



REVISED AGENDA - VICTORIA CITY COUNCIL

Thursday, June 25, 2020, 6:30 P.M.

Council Chambers, City Hall, 1 Centennial Square

The City of Victoria is located on the homelands of the Songhees and Esquimalt People

Due to the COVID-19 Pandemic, public access to City Hall is not permitted. This meeting may be viewed on the City's webcast at www.victoria.ca.

Council is committed to ensuring that all people who speak in this chamber are treated in a fair and respectful manner. No form of discrimination is acceptable or tolerated. This includes discrimination because of race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, or economic status. This Council chamber is a place where all human rights are respected and where we all take responsibility to create a safe, inclusive environment for everyone to participate.

Pages

A. APPROVAL OF AGENDA

B. READING OF MINUTES

C. REQUESTS TO ADDRESS COUNCIL

C.1 Elizabeth Wittmann: Protecting Pond Ecosystems

C.2 Natasha Webb: Daytime Sheltering in Parks

C.3 Carina Di Menna: Laundry Initiative and Sheltering in Parks

C.4 Douglas King: Camping in Beacon Hill Park (Bylaw Enforcement), and the Motion for an Alternative Response Team

*C.5 Amanda (Mands) Burnette: Tenants rights to refuse 76 child daycare INSIDE our building

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*C.6 Marg Gardiner: Sheltering in Beacon Hill Park

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D. PROCLAMATIONS

*E. PUBLIC AND STATUTORY HEARINGS

To participate live at the hearing, phone 778-698-2440, participation code 1551794#

- You will be asked to state your name, and will then be placed on hold until it's your turn to speak.
- Please have your phone on mute or remain quiet when you join the call - any

background noise or conversation will be heard in the livestreamed meeting.

- When it is your turn to speak, staff will unmute your call and announce the last 4 digits of your phone number.
- State your name, address and item you are speaking to.
- You will have 5 minutes to speak then will be cut off when the next speaker is connected.
- When speaking:
 - o Do not have your phone on 'speaker'
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Please note that any videos you submit and the opinions you express orally will be webcast live and will be recorded to form a part of the public record. Correspondence you submit will form part of the public record and will be published on the agenda. Your phone number and email will not be included in the agenda. For more information on privacy and the FOIPPA Act please email foi@victoria.ca.

***E.1 11 Chown Place: Development Permit with Variances Application No. 00132**

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Addenda: Correspondence and petition

Council is considering an application for a new four storey multi-unit residential building.

E.1.a Opportunity for Public Comment & Consideration of Approval

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- **Motion to approve development permit with variances**
- **Motion to adopt:**
 - Housing Agreement (11 Chown Place) Bylaw (2020) No. 20-038

E.2 1009 Southgate Street: Heritage Designation Application No. 000190

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Council is considering an application that proposes to designate the property as a Municipal Heritage Site.

E.2.a Public Hearing & Consideration of Approval:

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- **Motion to give 3rd reading to:**
 - Heritage Designation (1009 Southgate Street) Bylaw No. 20-073
- **Motion to adopt:**
 - Heritage Designation (1009 Southgate Street) Bylaw No. 20-073

Council is considering an application to permit a fire escape and a variance for an existing balcony (roof deck).

*E.3.a Opportunity for Public Comment & Consideration of Approval

- Motion to approve heritage alteration permit with variances

F. REQUESTS TO ADDRESS COUNCIL

*F.1 Chrissy Brett: Follow CDC recommendation re: Beacon Hill Villages and don't
displace encampments

*F.2 Bernie Pauly: Motion re camping 7-7

*F.3 Bruce Livingstone: Homeless Sheltering in Beacon Hill Park, Appropriate
Response

*F.4 Roberta Prilusky: Denial Short-Term Rental Licence - Request pending and
appeal and decision

*F.5 Alison Boston: Councilman Young's Motion to Have Campers Pack Up Every
Morning

G. UNFINISHED BUSINESS

H. REPORTS OF COMMITTEES

I. NOTICE OF MOTIONS

J. BYLAWS

K. CORRESPONDENCE

L. NEW BUSINESS

M. QUESTION PERIOD

N. ADJOURNMENT

June 3, 2020

TO: Residents of V1488

RE: Shared Common Space

In the coming months you will see light construction in the common spaces in preparation for the July 2020 opening of a new commercial tenant at V1488 – Maple Tree Children's Centre ("Maple Tree"), a group childcare program for children aged 0-5 years old.

In anticipation of Maple Tree's opening, Devon Properties Ltd. ("Devon") has been receiving interest and questions from V1488 residents about the impact the childcare program will have on residents. As such, we have put together the following questions and answers which we anticipate will help answer questions and clarify the planned operations of Maple Tree. Please see below for the top questions received and the associated answers:

Question #1. What are the drop-off and pick-up times for the children?

Answer #1. Children are dropped off between 7:30am and 9:30am and are picked up from 3:00pm to 5:00pm, Monday through Friday.

Question #2. Will the childcare program have access to the 2nd and 11th floor common spaces?

Question #2. Yes. The 2nd floor playground will be available to the childcare program for exclusive use from 9:00am to 12:00pm and from 2:00pm to 5:00pm, Monday through Friday. All other hours throughout the week are available for use by residents to enjoy.

During the childcare program hours of use, the 2nd and 11th floor areas will be enclosed and will not interfere with foot traffic to the exterior stairwell nor will it affect residents use of the lounge area on the 11th floor. To confirm, these enclosed areas will only be available to the childcare program for exclusive use from 9:00am to 12:00pm and from 2:00pm to 5:00pm, Monday through Friday.

At the end of each morning and afternoon outdoor sessions, the childcare program will open the enclosed areas which will become available and accessible for all residents to enjoy.

Question #3. What will be installed in the 2nd and 11th floor common spaces?

Answer #3. Please note the playground will not be altered in any way. In the coming weeks, the 2nd and 11th floor areas will receive additional childcare program amenities (e.g., play houses, tricycles, etc.) that will be housed within the enclosure area and will be available for use by resident families to enjoy outside of childcare program hours.

A professional landscaping company has been engaged to provide additional green space in the form of planter boxes and potted trees to enhance the area. All landscaping additions will be organic and environmentally friendly installations.

Question #4. Will the childcare program be loud and disturb me in my suite?

Answer #4. Maple Tree's intention is to make as little impact on residents as possible. The childcare program is focused on teaching children to be respectful of neighbours, especially those in the building.

Question #5. How many children will be allowed in any given common area at any given time?

Answer #5. On the 2nd floor, there will be a maximum of eight (8) children in the playground at any given time, along with a maximum of eight (8) children in the 2nd floor common area patio on the corner of Cook and Pandora. Please note there will be at least one (1) caregiver for each group of eight (8). On the 11th floor, there will be a maximum of twelve (12) children on the common area rooftop with three (3) caregivers present at any given time.

While the caregivers will do their best to keep young voices to a minimum, we ask that if you have a specific issue to please contact Devon Properties and not approach the childcare professionals or the children directly.

Question #6. How will the childcare program access the 2nd and 11th floor common areas?

Answer #6. For 2nd floor access, the childcare program will use the exterior stairwell. For 11th floor access, the childcare program will use the shared building elevators to access the rooftop common area. Please note, when accessing the 11th floor, all twelve (12) children will be transported via three Quad Strollers.

Question #7. What about cleaning and sanitizing the 2nd and 11th floor common areas?

Answer #7. The childcare program will be responsible for cleaning all elevators, railings and common areas before and after use. If you find yourself having specific issues with post-childcare program cleaning, please contact Devon Properties directly to voice your concerns.

Similarly, we ask all V1488 residents to ensure common area spaces are cleaned upon completion of personal use – please leave the space as you found it.

Question #8. What if my dog is not comfortable around children?

Answer #8. Many families with children currently live at V1488. Similar to how you operate with these families on a daily basis, please ensure your pet is always on a leash and under control when being transported through common areas. If your dog is happy to interact with children, please do so in a respectful and responsible way.

We anticipate the above question and answer section will help mitigate many resident concerns. If you continue to have additional questions or discussion points, please reach out directly to me at carmstrong@devonproperties.com or Ann-Marie Sawchuk, your resident building manager at devon-v1488@shaw.ca. As we receive updates from Maple Tree, we will continue to keep the residents of V1488 updated with the latest.

Once the childcare program is operational, if you find you are having issues with this arrangement please reach out to me or Ann-Marie at the above email addresses to discuss.

Regards,

DEVON PROPERTIES LTD.

Caroline Armstrong

Caroline Armstrong
Senior Property Manager

CA/sf



James Bay Neighbourhood Association

jbna@jbna.org

www.jbna.org

Victoria, B.C., Canada

June 14th, 2020

Mayor Helps and Councilors,
City of Victoria.

Dear Members of City of Victoria Council,

Re: Beacon Hill Park - *Public Safety and Beacon Hill Park ecology*

The JBNA Board is asking Council to forward and approve a motion to amend ***Parks Regulation ByLaw no 07-059 (Consolidated November 8, 2017) Section 16 A part 2 (b) Overnight Shelter*** to specify Beacon Hill Park as a Park in which sheltering is not permitted. Further, we ask that the City immediately respect and enforce sections 16A(2)(b)(i)&(vii) of Regulation Bylaw no 07-059 (see Appendix "A"). This request reflects part of the JBNA April 13, 2015 request of Mayor and Council regarding Beacon Hill Park.

The rationale supporting this request can be summarised as:

- 1) The Tenting/overnighting of people in Beacon Hill Park does not solve Council's intent of providing housing for anyone in the City, the Region, the Province, or Canada, who wishes to live in the City of Victoria regardless of social or economic status.
- 2) The Beacon Hill Trust does not permit this use of the park as confirmed through the Begbie and Wilson decisions. The public expectation is that the City of Victoria, as guardian of the Park, has an obligation to honour the Trust
- 3) The park is being lost as a public amenity created to provide outdoor leisure opportunities for residents and visitors.
- 4) The Park is no longer a "safe" place for residents and visitors to enjoy as people are being verbally harassed (with some residents reporting be followed or chased), and debris including needles are creating safety issues.
- 5) Much of the park includes sensitive ecosystem areas which are being damaged with actions including trampling of rare plant species, campfires, and even the removal of a large limb from a mature tree (30-40 ft limb).

Articles in the media and statements made by Mayor Helps created a public perception that sheltering would not occur in Beacon Hill Park. (see Appendix "A"). Even when there was an earlier intention by the City to create a tent city in the south end of the Park, residents were assured that those camping would be vetted and anyone needing medical care for mental illness would not be sheltered in Beacon Hill Park. It is not good enough for Council to state that they are urging other levels of government to act.

... 2

Over the past several weeks, JBNA has received pleas and complaints from residents of James Bay and nearby neighbourhoods. The issue is the personal safety of permanent residents when using the park, and the deterioration of the park itself. We understand from resident reports and Council meetings that Bylaw Officers have been instructed to direct those who were either not accepted into Topaz Park, or who did not want to accept housing offered by the Province, to camp in Beacon Hill Park.

Victoria, without James Bay, has an age demographic similar to the Province as a whole, whereas James Bay age demographics identify 43% of the population as being over 60 years old. This puts James Bay into a vulnerable situation regarding COVID-19 and safety in general. Our residents need to feel safe walking through Beacon Hill Park. As you are aware, James Bay is the most densely populated neighbourhood in the Region, with 12,000 residents on our small peninsula of land. Beacon Hill Park is within walking distance of James Bay, Fairfield and much of downtown. We all need the park to be accessible and a safe place to walk at all times.

Public trust has been broken. We ask that Council create and pass a motion to amend the bylaw at the upcoming Committee of the Whole meeting. Bylaw officers would then have the authority to relocate those sheltering in Beacon Hill Park, hopefully to an area either within the City or CRD which is not in the midst of residential housing, until appropriate housing is found.

Beacon Hill Park is the most central public park in the region. It is the park where the general public gathers; it is the park of relaxation and celebration. While the Province is securing Provincial parks for general use of the residents of British Columbia, residents of James Bay are becoming more and more fearful of walking in our central park.

We ask Council to take immediate action to end the growing "tent city" in Beacon Hill Park.

Sincerely,



Marg Gardiner,
President, JBNA
marg.jbna@telus.net

CC: Victoria Councillors,
Chief Del Manak, VicPD
Hon Carole James, MLA
Hon Shane Simpson, Minister of Social Development and Poverty Reduction

Appendix “A”

Parks Regulation bylaw no 07-059 (Consolidated November 8, 2017)

Part 3 – General Regulations 16A Overnight Shelter

Overnight Shelter

16A (1) Sub-section (2) applies despite the general prohibitions under section 14(1)(d) and section 16(1) of this Bylaw.

(2) A homeless person must not place, secure, erect, use, or maintain in place, in a park, a structure, improvement or overhead shelter, including a tent, lean-to, or other form of overhead shelter constructed from a tarpaulin, plastic, cardboard or other rigid or non-rigid material:

(a) subject to sub-section (b), except between the hours of:

(i) 7:00 o'clock p.m. of one day and 7:00 o'clock a.m. of the next day when Daylight Saving time is not in effect; and

(ii) 8:00 o'clock p.m. of one day and 7:00 o'clock a.m. of the next day when Daylight Saving time is in effect,

(b) at any time, in

(i) a playground, sports field, footpath or road within a park,

(ii) Bastion Square,

(iii) Haegert Park,

(iv) Cridge Park,

(v) Kings Park,

(vi) Arbutus Park,

(vii) *an environmentally sensitive area*, or any area within a park that has been designated for an event or activity under a valid and subsisting permit issued under the authority of this Bylaw.

Media Statement:

Victoria won't use Beacon Hill Park as site for homeless people

[Lindsay Kines.](#) Times Colonist. MARCH 26, 2020 06:35 PM

Selection of Statements from Mayor Helps and Bylaw Officials:

Mayor Helps May 12: “For people who are homeless, the only place they can stay is a tent. Until the Provincial State of Emergency is lifted, our bylaw staff have determined that they will allow people to shelter in place rather than make them take their tents down every morning at 7am. I know that this poses challenges for everyone, especially for seniors like yourself who want to get out and get some fresh air.”

CoV staff – Excerpts from responses to residents in April and May:

“Please note that at present we do not have the authority to physically remove these individuals from the park.”

“The Province did not include a plan for those tenting in Beacon Hill or other area parks, but we will continue to urge the Province to address all homelessness in our region. Until that time, Bylaw Services will allow people in Beacon Hill and other parks to shelter-in-place during this health emergency. This is the only manner in which this population can self isolate.”

E. **BYLAWS**

E.1 **Bylaw for 11 Chown Place: Development Permit with Variances Application No. 00132**

Moved By Councillor Thornton-Joe

Seconded By Councillor Alto

That the following bylaw **be given first, second, and third readings:**

1. Housing Agreement (11 Chown Place) Bylaw (2020) No. 20-038

CARRIED UNANIMOUSLY



Council Report

For the Meeting of June 11, 2020

To: Council **Date:** June 4, 2020
From: C. Coates, City Clerk
Subject: 11 Chown Place: Development Permit with Variances Application No. 00132

RECOMMENDATION

That the following bylaw be given first, second, and third readings:

1. Housing Agreement (11 Chown Place) Bylaw (2020) No. 20-038

BACKGROUND

Attached for Council's initial consideration is a copy of the proposed Bylaw No. 20-038.

The issue came before Council on February 27, 2020 where the following resolution was approved:

11 Chown Place: Development Permit with Variances Application No. 00132

That, subject to the preparation and execution of a legal agreement to ensure the dwelling units remain rental in perpetuity, to the satisfaction of the Director of Sustainable Planning and Community Development, that Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Permit with Variance Application No. 00132 for 11 Chown Place, in accordance with:

1. Plans date stamped December 20, 2019.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. increase the building height from 11 m to 12.57m;
 - ii. increase the number of storeys from 2 to 4;
 - iii. reduce the horizontal distance between existing Building J and the proposed multi-unit residential building from 12.19m to 9.66m;
 - iv. reduce the horizontal distance between existing Building K and the proposed multi-unit residential building from 12.19m to 8.64m;
 - v. reduce the horizontal distance between existing Building L and the proposed multi-unit residential building from 12.19m to 10.34m;
 - vi. reduce the horizontal distance between the proposed multi-unit residential building and proposed cistern from 12.19m to 0.69m;
 - vii. reduce the horizontal distance between the west side of the proposed multi-unit residential building and surface parking spaces from 6m to 2.40m;
 - viii. reduce the horizontal distance between the east side of the proposed multi-unit residential building and surface parking spaces from 6m to 3.29m;

- ix. reduce the horizontal distance between the north side of the proposed multi-unit residential building and surface parking spaces from 6m to 3.14m.
3. Discharge existing Section 219 Covenant (Registration No. L3326) from title, to the satisfaction of the Director of Sustainable Planning and Community Development.
4. The Development Permit lapsing two years from the date of this resolution."

Respectfully submitted,



Chris Coates
City Clerk

Report accepted and recommended by the City Manager:



Date: June 5, 2020

List of Attachments:

- Bylaw No. 20-038

I. REPORTS OF COMMITTEES

I.1 Committee of the Whole

I.1.b Report from the February 27, 2020 COTW Meeting

I.1.b.e 11 Chown Place: Development Permit with Variance Application No. 00132 (Burnside-Gorge)

Councillor Dubow withdrew from the meeting at 10:30 pm.

Moved By Councillor Isitt

Seconded By Councillor Thornton-Joe

That, subject to the preparation and execution of a legal agreement to ensure the dwelling units remain rental in perpetuity, to the satisfaction of the Director of Sustainable Planning and Community Development, that Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

“That Council authorize the issuance of Development Permit with Variance Application No. 00132 for 11 Chown Place, in accordance with:

1. Plans date stamped December 20, 2019.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. increase the building height from 11 m to 12.57m;
 - ii. increase the number of storeys from 2 to 4;
 - iii. reduce the horizontal distance between existing Building J and the proposed multi-unit residential building from 12.19m to 9.66m;
 - iv. reduce the horizontal distance between existing Building K and the proposed multi-unit residential building from 12.19m to 8.64m;
 - v. reduce the horizontal distance between existing Building L and the proposed multi-unit residential building from 12.19m to 10.34m;
 - vi. reduce the horizontal distance between the proposed multi-unit residential building and proposed cistern from 12.19m to 0.69m;
 - vii. reduce the horizontal distance between the west side of the proposed multi-unit residential building and surface parking spaces from 6m to 2.40m;
 - viii. reduce the horizontal distance between the east side of the proposed multi-unit residential building and surface parking spaces from 6m to 3.29m;
 - ix. reduce the horizontal distance between the north side of the proposed multi-unit residential building and surface parking spaces from 6m to 3.14m.

3. Discharge existing Section 219 Covenant (Registration No. L3326) from title, to the satisfaction of the Director of Sustainable Planning and Community Development.
4. The Development Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY

F.3 11 Chown Place: Development Permit with Variance Application No. 00132 (Burnside-Gorge)

Committee received a report dated February 13, 2020 from the Director of Sustainable Planning and Community Development presenting Council with information, analysis and recommendations for an application to construct a four-storey, multi-unit residential building consisting of approximately 58 affordable rental dwelling units.

Committee discussed the following:

- *Preference for a master development plan for the area.*
- *North-south and east-west connection possibilities.*

Moved By Councillor Isitt

Seconded By Councillor Loveday

That, subject to the preparation and execution of a legal agreement to ensure the dwelling units remain rental in perpetuity, to the satisfaction of the Director of Sustainable Planning and Community Development, that Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Permit with Variance Application No. 00132 for 11 Chown Place, in accordance with:

1. Plans date stamped December 20, 2019.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. increase the building height from 11 m to 12.57m;
 - ii. increase the number of storeys from 2 to 4;
 - iii. reduce the horizontal distance between existing Building J and the proposed multi-unit residential building from 12.19m to 9.66m;
 - iv. reduce the horizontal distance between existing Building K and the proposed multi-unit residential building from 12.19m to 8.64m;
 - v. reduce the horizontal distance between existing Building L and the proposed multi-unit residential building from 12.19m to 10.34m;
 - vi. reduce the horizontal distance between the proposed multi-unit residential building and proposed cistern from 12.19m to 0.69m;
 - vii. reduce the horizontal distance between the west side of the proposed multi-unit residential building and surface parking spaces from 6m to 2.40m;
 - viii. reduce the horizontal distance between the east side of the proposed multi-unit residential building and surface parking spaces from 6m to 3.29m;

- ix. reduce the horizontal distance between the north side of the proposed multi-unit residential building and surface parking spaces from 6m to 3.14m.
- 3. Discharge existing Section 219 Covenant (Registration No. L3326) from title, to the satisfaction of the Director of Sustainable Planning and Community Development.
- 4. The Development Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY



Committee of the Whole Report For the Meeting of February 27, 2020

To: Committee of the Whole **Date:** February 13, 2020

From: Karen Hoese, Director, Sustainable Planning and Community Development

Subject: Development Permit with Variances Application No. 00132 for 11 Chown Place

RECOMMENDATION

That, subject to the preparation and execution of a legal agreement to ensure the dwelling units remain rental in perpetuity, to the satisfaction of the Director of Sustainable Planning and Community Development, that Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Permit with Variance Application No. 00132 for 11 Chown Place, in accordance with:

1. Plans date stamped December 20, 2019.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. increase the building height from 11m to 12.57m;
 - ii. increase the number of storeys from 2 to 4;
 - iii. reduce the horizontal distance between existing Building J and the proposed multi-unit residential building from 12.19m to 9.66m;
 - iv. reduce the horizontal distance between existing Building K and the proposed multi-unit residential building from 12.19m to 8.64m;
 - v. reduce the horizontal distance between existing Building L and the proposed multi-unit residential building from 12.19m to 10.34m;
 - vi. reduce the horizontal distance between the proposed multi-unit residential building and proposed cistern from 12.19m to 0.69m;
 - vii. reduce the horizontal distance between the west side of the proposed multi-unit residential building and surface parking spaces from 6m to 2.40m;
 - viii. reduce the horizontal distance between the east side of the proposed multi-unit residential building and surface parking spaces from 6m to 3.29m;
 - ix. reduce the horizontal distance between the north side of the proposed multi-unit residential building and surface parking spaces from 6m to 3.14m.
3. Discharge existing Section 219 Covenant (Registration No. L3326) from title, to the satisfaction of the Director of Sustainable Planning and Community Development.
4. The Development Permit lapsing two years from the date of this resolution."

LEGISLATIVE AUTHORITY

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Community Plan*. A Development Permit may vary or supplement the *Zoning Regulation Bylaw* but may not vary the use or density of the land from that specified in the Bylaw.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit with Variance Application for the property located at 11 Chown Place. The proposal is to construct a four-storey, multi-unit residential building consisting of approximately 58 affordable rental dwelling units. The variances are related to building height, separation distances between buildings and parking spaces.

The following points were considered in assessing this application:

- The subject properties are within Development Permit Area 16 (DPA 16): General Form and Character. Achieving a human-scaled design, quality of open spaces, safety and accessibility are design elements that are also strongly encouraged in DPA 16. DPA 16 also encourages a sensitive transition to neighbouring low-rise built form. The proposal complies with the objectives outlined in this DP area.
- The *Design Guidelines for Multi-Unit Residential, Commercial and Industrial Development* (2012, revised 2019), *Guidelines for Fences, Gates and Shutters* (2010), and *Advisory Design Guidelines for Buildings, Signs and Awnings* (2006) apply to the development proposal. The proposal is generally consistent with the design guidelines.
- The applicant is proposing to increase the building height from 11m to 12.57m and the number of storeys from two to four. The proposed building would be situated in the middle of the site and would have minimal privacy and shadowing impacts on the immediate neighbours.
- The existing zone requires a minimum separation distance of 12.19m between buildings. The applicant is proposing to reduce the separation distances between the proposed multi-unit residential building and existing buildings J, K and L on the subject property as well as between the proposed building and cistern. These reduced separation distances are seen as supportable given the proposed L-shaped built form, sensitive window placement and the soft landscaping between buildings.
- A reduction in the horizontal distances between the proposed multi-unit residential building and surface parking spaces is required. If a continuous parking screen wall is provided then variances would not be required. However, a continuous parking screen wall would not be an ideal treatment for this proposal. The applicant is proposing wood screens with climbing vines in front of the bedroom windows on the ground level.

BACKGROUND

Description of Proposal

The proposal is for a four-storey, multi-unit residential building. Specific details include:

- contemporary architectural features, including a flat roofline, horizontal accents and contemporary-style windows
- exterior building materials include cementitious fibre board, “wood-look” siding and exposed concrete
- one residential entryway into the building on the northwest corner of the building visible from Harriet Road

- individual entryways and private patios for the ground level dwelling units
- an amenity room, scooter storage and a small office on the main floor
- a large roof deck on the third floor
- large south-facing outdoor common area including a natural play area with logs, boulders and wood benches, lawn, community gardens and a cistern
- new community gardens throughout the site (no net loss of existing community gardens)
- a new pocket plaza at the entrance to the site
- 15 new trees and substantial landscaping to be planted around the perimeter of the building
- permeable and decorative pavers to demarcate the main residential entryway
- 68 long-term bicycle parking spaces in the basement.

The proposed variances are related to:

- increasing the height
- reducing the separation distances between buildings and structures
- reducing the horizontal distance between a building and parking spaces.

Affordable Housing Impacts

The applicant proposes the creation of 58 new residential units, which would increase the overall supply of rental housing in the area. Council has recently approved a grant from the Victoria Housing Reserve Fund (VHRF) to the Gorge View Society to assist in the construction of the building. The proposal includes 41 dwelling units that fall within the criteria of very low, low- and median-income limits, as set out in the Victorian Housing Reserve Fund Guidelines. The remaining 17 dwelling units would be market-rate units that would be targeted to moderate income households to help ensure that the project includes housing for a broad range of target incomes. As a condition of the grant funding, the applicant would enter into a Housing Agreement to secure the affordability and rental tenure. As well, the applicant is willing to enter into a separate Housing Agreement to ensure that the new multi-unit residential building remains rental in perpetuity should there be any unforeseen changes associated with the grant.

