.1878-1945) Brown were the owners. William came to Victoria in 1899. He spent two years in the navy as a ward room steward. During his early years in Victoria he was employed as a waiter and then chief steward at the Pacific Club in the Yarrow Building. Hannah arrived in Victoria in 1905 when she married William in Vancouver. In 1915 William enlisted in the Armed Forces at the age of 37. He returned by 1918 and spent the rest of his career as an insurance agent. His last job was as annuities representative for the Canadian Government. William and Hannah had two children: William James Charles (b. Victoria, BC, 1907-87) and Ethel Hannah (b. Victoria, BC, 1909-92). Ethel worked as a stenographer for the BC Government. William James started out as a bookkeeper for Cameron Motors and then became an agent with his own insurance company. Both lived at 39 Lewis until their father's death in 1947, when they moved to 21 Wellington Av in Fair-

field.

From 1949-52 Don B. and Kathleen Sharp were the occupants. Don was an accountant at BC Cement.

By 1953 Jack and Rea Vanderbyl were the occupants of the house. Jack was employed as an orderly at the Royal Jubilee Hospital and then as a waiter at the Empress Hotel.

During the 1980s and 90s this was the home of Carole James and her family. Carole served as a Trustee on the Greater Victoria School Board before becoming the leader of the BC New Democratic Party from 2003-10. She has been the MLA for Victoria-Beacon Hill since 2005.



November 20 2013

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

Attention: Mayor and City Council

Dear Sirs:

Re: Heritage designation – 39 Lewis Street, Victoria, B.C.

As the registered owner of 39 Lewis Street, Victoria, B.C., I am submitting this letter in support of a request that the subject property be designated heritage.

The primary reason for this request is a desire to preserve the architectural flavour of the neighbourhood. To the best of my knowledge, Lewis Street is one of the few remaining streets in the city of Victoria that features predominately heritage housing. Retaining the historical fingerprint of our beautiful city is an asset, particularly in light of the commercial impact of Victoria's tourist industry.

Maintaining the street-front and interior integrity of an architecturally exceptional residence is costly. With this in mind, it is only logical to designate 39 Lewis Street as a heritage home. This would provide me with access to financial incentives available for the maintenance and upkeep of what many would consider to be an irreplaceable piece of Victoria's history.

Sincerely,

A handwritten signature in dark ink, appearing to read "Bud Lafaut".

William Robert "Bud" Lafaut

Lewis Street

A Historic James Bay Street

Lewis Street, 1 block long, runs north from Dallas Road with no northerly street exit. The street is narrow and without sidewalks, the lots are small and the houses are situated close to the street. The majority of the houses were built before the Second World War with many dating from the turn of the century to the outbreak of the First War. The variety of styles includes Victorian Vernacular, Edwardian Vernacular Arts and Crafts, Colonial Bungalow, California Bungalow and English Arts and Crafts Bungalow. The close proximity and compact nature of this unusually intact historic streetscape offers a window into what a typical James Bay street might have looked like prior to the Second World War.

The origins of Lewis Street go back to the 1870's. In 1876 William Charles Robinson, an English born wholesaler and customs broker built his home, *Gladys Villa* facing Menzies Street on two acres of land at the north end of present day Lewis Street. Two years later Captain Herbert George Lewis a native of Hertfordshire, employee of the Hudson's Bay Company and skipper of the Beaver purchased property on Dallas Road and built a substantial residence at the south end of what is now Lewis Street.

The first tentative route for Lewis Street was deeded in 1889 and may have originally been a driveway through the Captain Lewis property. Travelling north from Dallas Road for 30 metres, the street turned east and connected with Menzies Street. In 1904 the easterly section became Brothie Lane and Lewis Street itself was extended north from Dallas Road to the southern boundary of the *Gladys Villa* estate.

Ten houses were built along Lewis Street before 1911. The residents at that time included four ships captains, two carpenters, a dressmaker, a stores man, an engineer, a labourer and a curiously entitled woman of "own means".

In 1911 two brothers and a cousin from Manitoba purchased *Gladys Villa*. John and George Playfair and George Cramer subdivided the property into 12 lots. Lewis Street was extended north again and the end of the street was connected by a footpath to Menzies Street. Four of the lots fronted on Menzies Street. *Gladys Villa*, now situated in the middle of the subdivision was moved to a new lot on the northwest corner of the property and became 66 Lewis Street.

50 Lewis Street was constructed in 1912 and was the first new house to be constructed in the subdivision. 53 Lewis Street, Heritage Designated in 2011, was the last to be built and was completed in 1929. It was the home of George Cramer, one of the developers. The North Lewis Street subdivision development was interrupted by the economic downturn in 1913 and the onset of First World War. Work resumed again in the 1920's.

The architectural design of most of the 12 houses in the 1911 subdivision reflect the fashion of the period in which they were constructed. Edwardian Vernacular Arts and Crafts before 1914 and English Arts and Crafts during the 1920's. However, the style of the first three houses built after the war harken back to the era before 1914. Each of these three were constructed in 1922 and are located at 44 Lewis and at 60 and 64 Menzies Street. 60 Menzies received Heritage Designation in 2013 and was the home until 1925 of subdivision developer George Playfair.

The Captain Lewis House was demolished in the late 1960's making way for an apartment tower. Two turn of the century homes at the south end of Lewis Street disappeared in the 1980's with the development of the Dunn Elm Village townhouse complex. In the 1970's the working class 1911 cottage at 34 Lewis was bequeathed to the city by its last owner and was removed to make way for Lewis Park which has become a focus for the street and a well used neighbourhood amenity.

The 1913 house at 62 Lewis and the 1876 *Gladys Villa* at 66 Lewis were demolished in the early 1970's in favour of a parking lot for the Albion Court apartment building. In the 1990's two new houses were constructed on subdivided lots at 15 and 27 Lewis Street. Most of the remaining pre Second World War houses retain their original facades and for the most part the feeling of an early 20th century Victoria streetscape has been maintained.

Several years ago the neighbourhood marked the 100th anniversary of the 1911 Lewis Street extension and subdivision. During the event temporary historic informational signs were installed on each property indicating the date the house was built, the first residents name as well as their occupation. In the future we hope to create more permanent versions of these signs. We have also been discussing the possibility of installing a plaque at the end of the street which would outline in text and photos the history of the street and its early residents. Many people, both local and visitor, walk along Lewis Street each year. It is clear from many casual conversations that the historic ambiance of the street is often the reason that they choose this route.

We recognize that the historic flavour of a street can disappear very quickly. Descriptive signage, plaques and photos greatly enhance the experience for a visitor but offer little value if that flavour has been tarnished and the balance tipped by the disappearance of one too many heritage buildings. We trust that in choosing to seek Heritage Designation for our three homes we are beginning the process of helping to protect this small piece of historic James Bay. We also think that as more neighbours join us in the years to come Historic Lewis Street can become a valued community heritage asset preserved for the enrichment of all.



Planning and Land Use Committee Report

Date: January 22, 2014

From: Steve Barber, Senior Heritage Planner

Subject: 43 Lewis Street
Heritage Designation Application #000139
Request for Heritage Designation by the owner
Zoned: R-2 Two Family Dwelling District

Executive Summary

This is an owner request to designate an existing one storey, English Arts and Crafts bungalow, located on Lewis Street in the James Bay neighbourhood, as a Municipal Heritage Site. The house was built in 1928 and contributes to the historic character of Lewis Street, a small dead-end street with an intact historic streetscape of houses of a variety of styles, built at the beginning of the twentieth century. Few examples of the modest English Arts and Crafts style are protected by heritage designation in Victoria.

The application was reviewed by the Heritage Advisory Panel at its January 14, 2014 meeting and was recommended for approval.

Recommendations

That Heritage Designation Application #000139 for 43 Lewis Street proceed for consideration at a Public Hearing and that City staff prepare the Heritage Designation Bylaw to designate the property as a Municipal Heritage Site.

Respectfully submitted,

A handwritten signature in blue ink that reads 'Steve Barber'.

Steve Barber
Senior Heritage Planner
Community Planning Division

Alt.

A handwritten signature in blue ink that reads 'Deb Day'.

Deb Day
Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

A large handwritten signature in blue ink that reads 'Jocelyn Jenkyns'.

Jocelyn Jenkyns

SB/ljm

S:\TEMPEST_ATTACHMENTS\PROSPERO\PLHD\HD000139\PLUC REPORT-HD.DOC

1.0 Purpose

The purpose of this report is to describe the heritage significance of the house at 39 Lewis Street which the owner has requested be considered for heritage designation as a Municipal Heritage Site. This report fulfills the requirements of Section 968(5) of the *Local Government Act*.

2.0 Background

An application for heritage designation from the owner was received on December 2, 2013. It was reviewed by the Heritage Advisory Panel at its January 14, 2014 meeting and was recommended for approval.

3.0 Issues

The issue is the voluntary heritage protection of a heritage building that is not on the Heritage Register.

4.0 Analysis

Statement of Significance

Description

The historic place is a one storey, English Arts and Crafts style bungalow, built in 1928, located in the James Bay neighbourhood of Victoria, BC.

Heritage Value

This house contributes to the historic character of Lewis Street, a small dead-end street in the James Bay neighbourhood with an intact historic streetscape of houses of a variety of styles, built at the beginning of the twentieth century. The street is narrow with no sidewalks, and the proximity of the houses to the street creates a small, intimate urban scale which recalls the early years of the development of Victoria as a city. James Bay is significant as Victoria's oldest residential neighbourhood, and illustrates the early pattern of neighbourhood settlement as pioneer farms were subdivided to form the first suburbs. The close proximity and compact nature of this unusually intact historic streetscape offers a window into what a typical James Bay street might have looked like prior to the Second World War. Built in 1928 by John and George Playfair, and their cousin, George Cramer, local builders, the house at 43 Lewis Street illustrates the English Arts and Crafts style, which was a common style in Victoria during the 1920s and 1930s. The house is valued as a representative example of the modest working class homes which sprang up due to the close walking distance to the industrial activity around Ogden Point which was fueled by the economic boom prior to World War One.

Character-defining Elements

All elements of the English Arts and Crafts bungalow style including, but not limited to:

- Simple one storey form
- Hipped roof, open soffit and exposed rafters

- Stucco finish
- Three over one wood sash windows
- Cantilevered box bay windows
- Corbelled chimney.

Official Community Plan/Neighbourhood Plans

The conservation of this building is consistent with Chapter 8, "Placemaking (Urban Design and Heritage)" of the *Official Community Plan 2012* which states:

City Form

- 8.6 *Conserve and enhance the heritage value, character and special features of areas, districts, streetscapes, cultural landscapes and individual properties throughout the city.*
- 8.11 *Determine the heritage value of areas, districts, streetscapes, cultural landscape and individual properties using the Victoria Heritage Thematic Framework as identified in Figure 12.*

Streetscapes and Open Space

- 8.51 *Continue to give consideration to tools available under legislation to protect or conserve heritage property including, but not limited to: heritage designation bylaws; listing on the heritage register; temporary protection; heritage alteration permits; heritage revitalization agreements; design guidelines; and, the protection of views of heritage landmark buildings from public vantage points as identified in Map 8, and to be determined in future local area plans.*
- 8.54 *Continue to work with senior government, community and business partners to identify, protect and conserve property of heritage value.*

The preservation of this building is consistent with the *James Bay Neighbourhood Plan* policies which state:

Objectives

1. *Encourage the conservation and rehabilitation of buildings, lands and structures of heritage significance which contribute to the neighbourhood's attractive character.*
2. *Promote positive public awareness of the value of heritage resources.*
3. *Encourage retention of clusters of heritage houses, including streetscapes.*

Zoning/Land Use

The proposed designation is consistent with the policies for neighbourhood conservation and maintains the residential land use.

Condition/Economic Viability

The building appears to be in good condition.

Need for Financial Support

The owner may apply for the Victoria Heritage Foundation House Grant Program.

4.a. Options

Council can approve or decline the request for heritage designation.

4.b. Resource Impacts

Financial assistance is provided through the Victoria Heritage Foundation, which receives an annual grant from the City.

4.c. Conclusions

The heritage designation of this building is justified in view of the significance of the structure as outlined in the Statement of Significance.

5.0 Recommendations

That Heritage Designation Application #000139 for 43 Lewis Street proceed for consideration at a Public Hearing and that City staff prepare the Heritage Designation Bylaw to designate the property as a Municipal Heritage Site.

6.0 List of Attachments

- Map of subject property
- Photos
- Draft description from *This Old House, Volume Two: James Bay*
- Letter from owner, dated December 2, 2013
- *History of Lewis Street: A Historic James Bay Street*, dated December 2, 2013.



43 Lewis Street

Heritage Designation #000139

Designated Registered

Designation Application Pending



Heritage Designation # 000139 for 43 Lewis Street - D. Day, D...



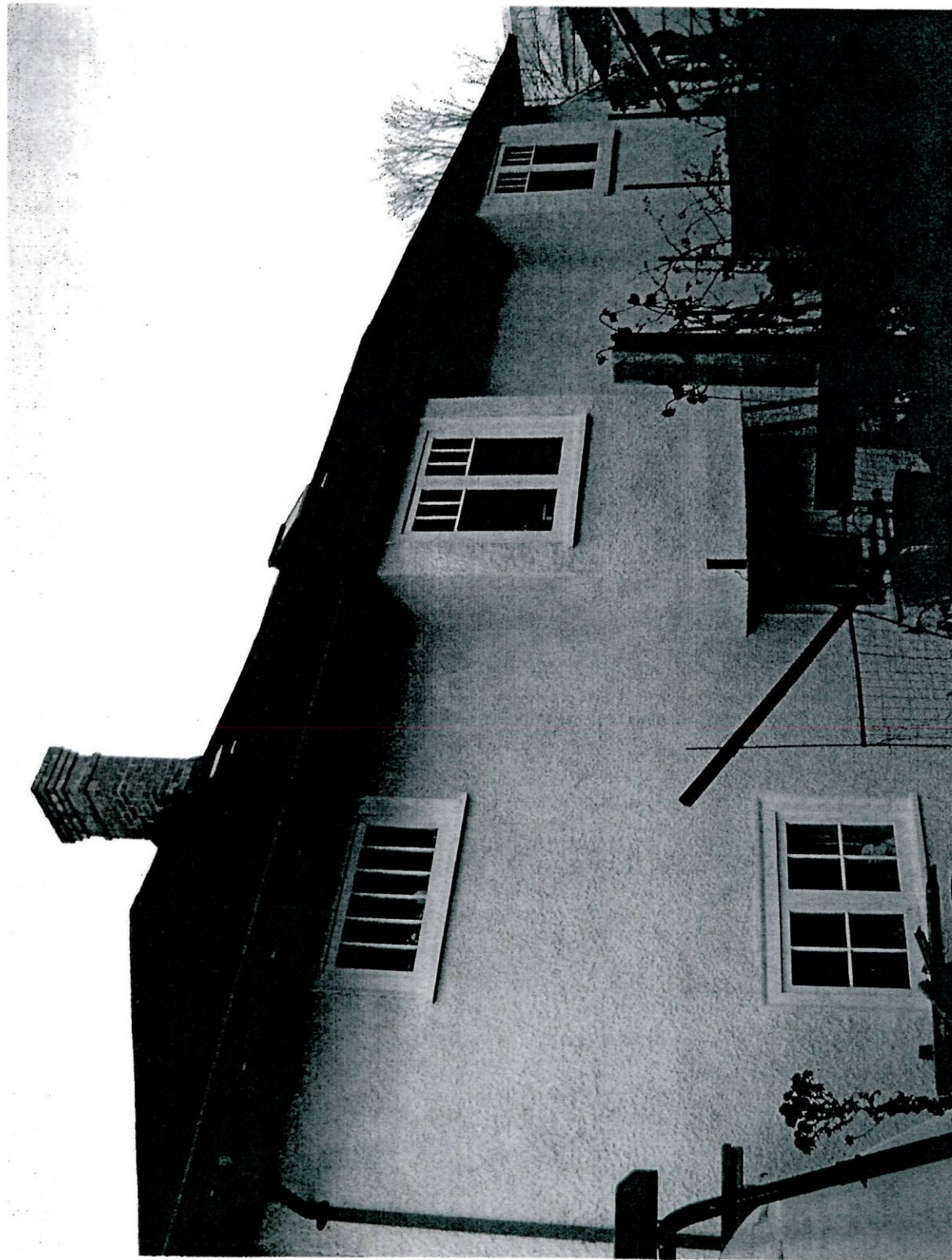
43 Lewis Street

43 Lewis Street





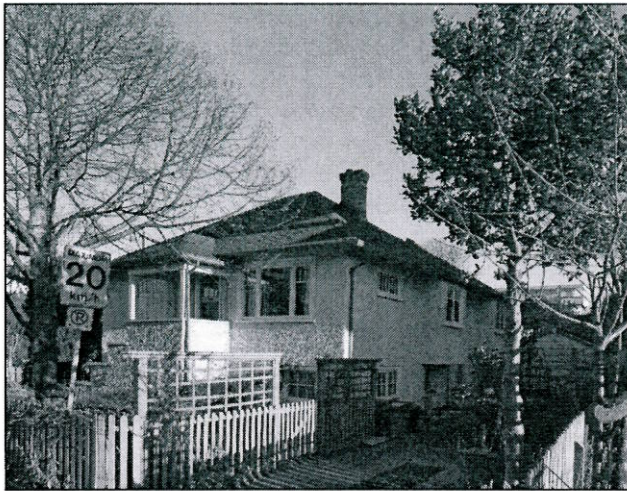
43 Lewis Street



43 Lewis Street

43 Lewis Street
For: John A. Playfair

1928



43 Lewis St, 2013

VHF / Nick Russell

This bungalow was one of the last of more than a dozen houses built in a cluster on Lewis and Menzies Streets by the Playfair brothers and their cousin George Cramer, between 1912 and 1929.