Sustainability Features

The project would meet Step 3 of the BC Energy Step Code; however, the applicant is targeting to meet Step 4.

Active Transportation Impacts

The applicant is proposing to provide 68 long-term and six short-term bicycle parking spaces.

Public Realm Improvements

No public realm improvements beyond City standard requirements are proposed in association with this Development Permit Application.

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings. One accessible two-bedroom unit would be provided on the main floor. Access from the surface parking lot to the main residential entryway and the common outdoor areas are designed to be accessible.

Existing Site Development and Development Potential

The site is presently a residential development consisting of 15 buildings comprised of apartments and ground-oriented units.

Data Table

The following data table compares the proposal with the existing R3-G-SC Zone, Garden Apartment (Senior Citizen) District. An asterisk is used to identify where the proposal does not meet the requirements of the existing Zone.

Zoning Criteria	Proposal	Zone Standard (R3-G-SC)	Burnside Gorge Neighbourhood Plan
Site area (m ²) – minimum	22,373.70	1858	
Density (Floor Space Ratio) – maximum	0.39:1	0.50:1	
Total floor area (m ²) – maximum	8691	11,186.85	
Height (m) – maximum	12.57 *	11	
Unit floor area (m ²) – minimum	33	33	
Storeys – maximum	4 *	2	3
Horizontal distance between buildings (m) – minimum	9.66 * (building J) 8.64 * (building K) 10.34 * (building L) 0.69 * (cistern)	12.19	
Site coverage (%) – maximum	26	30	
Open site space (%) – minimum	60	40	
Setbacks (m) – minimum			
Front (Harriet Road)	69.07	7.62	
Rear (Balfour Street)	78.96	7.62	
Side (north east)	46	7.62	
Side (north west)	31.33	7.62	
Vehicle parking – minimum			
Residential	62	58	
Visitor	17	17	

Zoning Criteria	Proposal	Zone Standard (R3-G-SC)	Burnside Gorge Neighbourhood Plan
Horizontal distance between a parking space and building (m) – minimum	2.40 * (west) 3.29 * (east) 3.14 * (north)	6	
Bicycle parking stalls – minimum			
Long-term	68	67	
Short-term	6	6	

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the application was referred for a 30-day comment period to the Burnside Gorge CALUC. A letter dated October 4, 2019 and January 14, 2020 are attached to this report in response to an Open House and presentation held by the Gorge View Society.

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

ANALYSIS

Development Permit Area and Design Guidelines

The *Official Community Plan (OCP, 2012)* identifies this property within Development Permit Area 16 (DPA 16): General Form and Character. The objectives of this DPA are to ensure that new multi-unit residential development provides a sensitive transition to adjacent and nearby areas with built form that is often three storeys or lower, and is designed in a manner that is complementary to established place character of a neighbourhood. Achieving a human-scaled design, quality of open spaces, safety and accessibility are elements in a multi-unit residential building that are also strongly encouraged in DPA 16.

To achieve a human-scaled design, the applicant is proposing ground-oriented units with individual entryways and patios facing the interior circulation and common outdoor areas. The proposed multi-unit residential building would be situated in the middle of the site that is presently community gardens and greenspace. The community gardens will be relocated on-site, and the applicant has demonstrated on the plans that there would be no net loss in community garden area for the current residents. The applicant is also proposing additional community garden space for the residents in the new building. A new south-facing playground would also be constructed in the common area adjacent to the new building. The outdoor areas will be accessible.

Providing interesting rooflines is encouraged in the design guidelines. Staff requested that the applicant accentuate the building roofline; however, the applicant feels that the projected bays

break up the horizontality and the parapet treatment accentuates the projections; therefore, no changes have been made to the proposal.

Local Area Plans

The *Burnside Gorge Neighbourhood Plan* (2017) identifies Chown Place as a Special Planning Area and supports low-rise multi-unit residential buildings up to three storeys and a density of up to 1:1 floor space ratio. The Plan also encourages affordable and non-market housing on the site as well as enhancing the tree canopy and providing a pedestrian pathway through the site linking Irma Street.

In addition to providing affordable and non-market rental housing, the applicant is willing to construct a 1.2m wide pathway connecting Irma Street to the south with an existing pathway on-site. Gorge View Society would maintain the new pathway. An existing fence along the south property line would be removed in order to provide easy access to the new pathway.

The proposal is generally consistent with the policy direction in the Plan, except for the proposed height variance.

Tree Preservation Bylaw and Urban Forest Master Plan

The Tree Preservation Plan Report dated February 7, 2020 by Concrete Jungle Forestry Limited provides details regarding the expected impacts to the existing trees from the proposed development. The tree inventory identified 174 trees and tree seedlings on the 2.24ha property. This total is made up of 83 bylaw-protected trees, 31 bylaw-protected seedlings (Garry oaks) and 60 non-bylaw-protected trees (exotic species under 30cm diameter at breast height (DBH)).

The construction of the proposed building, installation of the building servicing, additional parking stalls, sidewalk changes and the relocation of the community gardens would require that 15 trees be removed. Only one of these trees, a 10cm DBH Pacific dogwood, is protected by the *Tree Preservation Bylaw*.

All the remaining trees and tree seedlings on the site would be protected and retained through the development project. The tree protection measures and recommendations included in the Tree Preservation Plan Report will become conditions of a Building Permit and to be carried out in all phases of project construction.

Two bylaw-protected replacement trees will be planted on private property as part of the new landscaping, along with an additional 16 shade trees. There are six City street trees along the Harriet Road frontage of the property which will be retained.

Regulatory Considerations

Height Variance

The applicant is proposing to increase the building height from 11m to 12.57m and the number of storeys from two to four. The proposed multi-unit residential building would be situated in the middle of the site resulting in minimal privacy and shadowing impacts on the adjacent single-family dwellings. The proposed L-shaped design of the new building increases the breathing room between buildings on the site.

Horizontal Distances between Buildings

The existing zone requires a minimum separation distance of 12.19m between buildings. The applicant is proposing to reduce the separation distances between the proposed multi-unit residential building and three existing buildings as follows:

- building J: 12.19m to 9.66m
- building K: 12.19m to 8.64m
- building L: 12.19m to 10.34m
- proposed cistern: 12.19m to 0.69m.

The proposed L-shaped built form, sensitive window placement and the soft landscaping between buildings help reduce any potential privacy impacts. The location of the proposed cistern allows for residents to easily access and use rainwater to irrigate their community gardens.

Horizontal Distances between Surface Parking and the Proposed Building

A reduction in the horizontal distance between the proposed surface parking spaces and the multi-unit residential building is required. The applicant is proposing the following variances:

- reduce the horizontal distance between the west side of the building and surface parking spaces from 6m to 2.40m;
- reduce the horizontal distance between the east side of the building and surface parking spaces from 6m to 3.29m;
- reduce the horizontal distance between the north side of the building and surface parking spaces from 6m to 3.14m.

If a continuous parking screen wall is provided, then the horizontal distance requirement would be 2.4m and the above variances would not be required. A continuous parking screen wall would not be an ideal treatment for this proposal. It would impact the liveability and the amount of sunlight penetration into the ground level units as well as creating an unfriendly interface between the proposed building and the surrounding area. However, the applicant is providing wood screens with climbing vines in front of the bedroom windows on the ground level to screen the headlights from vehicles.

Other Considerations

Advisory Design Panel

The Advisory Design Panel (ADP) reviewed the Development Permit with Variances Application at their meeting on January 22, 2020 and provided the following recommendation for Council's consideration:

"That the Advisory Design Panel recommend to Council that Development Permit with Variances Application No. 00132 for 11 Chown Place be approved as presented but with the following considerations:

- *Review of the north south connector and it's integration into the existing site circulation*
- *Provision of adequate screening between vehicle parking stalls and residents."*

In response to ADP's recommendation above, the applicant revised the alignment of the north south connector (pathway linking Irma Street) and integrated the connector into an existing pathway on-site. As discussed above, the applicant is providing wood screens with climbing vines in front of the bedroom windows on the ground level to screen the headlights from vehicles.

Covenant Discharge

In 1982, a Section 219 Covenant was registered on title stating that no more than 118 persons could reside on site and no more than 15 buildings could be constructed on the property (attached). The existing zone allows for more than two buildings on the site; however, it does not stipulate a maximum number of buildings. Therefore, the covenant may have been registered on title in 1982 to implement the above restrictions. Given the building layout, there is only enough space for 16 buildings without impacts to the other existing buildings on site. Staff recommend for Council's consideration that the existing covenant be discharged from title in order to facilitate this development.

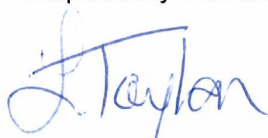
CONCLUSIONS

The proposal to construct a four-storey, multi-unit residential building is generally consistent with DPA 16 and the applicable design guidelines as well as the policies outlined in the *Burnside Gorge Neighbourhood Plan*. The height variance is supportable given the siting of the proposed building and the minimal impacts it would have on the adjacent single-family dwellings. This proposal adds an additional 58 affordable rental family and senior housing units in the neighbourhood. Staff recommend for Council's consideration that the application proceed for an Opportunity for Public Comment.

ALTERNATE MOTION

That Council decline Development Permit with Variance Application No. 00132 for the property located at 11 Chown Place.

Respectfully submitted,

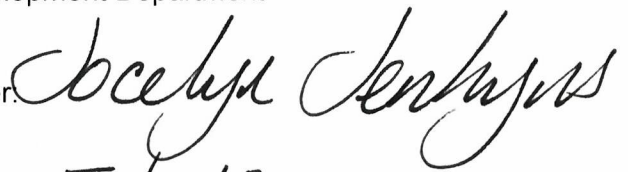


Leanne Taylor
Senior Planner
Development Services Division



Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date:

Feb 18, 2020

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped December 20, 2019
- Attachment D: Letter from applicant to Mayor and Council dated December 2019
- Attachment E: Correspondence from the Community Association Land Use Committee dated October 4, 2019 and January 14, 2020.
- Attachment F: Tree Preservation Plan prepared by Concrete Jungle Forestry Ltd. dated February 7, 2020

- Attachment G: Crime Prevention Through Environmental Design Report dated February 3, 2020
- Attachment H: Advisory Design Report dated January 15, 2020
- Attachment I: Minutes from the Advisory Design Panel dated January 22, 2020
- Attachment J: Section 219 Covenant (Registration No. L3326).



ATTACHMENT A





CITY OF VICTORIA

LOT A, PLAN 11749 VICTORIA SECTION 10/11



2019-12-16

ZONING DATA									
2019-12-16									
Project Name:		Chown Place							
Address:		11 Chown Place Victoria B C							
Building Type		Wood Frame							
Parking Type		Surface							
Zone		R3-G ZONE, GARDEN APARTMENT DISTRICT & PART 3.1.1 – R3-G-SC ZONE – GARDEN APARTMENT (SENIOR CITIZEN) DISTRICT							
Client:		Gorge View Housing Society							
R3-G Catagorey		R3- G Zoning Req'ts		Existing Chown Place Data			Proposed Site Total		
3	Dwelling unit size	33 m2 min area		33 - 70 m2 units			44- 98 m2 units		
4	Height	11m in height		7.5m	2 storeys		12.6 m	4 storeys	
4b	FSR over 2 storeys	30% max		0	0		8%	1782.5 m2	
5	Site Coverage	30% max		21%	4768 m2		26.0%	5,801 m2	
6	Floor Space Ratio	0.5 to 1		0.232 to 1			0.388 to 1		
7	Open Site Space	40% min		65%	14,591 m2		60%	13,475 m2	
9	Number of apartments	2 or more garden apartments		108 units	15 Buildings		58 new (166 total)	1 new Bldg (16 Total)	
10	Site Area	1,858 m2 min		22,373.7 m2	240,828.5 sq.ft		22,373.7 m2	240,828.5 sq.ft	
13	Building Separation	# Storeys x 3.048		6 m			12.2 m	8.6 m	
14	Setbacks	7.62 m		4.5 m			Existing non conforming 4.5m		
16	Parking Set Back	6m	2.4m with screen	3.5 m			2.4m - 3.8m	Screens as proposed	
	Built Area Above Grade	11,186.9 m2 max		5,007.84 m2	53,903.9 sq.ft		8,691 m2	93,549 sq.ft	
	Built Area Below Grade			none			337 m2	3,627 sq.ft	
R3-G-SC	Parking Old Zoning	per unit	0.35 stalls per unit	108 units	37.8 stalls req'd	70 supplied	166 units (58 new)	58.1	
	Schedule C Affordable		0.1 stalls per unit	108	10.8 stalls		166	16.6	
		Total			42.6 stalls	70 supplied		74.7	79 provided
	Schedule C Bike Parking						Needed in new	Supplied	
	Visitors		6				6	6	
	45 m2		1				25	25	
	45 m2 +	1.25					42.5	43	
	Total						6.8	6.8	

Architecture Drawings

- ## Landscape Drawings

- Civil Drawings

- ### Variances Requested

- Note: Setbacks of Existing Buildings are non conforming No Variances Requested

Height- 12.6m 4 Storeys

- North Side 46,002
- West Rear 80,715
- South Side 51,107
- East Front 69,068

- East Front 65,000
- Cistern Setbacks
 - North Side 56,355
 - West Rear 78,957
 - South Side 31,327
 - East Front 117,506

- Visitor 6 Stalls
- Resident 68 Stalls



Grade Point Locations
A-0.02 SCALE: 1/8" = 1'-0"

2019-12-22							
POINTS	EXISTING GRADE ELEV.	FINISHED GRADE ELEV.	POINT TO POINT	SUM OF ELEVATIONS	HORIZ. DISTANCE BETWEEN GRADE POINTS (ft.)	AVERAGE GRADE BETWEEN	TOTALS
A	29.40	29.40	A-B	5.88	11.90	0.49	11.90
B	29.40	29.40	B-C	7.60	0.648	29.40	9.071
C	29.38	29.40	C-D	6.80	0.298	29.40	85.71
D	29.38	29.40	D-E	5.80	0.849	29.40	9.071
E	29.38	29.40	E-F	5.80	11.694	29.40	141.804
F	29.33	29.40	F-G	5.80	0.648	29.40	9.071
G	29.33	29.40	G-H	5.80	6.312	29.40	1.671
H	29.48	29.40	H-I	5.80	0.648	29.40	9.071
I	29.48	29.40	I-J	5.80	5.969	29.40	1.671
J	29.33	29.40	J-K	5.80	0.648	29.40	9.071
K	29.33	29.40	K-L	5.80	1.981	29.40	1.671
L	29.48	29.40	L-M	5.80	2.578	29.40	1.671
M	29.38	29.40	M-N	5.80	1.551	29.40	1.671
N	29.44	29.40	N-O	5.80	12.437	29.40	1.671
O	30.14	29.40	O-P	5.80	0.615	29.40	8.975
P	30.14	29.40	P-Q	5.80	5.715	29.40	1.671
Q	30.22	29.40	Q-R	5.80	0.615	29.40	1.671
R	30.24	29.40	R-S	5.80	0.615	29.40	1.671
S	30.24	29.40	S-T	5.80	0.615	29.40	1.671
T	30.10	29.40	T-U	5.80	0.615	29.40	1.671
U	30.09	29.40	U-V	5.80	5.717	29.40	1.671
V	29.98	29.40	V-W	5.80	12.188	29.40	1.671
W	30.41	29.40	W-X	5.80	0.648	29.40	1.671
X	30.34	29.40	X-Y	5.80	1.285	29.40	1.671
Y	30.34	29.40	Y-Z	5.80	0.994	29.40	1.671
Z	30.18	29.40	Z-A	5.80	1.557	29.40	1.671
A	30.05	29.40	A-B	5.80	0.563	29.40	1.671
B	29.05	29.40	B-C	5.80	8.189	29.40	1.671
C	29.95	29.40	C-D	5.80	0.563	29.40	1.671
D	29.92	29.40	D-E	5.80	7.865	29.40	1.671
E	29.85	29.40	E-F	5.80	1.845	29.40	1.671
F	29.82	29.40	F-G	5.80	7.381	29.40	1.671

TOTAL = 164.256 TOTAL = 482.8456

Grade Point Calculations
A-0.02 SCALE: 1/8" = 1'-0"

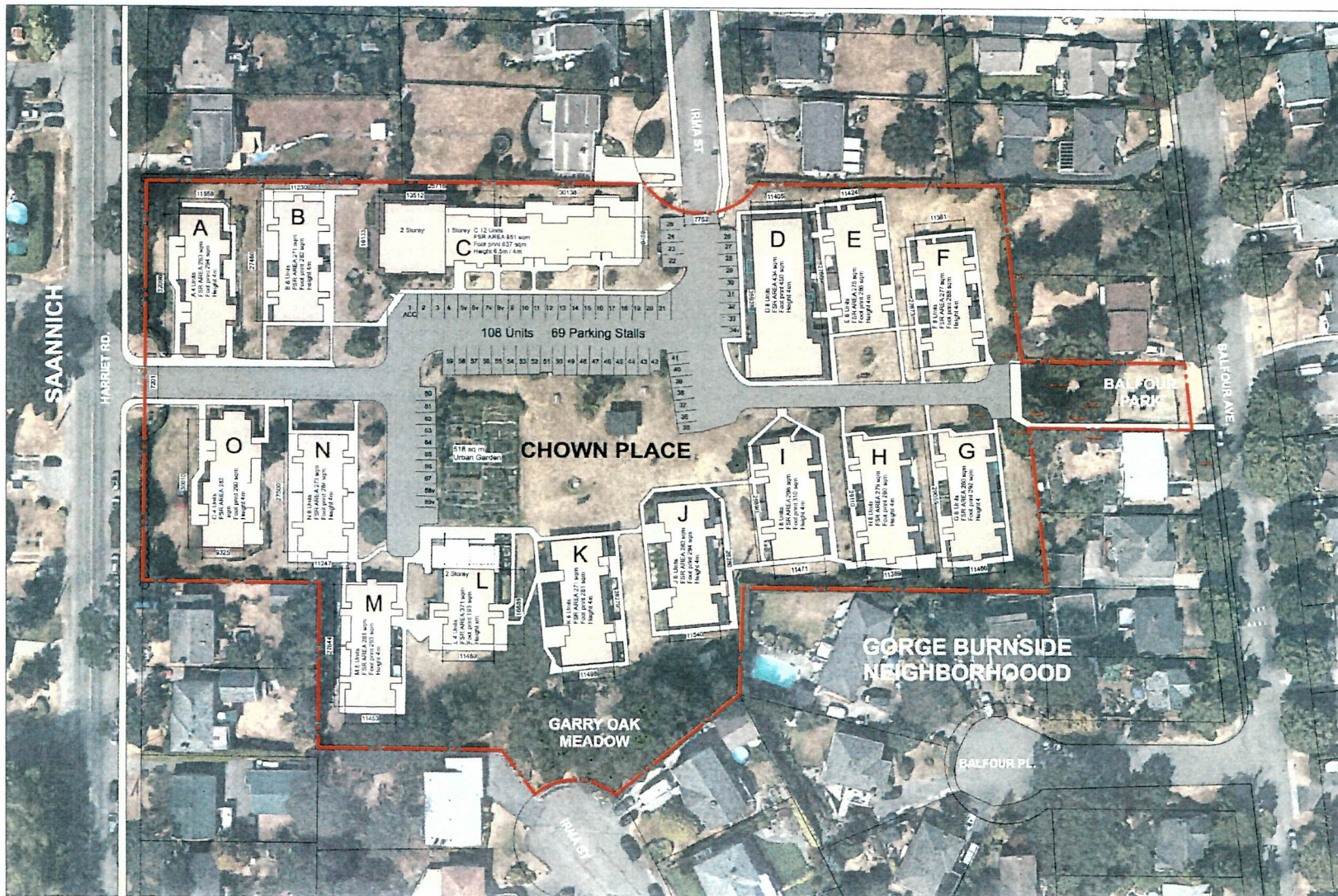
11 Chown Place

Grading plan

DS

2018532

A-0.02



Existing Site Plan
A101 SCALE 1:400



numberTEN		number
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MAIN FLOOR
9 FAMILY UNITS
 2 Bedroom - 6
 2 Bedroom Acc- 1
 3 Bedroom - 2
 FSR Area - 950 sqm

[illegible]



3RD FLOOR
16 SENIOR UNITS
 Junior 1 Bedroom - 8
 1 Bedroom - 8
 FSR Area - 891 sqm

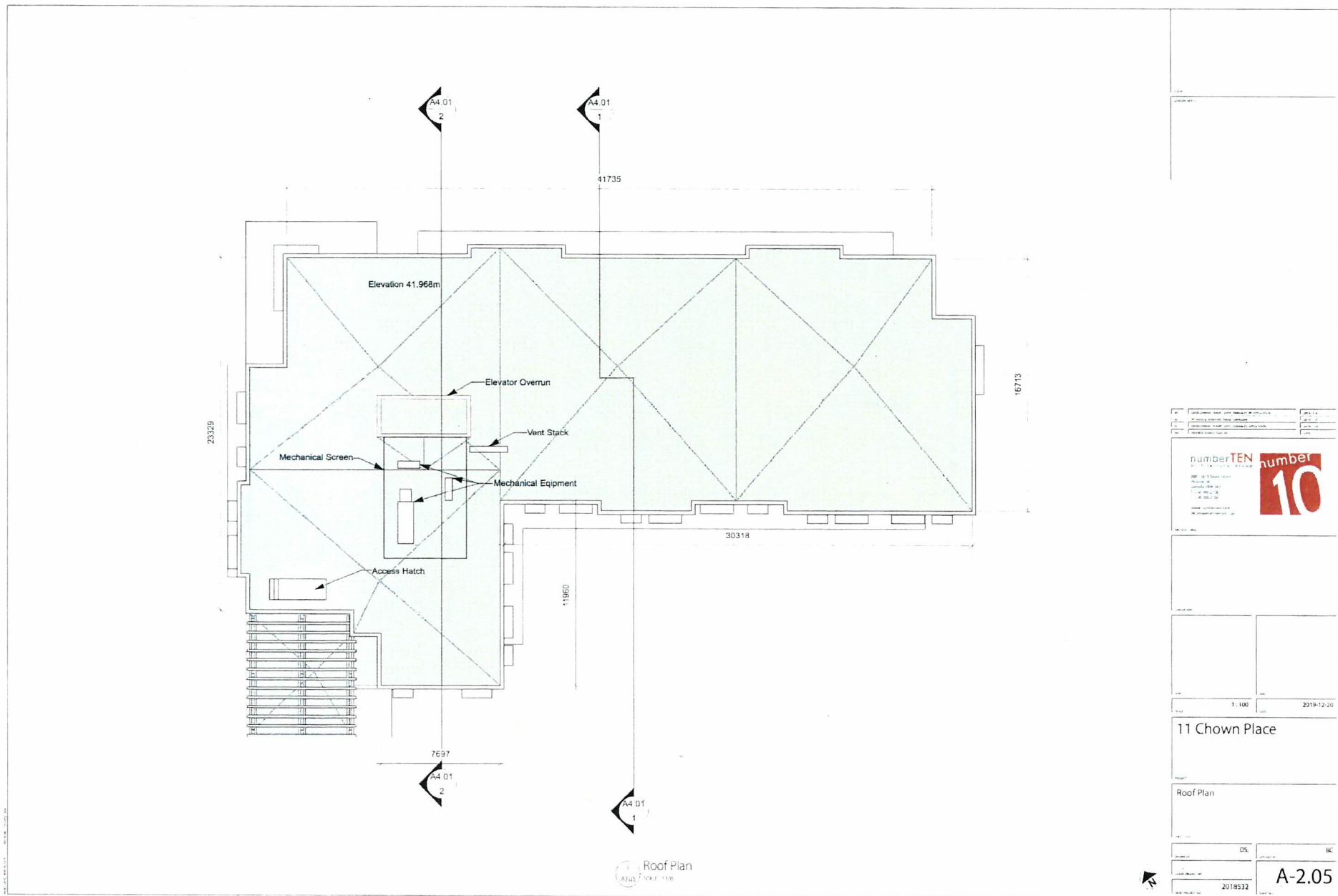
1	1. Transmittal Sheet with Remarks	2. A-2.03
2	3. Plan & Section Title Sheet	4. 2018-12-20
3	5. General Notes	6. 2018-12-20
4	7. Section Notes	8. 2018-12-20
5	8. Section Notes	9. 2018-12-20
6	9. Section Notes	10. 2018-12-20
7	10. Section Notes	11. 2018-12-20
8	11. Section Notes	12. 2018-12-20
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12	15. Section Notes	16. 2018-12-20
13	16. Section Notes	17. 2018-12-20
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16	19. Section Notes	20. 2018-12-20
17	20. Section Notes	21. 2018-12-20
18	21. Section Notes	22. 2018-12-20
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86	89. Section Notes	90. 2018-12-20
87	90. Section Notes	91. 2018-12-20
88	91. Section Notes	92. 2018-12-20
89	92. Section Notes	93. 2018-12-20
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4TH FLOOR
16 SENIOR UNITS
 Junior 1 Bedroom - 8
 1 Bedroom - 8
 FSR Area - 891 sqm

4th Floor Plan
 A2.04

numberTEN number 10	
1:100	
2019-12-20	
11 Chown Place	
4th Floor Plan	
US	BC
2018532	A-2.04





North Elevation



West Elevation

- 1 Cementitious Fiber Board - Panel
- SW 9166 DRIFT WOOD MIST
- 2 Cementitious Fiber Board - Panel
- SW 7047 DOWNING STONE
- 3 Cementitious Fiber Board - Panel
- SW 7047 WESTCHESTER GRAY
- 4 Cementitious Fiber Board - Panel
- SW 7047 POROISE
- 5 Cementitious Fiber Board - Plank
- SW 9113 MUDSLIDE
- 6 Flashing to match
- SW 9166 DRIFT WOOD MIST
- 7 Window and Door Frames
- Black
- 8 Exposed Concrete
- 9 Horizontal Siding
- Wood Look
- 10 Wood Screen For Climbing Plants
- 11 Painted Sun Shade
- SW 9166 DRIFT WOOD MIST
- 12 Aluminum and Glass Rail
- 13 Clear Glass

numberTEN		number 10	
11 Chown Place			
North and West Elevations			
A-3.01		2018532	

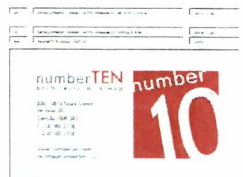


South Elevation
A-3.02



East Elevation
A-3.02

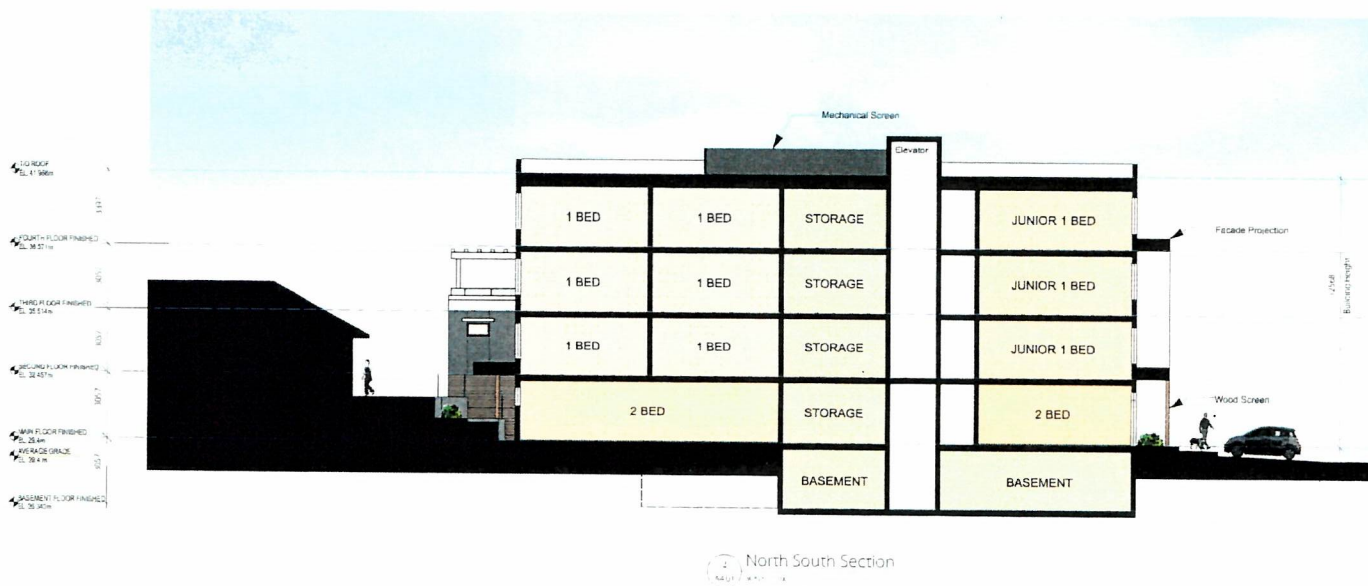
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- SW 9166 DRIFFT WOOD MIST
- 2 Cementitious Fiber Board - Panel
- SW 7047 DOWNING STONE
- 3 Cementitious Fiber Board - Panel
- SW 7047 WESTCHESTER GRAY
- 4 Cementitious Fiber Board - Panel
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- 12 Aluminum and Glass Rail
- 13 Clear Glass



11 Chown Place

South and East Elevations

DATE	BY	BC
2018532		
A-3.02		



numberTEN		number
10		10
11 Chown Place		
South and East Elevations		
DS	SC	
2018532	A-4.01	

[illegible]



3d Image Looking East
A-5.02 11 Chown Place

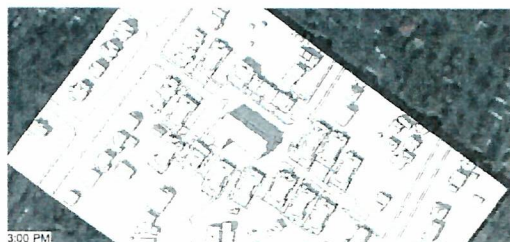
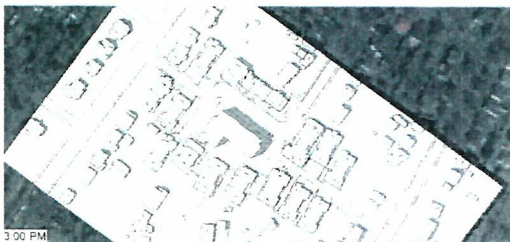
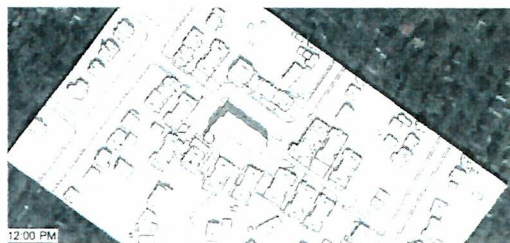
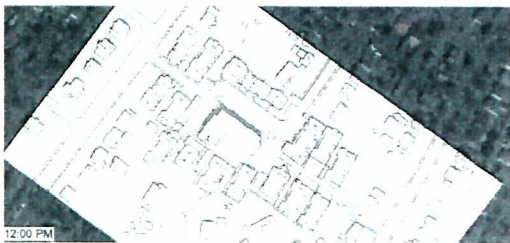
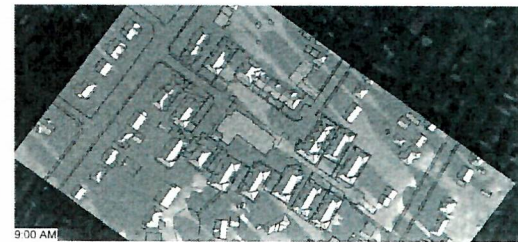
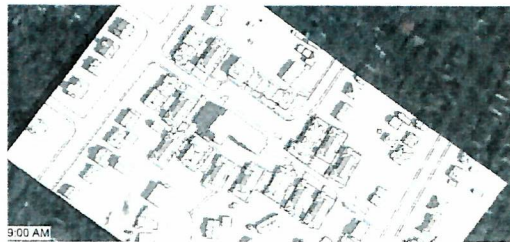
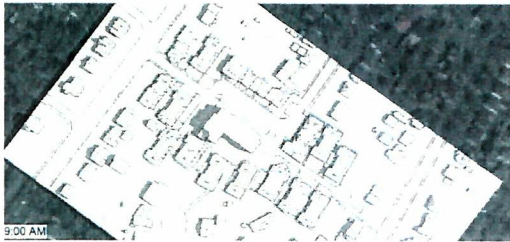


3d Image Looking South
A-5.02 11 Chown Place



3d Image Looking North West
A-5.02 11 Chown Place

numberTEN		number 10	
11 Chown Place 2019-12-20			
Images			
2018532		A-5.02	



Summer Solstice
June 21st, 2019

Fall Equinox
September 22nd, 2019

Winter Solstice
December 21st, 2019

Project Name: 11 Chown Place		Date: 2019-12-20	
Client: numberTEN		Scale: 1:100	
numberTEN 10			
11 Chown Place Sun study			
DS: 2018332		RC: A-6.01	

CITY OF VICTORIA
RECEIVED
DEEMED

DEC 20 2019
FEB 06 2020

C	Feb 6 '20	DP Re-Submission
B	Dec 20 '19	DP Re-Submission
A	Nov 1 '19	DP Submission

REVISIONS



#3-864 Queens Ave. Victoria B.C. V8T 1M5
Phone (250) 558-0105 Fax (250) 412-0696

PROJECT

Chown Place
Victoria B.C.

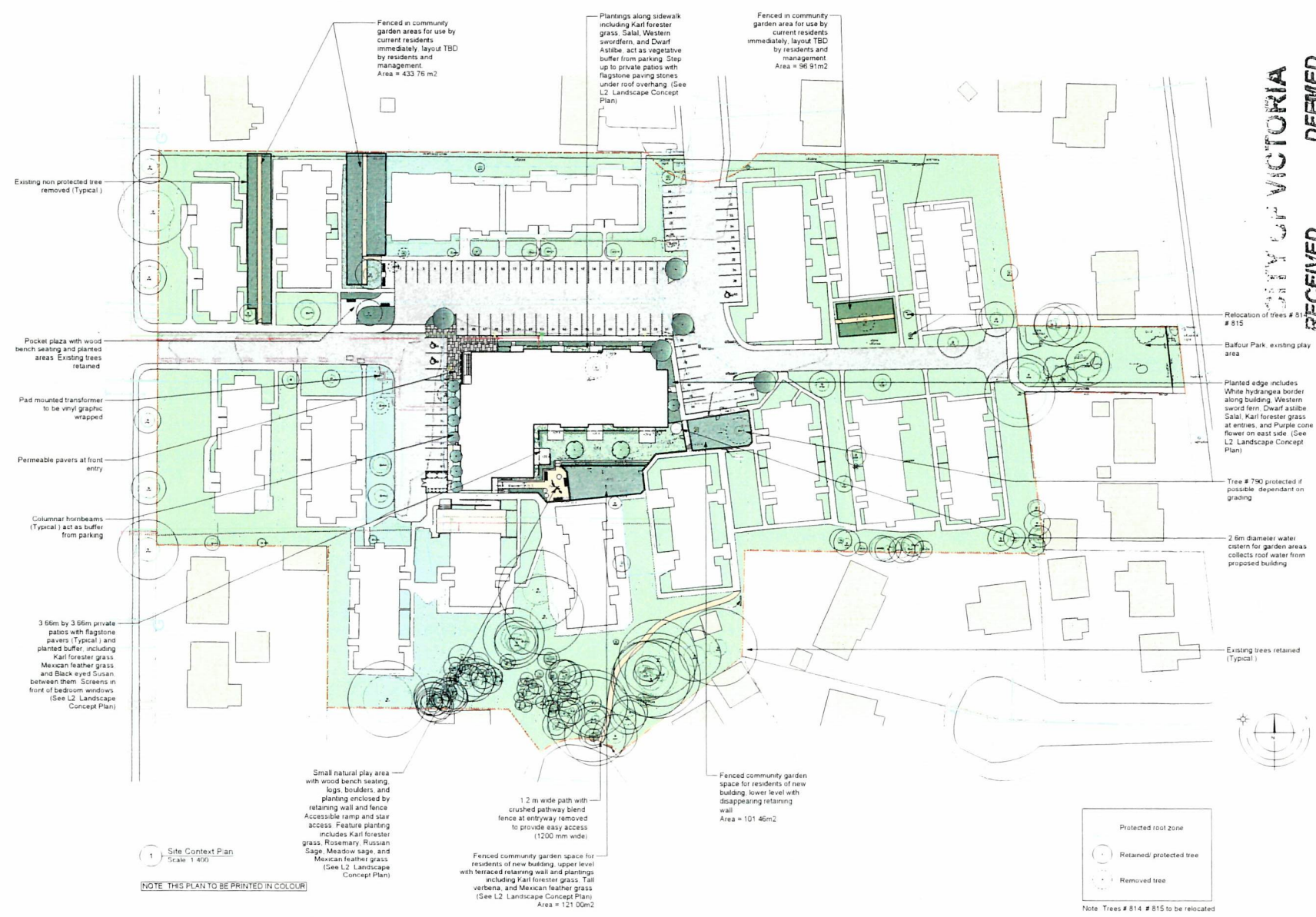
TITLE

Site Context Plan

SCALE	DRAWN	OL
As shown	CHECKED	BW

PROJECT NO. 1925

DATE Nov 1, 2019 1 of 3
SHEET

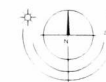


Landscape Concept - Chown Place



Trees				
ID	Quantity	Botanical Name	Common Name	Size
CAB	8	<i>Quercus laevis</i> , Frax. Fontaine	Catawba / Northerham	6 cm cal
GA	5	<i>Quercus laevis</i>	Quercus	6 cm cal
GU	2	<i>Quercus garryana</i>	Garry Oak	6 cm cal
Medium Shrubs				
ID	Quantity	Botanical Name	Common Name	Size
HY	48	<i>Hydrangea macrophylla</i> , Lantaria White	Lantaria White hydrangea	5' to 6'
Small Shrubs				
ID	Quantity	Botanical Name	Common Name	Size
CIT	36	<i>Cornus stolonifera</i>	Sweet Autumn Cornels	1' to 2'
RO	2	<i>Rosa rugosa</i> , <i>Rosa rugosa</i> alpicornis	Rosemary	1' to 2'
Perennials, Annuals and Ferns				
ID	Quantity	Botanical Name	Common Name	Size
AS	82	<i>Aspid. thieriana</i> , Purnia	Dwarf Aspid.	1' to 1'
CAL	53	<i>Calladigalia x acutifolia</i> Karl Foerster	Karl Foerster Feather Reed Grass	1' to 1'
CO	9	<i>Stachys purpurina</i>	Purple Crested	1' to 1'
ES	78	<i>Salix tenuifolia</i> (Stach tenuifolia)	Mossy Feather Grass	1' to 1'
PL	5	<i>Polydora alpicornis</i>	Russian Sage	1' to 1'
PR	40	<i>Physocarpus humulus</i>	Swirl Fern	1' to 1'
RU	4	<i>Rudbeckia hirta</i> , Gleditsium	Black-eyed Susan	1' to 1'
SA	5	<i>Salix nemoralis</i> , East Fordland	East Fordland Meadow Sage	1' to 1'
VB	42	<i>Verbena bonariensis</i>	Tall Verbena	1' to 1'
Vines				
ID	Quantity	Botanical Name	Common Name	Size
CIT	20	<i>Cornus stolonifera</i>	Sweet Autumn Cornels	1' to 1'

- | MATERIALS LEGEND | | | | | |
|---|--|---|-----------------|---|------------------------|
|  | Concrete |  | Planted area |  | Sod lawn |
|  | Wood chips |  | Asphalt |  | Permeable paver |
|  | Growing medium, plants provided by residents |  | Flagstone paver |  | Existing lawn retained |



FEB 06 2020

DEC 20 2019

SCALE: As shown DRAWN: OL
CHECKED: BW

DATE Nov 1, 2019 2 of 3

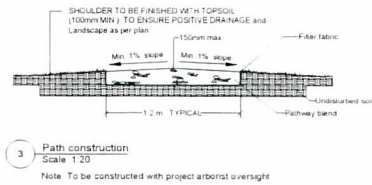
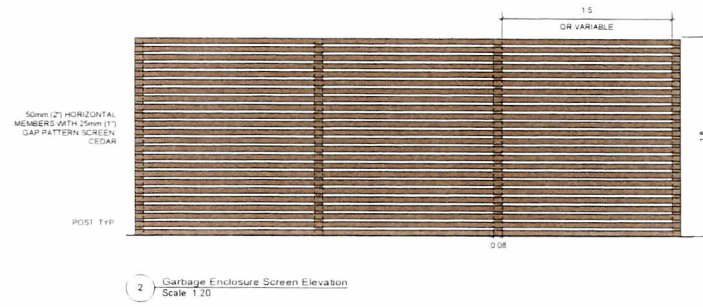
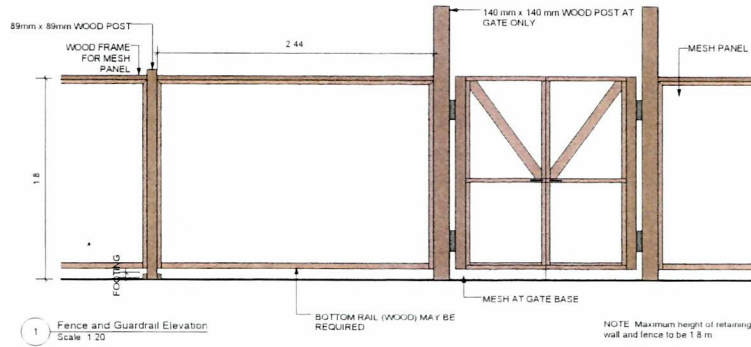


Image: Wood Bench Seating

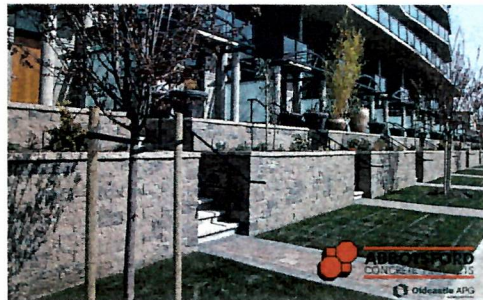


Image: Decorative Concrete Block Retaining Wall



Image: Fence and guard rail with mesh



Image: Natural play area with logs and boulders on woodchips



#3-864 Queens Ave. Victoria B.C. V8T 1M5
Phone: (250) 598-0105 Fax: (250) 472-0896

PROJECT

Chown Place
Victoria B.C.

TITLE

Landscape Details

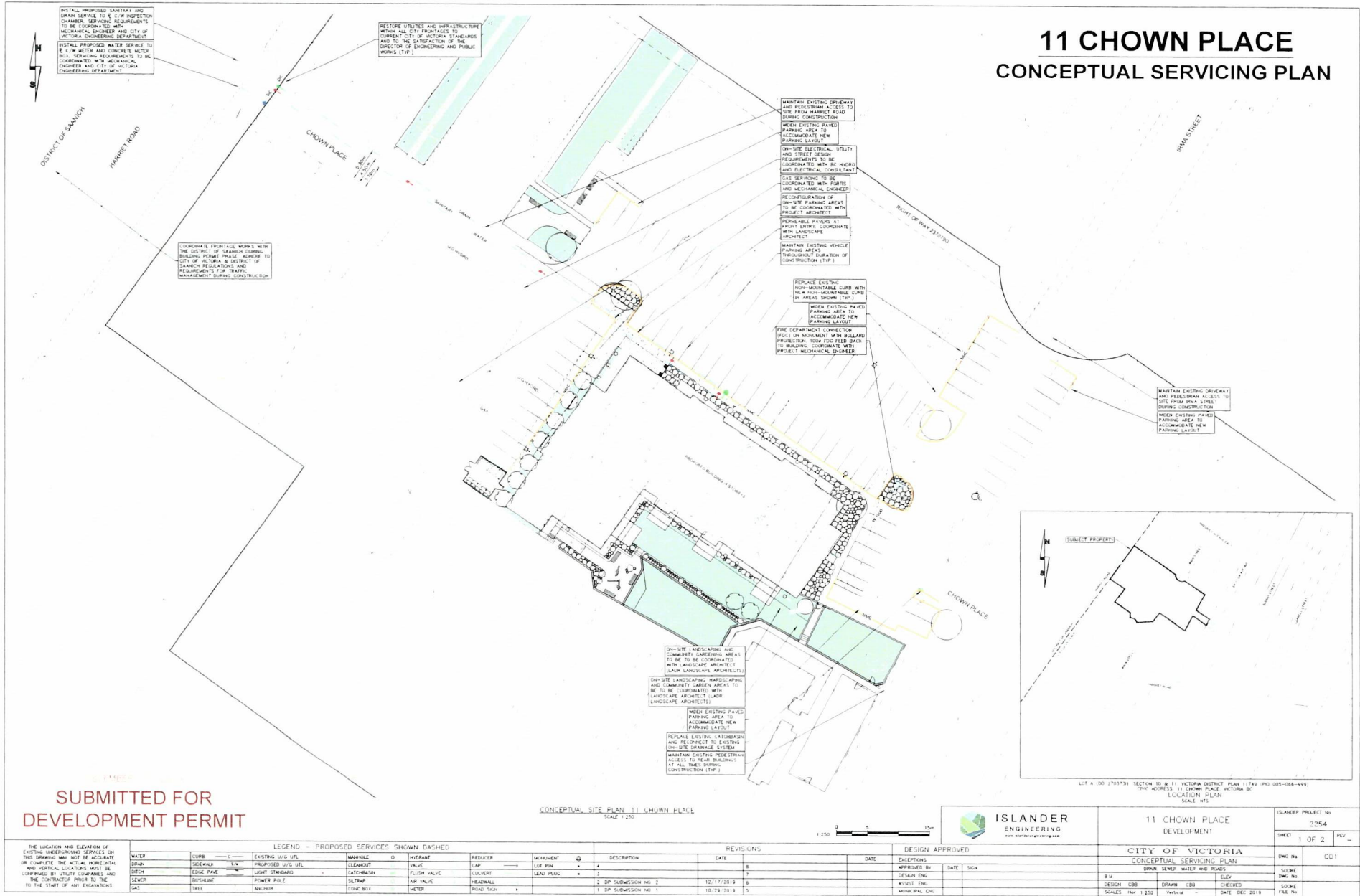
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CHECKED BW

PROJECT No: 1925

DATE Nov. 1, 2019 3 of 3
SHEET

CITY OF VICTORIA
RECEIVED DEEMED
FEB 06 2020 DEC 20 2019

11 CHOWN PLACE CONCEPTUAL SERVICING PLAN



SUBMITTED FOR
DEVELOPMENT PERMIT


CONCEPTUAL SITE PLAN - 11 CHOWN PLACE
SCALE 1:250



**SUBMITTED FOR
DEVELOPMENT PERMIT**

SITE PLAN 11 CHOWN PLACE
SCALE 1:400



 ISLANDER ENGINEERING <small>www.islandengineering.co</small>		11 CHOWN PLACE DEVELOPMENT		ISLANDER PROJECT NO: 2254	
				SHEET 2 OF 2 REV. —	
PROVED		CITY OF VICTORIA		DWG NO. 002	
		CONCEPTUAL SITE PLAN		SOURCE DWG. NO. —	
		DRAIN, SEWER, WATER AND ROAD		DESIGN DWG. NO. —	
		SUB		ELEV	
		DESIGN —		DRAWN —	
		CHECKED —		DATE DEC 2019	
		SIGNED 1:500		SCALE 1:500	
		DATE DEC 2019		FILE NO. —	

THE LOCATION AND ELEVATION OF
EXISTING UNDERGROUND SERVICES ON
THIS DRAWING MAY NOT BE ACCURATE
OR COMPLETE. THE ACTUAL HORIZONTAL
AND VERTICAL LOCATIONS MUST BE
CONFIRMED BY UTILITY COMPANIES AND
THE CONTRACTOR PRIOR TO THE
START OF ANY EXCAVATIONS.

LEGEND - PROPOSED SERVICES SHOWN DASHED									
WATER	CURB	EXISTING U/G UTIL	MINOR PIPE	HYDRANT	REDUCER	MOVEMENT	DESCRIPTION	DATE	
DRAIN	SEWER	PROPOSED U/G UTIL	CLEANOUT	VALVE	CAP	LOT PIN			
DITCH	EDGE PAVEMENT		CATCHBASIN	FLUSH VALVE	CUVERT	LEAD PILE			
SEWER	BUSHAIR	POWER POLE	SETBACK	AIR VALVE	HEADWALL		2. DP SUBMISSION NO. 2	12/17/2019	6
GAS	TRAIL	ANCHOR	CONCRETE BOX	METER	ROUND SIGN		1. DP SUBMISSION NO. 1	10/29/2019	5

REVISIONS									
DATE									

DESIGN APPROVED									
DATE									

CITY OF VICTORIA									
DATE									

CITY OF VICTORIA									
DATE									

December 2019

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

**Re: Gorge View Society - 11 Chown Place
Development Permit with Variances Application**

Dear Mayor and Council,

As discussed at pre-application meetings on June 11, August 29, and October 29, 2019 pre-application meetings, please find attached a Development Permit with Variances application for 11 Chown Place.

Society Overview

- Gorge View Society has been providing affordable housing to independent seniors for over 50 years at 11 Chown Place. With 108 current units on nearly 5.5 acres, Gorge View is one of the largest seniors affordable housing sites in all of Victoria.
 - The site has a significant amount of greenspace and resident amenity space. This includes community gardens, informal resident gardens immediate adjacent to individual units, a playlot on Balfour which the Society owns but the City manages, and informal paths connecting neighbours and residents to the larger community.
- In November 2018, Gorge View was successful in accessing a 5.8M contribution from BC Housing under the Community Housing Fund to add 58 additional units of housing. The Society saw the need for the addition of affordable family housing in the community, a decision which was strongly informed by the Burnside Gorge Neighbourhood Plan and BC Housing's desire for larger family units.

Project Overview

- The project provides much needed affordable seniors and family housing the Burnside Gorge Neighbourhood. Family units include: 6 two-bedroom units, 1 fully accessible two-bedroom unit, and 2 three-bedroom units for a total of 9 family units. Seniors units include: 24 junior-one-bedroom accessible units, 25 one-bedroom accessible units, for a total of 49 senior units.
- Amenities for the new building includes: walk out patios and front-door access for all the ground floor family units; a community garden and



children's place space with direct, ground-floor access; a third floor sun deck for seniors; a multi-purpose room on the main floor; secured scooter storage on the main floor; secured bicycle parking on the basement level; secured resident storage on each seniors floor; and laundry on each floor.