The building permit for 43 Lewis was issued to John Playfair in 1928, for a 4-room, 1-storey stucco dwelling costing \$2,000.

The simplicity of the box form with hipped roof with a small ridge, the simple porch, and the 3-over-1 casement windows all speak to a style usually referred to as “the 1920s Bungalow.” This is confirmed by the stucco, open soffits with wide eaves, and multi-pane basement windows. All windows are in their original wood frames, and most retain their original glass. The right side of the house is highlighted by two cantilevered box bays with double windows, and a multi-pane piano window. The sympathetic front door is reached via side-facing steps with a stepped solid balustrade.

Some of these elements hint at British Arts & Crafts influences, particularly the open soffits, piano window, a discreet flaring of the original rough stucco, and a modestly corbelled chimney.

The house has much in common with 48 Menzies St, which backs on to it and shares the same lot (east half and west half). Both building permits were issued to John Playfair, exactly a year apart, and for the same estimated price. The Menzies house has the same ridged, hipped roof, and shares the same asymmetrical front fenestration.

This house is important as one of the few intact examples of this style in the area, and because it completes the architectural evolution demonstrated by the Playfair, Playfair & Cramer subdivision, starting with pure Edwardian styles and evolving into the stripped simplicity of the late 1920s.

The earliest house in the area was built in 1876 for commission agent William Charles Robinson and his wife

Hannah. The 10-room Gladys Villa sat on two acres and was originally accessed from Menzies St.

In 1911 the team of Playfair, Playfair & Cramer acquired Gladys Villa and much of Block 15, comprising the north end of Lewis and adjacent lots on Menzies. Since Gladys Villa stood in the middle of what is now the dead-end of Lewis St, it was moved west and re-numbered 66 Lewis. They divided the remainder into 12 lots, systematically constructing one or two houses each year, with a gap during World War I. The houses were all modest, in the \$2-3,000 range, with Arts & Crafts features. Some post-war buildings may have used pre-war plans. Two of the houses, **60 Menzies St** and **53 Lewis St**, are now heritage-designated. Gladys Villa was demolished in 1972 to make way for parking.

The Playfair brothers John Andrew (b. Lanark Co, ON, 1867-1941) and George William (b. Lanark Co, ON, 1869-1925) and their cousin George Cramer (see 50 and **53 Lewis St**) were responsible for more than 20 houses from about 1910-1929. While their primary emphasis was the Lewis/Menzies Street cluster, they started with houses on Wark, Bay, Taunton, Cambridge & Thurlow Streets (1910-12).

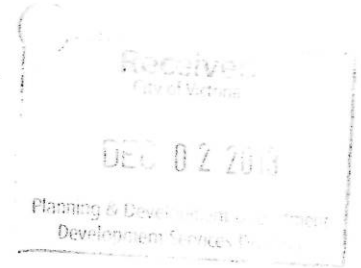
Retired schoolteacher Phoebe Boden (b. ON, 1856-1947) purchased the new house in 1928. Phoebe had taught in Township Uxbridge, ON and by 1911 in Saskatchewan. From 1932-37 she rented the house to the Perkins while she lived in various apartments in the City. She returned to 43 Lewis from 1938-44. By the time of her death at age 90, she was living at the Churchill Hotel on Government St.

Gerald Morton (b. Barbados, BWI, 1898-1983) and Olga Grace (née McDougall, Victoria, BC, 1900-89) Perkins rented the house from 1932-37. When they married in Victoria in 1930, Olga was a stenographer. Gerald worked as an accountant at Beatty Bros, and later at Yarrows shipyard.

From 1945-49 Beatrice Lowe (née Murfin, ENG, 1881-1967) and William Ernest (b. ENG, 1880-1984) Wheeler were the occupants. They arrived in BC from England in 1927 and moved to Victoria c.1938. William was a baker working for Small's, later Arnold's Bakery. He lived to be 103. Their son Ernest (b. Rotherham, ENG, 1908-92) was also living with them and worked as a technician at Young's Radio. By 1950 the Wheelers lived at 3038 Washington St.

In 1951 Thomas Young (b. Blanchory, SCT, 1898-1965) and Blanche (née Robertson, Newmilns, Ayresshire, SCT, 1896-1992) Grant took possession of the house. They arrived in Victoria c.1948 after Thomas retired from 30 years as a police officer in England. By 1953 he was working as a doorman at the Empress Hotel. He was still employed as porter at the Empress at the time of his death in 1965. Blanche remained in the house for several more years until 1975.

This Old House: Victoria's Heritage Neighbourhoods, Volume Two; (Draft) 2014: James Bay



Linda Carlson and Davyd McMinn
43 Lewis Street
Victoria B.C.
V8V 2E9

Mayor and Council
City of Victoria
1 Centennial Square
Victoria B.C.

November 20 2013

Dear Mayor and Council

We are writing to you to request that our home at 43 Lewis Street be granted Heritage Designation. The house was built in 1928 and is an example of an English Arts and Crafts bungalow. Although this residential architectural style never matched the popularity of the American Craftsman bungalow on the west coast, there were a number of these small houses built in Victoria during the 1920's and 30's.

43 Lewis is an understated example of the style. The lack of adornment is offset by the clarity of the building's lines and a clear and harmonious structural balance. The house features a symmetrical hip roof, open soffits and exposed rafters. The exterior walls are clad in uninterrupted rough cast stucco with a pronounced flair at the base. The original wood sash casement windows, most with original glass, follow a classic three over one glazing pattern.

The front porch, enclosed since the 1940's, has recently been reopened. The entry staircase, significantly altered in the same period, has been returned to the 1928 configuration. The porch roof is to be restored to its original modified barrel shape. An analysis of the 1928 paint scheme has been completed and the house will be painted in original colours in 2014. An inappropriate 1970s rear addition was

replaced in the 1990s with one that is consistent with the original structure.

In Victoria over the past 50 years many representations of this style of modest bungalow have fallen victim to unsympathetic alterations or outright demolition. 43 Lewis Street, largely unaltered, remains comfortably positioned amongst the eclectic early 20th century homes of a historic James Bay street.

We are dedicated to restoring and preserving our 85 year old heritage home for the benefit of ourselves and for the community. We believe that Heritage Designation will greatly assist this enterprise and respectfully request the approval of our application.

Yours Sincerely

Linda Carlson and Davyd McMinn

Linda Carlson
Davyd 2

Lewis Street

A Historic James Bay Street

Lewis Street, 1 block long, runs north from Dallas Road with no northerly street exit. The street is narrow and without sidewalks, the lots are small and the houses are situated close to the street. The majority of the houses were built before the Second World War with many dating from the turn of the century to the outbreak of the First War. The variety of styles includes Victorian Vernacular, Edwardian Vernacular Arts and Crafts, Colonial Bungalow, California Bungalow and English Arts and Crafts Bungalow. The close proximity and compact nature of this unusually intact historic streetscape offers a window into what a typical James Bay street might have looked like prior to the Second World War.

The origins of Lewis Street go back to the 1870's. In 1876 William Charles Robinson, an English born wholesaler and customs broker built his home, *Gladys Villa* facing Menzies Street on two acres of land at the north end of present day Lewis Street. Two years later Captain Herbert George Lewis a native of Hertfordshire, employee of the Hudson's Bay Company and skipper of the Beaver purchased property on Dallas Road and built a substantial residence at the south end of what is now Lewis Street.