- As per the landscape plan, existing garden plots are to be transferred to another site location to ensure no net loss of garden space nor an impact from construction. This ensures current residents do not miss a growing season, and that new residents will have access to their own new garden plots. The Society recognizes the importance of urban agriculture to the current and future residents and sees this project as an opportunity to strengthen the existing interest and support for this activity. The Garden Committee will determine the allocation of gardens to individuals or groups.
 - Active transportation will also be strengthened for current and future residents, along with the larger Burnside Gorge Neighbourhood through this project. The addition of formalized and secure bicycle and scooter storage and improved access to existing pedestrian routes supports all ages in utilizing active transportation opportunities that exist as well as future improvements to the neighbourhood (such as the Gorge Road improvements anticipated). For better connectivity, an easement through the site for the pathway will be provided.
- All units are for independent individuals or families; no on-site support services will be provided.
 - The project will target energy step code 4 and is committed to meeting 3.
 - The project is being constructed over existing greenspace, with the commitment of no net loss of garden space for the existing users of the community gardens. The landscape architect and project team are liaising with the gardeners and proposing improvements in access, resources and location for the users.
 - The project team will carry out a CPTED analysis in January and submit to the Committee of the Whole (COW) for review



Communications Overview

The Society has engaged residents and neighbours alike through the following steps to date. Post-submission communication plans are also provided below

- **Pre-Application Engagement**
 - CALUC Meeting with Avery Stetski, Interim Chair Land Use Committee, on September 20, 2019

- Response was positive and in support of the project; a letter to Leanne Taylor outlining support was submitted.
- Meeting with Councillor Sarah Potts September 20, 2019
 - Response was positive and in support of the project
- Neighbour Open House was held October 2 from 4:30-6pm at 11 Chown Place
 - Notice was given to all neighbouring properties through door to door handouts and through email
 - 6 neighbours attended and all were supportive of the project, save for one individual who voiced parking concerns for construction and operations.
 - Printed copies of the presentation were provided and are appended to this application.
- Resident meetings
 - Two resident meetings have been held to date (July 26 with 53 attendees and September 27 with 39 residents) and bi-monthly meetings are scheduled going forward.
 - Four meetings with individuals currently gardening in the greenspace have been held, and landscape concepts have presented based on this feedback, drafted and revised through an iterative process to address their desires. A commitment of no net loss of gardening space has been made by the Board and is included in the DVP landscape submission.
 - Printed copies of each presentation were provided and are appended to this application.
- **Application Engagement**
 - Bi-monthly resident meetings will be continued and printed handouts of presentations.
 - A Neighbourhood Meeting once the referral has gone out from City, to be organized in conjunction with CALUC.
- **Pre-Construction and Construction Engagement**
 - Bi-monthly resident meetings will be continued and printed handouts of presentations.



- Resident and Neighbourhood meetings reviewing proposed construction management plan to solicit feedback on minimizing construction impacts.

Development Permit with Variances

A Development Permit with Variances was decided as the appropriate approval process for this project through a variety of communications with the City. Variances requested include:

Table 1: Variances Requested

Zoning Requirement	Variance Requested	Rationale and Suggested Solution
Height - R3 -G zone (11m)	- 1.6m height variance	- Mechanical screening exceeds the height requirements under the R3-G zone. Current building height with mechanical screening is 12.6m.
Parking setbacks - 6m, 2.4m with screen	- 3.6m parking setbacks variance	- Due to existing building configuration and historic, incremental construction, a parking setback is required. - Setbacks for existing building are non-conforming. 2.4 - 3.8 meters parking setbacks with screens will be provided.
Building separation - 4 storeys x 3.048	- 2.6m building separation variance	- Due to existing building configuration and historic, incremental construction, a building separation setback is required. - 4-storey building under the current zone requires 12.2 meters. The project team is proposing 8.6m based on the R3-G zone written for one-storey.



We appreciate the City's continued support of this Project. Please contact me, as below, regarding this application.

Sincerely,

Kaeley Wiseman
Project Manager, City Spaces
P: 250.580.3835
E: kwiseman@cityspaces.ca

Attachments:

1. Application
2. Current Certificate of Title
3. Title Restrictions
4. Letter of Authorization from Owner
5. Full-size set of plans
6. Site Profile
7. Presentations to the Neighbourhood and Residents



ATTACHMENT E

October 4, 2019

Mayor & Council
#1 Centennial Square
Victoria, BC

Dear Mayor and Council:

Re: Development Variance Permit for 11 Chown Place

On October 4th, 2019 the Gorge View Society held an Open House for the surrounding community to present their plans for an affordable Seniors and Family Housing project to be built on their existing housing location at 11 Chown Place.

The Burnside Gorge Land Use Committee (BGLUC) fully supports this proposal as a welcome addition to the neighbourhood. The inclusion of family units is much desired by the community as part of the positive growth of Burnside Gorge.

The proposed 4 storey building consisting of 49 seniors and 9 family units of affordable housing requires a variance from the Chown Place Special Planning Area policy of 3 storeys in height. As this building is located in the centre of the Chown Place 2.24 hectare site, there would be minimal if any affect on the surrounding properties in regards to shadowing or sight lines.

There is substantial land area available throughout the site to redistribute the existing community gardens being displaced by the proposed building.

Working with the Gorge View Society the BGLUC envisions an opportunity to develop the various pedestrian connections through Chown Place as outlined in the Neighbourhood plan. Formal development of the improvised walkway from Irma Street to Balfour Avenue is desired and could form a community placemaking grant application.

Respectfully,



Avery Stetski
Chair, Burnside Gorge Land Use Committee

cc: Sustainable Planning and Community Development Department
The Gorge View Society



January 14, 2020

Mayor & Council
#1 Centennial Square
Victoria, BC

Dear Mayor and Council:

Re: Development Variance Permit for 11 Chown Place

On January 13, 2002 the Gorge View Society presented their plans to the Burnside Gorge Land Use Committee for an affordable Seniors and Family Housing project to be built on their existing housing location at 11 Chown Place.

The BGLUC fully supports this proposal as a welcome addition to the neighbourhood. The inclusion of family units is much desired by the community as part of the positive growth of Burnside Gorge.

The proposed 4 storey building consisting of 49 seniors and 9 family units of affordable housing requires a variance from the Chown Place Special Planning Area policy of 3 storeys in height. As this building is located in the centre of the Chown Place 2.24 hectare site, there would be minimal if any affect on the surrounding properties in regards to shadowing or sight lines.

The substantial land area available throughout the site will be used to redistribute the existing community gardens being displaced by the proposed building.

Working with the Gorge View Society the BGLUC envisions an opportunity to develop the various pedestrian connections through Chown Place as outlined in the Neighbourhood plan. Formal development of the improvised walkway from Irma Street to Balfour Avenue is desired by the community.

The BGLUC does not believe a community meeting is required for this proposal.

Respectfully,

Avery Stetski
Chair, Burnside Gorge Land Use Committee

cc: Sustainable Planning and Community Development Department
The Gorge View Society

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Urban & Wildland Forest Assessment & Mapping

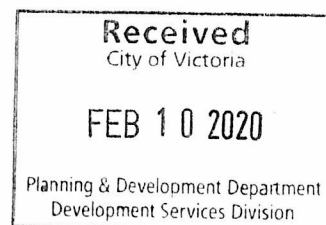
Tree Preservation Plan Report

11 Chown Place, Victoria BC,
V9A 1H5
CJF Project: 49-19

Concrete Jungle Forestry Ltd.
#16-6776 Oldfield Rd
Saanichton BC, V8M 2A3
(ph) 250-818-8761

Donald Skinner M.Sc.
Registered Professional Biologist #827
I.S.A. Certified Arborist #PN 5907a
I.S.A. Tree Risk Assessment Qualified

February 7, 2020



#16-6776 Oldfield Road
Saanichton, BC. V8M 2A3
Phone: 250-652-8764 Cell: 250-818-8761
E-mail: don@concretejungleforestry.ca

CONCRETE JUNGLE FORESTRY LTD.

Urban & Wildland Forest Assessment & Mapping

Executive Summary:

Proposed senior's residence at 11 Chown Place in the City of Victoria will be located near the centre of the property, an area currently occupied by community gardens and a large lawn. The proposed project also includes new underground services beneath Chown Place, realigned resident parking, relocated community gardens and a new gravel pathway running north from Irma Street turnaround until it joins the property's existing network. To assess the impact this work would have on the property's tree resource Donald Skinner of Concrete Jungle Forestry Ltd. visited the site in December 2019 to:

- a) Inventory the on-site tree resource and adjacent City owned Harriet Road street trees.
- b) Determine construction impact on the tree resource.
- c) Create protection measures for trees that can reasonably be retained.

This work enabled us to conclude that the proposed development requires the removal of 16 trees including a City Bylaw 05-106 protected Dogwood.

Modifications to the shape and size of community gardens 1 and 2 allow two Bylaw protected trees to be retained. If final grades allow, a large unprotected tree may yet be retained if community garden 4.

Part of a proposed gravel path is located between the east and west halves of the property's south Garry oak woodland. Although located within the Protected Root Zone of adjacent Oaks CJF believes careful Project Arborist supervision will allow pathway construction to proceed without significant impact to adjacent trees.

This report supplies numerous Tree Protection Measures intended to protect retained trees during construction. Chief among these are; extensive use of CJF laid out Tree Protection fencing and Project Arborist supervision when construction activities will occur within the PRZ of a retained tree.

CJF recommends planting ecologically appropriate Garry oak to replace the removed, Bylaw protected, Dogwood. We also recommend

- The property's developed area, Balfour Park and Garry oak woodland tree resource undergo a safety and maintenance pruning assessment.
- Considering a program to remove Garry oak woodland invasive shrubs and deposited materials / garbage in favour of native Garry oak ecosystem vegetation.

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Urban & Wildland Forest Assessment & Mapping

February 7, 2020

Barry Cosgrove
Number Ten Architectural Group
200-1619 Store St
Victoria BC, V8W 3K3
Email: bcosgrove@numberten.com

Re: 11 Chown Place, City of Victoria: Proposed new 58 unit seniors residence
Tree Protection Plan Report.

Introduction:

In the City of Victoria's (City) Burnside-Gorge neighbourhood, the existing independent living complex at 11 Chown Place is the site of a proposed new 58 unit senior's residence to be built near the centre of the property, an area currently occupied by an community garden and large lawn with a wooden gazebo (see Image 1).

In addition to the new residence, the proposed development will:

- Relocate community gardens to four separate locations north and south Chown Place.
- Realign parking areas north, east and west of the building (see Image 1).
- Install new underground services (City water, sewer, stormwater, power and communications etc.) beneath Chown Place from Harriet Road to the building.
- Provide a new public access gravel pathway between south Irma Street turnaround and the property's existing pathway network (see Image 1).

The development footprint is limited and most of the property would remain undisturbed.

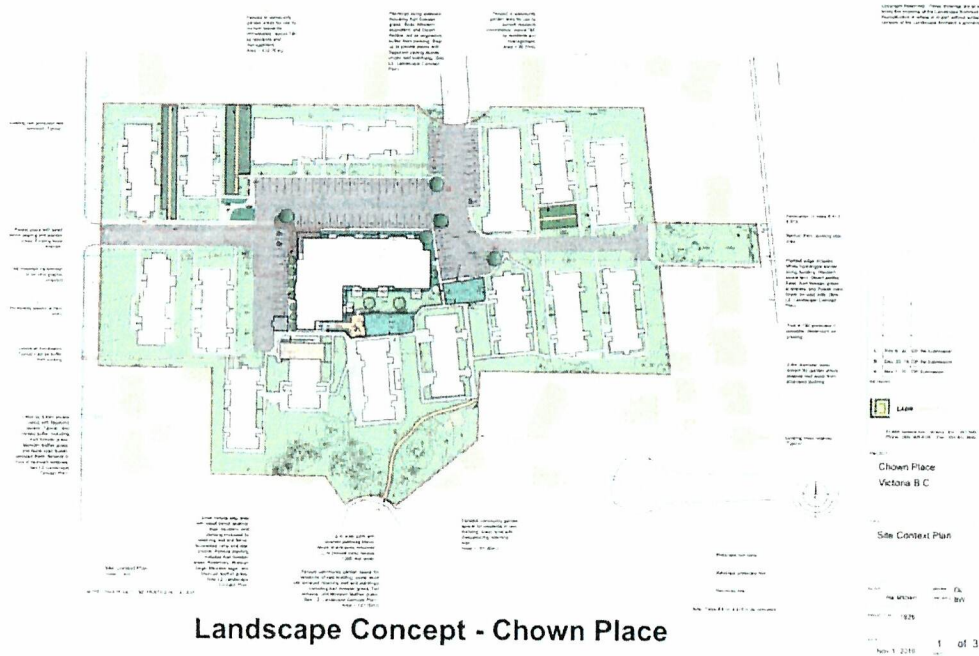
Because proposed construction will impact on-site landscape and native species trees (bylaw protected and other) within and immediately adjacent to the development footprint Donald Skinner of Concrete Jungle Forestry Ltd. (CJF) has been retained as Project Arborist. CJF's work on this project will include:

- a) An inventory of the on-site tree resource and adjacent City owned Harriet Road street trees.
- b) Determine construction impact on the tree resource.
- c) Create protection measures for trees that can reasonably be retained.
- d) Provide arborist oversight and construction monitoring when work is occurring within the Protected Root Zone (PRZ) of any retained tree.

This report contains the results of a, b and c and meets the requirements set out in City of Victoria Tree Protection Bylaw 05-106 (Bylaw).

Urban & Wildland Forest Assessment & Mapping

Image 1: LADR Landscape Architects Landscape Concept Plan.



Site Characterization:

Developed several decades ago, most of the 2.24ha (5.5ac) property is occupied by a cluster of one-level multi-unit seniors independent living apartments, a clubhouse, the Chown Place access road and resident parking (see Image 1) with surrounding lawns and garden beds. CJF believes no significant site changes have occurred since a new one level residence (Appendix 2; building 'D') was constructed in 2012¹.

Numerous native species, ornamental landscape and fruit trees grow along the access road, next to parking areas, between buildings and in Balfour Park at the east edge of the property. Over the years, select trees have been removed. CJF suspects this occurred as they; grew too large for their location, became hazardous or interfered with infrastructure.

The property also includes a Garry oak (*Quercus garryana*) and Arbutus (*Arbutus menziesii*) woodland near the south property boundary / Irma Street turnaround (see Images 2 and 3). Woodland soils are often thin, punctuated by bedrock, nutrient deficient and subject to seasonal moisture deficit. As a result,

¹ Construction date estimate based on differences in CRD 2011 and 2013 airphotos found at <https://maps.crd.bc.ca/Html5Viewer/?viewer=public>

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Urban & Wildland Forest Assessment & Mapping

woodland trees vary widely in height, trunk diameter and form (see Images 2 and 3). Vegetation beneath the trees includes native and invasive species shrubs, herbaceous plants and grasses. CJF observed that Himalayan blackberry (*Rubus armeniacus*) is most abundant invasive shrub.

Image 2: Garry oak woodland east.



Image 3: Garry oak woodland west.



Methodology:

CJF conducted its tree inventory field survey between December 24 and 30, 2019. On December 12 the City of Victoria Parks Department directed us to include 'All on site trees which are protected by the bylaw plus all of the rest of

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the trees on site trees which are over 10 cm in diameter.' Our inventory also included several City Tree Protection Bylaw 05-106² protected tree and unprotected seedlings less than 10cm in diameter (primarily Garry oak and Dogwood³ (*Cornus sp.*), Douglas-fir (*Pseudotsuga menziesii*) and small fruit trees). 124 tree locations and tag numbers were forwarded to the surveyor for inclusion in the project site plan.

Construction impact was determined by:

- Tree location.
- Type of activity.
- Distance from construction activity.

Inventoried trees that can reasonably be retained will be assigned protective measures based on size and proximity to disturbance.

Inventoried Tree Resource Description:

The subject property's tree resource is composed of; Harriet Road City owned street trees, developed area / Balfour Park landscape species / fruit trees and a Garry oak and *Arbutus* (*Arbutus menziesii*) woodland. To simplify description, the tree resource is subdivided into:

1. City owned Harriet Road street trees.
2. Developed area trees.
3. Balfour Park trees.
4. South Garry oak woodland.

December field survey meant deciduous trees were viewed 'leaf off' which, in some cases, complicating identification. These trees are identified as 'unknown' while others were identified to the genus level. Type and species identification based on:

- Tree architecture.
- Bark colour / texture.
- Fallen leaf shape (where available).
- Fruits, seed shape and colour (where available).

A whole-property Tree Inventory Table is included as Appendix 1'a' and 'b'⁴, A Tree Protection Site Plan with surveyed tree locations in included as Appendix 2.

1. City Owned Harriet Road Street Trees:

On the Harriet Road boulevard, six City owned street trees (five Horse chestnut and a mature Garry oak) (ID tags 764-769) are located north and south of

² November 22, 2019 version.

³ Without a landscape plan, CJF cannot identify Dogwood to species level. Therefore, all are considered Bylaw 05-106 protected Pacific dogwood (*Cornus nuttallii*).

⁴ Appendix 1a=CJF 2019 tagged and inventoried trees, Appendix 1b=Talbot Mackenzie 2017 tagged trees.

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Chown place (see Images 4 and 5). Street Horse chestnut immediately north and south of Chown Place (ID tags 766, 767) will be protected from construction disturbance with Tree Protection Fencing (TPF) set outside their canopy driplines (see Appendix 2).

Image 4: Harriet Road Horse chestnut street trees 766, 754 south of Chown Place.



Image 5: Harriet Road Horse chestnut 767 and Garry oak 768 street trees north of Chown Place.



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2. Developed Area Trees:

64 developed area trees and protected seedlings (ID tags 770-780, 787-839) occur along Chown Place, next to resident parking and apartments (see Images 6, 7 and 8). Many were planted when the property was developed while others have been added since. More recently trees have been added by property managers and residents to supplement the original landscaping and provide fruit for residents. Still others are natural infill from nearby seed sources (bird and / or wind seeded).

Developed area tree species include; Dogwood (*Cornus sp.*), Ash (*Fraxinus sp.*), Purple-leaf plum (*Prunus cerasifera*), Leyland cypress (*Cupressus × leylandii*), Mt Fuji cherry (*Prunus sp.*), Cypress (*Chamaecyparis sp.*), Landscape maple (*Acer sp.*), Western redcedar (*Thuja plicata*), English holly (*Ilex aquifolium*), Douglas-fir, Garry oak and an unknown deciduous (possibly Elm (*Ulmus sp.*)).

Retained Bylaw protected and unprotected trees along Chown Place, between buildings 'C' and "N" and residential parking will protected from construction disturbance with TPF set outside their canopy driplines (see Appendix 2).

Image 6: Chown Place west landscape Dogwood 771(left) and 772 (right).



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Image 7: Chown Place east landscape Dogwood 788, 789.



Image 8: Building 'N' landscape featuring fruiting Apple trees 800 and 801 (left and centre) and Ash tree 802 (right).



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3. Balfour Park trees:

Although part of 11 Chown Place, the east-most portion of the property is known as Balfour Park which contains a children's playground and six inventoried trees (three wholly owned by 11 Chown (ID tags 784-786) and three unknown deciduous whose ownership is shared with 3050 Balfour Avenue (ID tags 781-783). One 11 Chown and all joint ownership trees are identified as 'unknown deciduous' but are believed to be natural infill Elm (*Ulmus sp.*). Balfour Park trees will not be impacted by the proposed development and are not recommended for protection.

Image 9: Balfour Park Trees, boundary unknown deciduous (Elm) at left.



4. South Garry oak Woodland Trees.

Boundary Garry oak canopies often overhang the woodland boundary which, CJF defined as the interface between unmaintained native / invasive species shrub and herbaceous plant understory and maintained lawn. Three large developed area Oaks near the woodland were originally part of this grove (ID tags 817, 818, 819). Two groups of trees are included in the woodland inventory (see Appendix 1):

- a. 62, December 2019 CJF tagged and inventoried trees (61 Garry oak and one Arbutus).
- b. 42 Talbot Mackenzie and Associates (TMA) June 2017 tagged trees (39 Garry oak and three Arbutus), remeasured by CJF in December 2019.

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The woodland contains a range of growing conditions; deep moist nutrient rich to shallow nutrient poor soils and bedrock outcrops that have created a highly variable group of trees with a wide range of canopy widths, trunk diameters and structure (see Images 3, 10, 11, 12). The proposed development included a new 1.2m (1200mm) wide gravel pathway beginning behind building 'J' heading south to the Irma Street turnaround. The path will be located within an existing strip of lawn grass bisecting the woodland's east and west halves (see Image 10).

Pathway construction will occur within the PRZ of Oaks closest to the woodland boundary. CJF therefore expects root damage but believes careful location, design and Project Arborist oversight will minimize rootplate disruption allowing impacted trees to remain viable. Garry oak canopy clearance pruning may be required to create required safe machine access. East and west halves of the woodland will be protected from construction disturbance by TPF set between the pathway and adjacent Garry oaks (see Appendix 2).

Image 10: TMA 2017 and CJF 2019 inventoried south Garry oak and Arbutus east of Irma Street entrance.



Image 11: Variable height and structure Garry oak woodland trees west of Irma Street property entrance.



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Image 12: Stunted south Garry oak woodland trees west of Irma Street property entrance.



Construction Impact:

In CJF's opinion, proposed construction will have the following impacts on the subject property's tree resource:

1. City Owned Harriet Road Street Trees:

Little or no impact, if site power / communications services are taken from the north power pole straight south to the Chown Place service trench (see Image 5 and Appendix 2). If brought north from the south power pole (see Image 4), to avoid street tree rootplate disruption, consider burying under hedge then west of building 'O' outside the tree 766's PRZ. If required, revised utility trench location to be determined by; Number 10 Architectural Group, CJF and any other relevant party.

2. Development Area Trees:

Landscape Dogwood located along Chown place east and west of the building site (ID Tags 770-772 and 779, 788, 789) will be retained and surrounded by Tree Protection Fencing (TPF) set outside their Protected Root Zone (PRZ) or canopy dripline (Appendix 1 'Symmetrical Crown Rad(ius)' as determined by the Project Arborist. With careful excavation, and CJF oversight, five Dogwood west of the building site will not be impacted by underground utility installation. Any renewal of existing or construction of a new sidewalk, curb and gutter / drains should be discussed with CJF before proceeding. Although, protected by TPF, CJF does not expect Chown Place Dogwood east of the proposed building (ID tags 779, 788, 789) to be impacted by construction.

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Between the north parking lot and building 'C' five retained unprotected trees (ID Tags 774-776 and 808-809) will be separated from construction by TPF set outside each tree's PRZ or canopy dripline as determined by the Project Arborist.

The proposed building, parking lot alterations and community gardens require the removal of 16 trees:

1. Seven unprotected trees / tree seedlings (ID tags 792, 794-799) and one Bylaw protected Dogwood (ID tag 793) within and immediately adjacent to the building footprint (see Table 1, Appendix 2).
2. Three unprotected trees (ID tags 806, 807 and 777) for the proposed north parking lot changes (additional spaces / new curb and sidewalk alignment) (see Table 1, Appendix 2).
3. One unprotected tree (ID tag 802) for electric service infrastructure install (see Table 1, Appendix 2).
4. Four unprotected trees for relocated community gardens 1, 2, 3 and 4 (see Table 1, Appendix 2):
 - a. One Ash (ID tag 790 community 4)
 - b. Three fruiting Apples (ID tags 814, 815 (community 4) and 812 (community 3)).

If deemed important, design changes must be made to retain any of the following trees:

- Changes have been made to the design of community gardens 1 and 2 enabling retention of Bylaw protected trees 770 and 773. When constructed, CJF recommends locating the garden fence outside the canopy and PRZ of these trees (2.5 and 3.5m off-set respectively).
- With minimal grade change, tree 790 may be retained.
- Trees 814 and 815 are recently planted and small, CJF recommends relocating rather than outright removed.

Building footprint tree 793 is Bylaw protected and will need to be replaced. CJF recommends Garry oak which are slow growing and ecologically appropriate for the site.

3. Balfour Park trees:

Located well east of the proposed development CJF does not foresee construction impact to any Balfour Park tree. Therefore, no protective measures are recommended in this area.

4. South Garry oak woodland trees:

When carefully constructed, the new 1.2m (1200mm) wide gravel access pathway will not significantly disrupt the rootplate any south Garry oak woodland tree. Where the pathway is located within the PRZ of woodland trees it will be

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separated from construction with TPF as laid out by CJF. Final pathway alignment will be determined by Number 10 Architectural Group, CJF and the contractor so that it is placed to maximize off-set from adjacent trees. Changes to south property line chain link fencing (enlarged and / or repositioned gate opening, posts) will be located to minimize rootplate disturbance.

Table 1 below summarized the proposed development's 16 required tree removals; one Bylaw protected and 15 unprotected.

Table 1: 16 required tree removals:

Tree (Tag) #	Type	Consol Stem Dia (cm)	Stem Dia (cm)	Stem Dia (cm)	Stem Dia (cm)	Stem Dia (cm)	Height (m)	12.1 PRZ (m)	Symmetrical Crown Rad (m)	Tree Seeding	CoV Bylaw 05-106 Protected	Biological Health	Structural Condition	Remove	NOTES
1 777	Ash	14.0					1.7	2.0				good	good	Yes	north parking lot, building C, unit 108, within revised parking lot alignment footprint
2 802	Ash	16.0					1.9	2.0				good	good	Yes	east side building N, remove for proposed electric service infrastructure
3 806	Ash	8.8					1.1	1.2	Yes			good	good	Yes	north parking lot, building C, southwest corner, tree seedling, within revised parking lot alignment footprint
4 807	Ash	8.6					1.0	1.2	Yes			good	good	Yes	north parking lot, building C, southwest corner, tree seedling, immediately adjacent revised parking lot alignment footprint
5 812	fruiting Apple	9.5					1.1	2.0	Yes			good	fair	Yes	community garden '3', Building E south side, tree seedling
6 790	Ash	18.0					2.2	3.0				good	good	Yes	building I, inside community garden '4', retain if final grades allow
7 792	landscape Maple	14.0					1.7	1.5				good	good	Yes	gazebo, immediately adjacent proposed building northeast corner
8 793	Dogwood	10.0					1.2	1.0		Yes		good	good	Yes	gazebo, within proposed building footprint
9 794	Purple-leaf plum	13.0					1.6	2.5				good	fair	Yes	gazebo, lower trunk decay, within proposed building footprint
10 795	Douglas-fir	1					1.7	0.1	0.4	Yes		good	good	Yes	gazebo, tree seedling, within proposed building footprint
11 796	unknown fruit tree	1					1.2	0.1	0.3	Yes		good	good	Yes	gazebo, tree seedling, within proposed building footprint
12 797	landscape Maple	17.0	8	8	7		2.0	1.5				good	good	Yes	northwest corner community garden, within revised parking lot alignment immediately west proposed building footprint
13 798	landscape Cypress	14.0					1.7	1.5				good	good	Yes	northwest corner community garden, within revised parking lot alignment immediately west proposed building footprint
14 799	landscape Maple	22.0	16	10			2.6	2.0				good	good	Yes	northwest corner community garden, within revised parking lot alignment immediately west proposed building footprint
15 814	fruiting Apple	3.8					0.5	0.5	Yes			good	good	Yes	immediately adjacent proposed building northeast corner, tree seedling, recently planted, recommend moving to new location
16 815	fruiting Apple	5.2					0.6	1.0	Yes			good	good	Yes	immediately adjacent proposed building northeast corner, tree seedling, recently planted, recommend moving to new location

Tree Protection Measures:

To isolate retained City Bylaw 05-106 protected and unprotected trees from construction disturbance CJF proposes the following Tree Protection Measures.

1. 2x4 wood-frame and snowfence panel Tree Protection Fencing (TPF) will be located as shown in Appendix 1 and laid out by CJF in the field. CJF recommends that TPF be braced at corners and periodically over long, straight runs. See Image 13 for an example of well constructed TPF.

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Image 13: Tree Protection Fencing Example.



2. TPF will be maintained in good functioning condition until project end or removal approved by CJF.
3. No construction materials or waste will be stored or deposited behind any TPF.
4. Weatherproof signage stating 'Protected Root Zone – No Entry' will be attached to TPF at regular intervals (i.e. one per individual tree TPF and for short runs or every 15-20m along long runs).
5. All Harriet Road, Chown Place developed area and Garry oak woodland TPF will be laid out by CJF in the field.
6. Where project TPF is up against sturdy existing infrastructure (i.e. metal fencing (ID tags 770, 804) / Harriet Road hedge) it need not be fenced again along the common side. Unless approved by CJF there must not be a gap between project TPF and pre-existing infrastructure.
7. Where project TPF surrounds a fruit tree the side facing away from construction should be left open (i.e. ID tags 800, 801). This will allow removal of ripe fruit before it decays and attracts wasps in August / September. Continued lawn maintenance is also beneficial.
8. To reduce Harriet Road street tree root disturbance CJF recommends, Hydro and communications services be taken from the power pole north of Chown Place. If not possible, CJF to be included when determining appropriate routing between south power pole and Chown Place trench.
9. Gravel pathway TPF layout will be established by CJF in the field.
10. Gravel pathway excavation will occur with CJF oversight. Excavation depth should be no greater than 15cm (6 inches) below sod, shallower if soils are firm enough to support path. Soil disturbance will be minimized if excavation occurs during the summer dry season (mid July to mid September). Excavation at other times of the year may require the excavator sit on ½ inch plywood sheets to reduce soil compaction (see Image 14). CJF to determine whether plywood is required.

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Image 14: Rubber tracked mini excavator on plywood sheets.



11. Use a rubber-tracked mini excavator with a toothless clearing bucket to excavate the pathway trench (see Image 13). Overburden to be removed from the site.
12. To prevent compacting pathway gravels from pressing down into root zone below and allow continued water infiltration and gas exchange, the excavated trench will be lined with woven landscape fabric.
13. Woodland Garry oak canopy clearance pruning may be required to create required safe machine access.
14. Pathway gravel may be brought from the stockpile to the pathway trench with a rubber tired 'Bobcat' or wheelbarrow. A 'Slinger' truck with targeted delivery from Irma Street can also be used.
15. CJF strongly recommend the developed area, Balfour Park and Garry oak woodland trees undergo a safety and maintenance pruning assessment. Although developed area trees are not are large enough to pose a hazard to residents / staff / construction workers but many have a history of poor pruning practice and would benefit from structural simplification such as
 - a. Removing crossing branches
 - b. Reducing the length of over-extended branches.
 - c. Canopy clearance pruning.
 - d. Deadwood removal.

CJF recommends completing a property-wide safety and maintenance pruning assessment every five to seven years.

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16. To maximize harvest, fruit trees should be pruned every 1-2 years depending on growth rate. Yearly application of dormant spray insecticide would also improve yield.

Recommended Garry oak Woodland Restoration:

During tree inventory field survey CJF noted that the south Garry oak woodland is peppered with Himalayan blackberry, Scotch broom (*Cytisus scoparius*) and probably other species as well. Street garbage (plastic chip bags etc.) and deposited soil and rocks are also present. Restoration of the area would be a simple, if ongoing, elimination (or at least control) of Blackberry / Broom etc. and removing garbage / deposited organic waste materials.

In the spring of 2020 or 2021, CJF also recommends the woodland be assessed for the presence of Garry oak ecosystem native flowering plants such as; Common camas (*Camassia quamash*), Western buttercup (*Ranunculus occidentalis*), Hooker's onion (*Allium acuminatum*) among others. If present, restoration efforts should focus on removing / controlling invasive species and favouring the presence of this native understory vegetation. Properly restored the woodland would be a neighbourhood gem.

End Report:

Sincerely



Donald Skinner M.Sc.
Registered Professional Biologist (#827).
I.S.A. Certified Arborist (# PN5907A).
I.S.A. Tree Risk Assessment Qualified.

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Appendix 1a: December 2019 CJF Tagged and Inventoried Trees.

Tree (Tag) #	Type	Consolid Stem Dia (cm)	Stem Dia (cm)	Stem Dia (cm)	Stem Dia (cm)	Stem Dia (cm)	Stem Dia (cm)	Height (m)	12.1 PRZ (m)	Symmetrical Crown Rad (m)	Tree Seeding	CoV Bylaw 05-106 Protected	Biological Health	Structural Condition	Remove	NOTES
764	Horse chestnut	45.0							5.4	7.0	Yes		good	good		CoV Harriet Rd street tree
765	Horse chestnut	42.0							5.0	4.0	Yes		good	fair		CoV Harriet Rd street tree, decay at base
766	Horse chestnut	27.0							3.2	3.0	Yes		good	good		CoV Harriet Rd street tree
767	Horse chestnut	43.0							5.2	4.0	Yes		good	good		CoV Harriet Rd street tree
768	Garry oak	81.0							9.7	8.0	Yes		good	fair		CoV Harriet Rd street tree, conk at base
769	Horse chestnut	31.0							3.7	4.0	Yes		good	good		CoV Harriet Rd street tree
770	Dogwood	15.0							1.8	2.0	Yes		good	good		Building A, adjacent to community garden '1', retain with community garden fence modification
771	Dogwood	25.0							3.0	3.0	Yes		good	good		Building B
772	Dogwood	23.0							2.8	3.0	Yes		good	good		Chown place entrance
773	Mt Fuji cherry	30.0	15	14	11				3.6	3.5	Yes		good	fair		Chown place entrance, 3-stem, history of poor pruning practice - requires extensive structural pruning, between sidewalk and community garden area '2', retain with community garden fence modification
774	Ash	10.0							1.2	2.0	Yes		good	good		Building C, unit 105
775	Ash	14.0							1.7	2.0			good	good		Building C, unit 106
776	Ash	10.0							1.2	2.0			good	good		Building C, unit 108
777	Ash	14.0							1.7	2.0			good	good	Yes	north parking lot, building C, unit 108, within revised parking lot alignment footprint
778	Ash	8.0							1.0	1.5	Yes		good	good		protect if CoV owned, Irma St north turn around,
779	Dogwood	19.6	13	11					2.4	3.5	Yes		good	good		building F
780	Pear	25.0							3.0	4.0			good	good		building F
781	unknown decid	17.0							2.0	4.0			good	good		Balfour Park, Elm?, joint ownership - 3050 Balfour Ave owned
782	unknown decid	22.0							2.6	5.0			good	good		Balfour Park, Elm?, joint ownership - 3050 Balfour Ave owned
783	unknown decid	50.6	32	31					6.1	5.0	Yes		good	good		Balfour Park, Elm?, joint ownership - 3050 Balfour Ave / 11 Chown Place shared ownership
784	unknown decid	52.6	34	31					6.3	5.0	Yes		good	good		Balfour Park, Elm?
785	fruiting Plum	14.0							1.7	3.0			good	fair		Balfour Park, pathway clearance pruned
786	Purple-leaf plum	44.0							5.3	4.5			good	fair		Balfour Park, multi branched at 1m
787	Leyland cypress	100.0							12.0	8.0	Yes		good	fair		building G, multi trunk at 1.2m
788	Dogwood	15.0							1.8	2.0	Yes		good	good		building H
789	Dogwood	25.0							3.0	3.0	Yes		good	good		building H
790	Ash	18.0							2.2	3.0			good	good	Yes	building I, inside community garden '4', retain if final grades allow
791	Apple	14.0							1.7	2.0			good	good		between buildings H and I
792	landscape Maple	14.0							1.7	1.5			good	good	Yes	gazebo, immediately adjacent proposed building northeast corner
793	Dogwood	10.0							1.2	1.0	Yes		good	good	Yes	gazebo, within proposed building footprint

Tree (Tag) #	Type	Consolid Stem Dia (cm)	Stem Dia (cm)	Stem Dia (cm)	Stem Dia (cm)	Stem Dia (cm)	Stem Dia (cm)	Height (m)	12.1 PRZ (m)	Symmetrical Crown Rad (m)	Tree Seeding	CoV Bylaw 05-106 Protected	Biological Health	Structural Condition	Remove	NOTES
794	Purple-leaf plum	13.0							1.6	2.5			good	fair	Yes	gazebo, lower trunk decay, within proposed building footprint
795	Douglas-fir	1							1.7	0.1	0.4	Yes	good	good	Yes	gazebo, tree seeding, within proposed building footprint
796	unknown fruit tree	1							1.2	0.1	0.3	Yes	good	good	Yes	gazebo, tree seeding, within proposed building footprint
797	landscape Maple	17.0	8	8	7				2.0	1.5			good	good	Yes	northwest corner community garden, within revised parking lot alignment immediately west proposed building footprint
798	landscape Cypress	14.0							1.7	1.5			good	good	Yes	northwest corner community garden, within revised parking lot alignment immediately west proposed building footprint
799	landscape Maple	22.0	16	10					2.6	2.0			good	good	Yes	northwest corner community garden, within revised parking lot alignment immediately west proposed building footprint
800	fruiting Apple	25.0	25						3.0	3.0			good	good		east side building N
801	fruiting Apple	18.4	13	9					2.2	2.5			good	good		east side building N
802	Ash	16.0							1.9	2.0			good	good	Yes	east side building N, remove for proposed electric service infrastructure
803	Dogwood	15.0							1.8	2.0	Yes		good	good		building N
804	Dogwood	14.0							1.7	2.0	Yes		good	good		building N
805	Fig	19.0	13	10					2.3	1.8			good	fair		building O, south property line
806	Ash	8.8							1.1	1.2	Yes		good	good	Yes	north parking lot, building C, southwest corner, tree seeding, within revised parking lot alignment footprint
807	Ash	8.6							1.0	1.2	Yes		good	good	Yes	north parking lot, building C, southwest corner, tree seeding, immediately adjacent revised parking lot alignment footprint
808	Mt Fuji cherry	4.0							0.5	1.0	Yes		good	good		building C entrance, tree seeding
809	Mt Fuji cherry	10.0	5.6	4.1	3.3				1.2	1.0			good	good		building C entrance, tree seeding
810	shagbark Maple	2.7							0.3	0.5	yes		good	good		protect if CoV owned, Irma north turn around, tree seeding
811	landscape Maple	7.2	5	3.6					0.9	1.1	yes		good	good		building C north side, tree seeding
812	fruiting Apple	9.5							1.1	2.0	yes		good	fair	Yes	Building E south side, tree seeding
813	English holly	12.0							1.4	2.0			good	good		building F east property line
814	fruiting Apple	3.8							0.5	1.0	Yes		good	good	Yes	building J north side, tree seeding, recently planted, recommend moving to new location
815	fruiting Apple	5.2							0.6	1.0	Yes		good	good	Yes	building J north side, tree seeding, recently planted, recommend moving to new location
816	Western redcedar	13.2	9	7					1.6	1.0			good	fair		building M north side, top pruned, under building power line
817	Garry oak	93.0	66	45					11.2	9.0	Yes		good	good		building M south side at property line, minor deadwood, CJF recommends clearance prune over building roof
818	Garry oak	58.0							7.0	9.0	Yes		good	good		building K west side, CJF recommends removing minor deadwood, clearance pruning over building K roof
819	Garry oak	54.0							6.5	9.0	Yes		good	fair		building K west side, CJF recommends removing scattered large and minor deadwood, clearance pruning over building K roof
820	Douglas-fir	1.3							2	0.2	0.6	Yes		good	good	building K south side in sloped garden bed, protected tree seeding, deer damaged bark, monitor growth-consider removing when interfering with building K or perimeter sidewalk
821	landscape Maple	8.0	5	5					1.0	2.0	Yes		good	fair		building K east side rooted in hedge-if to be retained consider removing hedging plant(s)
822	fruiting Apple	14.0							1.7	1.5			good	good		building K northeast corner, columnar canopy-no building interference

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Tree Tag #	Type	Consol Stem Dia (cm)	Stem Dia (cm)	Stem Dia (cm)	Stem Dia (cm)	Stem Dia (cm)	Stem Dia (cm)	Height (m)	12.1 PRZ (m)	Symmetrical Crown Rad (m)	Tree Seeding	Col/Bl/aw 05-105 Protected	Biological Health	Structural Condition	Remove	NOTES
823	Bay laurel	19.0						2.5	2.5	1.5			good	good		building H west side, unit 63 garden bed-occupant planted
824	English holly	9.0						2.1	1.1	0.5	Yes		good	poor		building H west side, unit 63 next to pony wall, heavily top pruned
825	Lodgepole pine	11.0						1.3	2.5				fair	poor		between buildings I and J at south property line, contorted form, yellowing needles indicates fungal infestation, will need to be top pruned for powerline clearance, at communications line ht now
826	Lodgepole pine	19.1	15.7	5.7				2.3	3.0				fair	poor		between buildings I and J at south property line, contorted form, yellowing needles indicates fungal infestation, will need to be top pruned for powerline clearance, at communications line ht now
827	unknown decid	10.5	5	5	4.2			1.3	1.5				good	fair		Elm? between buildings I and J-immediately behind power pole at south property line, will eventually need to be pruned for powerline clearance
828	unknown decid	42.4	22	19	15			5.1	3.0				good	fair		Elm? building H at south property line, irregular structure, powerline clearance pruned, will require regular PL pruning, if retained CJF recommends maintenance safety prune to improve structure
829	unknown decid	16.0						1.9	3.0				good	fair		Elm? building H at south property line, irregular structure, powerline clearance pruned, will require regular PL pruning, if retained CJF recommends maintenance safety prune to improve structure
830	unknown decid	31.0	16	13	12			3.7	3.0				good	fair		Elm? building H at south property line, irregular structure, powerline clearance pruned, will require regular PL pruning, if retained CJF recommends maintenance safety prune to improve structure
831	unknown decid	14.0						1.7	3.0				good	fair		Elm? building H at south property line, irregular structure, powerline clearance pruned, will require regular PL pruning, if retained CJF recommends maintenance safety prune to improve structure
832	unknown decid	34.4	13	9	6.4	8	7	4.1	2.5		Yes		good	fair		Elm? building H at south property line, irregular structure, powerline clearance pruned, will require regular PL pruning, if retained CJF recommends maintenance safety prune to improve structure, stem six 5.3cm
833	unknown decid	13.2	9	7				1.6	2.0				good	fair		Elm? building H at south property line, irregular structure, powerline clearance pruned, will require regular PL pruning, if retained CJF recommends maintenance safety prune to improve structure
834	unknown decid	28.3	8.6	8.3	8.2	7.8	6	3.4	3.0				good	fair		building H southeast corner, type unknown, 5m+ multi-stem at base, previous heading cuts
835	fruiting Apple	17.5						2.1	2.5				good	fair		building H southeast corner, recently pruned
836	fruiting Plum	24.3						2.9	2.5				good	fair		building H southeast corner, recently pruned
837	Lawson cypress	26.0	17	15				3.1	2.5				good	fair		building H southeast corner
838	Lawson cypress	24.9	18	11.5				3.0	3.0				good	fair		building H southeast corner
839	unknown decid	23.8	8	7	6.8	6.3	6.2	2.9	2.0				good	fair		building H southeast corner, type unknown, 5m+ multi-stem at base, stems six and seven, 4, 3.5cm
840	Garry oak	16.0						1.9	4.0		Yes		good	fair		south woodland, near T&M 966, broken / old pruned lower trunk branch stubs
842	Garry oak	41.0	32	15				4.9	6.0		Yes		good	fair		south woodland, south of storage sheds, rooted on rock
842	Garry oak	63.8	44	33				7.7	9.0		Yes		good	fair		south woodland, south of largest storage shed, clearance pruned over shed, neighbouring properties, powerline pruning as required
843	Garry oak	14.0						1.7	2.5		Yes		good	fair		south woodland, west of pathway
844	Garry oak	21.0						2.5	2.2		Yes		good	poor		south woodland, west of pathway
845	Garry oak	5.0						0.6	1.0	Yes	Yes		good	fair		south woodland, west of pathway
846	Garry oak	8.0						1.0	1.0	Yes	Yes		good	fair		south woodland, west of pathway
847	Garry oak	6.9	4.5	4				0.8	1.8	Yes	Yes		good	fair		south woodland, west of pathway
848	Garry oak	11.8	7	4.5	3.5			1.4	1.0	Yes	Yes		good	fair		south woodland, west of pathway
849	Garry oak	7.0						0.8	1.5	Yes	Yes		good	fair		south woodland, west of pathway
850	Garry oak	27.4	13	11	7.5	5.5		3.3	2.5	Yes	Yes		good	fair		south woodland, west of pathway
851	Garry oak	3.0						0.4	1.0	Yes	Yes		good	fair		south woodland, west of pathway

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Tree (Tag) #	Type	Consol Stem Dia (cm)	Stem Dia (cm)	Stem Dia (cm)	Stem Dia (cm)	Stem Dia (cm)	Stem Dia (cm)	Height (m)	12.1 PRZ (m)	Symmetrical Crown Rad (m)	Tree Seeding	CoV Bylaw 05-106 Protected	Biological Health	Structural Condition	Remove	NOTES
852	Garry oak	33.9	5.5	3.5	3.5	6.8	6	4.1	2.5		Yes	Yes	good	fair		south woodland, west of pathway, 13 stem group, stems six through twelve 3.5, 5, 4, 3, 4, 4, 4 cm in diameter
853	Garry oak	5.5						0.7	1.0	Yes	Yes	good	fair			south woodland, west of pathway
854	Garry oak	4.5						0.5	1.5	Yes	Yes	good	fair			south woodland, west of pathway
855	Garry oak	14.74	7	5	4.4	3.5		1.8	1.5		Yes	fair	fair			south woodland, west of pathway near fence
856	Garry oak	16.1	6.5	5.5	4.5	6		1.9	1.2		Yes	fair	fair			south woodland, west of pathway near fence
857	Garry oak	10.5	7.5	5				1.3	1.2		Yes	fair	fair			south woodland, west of pathway near fence
858	Garry oak	15.92	6.5	6	5.5	4.2		1.9	2.0		Yes	fair	fair			south woodland, west of pathway near fence
859	Garry oak	4.2	3	2				0.5	1.0	Yes	Yes	fair	fair			south woodland, west of pathway near fence
860	Garry oak	13.14	7.2	5.9	4			1.6	1.8		Yes	fair	fair			south woodland, west of pathway, upslope of arbutus
861	Garry oak	5.3	3.5	3				0.6	1.2	Yes	Yes	fair	poor			south woodland, west of pathway, upslope of arbutus
862	Garry oak	27.0						3.2	3.0		Yes	fair	poor			south woodland, west of pathway near fence, near lawn
863	Garry oak	37.0						4.4	5.0		Yes	fair	fair			south woodland, west of pathway near fence, near lawn
864	Garry oak	44.0						5.3	5.0		Yes	fair	fair			south woodland, west of pathway near fence, near lawn
865	Garry oak	49.0						5.9	7.0		Yes	fair	fair			south woodland, west of pathway near fence, near lawn, prune deadwood over lawn
866	Arbutus	25.0						3.0	2.5		Yes	poor	poor			south woodland, west of pathway above fern covered rock, extensive deadwood- little chance of it falling toward lawn
867	Garry oak	8.0						1.0	1.0	Yes	Yes	fair	poor			south woodland, west of pathway, upslope of arbutus, minor deadwood, lower trunk decay
868	Garry oak	16.0						1.9	3.5		Yes	fair	fair			south woodland, west of pathway, upslope of arbutus, minor deadwood
869	Garry oak	21.0						2.5	3.0		Yes	fair	fair			south woodland, west of pathway, upslope of arbutus, minor deadwood
870	Garry oak	6.0						0.7	1.0	Yes	Yes	fair	fair			south woodland, west of pathway, upslope of arbutus, minor deadwood, lower trunk decay
871	Garry oak	32.68	22	17.8				3.9	4.5		Yes	fair	fair			south woodland, west of pathway, upslope of arbutus, minor deadwood
872	Garry oak	13.5						1.6	4.5		Yes	fair	poor			south woodland, west of pathway near fence at bottom of fern covered rock
873	Garry oak	23.0						2.8	4.5		Yes	fair	fair			south woodland, west of pathway near fence at bottom of fern covered rock
874	Garry oak	10.0						1.2	2.0		Yes	fair	fair			south woodland, west of pathway near fence, above lawn and west of arbutus
875	Garry oak	9.0						1.1	1.5	Yes	Yes	fair	fair			south woodland, west of pathway near fence, above lawn and west of arbutus, clothes line wire support for tree 877 embedded in base, minor deadwood
876	Garry oak	9.0						1.1	2.0	Yes	Yes	fair	poor			south woodland, west of pathway near fence, above lawn and west of arbutus
877	Garry oak	14.5						1.7	3.0		Yes	fair	fair			south woodland, west of pathway near fence, above lawn and west of arbutus, clothes line pulley embedded in bark, minor deadwood over lawn
878	Garry oak	5.6						0.7	0.4	Yes	Yes	fair	poor			south woodland, above lawn west of pathway and arbutus
879	Garry oak	3.5						0.4	1.5	Yes	Yes	poor	poor			south woodland, above lawn west of pathway and arbutus
880	Garry oak	7.2						0.9	2.5	Yes	Yes	fair	fair			south woodland, above lawn west of pathway and arbutus
881	Garry oak	6.0						0.7	1.0	Yes	Yes	fair	poor			south woodland, above lawn west of pathway and arbutus

Tree (Tag) #	Type	Consol Stem Dia (cm)	Stem Dia (cm)	Stem Dia (cm)	Stem Dia (cm)	Stem Dia (cm)	Height (m)	12.1 PRZ (m)	Symmetrical Crown Rad (m)	Tree Seeding	CoV Bylaw 05-106 Protected	Biological Health	Structural Condition	Remove	NOTES
882	Garry oak	7.4					0.9	1.0	Yes	Yes	fair	fair			south woodland, above lawn west of pathway and arbutus, minor deadwood
883	Garry oak	11.8					1.4	2.0		Yes	fair	fair			south woodland, above lawn west of pathway and arbutus, minor deadwood
884	Garry oak	6.0					0.7	1.3	Yes	Yes	fair	poor			south woodland, near fence and building M, minor deadwood
885	Garry oak	6.8					0.8	1.3	Yes	Yes	fair	fair			south woodland, near fence and building M, minor deadwood
886	Garry oak	15.0					1.8	2.0		Yes	fair	poor			south woodland, near fence and building M, minor deadwood
887	Garry oak	29.2	19	17			3.5	4.0		Yes	fair	fair			south woodland, near fence and building M, minor deadwood over lawn edge
888	Garry oak	18.5					2.2	4.0		Yes	fair	fair			south woodland, near fence and building M, minor deadwood
889	Garry oak	19.5					2.3	4.0		Yes	fair	fair			south woodland, near fence and building M, minor deadwood, live branch clearance pruned over 2980 Irma St
890	Garry oak	16.0					1.9	3.0		Yes	fair	fair			south woodland, near fence and building M, minor deadwood, live branch clearance pruned over 2980 Irma St
891	Garry oak	7.0					0.8	2.0	Yes	Yes	fair	poor			south woodland, at fence and building M, minor deadwood
892	Garry oak	14.5					1.7	3.0		Yes	fair	fair			south woodland, at fence and building M, minor deadwood
893	Garry oak	5.0					0.6	1.5	Yes	Yes	fair	poor			south woodland, at fence and building M, minor deadwood
894	Garry oak	18.0					2.2	4.0		Yes	fair	fair			south woodland, at fence and building M, minor deadwood
895	Garry oak	10.0					1.2	4.0		Yes	fair	fair			south woodland, at fence and building M, minor deadwood
896	Garry oak	16.5					2.0	2.5		Yes	fair	fair			south woodland, at fence and building M, minor deadwood
897	Garry oak	17.3					2.1	2.5		Yes	fair	fair			south woodland, at fence and building M, minor deadwood
898	Garry oak	9.0					1.1	4.0	Yes	Yes	fair	fair			south woodland, at fence and building M, minor deadwood
899	Garry oak	14.0					1.7	4.5		Yes	fair	fair			south woodland, at fence and building M, minor deadwood over lawn
900	Garry oak	18.0					2.2	4.0		Yes	fair	fair			south woodland, at fence and building M, minor deadwood over lawn

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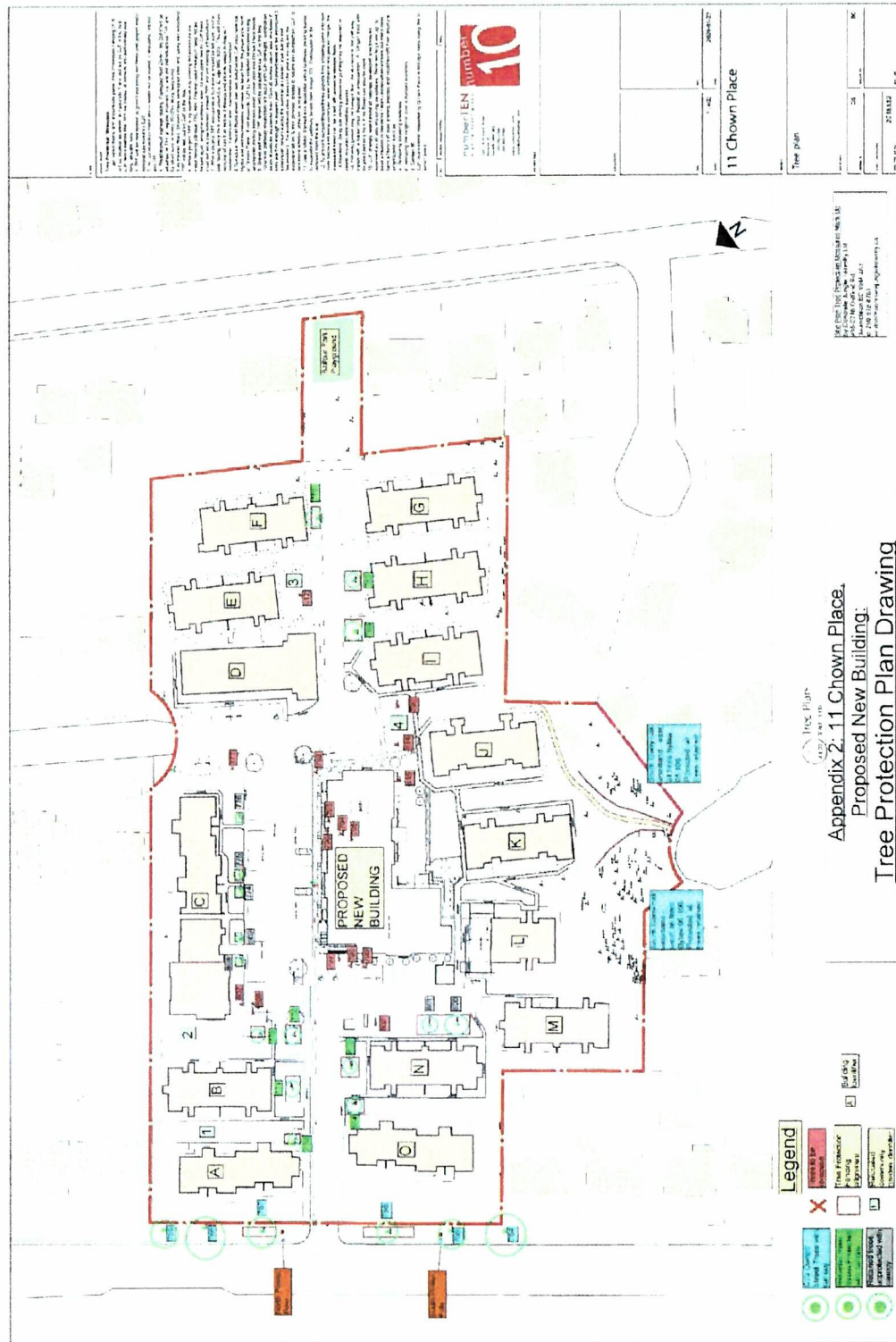
Appendix 1b: June 2017 T&M Tagged and Inventoried Trees.