The first tentative route for Lewis Street was deeded in 1889 and may have originally been a driveway through the Captain Lewis property. Travelling north from Dallas Road for 30 metres, the street turned east and connected with Menzies Street. In 1904 the easterly section became Brothie Lane and Lewis Street itself was extended north from Dallas Road to the southern boundary of the *Gladys Villa* estate.

Ten houses were built along Lewis Street before 1911. The residents at that time included four ships captains, two carpenters, a dressmaker, a stores man, an engineer, a labourer and a curiously entitled woman of "own means".

In 1911 two brothers and a cousin from Manitoba purchased *Gladys Villa*. John and George Playfair and George Cramer subdivided the property into 12 lots. Lewis Street was extended north again and the end of the street was connected by a footpath to Menzies Street. Four of the lots fronted on Menzies Street. *Gladys Villa*, now situated in the middle of the subdivision was moved to a new lot on the northwest corner of the property and became 66 Lewis Street.

50 Lewis Street was constructed in 1912 and was the first new house to be constructed in the subdivision. 53 Lewis Street, Heritage Designated in 2011, was the last to be built and was completed in 1929. It was the home of George Cramer, one of the developers. The North Lewis Street subdivision development was interrupted by the economic downturn in 1913 and the onset of First World War. Work resumed again in the 1920's.

The architectural design of most of the 12 houses in the 1911 subdivision reflect the fashion of the period in which they were constructed. Edwardian Vernacular Arts and Crafts before 1914 and English Arts and Crafts during the 1920's. However, the style of the first three houses built after the war harken back to the era before 1914. Each of these three were constructed in 1922 and are located at 44 Lewis and at 60 and 64 Menzies Street. 60 Menzies received Heritage Designation in 2013 and was the home until 1925 of subdivision developer George Playfair.

The Captain Lewis House was demolished in the late 1960's making way for an apartment tower. Two turn of the century homes at the south end of Lewis Street disappeared in the 1980's with the development of the Dunn Elm Village townhouse complex. In the 1970's the working class 1911 cottage at 34 Lewis was bequeathed to the city by its last owner and was removed to make way for Lewis Park which has become a focus for the street and a well used neighbourhood amenity.

The 1913 house at 62 Lewis and the 1876 *Gladys Villa* at 66 Lewis were demolished in the early 1970's in favour of a parking lot for the Albion Court apartment building. In the 1990's two new houses were constructed on subdivided lots at 15 and 27 Lewis Street. Most of the remaining pre Second World War houses retain their original facades and for the most part the feeling of an early 20th century Victoria streetscape has been maintained.

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We recognize that the historic flavour of a street can disappear very quickly. Descriptive signage, plaques and photos greatly enhance the experience for a visitor but offer little value if that flavour has been tarnished and the balance tipped by the disappearance of one too many heritage buildings. We trust that in choosing to seek Heritage Designation for our three homes we are beginning the process of helping to protect this small piece of historic James Bay. We also think that as more neighbours join us in the years to come Historic Lewis Street can become a valued community heritage asset preserved for the enrichment of all.



Planning and Land Use Committee Report

Date: January 22, 2014

From: Steve Barber, Senior Heritage Planner

Subject: 50 Lewis Street
Heritage Designation Application #000140
Request for Heritage Designation
Zoned: R-2 Two Family Dwelling District

Executive Summary

This is an owner request to designate an existing two storey, Edwardian Vernacular Arts and Crafts style residence and garage, located on Lewis Street in the James Bay neighbourhood, as a Municipal Heritage Site. The house and garage were built in 1912 and contribute to the historic character of Lewis Street, a small dead-end street with an intact historic streetscape of houses of a variety of styles, built at the beginning of the twentieth century.

The application was reviewed by the Heritage Advisory Panel at its January 14, 2014 meeting and was recommended for approval.

Recommendations

That Heritage Designation Application #000140 for 50 Lewis Street proceed for consideration at a Public Hearing and that City staff prepare the Heritage Designation Bylaw to designate the property as a Municipal Heritage Site.

Respectfully submitted,

A handwritten signature in blue ink that reads 'Steve Barber'.

Steve Barber
Senior Heritage Planner
Community Planning Division

Alt.

A handwritten signature in blue ink that reads 'D.E. Day'.

Deb Day
Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

A large handwritten signature in blue ink that reads 'Jocelyn Jenkyns'.

Jocelyn Jenkyns

SB/ljm

S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\HD\HD000140\PLUC REPORT-HD.DOC

1.0 Purpose

The purpose of this report is to describe the heritage significance of the house at 50 Lewis Street which the owner has requested be considered for heritage designation as a Municipal Heritage Site. This report fulfills the requirements of Section 968(5) of the *Local Government Act*.

2.0 Background

An application for heritage designation from the owner was received on December 2, 2013. It was reviewed by the Heritage Advisory Panel at its January 14, 2014 meeting and was recommended for approval.

3.0 Issues

The issue is the voluntary heritage protection of a heritage building that is not on the Heritage Register.

4.0 Analysis

Statement of Significance

Description

The historic place is a two storey, Edwardian Vernacular Arts and Crafts style house, built in 1912, located in the James Bay neighbourhood of Victoria, BC.

Heritage Value

Built in 1912 by local builder George Cramer, the house is an excellent example of the Edwardian Vernacular Arts and Crafts style, which displays the typical features of front facing gable roof with side dormers, recessed porch and angled bay window on the main floor, and art glass in one or more wood sash windows. Mr. Cramer was an active builder with his cousins, John and George Playfair. These local builders were responsible for the construction of more than 20 houses in Victoria from 1910 to 1929. The house at 50 Lewis Street is the oldest survivor and the only example of this style on Lewis Street.

This house contributes to the historic character of Lewis Street, a small dead-end street in the James Bay neighbourhood with an intact historic streetscape of houses of a variety of styles, built at the beginning of the twentieth century. The street is narrow with no sidewalks, and the proximity of the houses to the street creates a small, intimate urban scale which recalls the early years of the development of Victoria as a city. James Bay is significant as Victoria's oldest residential neighbourhood, and illustrates the early pattern of neighbourhood settlement as pioneer farms were subdivided to form the first suburbs. The close proximity and compact nature of this unusually intact historic streetscape offers a window into what a typical James Bay street might have looked like prior to the Second World War. The house is valued as a representative example of the modest working class homes which sprang up due to the close walking distance to the industrial activity around Ogden Point which was fueled by the economic boom prior to World War One.

The garage appears to have been constructed at the same time as the house with similar materials including double bevel wood siding, a flattened hipped roof, and original doors of vertical tongue and groove wood siding. A rare surviving example, it is representative of the emerging role of the automobile and its effect on City streetscapes of the period.

Character-defining Elements

All elements of the Edwardian Vernacular Arts and Crafts style including, but not limited to:

House

- Gable roof form with side dormers
- Recessed porch and angled bay window on the main floor
- Wood sash windows
- Art glass
- Double bevel wood siding
- Wood shingles and wood trim

Garage

- Double bevel wood siding
- Flattened hipped roof
- Original doors of vertical tongue and groove wood siding

Official Community Plan/Neighbourhood Plans

The conservation of these buildings is consistent with Chapter 8, "Placemaking (Urban Design and Heritage)" of the *Official Community Plan 2012* which states:

City Form

- 8.6 *Conserve and enhance the heritage value, character and special features of areas, districts, streetscapes, cultural landscapes and individual properties throughout the city.*
- 8.11 *Determine the heritage value of areas, districts, streetscapes, cultural landscape and individual properties using the Victoria Heritage Thematic Framework as identified in Figure 12.*

Streetscapes and Open Space

- 8.51 *Continue to give consideration to tools available under legislation to protect or conserve heritage property including, but not limited to: heritage designation bylaws; listing on the heritage register; temporary protection; heritage alteration permits; heritage revitalization agreements; design guidelines; and, the protection of views of heritage landmark buildings from public vantage points as identified in Map 8, and to be determined in future local area plans.*
- 8.54 *Continue to work with senior government, community and business partners to identify, protect and conserve property of heritage value.*

The preservation of this building is consistent with the *James Bay Neighbourhood Plan* policies which state:

Objectives

1. *Encourage the conservation and rehabilitation of buildings, lands and structures of heritage significance which contribute to the neighbourhood's attractive character.*
2. *Promote positive public awareness of the value of heritage resources.*
3. *Encourage retention of clusters of heritage houses, including streetscapes.*

Zoning/Land Use

The proposed designation is consistent with the policies for neighbourhood conservation and maintains the residential land use.