Tree (Tag) #	Type	Consol Stem Dia (cm)	Stem Dia (cm)	Stem Dia (cm)	Stem Dia (cm)	Stem Dia (cm)	Stem Dia (cm)	Height (m)	12.1 PRZ (m)	Symmetrical Crown Rad (m)	Tree Seeding	CoV Bylaw 05-106 Protected	Biological Health	Structural Condition	Remove	NOTES
951	Garry oak	63.0							7.6	9.0	Yes	good	good			south woodland, T&M tagged 2017, remove deadwood over pathway, pathway clearance pruning as required
952	Garry oak	10.0							1.2	3.0	Yes	good	good			south woodland, T&M tagged 2017, remove deadwood over pathway, pathway clearance pruning as required
953	Garry oak	25.0							3.0	7.0	Yes	good	good			south woodland, T&M tagged 2017, remove deadwood over pathway, pathway clearance pruning as required
954	Garry oak	16.0							1.9	3.0	Yes	good	poor			south woodland, T&M tagged 2017, remove deadwood over pathway, pathway clearance pruning as required
955	Arbutus	44.0							5.3	9.0	Yes	good	fair			south woodland, T&M tagged 2017, pathway clearance pruning as required
956	Arbutus	79.4	47	31	23				9.5	10.0	Yes	good	good			south woodland, T&M tagged 2017, no tag, south property line powerline clearance pruning as required
957	Arbutus	31.0							3.7	8.0	Yes	fair	fair			south woodland, T&M tagged 2017, no tag, south property line powerline clearance pruning as required
960	Garry oak	13.32	9.6	6.2					1.6	4.0	Yes	good	fair			south woodland, T&M tagged 2017
958	Garry oak	16.12	13	5.2					1.9	4.0	Yes	good	fair			south woodland, T&M tagged 2017, pathway clearance and deadwood pruning as required
959	Garry oak	20.2	13.6	11					2.4	5.0	Yes	good	fair			south woodland, T&M tagged 2017, pathway clearance and deadwood pruning as required
961	Garry oak	8.16	5.7	4.1					1.0	1.5	Yes	fair	fair			south woodland, T&M tagged 2017
962	Garry oak	9.1							1.1	2.5	Yes	good	fair			south woodland, T&M tagged 2017
963	Garry oak	20.86	17.2	6.1					2.5	5.0	Yes	good	fair			south woodland, T&M tagged 2017, south property line powerline clearance pruning as required
964	Garry oak	20.8	15.4	9					2.5	6.0	Yes	good	fair			south woodland, T&M tagged 2017, south property line powerline clearance pruning as required
965	Garry oak	24.8	17.3	12.5					3.0	5.0	Yes	good	fair			south woodland, T&M tagged 2017, no tag, pathway clearance pruning and deadwood as required
966	Garry oak	31.0							3.7	4.0	Yes	good	fair			south woodland, T&M tagged 2017, south property line powerline and pathway clearance pruning, pathway deadwood
967	Garry oak	30.0							3.6	5.0	Yes	good	fair			south woodland, T&M tagged 2017, no tag, pathway clearance pruning and deadwood as required
1	Garry oak	10.5							1.3	1.0	Yes	good	fair			south woodland, T&M tagged 2017, no tag, pathway clearance pruning and deadwood as required
2	Garry oak	15.0							1.8	2.0	Yes	good	fair			south woodland, T&M tagged 2017, no tag, pathway clearance pruning and deadwood as required
3	Garry oak	23.0	14.5	14.2					2.8	3.0	Yes	good	fair			south woodland, T&M tagged 2017, no tag, pathway clearance pruning and deadwood as required
4	Garry oak	18.6	9	8	8				2.2	3.0	Yes	good	fair			south woodland, T&M tagged 2017, no tag, pathway clearance pruning and deadwood as required
5	Garry oak	14.3							1.7	2.5	Yes	good	fair			south woodland, T&M tagged 2017, pathway clearance pruning and deadwood as required
6	Garry oak	27.66	17.7	16.6					3.3	4.0	Yes	good	fair			south woodland, T&M tagged 2017
7	Garry oak	12.0							1.4	2.0	Yes	good	fair			south woodland, T&M tagged 2017
8	Garry oak	15.4	10	9					1.8	2.0	Yes	good	fair			south woodland, T&M tagged 2017
9	Garry oak	20.0	11	9	6				2.4	3.5	Yes	good	fair			south woodland, T&M tagged 2017
10	Garry oak	11.4	9	4					1.4	3.5	Yes	good	fair			south woodland, T&M tagged 2017
11	Garry oak	17.8	12.4	9					2.1	3.0	Yes	good	fair			south woodland, T&M tagged 2017
12	Garry oak	12.0							1.4	3.0	Yes	good	fair			south woodland, T&M tagged 2017
13	Garry oak	9.0							1.1	1.0	Yes	fair	fair			south woodland, T&M tagged 2017

Tree (Tag) #	Type	Consol Stem Dia (cm)	Stem Dia (cm)	Stem Dia (cm)	Stem Dia (cm)	Stem Dia (cm)	Stem Dia (cm)	Height (m)	12.1 PRZ (m)	Symmetrical Crown Rad (m)	Tree Seeding	CoV Bylaw 05-106 Protected	Biological Health	Structural Condition	Remove	NOTES
14	Garry oak	21.2	14	8	4				2.5	2.0	Yes	fair	fair			south woodland, T&M tagged 2017
15	Garry oak	7.0							0.8	1.2	Yes	Yes	fair	fair		south woodland, T&M tagged 2017
16	Garry oak	17.1	9.6	8	4.5				2.1	2.0	Yes	good	fair			south woodland, T&M tagged 2017
17	Garry oak	20.3	14	10.5					2.4	3.0	Yes	good	fair			south woodland, T&M tagged 2017
18	Garry oak	19.2	15	7					2.3	2.5	Yes	good	fair			south woodland, T&M tagged 2017
19	Garry oak	4.5							0.5	1.5	Yes	Yes	good	fair		south woodland, T&M tagged 2017
20	Garry oak	4.0							0.5	1.5	Yes	Yes	good	fair		south woodland, T&M tagged 2017
21	Garry oak	41.7	17	15.7	10	8	7.5		5.0	4.0	Yes	good	fair			south woodland, T&M tagged 2017
22	Garry oak	25.4	17	9	5				3.0	4.0	Yes	good	fair			south woodland, T&M tagged 2017
23	Garry oak	13.0							1.6	3.5	Yes	good	fair			south woodland, south woodland, T&M tagged 2017, prune deadwood over lawn
24	Garry oak	26.9	20	11.5					3.2	3.0	Yes	good	fair			south woodland, south woodland, T&M tagged 2017, prune deadwood over lawn
25	Garry oak	4.0							0.5	1.5	Yes	Yes	fair	poor		south woodland, south woodland, T&M tagged 2017, no tag

Urban & Wildland Forest Assessment & Mapping

Appendix 2: 11 Chown Place, CoV; Tree Protection Plan Drawing.



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Urban & Wildland Forest Assessment & Mapping

Site Plan Tree Protection Measures Mark-Up
by Concrete Jungle Forestry Ltd
#16-6776 Oldfield Rd
Saatchi BC V8M 2A3
c) 250-818-8761
e) don@concretejungleforestry.ca

Tree plan

11 Crown Place

Scale: 1:400

Date: 2020-01-27

Sheet No: 2018532

Client Project No: 2018532

Drawn By: DS

Checked By: BC



numberTEN

10

200-1619 Street Street
Vancouver, BC V6J 1A1
F: 250-262-1006
www.numberTEN.ca

- Tree Protection Measures:**
- 2x4 wood-frame and snowfence panel (Tree Protection Fencing (TPF)) will be located as shown in Appendix 1 and laid out by CJF in the field.
 - TPF will be maintained in good functioning condition until project end or long straight runs.
 - CJF recommends that TPF be braced at corners and periodically over removal approved by CJF.
 - No construction materials or waste will be stored or deposited behind any TPF.
 - Where project TPF is up against existing infrastructure (ie metal fencing (ID tags 770, 804) / Harriet Road hedge) it need not be fenced again along the common side. Unless approved by CJF there must not be a gap between project TPF and pre-existing infrastructure.
 - Where project TPF surrounds a tree it is to be set open on the side facing away from construction (ie ID tags 800, 801). This will allow removal of ripe fruit before it decays and attracts wasps in August / September. Continued lawn maintenance is also beneficial.
 - To reduce Harriet Road street tree root disturbance CJF recommends hydro and communications services be taken from the power pole north of Crown Place. If not possible CJF to be included when determining appropriate routing between south power pole and Crown Place trench.
 - Gravel pathway TPF layout will be established by CJF in the field.
 - Gravel pathway excavation will occur with CJF oversight. Excavation depth should be no greater than 15cm (6 inches) below soil, shallower if soils are firm enough to support path. Soil disturbance will be minimized.
 - Excavation at other times of the year may require the excavator sit on 1/2 inch plywood sheets to reduce soil compaction CJF to determine whether plywood is required.
 - Use a rubber-tired mini excavator with a toothless cleaning bucket to excavate the pathway trench (see image 13). Overburden to be removed from the site.
 - To prevent compacting pathway gravels from pressing down into root zone below and allow continued water infiltration and gas exchange the excavated trench will be lined with woven landscape fabric.
 - Woodland carry oak canopy clearance pruning may be required to create required safe machine access.
 - Pathway gravel may be brought from the stockpile to the pathway trench with a rubber-tired Bobcat or wheelbarrow. A Slinger truck with 15 C/JF strongly recommend a retained developed area trees be assessed as structural pruning candidates. None are large enough to pose a hazard to residents / staff / construction workers but many trees have a history of poor pruning practice and would benefit from structural simplification such as:
 - Removing crossing branches
 - Reducing the length of over-extended branches
 - Canopy lift
 - CJF recommend reassessing Crown Place landscape trees every five to seven years.

2020-02-03

Sustainable Planning and Community Development Department
Development Services Division
City of Victoria 1 Centennial Square
Victoria, British Columbia V8W 1P6

Attention: Leanne Taylor, Senior Planner

**Re: CPTED (Crime Prevention Through Environmental Design) Report
11 Chown Place Victoria • DPV00132**

Dear Ms. Taylor:

While the Gorge View Housing Society at 11 Chown Place is a private property, it has operated since inception as a property for the public to access in a respectful manner. As open site pass-throughs have been requested by the City through this new development permit process, the development team is exploring ways to support CPTED principles while respecting the public/private nature of the property. Due to this as well as the nature of the residents who are predominantly long-term, the operator, residents and neighbours are vigilant of the local and neighbouring activities; the current and anticipated paths act as a thoroughfare for locals, contributing to the natural surveillance of the property. The new building has been strategically placed within the centre of the property, allowing for high visibility for the director's office to the main entrance of the site, while minimizing impact to existing safe spaces and site lines for residents. Additionally, easily maintained materials and plantings have been chosen for the new building to ensure natural surveillance, control, and maintenance.

Listed below is how the project will meet five key CPTED Principles.

1. Territoriality

- New ground floor units along the new Chown Place building will have exterior steps up to the unit's front door to delineate from the semi-public sidewalk and the private resident outdoor space.
- The new semi-public grass play area on the south side will be delineated from the units with private concrete patios and wood screens.
- For site navigation, the site has one address on 11 Chown Place with all buildings lettered and units numbered. The intent will be to put up a graphic information board by the visitor parking to assist visitors to the appropriate building. Parking and related transit way-finding will also be clearly delineated and signed.
- Ownership of the ground floor unit areas is established by providing exterior unit doors, patio pavers and wood screen elements.

2. Natural Surveillance

- There are 2 staff Monday, Wednesday and Friday from 9am-5pm. These hours are projected to increase with new building and the addition of 58 new units. The executive director and clerical staff will relocate onto the main floor of the new building directly adjacent to the main floor entrance lobby. Additionally, a full-time maintenance manager lives on site.
- Units have windows that allow passive overlook of the surrounding exterior spaces from the ground floor to the 4th floor allowing ample "eyes on the street" as well as the existing 108 units of housing.
- Gardens and play areas are fenced with an open mesh to allow for sight lines into and through the gardens.

Number **TEN**
Architectural Group

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Architect Inc.

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Architect Inc.

Barrie J. Ottenbreit
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- Ground floor units look out onto public areas however screens have been placed in front of bedrooms for occupant privacy.
- Lighting will be supplied throughout the site paths, parking, and every new exterior doorway. Bollard lighting along sidewalks with light cast outwards to the sidewalk (to minimize light pollution into the units).
- Landscape plans have considered safety and respect, with heights and volume of plants identified based on the need for site lines or privacy for residents.

3. Access Control

- All units are accessed off of paved sidewalks with low landscaping and grass in between.
- Seating areas at Harriet Road and at the pocket plaza inside the site allow for passive site monitoring by residents.
- The new building will be accessed through a lobby which includes the site office, with the lobby situated to view the main entry off Harriet Road.
- The back door of the new building is located in the resident lounge which will be a controlled access door for tenants only. It will be mounted lower so children and those with lower mobility can operate it.
- The new bike parking door will be a controlled access door for residents only.

4. Activity Support

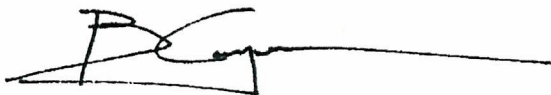
- * The fenced garden areas are located so that they can be monitored passively by all residents.
- The play lawn and park are located on the back side of the building in a fenced area. A window from the amenity room looks out to the park space and many units look out on the play lawn area. The garden also allows for monitoring of the play areas.
- Lighting layout will ensure lighting in the parking areas and along main paths.
- Motion lighting will be used in areas where occasional use requires lighting temporally.

5. Maintenance

- Chown Place has a full-time maintenance manager, who works 9am-5pm, lives onsite, and is on call for Emergency repairs.
- The standard of maintenance is tenant request based. There "guidelines for requesting repairs" sets out 3 levels of importance from Emergency repairs such as building leaks too minor repairs such as painting.
- The graffiti standard is to remove immediately (this has not been an issue recently)
- Landscaping is maintained by the on-site maintenance manager and Grasshopper Landscaping is on call for larger jobs.
- The main floor of the new building is to be lapped cementitious board siding for its durability and ease of painting and maintenance.

If you have any questions or concerns, please contact our office.

Yours sincerely;
number **TEN** architectural group



Barry Cosgrave Architect AIBC, MRAIC, LEEDap



Advisory Design Panel Report

For the Meeting of January 22, 2020

To: Advisory Design Panel **Date:** January 15, 2020
From: Leanne Taylor, Senior Planner
Subject: Development Permit with Variances Application No. 00132 for 11 Chown Place

EXECUTIVE SUMMARY

The Advisory Design Panel (ADP) is requested to review a Development Permit with Variances Application for 11 Chown Place and provide advice to Council.

The proposal is for a four-storey, multi-unit residential building consisting of approximately 58 affordable and non-market rental units. The *Burnside Gorge Neighbourhood Plan* (2017) identifies Chown Place as a Special Planning Area and supports new low-rise multi-unit residential buildings up to three storeys. The Plan also encourages new affordable and non-market rental housing on the site. A height variance would be required to facilitate this development; however, the proposal generally complies with the land use policies outlined in the Plan.

Staff are looking for commentary from the Advisory Design Panel with regard to:

- height and building mass
- roofline
- application of building materials
- any other aspects of the proposal on which the ADP chooses to comment.

The Options section of this report provides guidance on possible recommendations that the Panel may make, or use as a basis to modify, in providing advice on this application.

BACKGROUND

Applicant: Ms. Kaeley Wiseman
CitySpaces

Architect: Mr. Barry Cosgrave, MAIBC
Number Ten Architectural Group

Development Permit Area: Development Permit Area 16, General Form and Character

Heritage Status: N/A

Description of Proposal

The proposal is for a four-storey, multi-unit residential building consisting of approximately 58 affordable rental dwelling units. The proposed density is 0.39:1 floor space ratio (FSR). The proposal includes the following major design components:

- contemporary architectural features, including a flat roofline, horizontal accents, and contemporary-style windows
- exterior building materials include cementitious fibre board, "wood-look" siding and exposed concrete
- one residential entryway into the building on the northwest corner of the building visible from Harriet Road
- individual entryways and private patios for the ground level dwelling units
- an amenity room, scooter storage and a small office on the ground floor
- a large roof deck on the third floor
- large south-facing outdoor common area including a natural play area with logs boulders and wood benches, lawn, community gardens and a cistern
- new community gardens throughout the site (no net loss of existing community gardens)
- a new pocket plaza at the entrance to the site
- 16 new trees and substantial landscaping to be planted around the perimeter of the building
- permeable and decorative pavers to demarcate the main residential entryway
- 68 long-term bicycle parking spaces in the basement.

The following data table compares the proposal with the existing R3-G-SC Zone, Garden Apartment (Senior Citizen) District. An asterisk is used to identify where the proposal is less stringent than the existing Zone.

Zoning Criteria	Proposal	Zone Standard (R3-G-SC)	Burnside Gorge Neighbourhood Plan
Site area (m ²) – minimum	22,373.70	1858	
Density (Floor Space Ratio) – maximum	0.39:1	0.50:1	
Total floor area (m ²) – maximum	8691	11,186.85	
Height (m) – maximum	12.57*	11	
Unit floor area (m ²) - minimum	33	33	
Storeys – maximum	4	2	3
Horizontal distance between buildings (m) - minimum	8.64* - buildings 0.69* - cistern	12.19	
Site coverage (%) – maximum	26	30	
Open site space (%) – minimum	60	40	

Zoning Criteria	Proposal	Zone Standard (R3-G-SC)	Burnside Gorge Neighbourhood Plan
Setbacks (m) – minimum			
Front (Harriet Road)	69.07	7.62	
Rear (Balfour Street)	78.96	7.62	
Side (north east)	46	7.62	
Side (north west)	31.33	7.62	
Vehicle parking – minimum			
Residential	62	58	
Visitor	17	17	
Horizontal distance between a parking space and building (m) - minimum	2.40* – west 3.29* – east 3.14* - north	6	
Bicycle parking stalls – minimum			
Long-term	68	67	
Short-term	6	6	

Sustainability Features

The project would meet Step 3 of the BC Energy Step Code, however, the applicant is targeting to meet Step 4.

Consistency with Policies and Design Guidelines

Official Community Plan

The *Official Community Plan* (2012) (OCP) Urban Place Designation for the subject property is Traditional Residential, which supports ground-oriented housing up to two-storeys including single-family dwellings, duplexes and attached dwellings and a density of up to approximately 1:1 FSR. The OCP also identifies this property in Development Permit Area 16 (DPA 16): General Form and Character. The objectives of this DPA are to ensure that new multi-unit residential development provides a sensitive transition to adjacent and nearby areas with built form that is often three-storeys, or lower, and is designed in a manner that is complementary to established place character of a neighbourhood. Achieving a human-scaled design, quality of open spaces, safety and accessibility are elements in a multi-unit residential building that are also strongly encouraged in DPA 16.

Burnside Gorge Neighbourhood Plan

The *Burnside Gorge Neighbourhood Plan* (2017) identifies Chown Place as a Special Planning Area and supports low-rise multi-unit residential buildings up to three-storeys and at a density of up to 1:1 FSR. The Plan also encourages affordable and non-market housing on the site. Enhancing the tree canopy and providing a pedestrian pathway through the site linking Irma Street are also strongly encouraged in the Plan. The proposal is generally consistent with the policy direction in the Plan, except for the height variance.

Design Guidelines for Development Permit Area 16: General Form and Character

- *Advisory Design Guidelines for Buildings, Signs and Awnings* (2006)
- *Design Guidelines for Multi-Unit Residential, Commercial and Industrial Development* (2012)
- *Guidelines for Fences, Gates and Shutters* (2010)

Regulatory Considerations

The applicant is proposing to increase the building height of the proposed multi-unit residential building from 11m to 12.57m and the number of storeys from two to four. The building would be situated in the middle of the site and as a result there would likely be minimal impacts on the adjacent neighbours. The L-shaped design of the building would also increase the breathing room between the proposed building and the existing garden apartments to the south. However, staff have identified height and building mass as an item for ADP's review and comment.

ISSUES AND ANALYSIS

The following sections identify and provide a brief analysis of the areas where the Panel is requested to provide commentary. The Panel's commentary on any other aspects of the proposal is also welcome.

Height and Building Mass

The design guidelines state that perceived building mass should be mitigated through the use of architectural elements, visually interesting rooflines and detailing that creates rhythm and visual interest. Staff would like the ADP's input on the appropriateness of the height at this location, whether it adequately transitions to the adjacent buildings, and the building mass.

Roofline

Providing interesting rooflines are encouraged in the design guidelines. Staff requested that the applicant accentuate the building roofline; however, the applicant feels that the projected bays break up the horizontality and the parapet treatment accentuates the projections and therefore, no changes have been made to the proposal. Staff invite the ADP's input on the proposed roofline.

Application of Building Materials

The design guidelines encourage high quality and durable exterior building materials. Staff invite the ADP's input on the exterior finishes.

OPTIONS

The following are three potential options that the Panel may consider using or modifying in formulating a recommendation to Council:

Option One

That the Advisory Design Panel recommend to Council that Development Permit with Variances Application No. 00132 for 11 Chown Place be approved as presented.

Option Two

That the Advisory Design Panel recommend to Council that Development Permit with Variances Application No. 00132 for 11 Chown Place be approved with the following changes:

- as listed by the ADP.

Option Three

That the Advisory Design Panel recommend to Council that Development Permit with Variances Application No. 00132 for 11 Chown Place does not sufficiently meet the applicable design guidelines and policies and should be declined (and that the key areas that should be revised include:)

- as listed by the ADP, if there is further advice on how the application could be improved.

ATTACHMENTS

- Subject Map
- Aerial Map
- Plans date stamped December 20, 2019 (under separate cover)
- Applicant's letter dated December 20, 2019.

cc: Number TEN Architectural Group

3.2 Development Permit with Variance Application No. 00132 for 11 Chown Place

The City is considering a Development Permit with Variance Application for a new four storey multi-unit residential building.