Condition/Economic Viability

Both the house and garage require painting. The garage is missing trim boards and is in serious need of repair.

Need for Financial Support

The owner may apply for the Victoria Heritage Foundation House Grant Program.

4.a. Options

Council can approve or decline the request for heritage designation.

4.b. Resource Impacts

Financial assistance is provided through the Victoria Heritage Foundation, which receives an annual grant from the City.

4.c. Conclusions

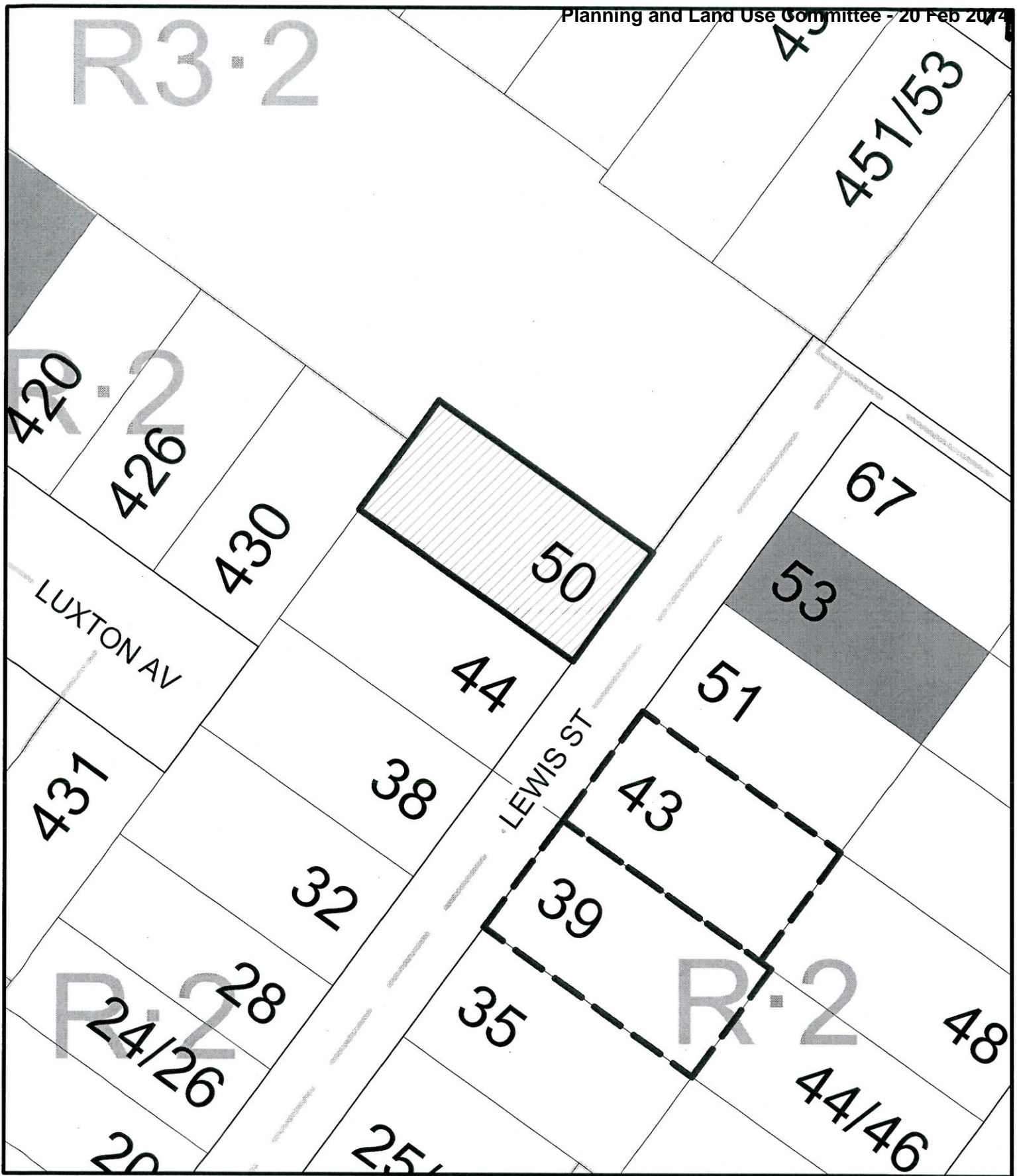
The heritage designation of this house and garage is justified in view of the significance of the structures as outlined in the Statement of Significance.

5.0 Recommendations

That Heritage Designation Application #000140 for 50 Lewis Street proceed for consideration at a Public Hearing and that City staff prepare the Heritage Designation Bylaw to designate the property as a Municipal Heritage Site.

6.0 List of Attachments

- Map of subject property
- Photos
- Draft description from *This Old House, Volume Two; James Bay*
- Letter from owner, dated December 2, 2013.
- *History of Lewis Street: A Historic James Bay Street*, dated December 2, 2013.



50 Lewis Street

Heritage Designation #000140



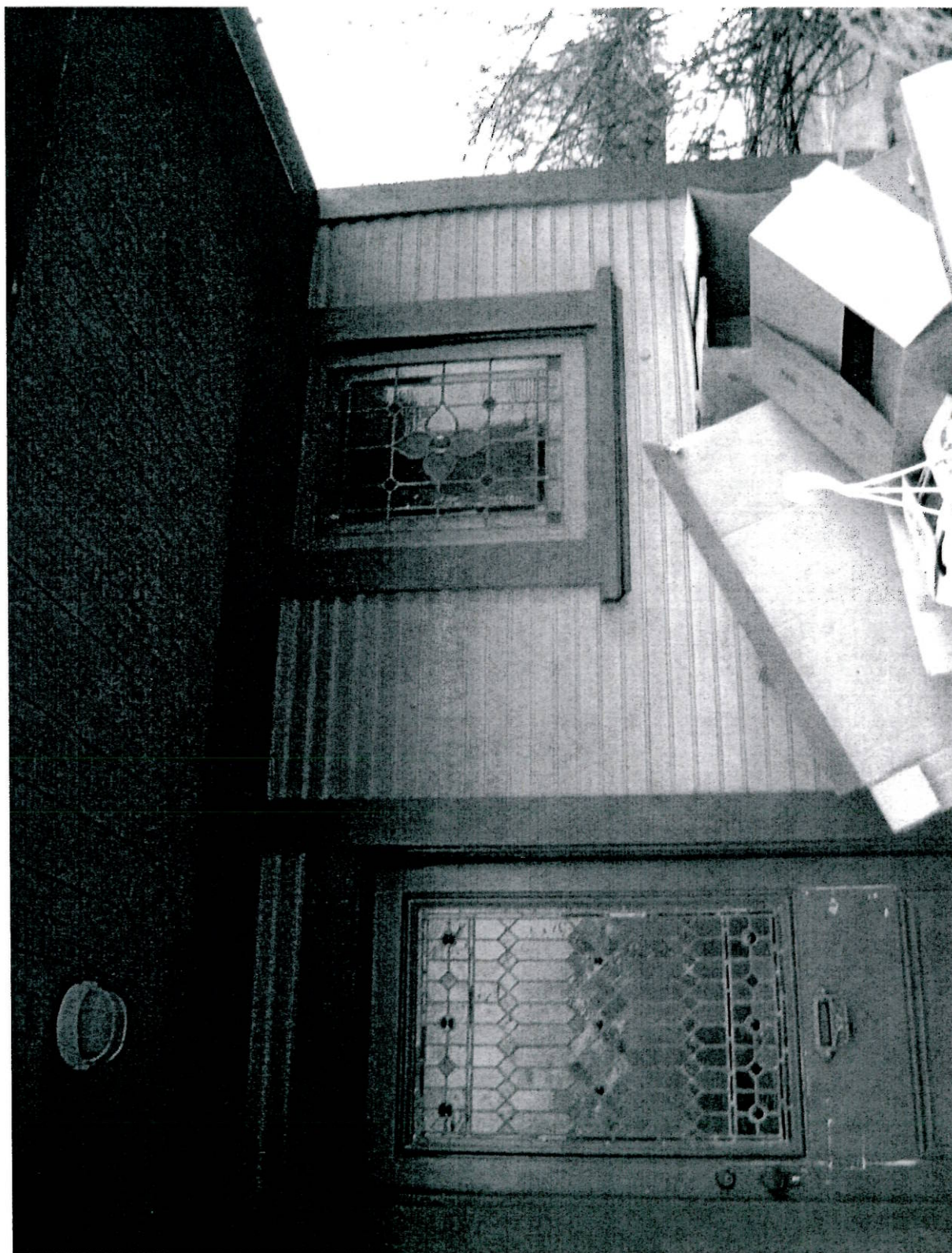
Designated
 Registered

Designation Application Pending

Heritage Designation # 000140 for 50 Lewis Street--D. Day, D...



50 Lewis Street



50 Lewis Street

50 Lewis Street





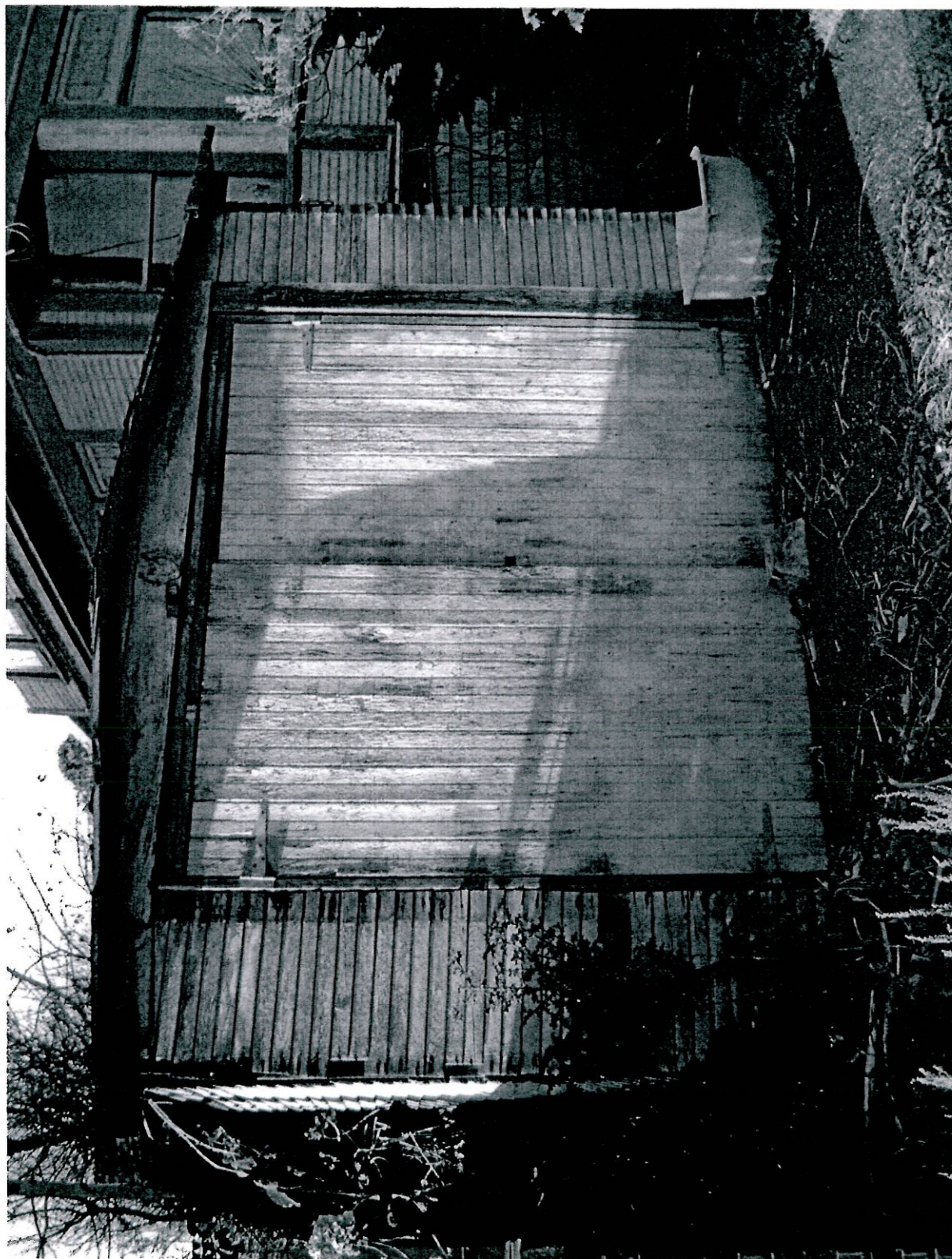
50 Lewis Street



50 Lewis Street

50 Lewis Street

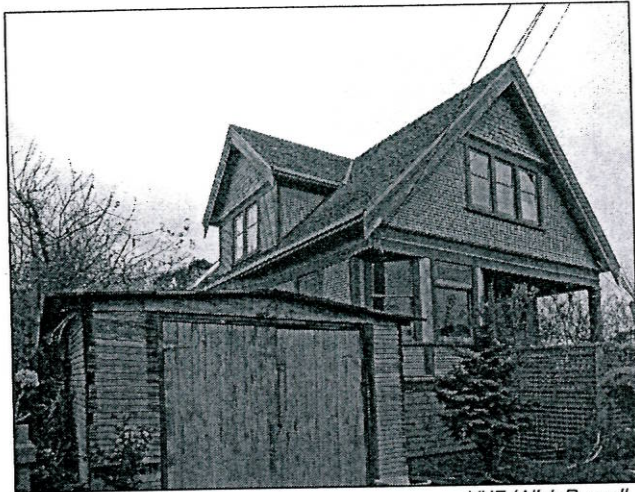




50 Lewis Street - Garage

50 Lewis Street
For: George W. Cramer

1912



50 Lewis St, 2013

VHF / Nick Russell

This house is a fine example of the Edwardian Vernacular style that swept through Victoria in the latter part of the first decade of the 20th Century. The style has been attributed to Samuel Maclure, who seems to have introduced it with his house "Glencairne," on Oak Bay Av, in about 1900. That design was praised in the 1905 *Canadian Architect & Builder*, as solving "the small house problem," and local contractors quickly copied it. Typical components of these 1½-storey homes include a front-facing gable with substantial front attic windows and side dormers, over a recessed front porch with one or more columns. They often also include half-timbering in the gable, an angled-bay window on the front, and art-glass in one or more windows. This house includes most of these elements.

The half-width porch is deeply recessed, and accessed by side-facing steps, though a 1970s photograph shows the more usual front-facing steps and a low porch balustrade. The floors are separated by a wide band with narrow astragal moulding. The main and top floors are covered in narrow double-beveled siding, but the gable peak, defined by a simple architrave, has shingles, matching the foundation.

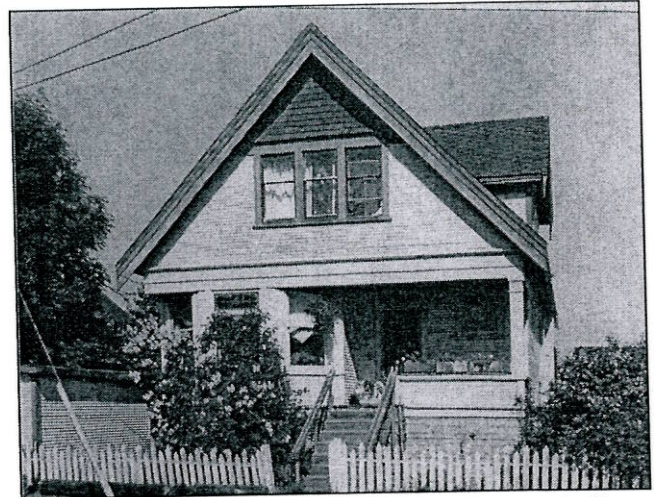
Art-glass in the transom of the front bay, in a porch window and in a left-side piano window contains a matching flower motif. Main-floor windows are 1-over-1 sashes, but the upper front windows are casements.

The left side of the main floor features a shallow angled bay. Both sides have large roof dormers, to increase space and light on the upper floor.

This house is the oldest survivor of the little subdivision created at the north end of Lewis Street (with Menzies) by the partners Playfair, Playfair and Cramer.

George Cramer took out the Building Permit for this address in 1912. The cost was \$2,500 for the six-room

house. Unfortunately, it doesn't specify whether the garage was built at the same time, but no other permit has been found for this address before 1930. The garage is of very simple construction, with flattened hipped roof, open rafters, and double-beveled siding. Paint shadows clearly show missing trim boards that should define the corners and doorframe. The barn-style doors are built of vertical siding.