Applicant meeting attendees:

DANIEL SMITH	10 ARCHITECT GROUP
BARRY COSGROVE	10 ARCHITECT GROUP
OLIVIA LYNE	LADR LANDSCAPE ARCHITECTS
BEV WINDJACK	LADR LANDSCAPE ARCHITECTS
DEANE STRONGITHARM	CITY SPACES CONSULTING
JAMES KEEFE	GORGE VIEW SOCIETY
ERIC MURDOCH	GORGE VIEW SOCIETY
MIKE MCAULEY	GORGE VIEW SOCIETY

Leanne Taylor provided the Panel with a brief introduction of the application and the areas that Council is seeking advice on, including the following:

- height and building mass
- roofline
- application of building materials
- any other aspects of the proposal on which the ADP chooses to comment.

Barry Cosgrove provided the Panel with a detailed presentation of the site and context of the proposal and Olivia Lyne provided the Panel with details of the proposed landscape plan.

The Panel asked the following questions of clarification:

- where will the pedestrian connection be located at the north and south of the site?
 - The gate on the south end will be enlarged. After the path ends, it will connect to the sidewalk paths on both sides
- is there underground parking?
 - no
- is there no underground parking because most tenants are seniors?
 - yes
- what is the distance between parking and the building?
 - 10 meters
- is the siding combustible?
 - no
- what is the lifespan of the siding?
 - it has a 50-year warranty
- is the parking at the same grade as the sidewalk?
 - yes
- how many of the existing residents are interested in living in the new building?
 - some have expressed interest in living in the new units
- have you considered for the lounge space to be a daycare facility in the future?
 - no, it has not been discussed

- how many new trees are proposed for this site?
 - approximately 16.

Panel members discussed:

- how the new buildings height benefits the overall project as a great focal point
- appreciation for keeping with the character of the Gorge neighbourhood
- the need to consider the construction of additional buildings on-site in the future
- appreciation for the thought put into materials.

Motion:

It was moved by Brad Forth, seconded by Elizabeth Balderston, that the Development Permit with Variance Application No. 00132 for 11 Chown Place be approved as presented with the following considerations:

- review of the north-south connector and its integration into the existing site circulation
- the provision of adequate screening between vehicle parking stalls and residents.

Carried 7:1

For: Elizabeth Balderston; Sorin Birliga; Jason Niles; Jessi-Anne Reeves; Pamela Madoff; Brad Forth

Opposed: Carl-Jan Rupp

Elizabeth Balderston recused herself from Development Permit with Variances Application No. 00126 for 956 Heywood Avenue application.

DP Bellinawick

CT 2809277

LAND TITLE ACT PART IV (Sections 101, 102, 103)
(1979-1980)

ATTACHMENT J

NOTE: Before signing this document, you must read and understand the provisions of the Land Title Act and the provisions of the Restrictive Covenant.

L 3326

Restrictive Covenant

10.00

S. 101, 102, 103
Sections 101, 102, 103
R.S.B.C. 1979-1980

Victoria, B.C. V8W 2G3 20-1434

(Signature of grantor or a bonded agent)

FORM 1

(Section 36)

THIS INDENTURE made the 7th day of January, 1982.

BETWEEN:

MEMORANDUM OF REGISTRATION

Registered on application received
on the day and time written hereonH. HENDER, Registrar of the
Province of British ColumbiaTHE UNITED CHURCH OF CANADA
85 St. Clair Avenue East
Toronto, Ontario
M4T 1M8

(called the "Grantor")

AND:

THE CORPORATION OF THE CITY OF VICTORIA
#1 Centennial Square: City Hall
VICTORIA, British Columbia V8W 1P6

(called the "City") -B 3

10.00

WITNESSES THAT WHEREAS:

A. THE UNITED CHURCH OF CANADA is the registered owner in fee simple of land in the City of Victoria, British Columbia, described as:

Lot "A" (D.D. 270373-1) of Sections
10 and 11, Victoria District, Plan 11749

(referred to as the "land");

B. The City is a municipality;

C. An application has been made to the Municipal Council of the City for the rezoning of the land;

D. The City has stipulated that before the rezoning may take place this restrictive covenant shall be registered against the title to the Land;

NOW THEREFORE the Grantor covenants with the City, pursuant to the provisions of Section 215 of the Land Title Act:

LAND REGISTRY

82 JAN 14 AM 1:33

* 2 *

1. The land shall not at any time be used for the accommodation of more than 118 persons.
2. No person shall build more than 15 buildings on the land.
3. These covenants shall run with the land and shall bind the Grantor and its successors in title to the land.
4. Unless the land is rezoned from the R1-B Zone, Single Family Dwelling District to the R3-G-SC Zone, Garden Apartment (Senior Citizen) District within 120 days of the date of registration of this instrument, the covenants made by the Grantor shall become null and void and the Grantor shall be entitled to the cancellation of the registration of the charge created by this instrument.

IN WITNESS WHEREOF the corporate seal of the Grantor was affixed in the presence of its proper officers duly authorized in that behalf:

The Corporate Seal of _____)
was affixed in the presence of:)

APPROVED BY
SIGNING BY.

Authorized Signatory

LAND TITLE ACT

FORM 6
(Section 46)

PROOF OF EXECUTION BY CORPORATION

I certify that on the 7th day of January, 1982, at Toronto,
in ~~British Columbia~~ ONTARIO

(*whose identity has been proved by the evidence on oath of

..... who is) personally known to me, appeared
(State full name, address, and occupation)

before me and acknowledged to me that he/she is the authorized signatory of United Church
of Canada and that he/she is the person who subscribed his/her name and affixed
the seal of the corporation to the instrument, that he/she was authorized to subscribe his/her name and affix
the seal to it, †(and that the corporation existed at the date the instrument was executed by the corporation.)

In testimony of which I set my hand and seal of office at Toronto,
this 7th day of January, 1982.

‡ Donald J. Richardson
A Notary Public in and for the Province

*Where the person making the acknowledgment is personally known to the Notary Public making it, strike out these words in brackets.
†These words in brackets may be added, if the applicant wishes the registrar to exercise his discretion under section 162 (5) not to
call for further evidence of the existence of the corporation.
‡Write name and qualifications under section 48, e.g., A Commissioner for Taking Affidavits for British Columbia.

Development Permit With Variances Application for 11 Chown Place



1

(City to insert: Aerial photo)



2

Photo Of Subject Site 'As Is'



3

Neighbouring Properties to the West



2991 Harriet Rd



3065 Harriet Rd



4

Neighbouring Properties to the south



2975 Irma St



2980 Irma St



5

Neighbouring Properties to the north



3065 Irma St



3056 Irma St



6

Neighbouring Properties to the East



3050 Balfour Ave



3040 Balfour Ave



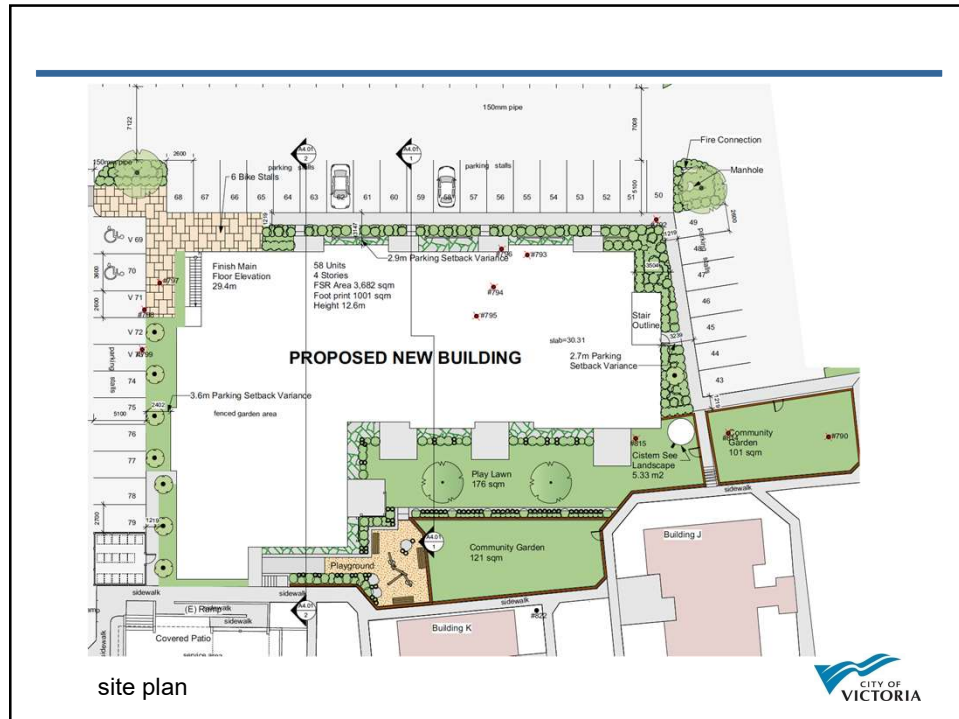
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site plan

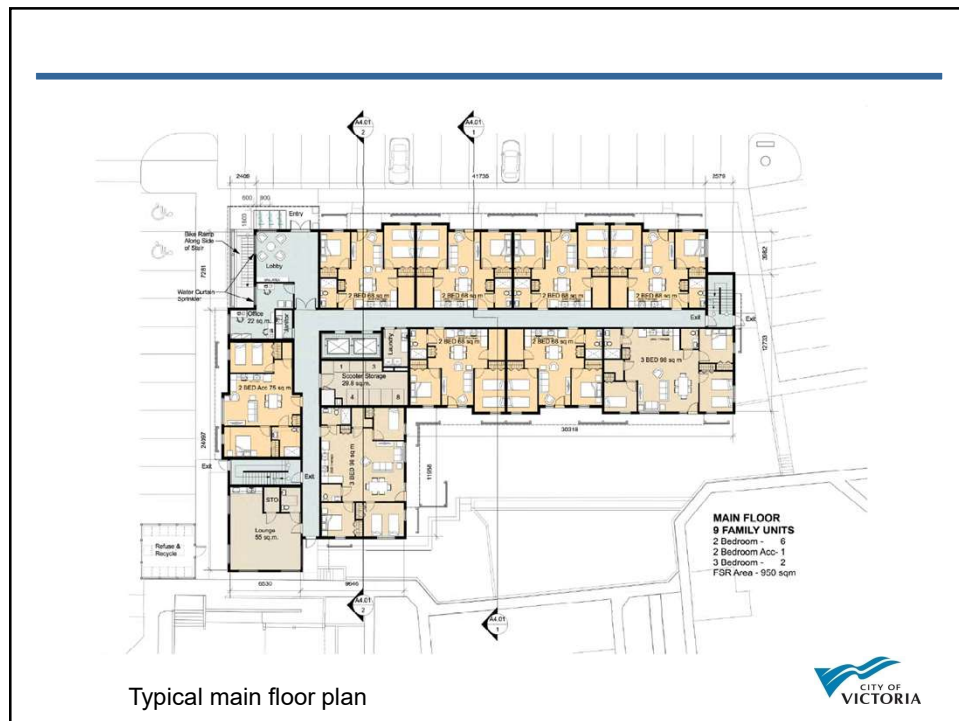


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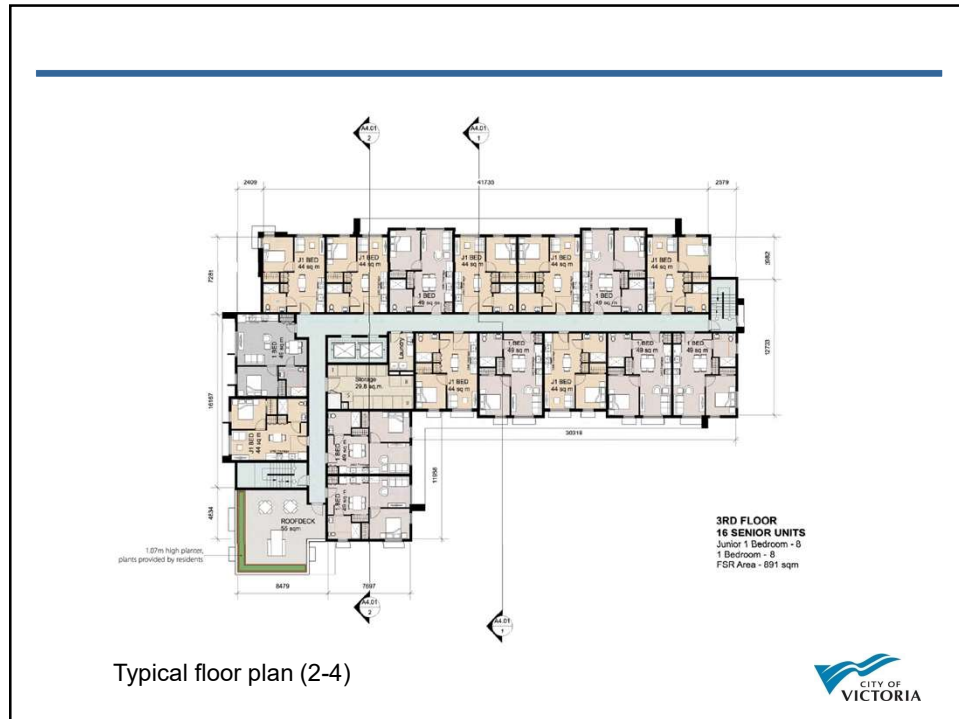
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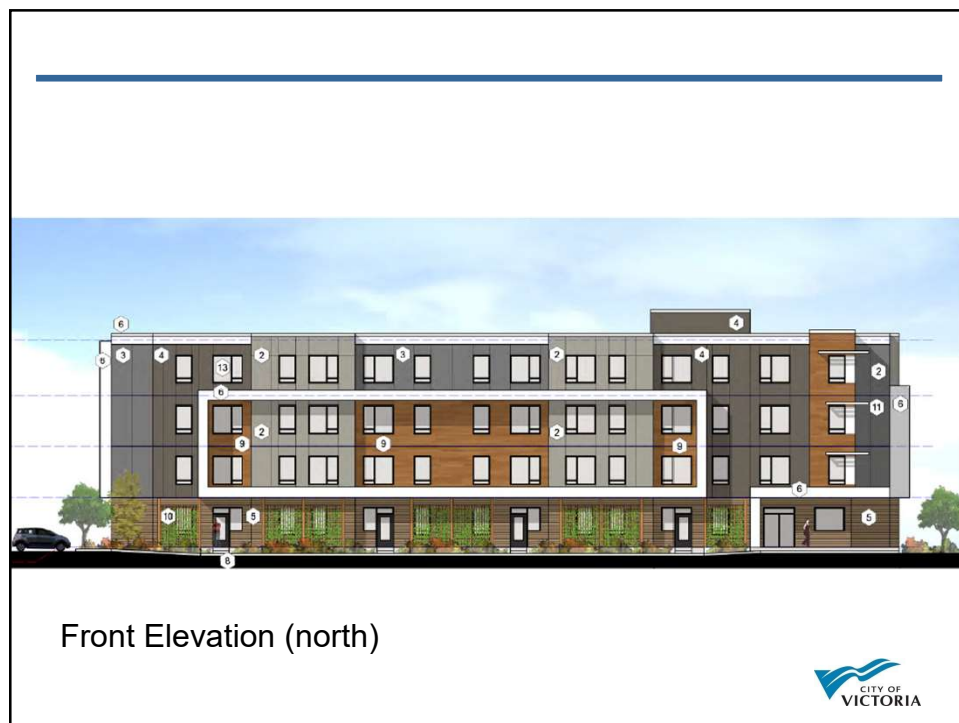


Typical main floor plan

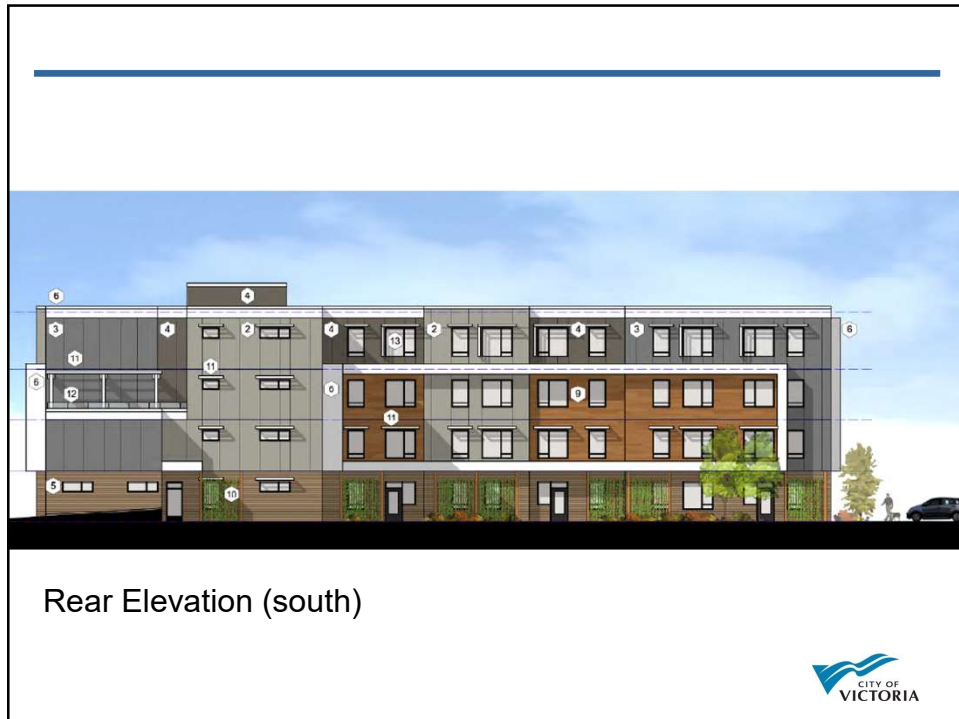
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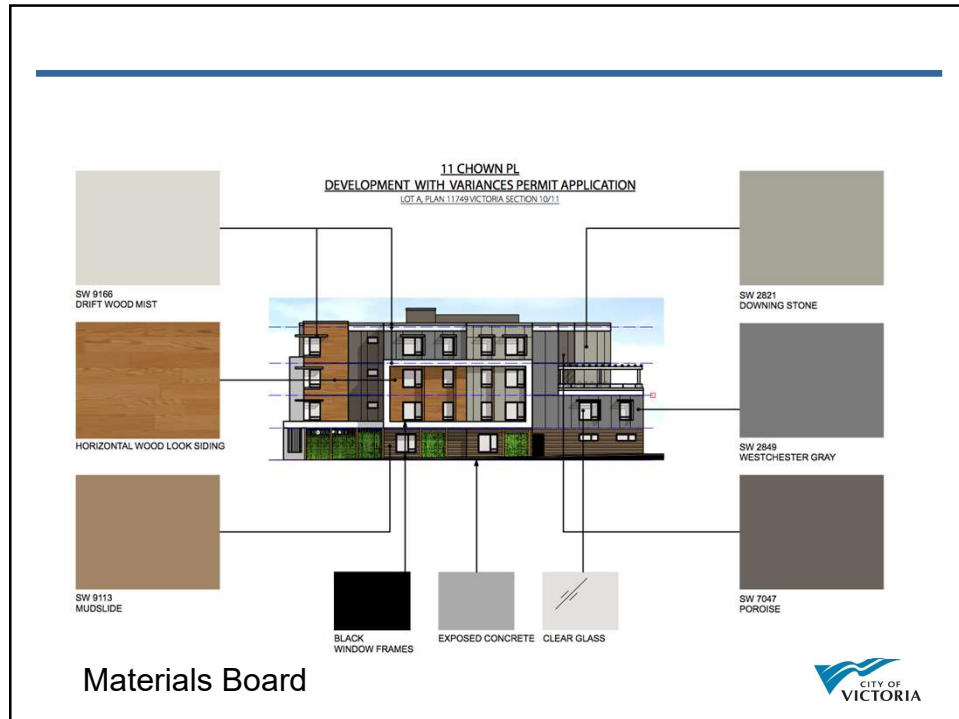
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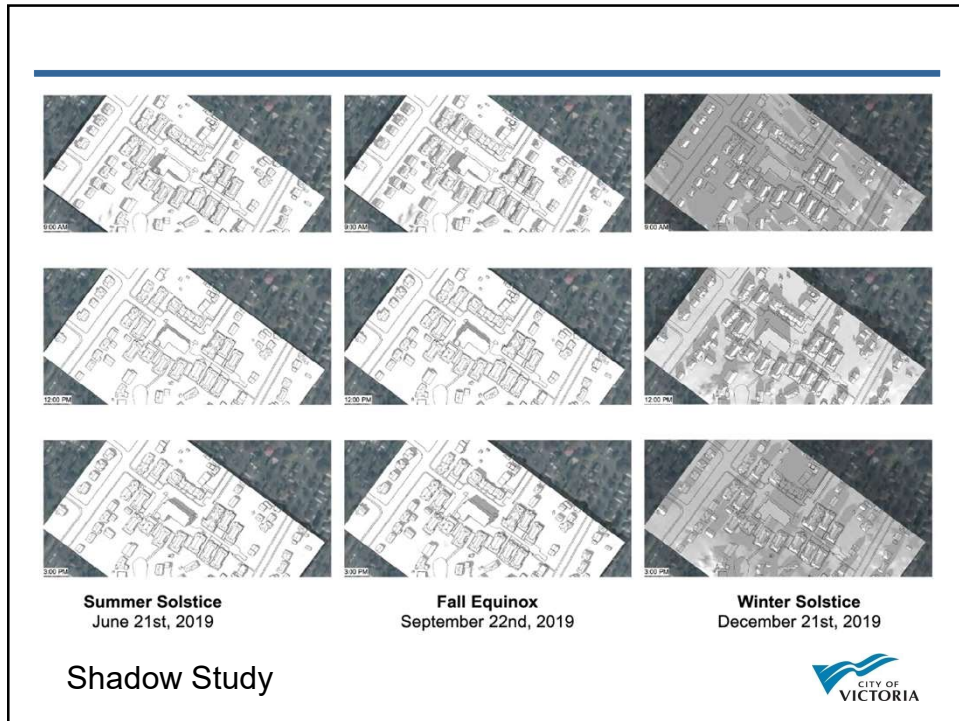
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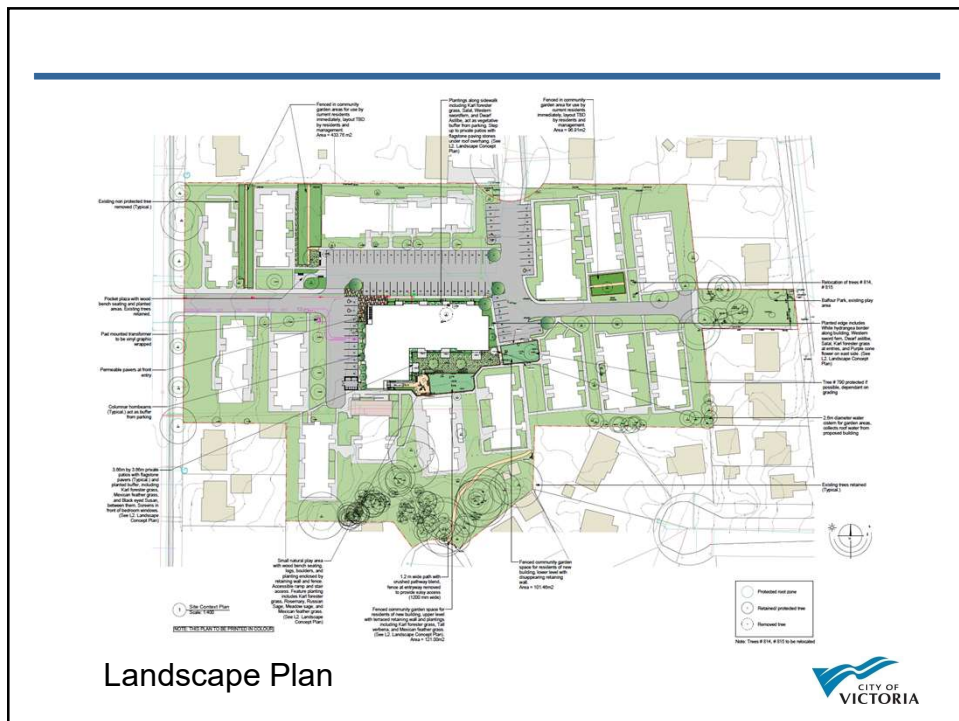
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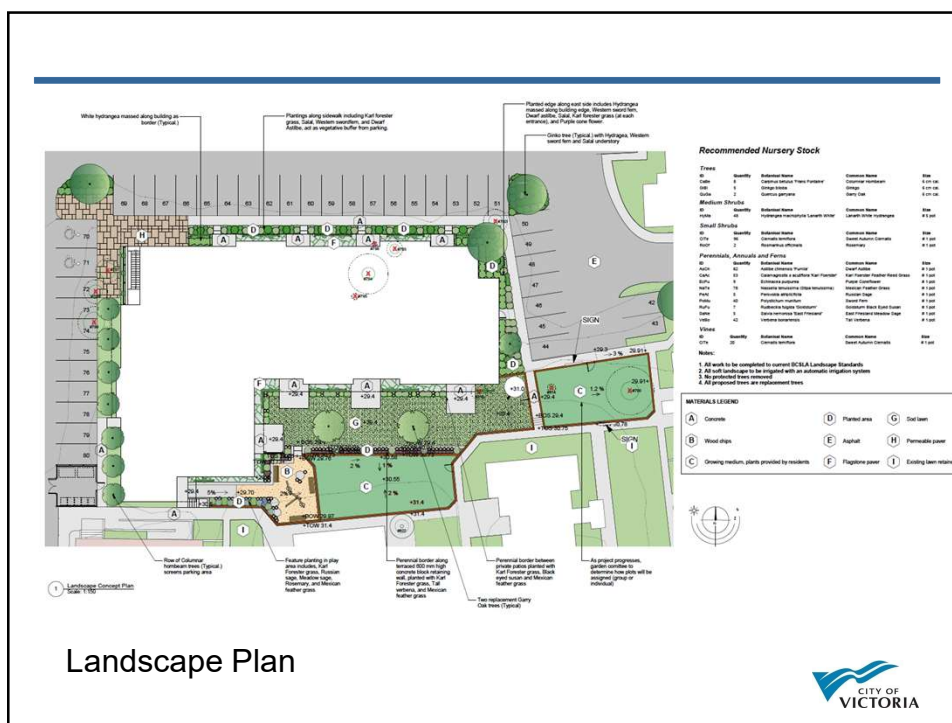
16



17



18





view looking south east



21



view looking north east



22



view looking north at the courtyard



23



view looking south west



24



view looking east from Harriet Road



25



view from Irma St North looking south



26



view looking west from Balfour Ave Park



27



view from Irma St South looking north



28

Linda and Larry Donovan

2967 Irma Street

Victoria BC

V9A 1S5

City of Victoria

1 Centennial Square,

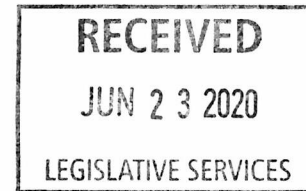
Victoria BC

V8W 1P6

Monday June 22, 2020

Application No. 00132 for 11 Chown Place

Re: Notice of Opportunity for Public Comment



As residents of 2967 Irma Street, we strongly oppose the application of a development permit with variances for the following reasons. First, we oppose the increase from 2 storeys to 4 storeys as this is a residential neighbourhood, and in keeping with residential neighbourhood expectations we do not support taller larger buildings in this area. These larger buildings are unsightly and run counter to the ecstastic's one would expect in a residential neighbourhood. They do not fit in with the neighbourhood and they cast shadows blocking the sun for the elderly residents who live in Chown Place. The surrounding residential buildings will be cast in shadows, creating a colder environment and perhaps more ice and snow on the sidewalks in the winter. A potentially dangerous situation for the seniors, as there will be no sun on their homes at all.