50 Lewis St, 1971

Hallmark Heritage Society Archives

George William Cramer (b. ON, 1858-1939) was the cousin of brothers John (see 43 Lewis St) and George (60 Menzies St) Playfair. They all arrived in Victoria around 1911 and were responsible for building more than 20 houses from about 1910-29. The Playfairs and Cramer were descendants of a large, prominent family that founded the village of Playfair Mills, not far from Perth, ON c.1817. In 1880 a branch of the family settled in Baldur, MB where they were farmers and house builders. By 1895 Cramer and George Playfair had established a cattle ranch in the Mcleod District of Alberta, although they continued to live in Manitoba. George Cramer married Martha Orilla (née Card, Uxbridge, ON, 1864-1944). Around 1910 they moved, with their daughters Pearl and Mary, to Victoria where they lived in a house they built on Wark St. Although George called himself a retired farmer, he was involved in building several more houses including 53 Lewis St.

The house at 50 Lewis was occupied from 1912-17 by George Wallace (b. Middlesex, ENG, 1860-1917) and Adah Florence (née Winnall, London, ENG, 1857-1935) Anthony and their four adult children. They arrived in Victoria c.1910. George was an accountant employed by the Brackman-Ker Milling Co. Son John Cuthbert (b. ENG, 1894-1954) was timekeeper at the Empress Hotel. The others siblings worked for the BC Electric Railway (later BC Hydro). Son Ralph (b. ENG, 1887-1931) was paymaster. He married Isobel Irene Smith of Lytton in 1917 in Vancouver. Ralph committed suicide at the age of 52. Daughters Constance Mary (b. Middlesex, ENG, 1889-

This Old House: Victoria's Heritage Neighbourhoods, Volume Two; (Draft) 2014: James Bay

1981) and Winifred (b. Middlesex, ENG, 1890-1981) both worked as office clerks. The sisters died of pneumonia in 1981 within a week of each other when they were living together in Saanichton.

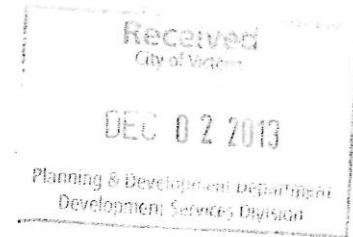
From 1917-38 George William (b. Kent, ENG, 1869-1959) and Ada Marcella (née Copp, Liverpool, ENG, 1880-1943) Brown owned the house. They married in Vancouver in 1909. George had been in Victoria since 1894. He was chief engineer for the federal government's dredge "Ajax," retiring in 1938. He was also Secretary of the National Assoc. of Marine Engineers. Their son William Robert (b. Victoria, BC, 1910-87) apprenticed at Victoria Machinery Depot and was later employed by the BC Coast Steamship Service. He served in the Royal Canadian Navy during WWII. In 1938 the Browns moved across the street to 53 Lewis St (built 1929, also by George Cramer) where they remained until George's death in 1959.

From 1939-67 widow Emily Maud Smith (née Godwin, ENG, 1883-1974) resided here. Emily was a retired schoolteacher. Her husband, Cecil Trice Smith (b. Upton Grey, ENG, 1884-1917), enlisted in the Canadian Infantry in Montreal in 1915. His occupation was given as telephone operator. He was killed in 1917 at the age of 32 and was buried at the Zouave Valley Cemetery, Souchez, France. They had two daughters: Phyllis Maud and Dorothy Alice.

The occupants from 1968-72 were Charles R. and Arlene Gray. Charles was a salesman at the Bay department store.

The current owner has retained the house since 1973.

Don Lindsay
2830 Somass Drive
Victoria, BC
V8R 1R8
date



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

Mr. Mayor and Councillors

re: Heritage Designation

I am writing to request heritage designation for my house and the adjacent garage at 50 Lewis Street.

The house was built in 1912, the first house of a 12 dwelling subdivision completed in 1929. Construction of the house appears to have been supervised by George Cramer who, with his cousins, the Playfair brothers, was responsible for the 1911 subdivision of the Gladys Villa property at the north end of Lewis Street. Cramer is on record at City Hall as applying for the sewer connection for #50.

50 Lewis Street is representative of the Edwardian Vernacular Arts and Crafts style which found particular favour in Victoria in the decade before the First World War. It has been suggested that the Victoria version of this style was based upon a 1904 Swiss Chalet style design by Samuel Maclure. Sometimes known as Victoria Specials, many of these middle class homes were built throughout the city, but this is the only one of its type on Lewis Street.

The house conforms to the general standard of the style: a steeply pitched front gable roof, two gabled dormers, a triple sash upper storey window facing the street, double wave siding above the water table and shingles below as well as in the gable façade. Also typical of this style is the inset front entry porch adjacent to a bay window. The house features a leaded art glass transom sash in the bay as well as at two other locations in the house.

The house represents a solid, working class home, with minimal but effective detailing in moldings and trim. The exterior of the house has been little altered in the past 100 years and retains much of its original configuration and architectural detail. The original front door is in storage awaiting restoration.

The adjacent automobile garage, also typical of the period and once a very common adjunct building, is a now rare survivor and unique on the street. I am seeking heritage designation for the garage as well as the house.

The house has significant visual impact on the street because it is adjacent to a large parking lot to the north. This allows the east-facing front facade and the north facade to be read together visually when approached from the the northern end of the street.

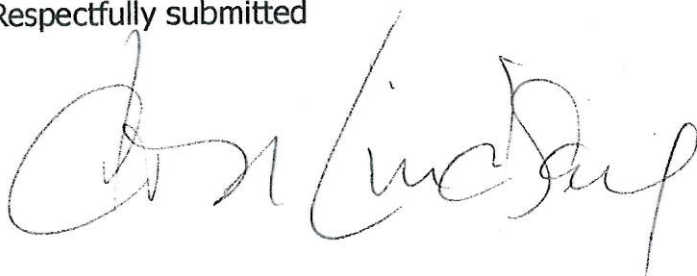
The first owner of the house, George Wallace Anthony, lived with his family at 50 Lewis from 1912 until 1916 when they moved to 136 St. Andrews Street. Anthony was employed as an accountant for the BK Milling Company in 1911 and 1912, and afterwards as a self employed accountant.

The Anthony family appears in 1901 UK Census living in Finchley, London, where George worked as a "secretary to a public company". George Wallace (born London, UK 1860, died Victoria 1917) married Ada Florence (born London 1857, died Victoria 1935). They were accompanied to Victoria by three children, Ralph (born London 1886, died Victoria 1931) Constance Mary (born London 1889, died Victoria 1981) and Winnifred H (born London 1897). All three children were employed in clerical positions at BC Electric Company in Victoria.

After living almost forty years in a house that has just celebrated its centennary, I may be the longest single owner of 50 Lewis Street (purchased 1973). I purchased the house with no particular interest in heritage, but I did recognize 'good bones', the privacy of the back garden versus the compact front yard, and proximity to the waterfront and the downtown. While similar residences on the market at the time suffered from drop ceilings and 60's plumbing, this house had two bay windows and a great entrance hall with a generous stairwell, all flooded with natural light throughout the day. I am seeking designation so that subsequent owners will prize this wonderful house for its architectural heritage, and respect and maintain it.

I am submitting this application for designation as one of a group of neighbours attempting to preserve an example of James Bay before the arrival of multi-floor dwellings (apartments and high rises). This is an opportunity to preserve an ensemble of houses - the beginnings of a precinct.

Respectfully submitted



Lewis Street

A Historic James Bay Street

Lewis Street, 1 block long, runs north from Dallas Road with no northerly street exit. The street is narrow and without sidewalks, the lots are small and the houses are situated close to the street. The majority of the houses were built before the Second World War with many dating from the turn of the century to the outbreak of the First War. The variety of styles includes Victorian Vernacular, Edwardian Vernacular Arts and Crafts, Colonial Bungalow, California Bungalow and English Arts and Crafts Bungalow. The close proximity and compact nature of this unusually intact historic streetscape offers a window into what a typical James Bay street might have looked like prior to the Second World War.

The origins of Lewis Street go back to the 1870's. In 1876 William Charles Robinson, an English born wholesaler and customs broker built his home, *Gladys Villa* facing Menzies Street on two acres of land at the north end of present day Lewis Street. Two years later Captain Herbert George Lewis a native of Hertfordshire, employee of the Hudson's Bay Company and skipper of the Beaver purchased property on Dallas Road and built a substantial residence at the south end of what is now Lewis Street.

The first tentative route for Lewis Street was deeded in 1889 and may have originally been a driveway through the Captain Lewis property. Travelling north from Dallas Road for 30 metres, the street turned east and connected with Menzies Street. In 1904 the easterly section became Brothie Lane and Lewis Street itself was extended north from Dallas Road to the southern boundary of the *Gladys Villa* estate.

Ten houses were built along Lewis Street before 1911. The residents at that time included four ships captains, two carpenters, a dressmaker, a stores man, an engineer, a labourer and a curiously entitled woman of "own means".

In 1911 two brothers and a cousin from Manitoba purchased *Gladys Villa*. John and George Playfair and George Cramer subdivided the property into 12 lots. Lewis Street was extended north again and the end of the street was connected by a footpath to Menzies Street. Four of the lots fronted on Menzies Street. *Gladys Villa*, now situated in the middle of the subdivision was moved to a new lot on the northwest corner of the property and became 66 Lewis Street.

50 Lewis Street was constructed in 1912 and was the first new house to be constructed in the subdivision. 53 Lewis Street, Heritage Designated in 2011, was the last to be built and was completed in 1929. It was the home of George Cramer, one of the developers. The North Lewis Street subdivision development was interrupted by the economic downturn in 1913 and the onset of First World War. Work resumed again in the 1920's.

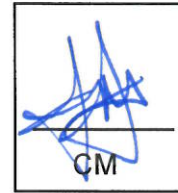
The architectural design of most of the 12 houses in the 1911 subdivision reflect the fashion of the period in which they were constructed. Edwardian Vernacular Arts and Crafts before 1914 and English Arts and Crafts during the 1920's. However, the style of the first three houses built after the war harken back to the era before 1914. Each of these three were constructed in 1922 and are located at 44 Lewis and at 60 and 64 Menzies Street. 60 Menzies received Heritage Designation in 2013 and was the home until 1925 of subdivision developer George Playfair.

The Captain Lewis House was demolished in the late 1960's making way for an apartment tower. Two turn of the century homes at the south end of Lewis Street disappeared in the 1980's with the development of the Dunn Elm Village townhouse complex. In the 1970's the working class 1911 cottage at 34 Lewis was bequeathed to the city by its last owner and was removed to make way for Lewis Park which has become a focus for the street and a well used neighbourhood amenity.

The 1913 house at 62 Lewis and the 1876 *Gladys Villa* at 66 Lewis were demolished in the early 1970's in favour of a parking lot for the Albion Court apartment building. In the 1990's two new houses were constructed on subdivided lots at 15 and 27 Lewis Street. Most of the remaining pre Second World War houses retain their original facades and for the most part the feeling of an early 20th century Victoria streetscape has been maintained.

Several years ago the neighbourhood marked the 100th anniversary of the 1911 Lewis Street extension and subdivision. During the event temporary historic informational signs were installed on each property indicating the date the house was built, the first residents name as well as their occupation. In the future we hope to create more permanent versions of these signs. We have also been discussing the possibility of installing a plaque at the end of the street which would outline in text and photos the history of the street and its early residents. Many people, both local and visitor, walk along Lewis Street each year. It is clear from many casual conversations that the historic ambiance of the street is often the reason that they choose this route.

We recognize that the historic flavour of a street can disappear very quickly. Descriptive signage, plaques and photos greatly enhance the experience for a visitor but offer little value if that flavour has been tarnished and the balance tipped by the disappearance of one too many heritage buildings. We trust that in choosing to seek Heritage Designation for our three homes we are beginning the process of helping to protect this small piece of historic James Bay. We also think that as more neighbours join us in the years to come Historic Lewis Street can become a valued community heritage asset preserved for the enrichment of all.



Planning and Land Use Standing Committee Report

Date: Jan 16, 2014 **From:** Robert Woodland, Director
Legislative and Regulatory Services
Subject: Request for Notice on Title for Work without permit – 252 Richmond Ave.

Executive Summary

The purpose of this report is to recommend the filing of a notice on title with respect to work that has been completed without a building permit (the construction of a carport). The property owner was directed to either remove the structure or to obtain approval for a zoning variance, to successfully comply with the building permit process for the work completed without a permit. The owner obtained approval from the Board of Variance on May 23, 2013, but as of this date, has not submitted a building permit application.

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 252 Richmond Avenue, legally described as **Lot 13 Plan 2114 Section 19 Victoria**, 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,

John Kitson
Bylaw Officer
Bylaw & Licensing Service

Mark Hayden
Manager, Bylaw and Licensing
Services (Building Inspector)

Robert Woodland
Director
Legislative & Regulatory Services

List of Attachments

Appendix A – Bylaw enforcement letter to property owner dated October 19, 2012

Appendix B – One (1) exterior photograph of the subject property taken October 15, 2012

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 252 Richmond 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 create a carport by erecting a roof over a portion of the driveway.

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 252 Richmond Ave. is located in the Gonzales neighbourhood in the R1-G, Gonzales Single Family Dwelling District. The approved use of the property per the approved building plans is single family dwelling (SFD). The City received a written complaint from an adjoining neighbour about the erecting of a roof over the driveway. An investigation revealed that a carport had been created without a building permit and was in violation of the Zoning Regulation Bylaw.

The property owner was directed to either remove the said roof or to get approval from the Board of Variance and to complete the building permit process. An extension was granted to the property owner in November 2012 so she could submit the application to the Board of Variance. The owner obtained approval from the Board of Variance on May 23, 2013 but as of this date has not submitted a building permit application.

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 create a carport. 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 has spent approximately 4 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 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 13 Plan 2114 Section 19 Victoria**, 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 &
Regulatory
Services
Department**

Bylaw & Licensing
Services Division

#1 Centennial Square

Victoria

British Columbia

V8W 1P6

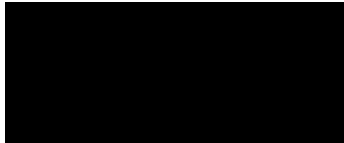
Tel (250) 361-0577

Fax (250) 361-0205

jkitson@victoria.ca

www.victoria.ca

Oct 19, 2012



RE: 252 Richmond Ave, Victoria BC/ Bylaw File # 27283

Dear Rochelle Eveleigh,

This letter is to advise you that the City of Victoria Bylaw & Licensing Services Division has received a formal complaint regarding the carport that has been erected at 252 Richmond Avenue. I attended your property on October 15th, 2012 and confirmed the allegations and documented the bylaw contraventions (see enclosed photo). This carport was completed without a building permit and is too close to the property line which violates the Zoning Regulation Bylaw.

The purpose of the City's Building Bylaw and Zoning Regulation Bylaw are to regulate, prohibit, and impose minimum standards. Copy of the pertinent sections of the Zoning Regulation Bylaw and the Building Bylaw are attached for your information.

Your immediate attention to this matter is required as I am providing you notice that you have until November 30th, 2012 to remove the carport from your property and ensure you are in compliance with section 2.2(1) of the Building Bylaw and section 20 of the Zoning Regulation Bylaw. You also have the option of applying for a building permit for this carport. An application to the board of variance is required. For the building permit to be approved the Board of Variance will have to grant an exception for this illegal construction. The deadline for the applications to be submitted is November 30, 2012.

Failure to comply by November 30, 2012 may result in:

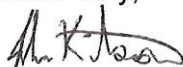
- the laying of charges for violating section 2.2(1) of the Building Bylaw, and/or
- the laying of charges for violating section 20 of the Zoning Regulation Bylaw.

Under the Ticket Bylaw a fine of \$400.00 per day can be assessed for the Building Bylaw and \$350 for the Zoning Regulation Bylaw.

If you have any questions or concerns, please **contact me** directly by telephone at 250.361.0577 or by e-mail at jkitson@victoria.ca.

Your attention to this matter is appreciated.

Yours truly,

A handwritten signature in black ink, appearing to read 'John Kitson', written over the printed name.

John Kitson
Bylaw Officer

10/15/2012 10:42



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



January 30, 2014

Dear Rochelle Eveleigh:

Re: Work without Permit – 252 Richmond Avenue

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 252 Richmond Avenue. A copy of the report is attached for your records.

A hearing will be held before the Planning and Land Use Standing 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 Standing Committee meeting on **Thursday, February 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 Christine Havelka, Committee Secretary, at (250) 361-0571 local 2306, if you have any written materials you wish added to the agenda, by Thursday, February 13, 2014.

Yours truly,

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

Robert G. Woodland
Corporate Administrator
jda

Enclosure (1)

c. J. Kitson, Bylaw Officer
M. Hayden, Manager, Bylaw & Licensing Services