Second, Chown Place was originally created to house the seniors in our community. Mixing this population with families is not a good idea, however tempting it might be to view this otherwise. Many of the elderly residents require peace and quiet and rest during this time in their lives. A place to grow a garden and enjoy the golden years of their lives. The current pandemic has highlighted how poorly we as a society have treated our seniors and more than ever, we need to create beautiful places for people to enjoy the final years of their lives. Remember, our society will be judged on how we treated the elderly members of our communities. How are we doing so far?

Third, we only just heard about this potential development, and we do not feel the residents of this neighbourhood have been given enough time to process this application. This is particularly true as we are in a health emergency and many people are struggling to cope with the current situation and require more time to prepare a

response to such applications, specifically older people and people new to the area. Many people do not have the resources to properly respond to this request for input.

Fourth, we have heard rumours that the cul de sac at the end of our street (Irma) will be opened to give access for cars to enter Chown Place through this avenue. Clearly, this is an unreasonable and untenable option, as our neighbourhood does not have the infrastructure to support more traffic up our street. We are already struggling when trying to turn onto Gorge Road, travel either towards or away from the downtown, and such an access route would only exacerbate the situation. Exiting or entering Irma Street from Gorge Road is already dangerous and this would make the situation unliveable. Such a decision would make us continuously late for work and other appointments. Part of the reason we bought in this neighbourhood and specifically on Irma Street is because it was a quiet cul de sac and we have paid our taxes for years. We are extremely unhappy with the current treatment of our neighbourhood during this pandemic (the housing of so many of the city's homeless), to the point where we feel the city and the province is using this terrible health crisis as a way to further their own agenda (but this issue will be addressed more fully on a different day and in a different way). For now, I will remind the council of the moratorium which was decided in 2018 to not move any further projects which are targeted for the "hard to house" population in our neighbourhood. I will also add that these decisions are destroying our neighbourhood and the homes we have worked hard to improve over many years. Our issues are real, to the point where we will seek legal advice if things continue to move in this direction.

On a final note, in general, we feel it is a bad business decision to promote the province or any government, provincial, federal, or municipal for that matter, the converting of mass revenue generating properties for the city to zero revenue forever. Quite simply, you will never get any more tax revenue from these large properties in the future. We need more larger businesses to fund the needs of our growing city. We know Chown Place does not fall into this category, but this is another issue. The Mayor and Council needs to operate in a fiscally responsible manner operating within their mandate, keeping the Victoria taxpayers wants and needs front and center, rather than promote their own issues and agendas. Please ask other municipalities to do more on the homeless issue, as we have approaching 40% in our neighbourhood and 80% within Victoria, it is time for a more balanced approach with the other regions.

Respectfully,



Linda and Larry Donovan.

Subject: RE: Development Permit with Variances Application 00132 for 11 Chown Place

From: Sybil Turnbull [REDACTED]

Date: 6/23/20, 10:31 AM

To: [REDACTED] [REDACTED]

To Whom It May Concern,

Thank you for the opportunity to speak out on this issue.

Please find enclosed a petition opposing granting the variances.

Many more signatures could be added to this list of 127, as some residents fear reprisal of some kind if they sign, and many more did not answer our knock on their doors.

Yours very truly, in hopes you will consider the quality of our seniors' lives, and the concerns of those living in surrounding streets, vis a vis the scale of the proposed project: the destruction of community garden; parking and traffic; impact on mental health, and more.

S.F. Turnbull, 52 Chown Place

A handwritten signature in cursive script, appearing to read 'S.F. Turnbull', written in dark ink.





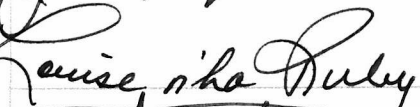



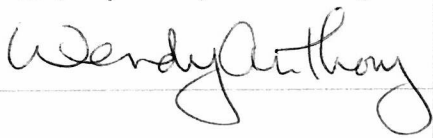
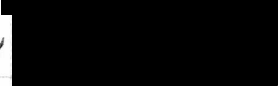
Regarding Development Permit with Variances Application No. 00132 for 11 Chown Place

We the residents of Chown Place and the surrounding neighbours, petition the City of Victoria to reconsider and/or reject the construction of the multi-unit dwelling proposed by the Gorge View Society with funding from BC Housing.

We oppose this development for the following reasons:

- We feel strongly that the construction of a four storey building in the open common space will serious affect our quality of life.
- Destruction of the existing vegetable garden that residents have been using for a number of years.will be a huge loss to Chown Place gardeners. The garden provides: food, exercise, mental and emotional wellbeing. The Capital Regional Food Charter supports and encourages urban agriculture through community and residential gardens.
- High density of low income residents in the Gorge/Burnside area is already resulting in a higher crime rate and is becoming more of a a concern for Chown Place residents and surrounding neighbourhood.
- Chown Place has always been an over 55 low income housing dwelling. Residents are concerned that a multi-family aspect to this project will not fit in with the existing model.
- On-site parking is already filled to capacity. These additional units will result in more street parking.
- Buildings J, K and L will be greatly affected by the closer proposed proximity of a four storey building. Plans previously shown to residents indicated that a garden and a play area would also be established in that same area.
- We have been told that construction will take up to or more than 18 months. All residents will be greatly affected during this construction period. Parking and traffic in and out of Chown Place will also be hindered by machinery and construction vehicles.

By adding my name to this document, I object to the City of Victoria issuing a Development Permit with Variances for the land known as 11 Chown Place in Development Permit Area 1

SIGNATURE	FULL NAME	PHONE #	MAILING ADDRESS
	Sharon Lowen		43 CHOWN PL
	Jacob Lowen		43 CHOWN PL
	Louise ni ha Ruby		#38 "
	JALINE TANNE		7 CHOWN PL
	Wendy Anthony		22 Chown Pl

SIGNATURE	FULL NAME	PHONE #	MAILING ADDRESS
Sheri Strand	Sheri Strand	[REDACTED]	576 Margaret St
Verna Wingo	Verna Wingo	[REDACTED]	44 Chown Place
Ben Wingo	Ben Wingo	[REDACTED]	44 Chown Place
Lillian Gilbert	LILLIAN GILBERT	[REDACTED]	42 Chown Pl.
Art Graves	ART GRAVES	[REDACTED]	39 Chown Place
Frank H. Toth	FRANK H. TOTH	[REDACTED]	40 Chown Place
E. Mackay	E. MACKAY	[REDACTED]	29 Chown Pl
Wendy L. Wenau	WENDY L. WENAU	[REDACTED]	33 Chown Pl.
Shirley Slater	Shirley Slater	[REDACTED]	35 Chown Pl.
Dawn Atargatis	Dawn Atargatis	[REDACTED]	36 Chown Place
Kathleen V Gocker	Kathleen V Gocker	[REDACTED]	51 Chown Place

Regarding Development Permit with Variances Application No. 00132 for 11 Chown Place







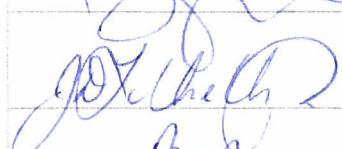

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We oppose this development for the following reasons:

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SIGNATURE	FULL NAME	PHONE #	MAILING ADDRESS
R. Mallory	ROSS MALLORY	[REDACTED]	3063 HARRIET RD #98 VICTORIA, BC
Wei Zhong	Qingmei Zhong	[REDACTED]	3024 BALFOUR AVE
J. Unrau	TRISH UNRAU	[REDACTED]	3020 BALFOUR AV
[REDACTED]	GRACE DUFF	[REDACTED]	3020 BALFOUR AV
[REDACTED]	BRENT BRANDER	[REDACTED]	250 BALFOUR PL
TV.	THUY VU	[REDACTED]	250 BALFOUR PL UNIT B.
Shawanda	JOAN LEWANDOWSKI	[REDACTED]	245 BALFOUR PL.
John Tolley	JOHN M. TOLLEY	[REDACTED]	3014 BALFOUR

SIGNATURE	FULL NAME	PHONE #	MAILING ADDRESS
	Nikolina Taner	[REDACTED]	3010 Balfour Ave.
	Petar Taner	[REDACTED]	3010 Balfour Ave.
	Debra Ford	[REDACTED]	3015 Balfour Ave
	James Lam	[REDACTED]	3015 Balfour Ave
	Venera Malachuk	[REDACTED]	3019 Balfour Ave
	Jake Malachuk	[REDACTED]	3019 Balfour Ave
Katie Hughson	Katie Hughson	[REDACTED]	3025 Balfour Ave
Willie Crumys	Willie Crumys	[REDACTED]	3025 Balfour Ave
Matt Hughson	DAVID MATTHEW HUGHSON	[REDACTED]	3025 Balfour Ave
J Grundman	Jessica Grundman	[REDACTED]	626 Normanton Ct
	H. Hughson	[REDACTED]	3025 Balfour Ave
	Kyle Proulx	[REDACTED]	Apt 202 135 George Rd East
	Jackie Hagenburg	[REDACTED]	111 300 Dundas St.
	Jeff Shannon	[REDACTED]	3039 Balfour Ave.
	Britt Shannon	[REDACTED]	3039 Balfour Ave
	James Featherstonhaugh	[REDACTED]	3039 Balfour Ave
	Brian Featherstonhaugh	[REDACTED]	3039 Balfour Ave

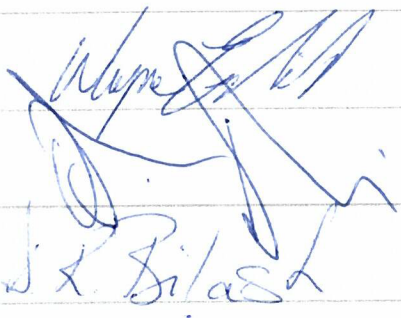
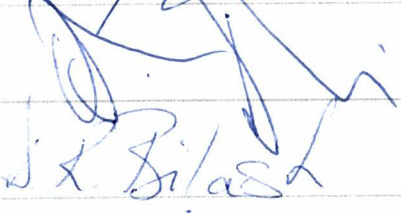

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SIGNATURE	FULL NAME	PHONE #	MAILING ADDRESS
	WAYNE ENGLISH	[REDACTED]	wenglish45@yahoo.com
	OLARIU Dragos	[REDACTED]	#17 Chown Pl
	Rae Bilash	[REDACTED]	25 Chown Pl.

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SIGNATURE	FULL NAME	PHONE #	MAILING ADDRESS
<i>Elizabeth Hobbs</i>	ELLEN ROBINSON	[REDACTED]	53
<i>Pat Robinson</i>	PATRICIA	[REDACTED]	60
<i>Sahana ROBERTSON</i>	LSAME	[REDACTED]	57
<i>Matt Fair</i>	MATT FAIR	[REDACTED]	48
<i>D. Frazer</i>	DANA FRAZER	[REDACTED]	3087 IRMA ST
<i>M. Pauls</i>	Madison Pauls	[REDACTED]	3087 B Irma St.
<i>Reece Thompson</i>	Reece Thompson	[REDACTED]	30878 Irma St.
<i>Loretta Crocker</i>	Loretta Crocker	[REDACTED]	62 Chown Pl. 115

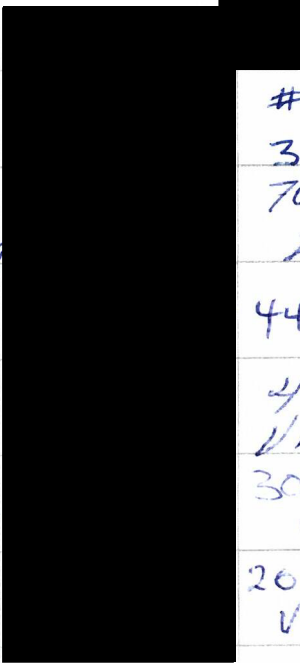
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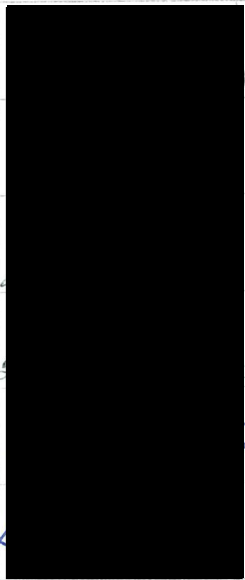





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SIGNATURE	FULL NAME	PHONE #	MAILING ADDRESS
Frank Matchem	Frank Matchem		3063 Harriet Rd #97
C Matchem	Cynthia Matchem		#97 (in Chown Pl.) 3063 Harriet Rd, 7026 Westholme Rd. Puncheon BC.
Wilfred Matchem	Wilfred D. Matchem		444 Constance Ave. ESQUIMALT
Catherine W. West	CATHERINE WEST		4 EYLOS PL. VICTORIA V8A7A3
Bea Hallig	Paula Schallig		3014 BALFOUR AVE V7H1K6.
S. Tolley	SANDRA TOLLEY		206-1521 CHURCH AVE VIC. V8P5T7
Alan Bailey	ALAN BAILEY		

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SIGNATURE	FULL NAME	PHONE #	MAILING ADDRESS
	RAYMONDE DEVIC		104 Chown Place
	MERLE EDWARDS		101 Chown Place
	Deirdre Paisley		73 Chown Place
	Astrid L. Denkad		204 Chown Pl.
	ABDUL Q. MIAH		99-3063 H-Rd
	Gothon		27 Chown Pl


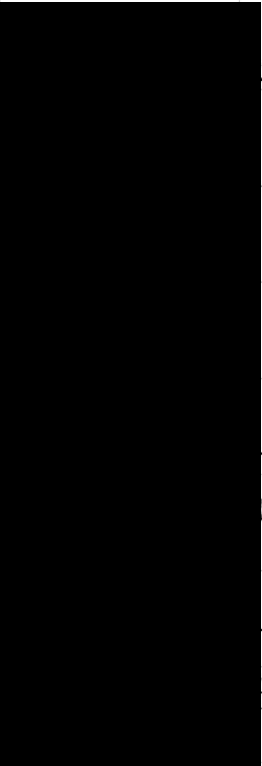



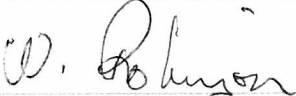


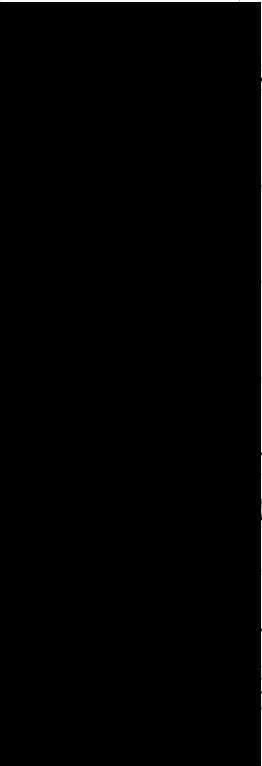
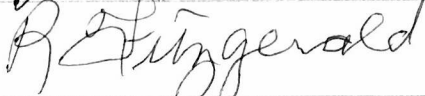
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SIGNATURE	FULL NAME	PHONE #	MAILING ADDRESS
	Astrid L. Denkach		204 Chown Pl.
	Franke Holist		103 ✓ ✓
	RAYMOND DEVIC		04 Chown place
	MERLE EDWARDS		101 Chown Place
	William Ian Robinson		106 Chown Pl. Victoria B.C.
	KATALIN PAPP		07 Chown Place
	STEVE PAPP		108 Chown
	RHETA FITZGERALD		202 CHOWN


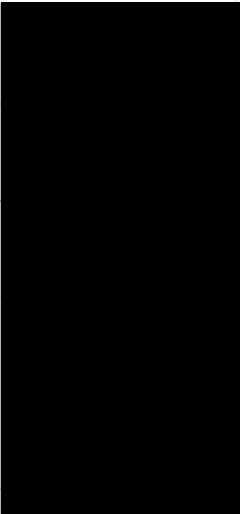



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SIGNATURE	FULL NAME	PHONE #	MAILING ADDRESS
	M. Madrone		66 Chown Place, Vic.
M. Aleemuddin	Mohamed Aleemuddin		85 Chown Pl. Vict. BC
S. Bernal	S. Bernal		
J. Oliver	J. Oliver		63 Chown Pl.
	Sandra Rempel		
			109 Chown Pl.

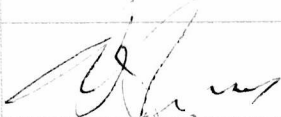

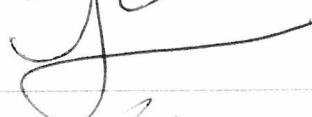

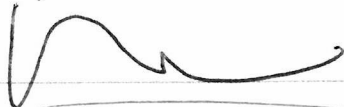
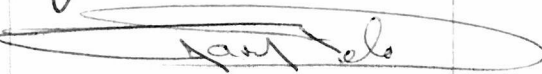
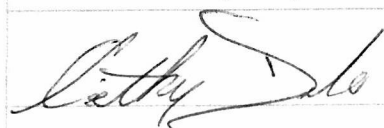
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SIGNATURE	FULL NAME	PHONE #	MAILING ADDRESS
	Andrea Burgess	[REDACTED]	2863 Harriet Rd V9A 1Z7
	DAVE WHITE	[REDACTED]	3085 HARRIET
	Tara Casorso	[REDACTED]	3097 Harriet Rd V9A 1T6.
	Joseph Casorso	[REDACTED]	3097 Harriet Road V9A 1T6
	David Wheatley	[REDACTED]	3099 Harriet V9A 1T6
	GARY DELO	[REDACTED]	3062 IRMA V9A 1S6
	CATHY DELO	[REDACTED]	3062 IRMA ST.









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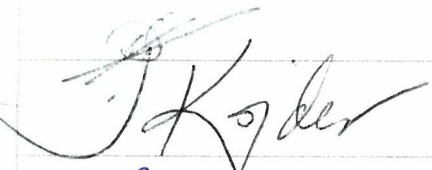

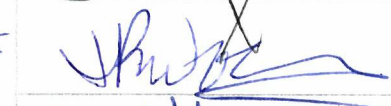
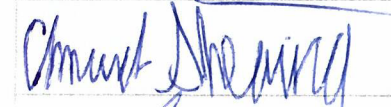




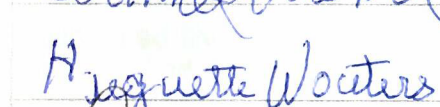
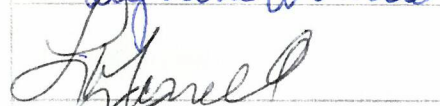
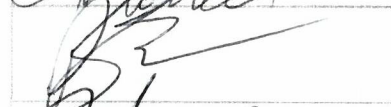


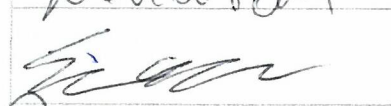
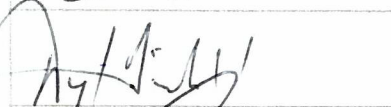


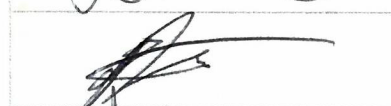


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SIGNATURE	FULL NAME	PHONE #	MAILING ADDRESS
	EVAN BONGAEERS		3056 IRMA ST VICTORIA BC
	Jesse Antas		997 Convent PI
	Trina Koscielnik		3084 Irma Street
	Nathan Soroehan		3084 Irma Street
	OLIVER JONES		129 MADDOCK AVE
	Jaqueline Davies		129 maddock Ave
	BETTY YOUNG		125 MADDOCK AVE E
	KAREN GUILBAULT		3095 Irma ST

SIGNATURE	FULL NAME	PHONE #	MAILING ADDRESS
	DALE A JASPER		3091 IRMA ST VICTORIA V1A1S7
* 	TERESA KOTDER		3089 IRMA ST. VICTORIA BC.
	Jenni Woodcock		3085 IRMA ST VICTORIA BC
	Amanda Shearing		3070 Balfour Avenue
	Orion Forley		3095 Irma ST V1A1S7
	SIGBERT EBENAU		92 CHOWN PL. V9A-1H5-VICTORIA
	Debra Fox		91 Chown PL V9A 1H5
	CORINNE TORREDA		#80 CITRON PH V9A 1H5.
	Suzanne Wouters		74 CHOWN PL Vic BC V9A1H5
	Leanne Morrell		2981 Harriet Rd.
	Peter Sharcott		2979 Harriet Rd
	MICHAEL KELLOCK		3065 HARRIET RD.
	BOZENA KONDR		3071 HARRIET RD
	Emma Quilty		3089 Harriet Rd.
	DARRYL TINDALL		3093 HARRIET.
	COLETTA SLEEN		3095 Harriet Rd.
	Justice Lial		3095 harriet
	Ron Sleen		3095 HARRIET Road
	Lacey Geary		3056 Irma St

Public Comment From: Wendy Anthony, 22 Chown Place, Victoria, BC June 25, 2020

**Opposition to the General Form and Character of the
Proposed Chown Place Development Variance Application**

Re: Development Permit with Variances Application No.00132 for 22 Chown Place, Victoria, BC

Purpose: to approve exterior design and finishes and landscaping

Since 2013 I have been a resident at 22 Chown Place, in Building N, immediately to the West of and facing the proposed development building. I believe my right to the peaceful use and enjoyment of my home will be affected not only during the 2-yr construction period, during which I would lose my disabled parking spot, and subjected to construction noise and dust, but forever after if the height variance is approved as my suite will be in total daily shade for months before and after December 21 during which time natural light is necessary for aging eyes, and the healthy prevention of seasonal affective disorder as a critical health issue.

There is very little low-income housing for seniors over 55, and as seniors live longer, in poverty, and with more of the current population is aging and encouraged to age in place according to good practices, there is even more need of affordable low-income seniors housing.

Changing the current housing model from seniors to families is breaking with the agreement made with all current senior residents that Chown Place was only for 55+. This whole proposed development is out of scale, and against the existing model of providing affordable housing for low income seniors. This location has always been a quiet, healthy and peaceful home for many generations of seniors, and to change away from a senior model shows a lack of respect for the current and multiple generations of past senior residents since 1959 who will no longer be guaranteed a place to live among their low-income senior peers in a healthy environment.

There has never been any proper informed conversations about the proposed development and the current residents of Chown Place. The original meetings to tell us what had already been decided were held in a very tiny, cramped back room behind the office which held about 10 people. Not until more than a year later were the residents presented with even more finalized plans in a large enough room to hold as many residents who were interested, though all decisions had already been made, including that the Board had decided that us senior residents would be healthier among mixed age groups and they would be adding family housing to the new development (though many at that meeting objected to this notion, the decisions had already been made without any input from the current low-income senior residents).

The proposed development is **NOT “affordable housing”**. No current resident would be eligible to move into one of these new units because our maximum net income is too low to be eligible. This large building would create a **2-class situation ghettoizing** the low income senior population who don't make enough income to reside in the new building, but whose quality of life will be forever impacted by this land use decision.

No **repairs** have been done to my unit for over 5 years unless deemed emergency, and until new recent management, even refusing to paint bathroom with water resistant paint to cover the black mold that had been forming. The Chown board has been quite negligent in maintaining the existing buildings, and even now all board and management time is spent on the new development. Until the board can effectively manage their existing housing stock, they should not be allowed to build this many more units.

Though Gorge View applied and received family housing funding from BC Housing in November 2018, they did not actually change their BC Societies Constitutional mandate from providing senior housing to family, individual and senior housing until November 2019 (though I was denied access by Gorge View a Board member in order to confirm this from the Gorge View Societies Papers, as is my right as BC resident). There has also never been any confirmation that BC Housing funding for Family Housing will actually permit and age-related restrictions to seniors-only accommodation

Opposition Comments Regarding Specific Variances Requested

I. Building Height

- **Increasing the number of stories from 2-4,**
- **Increasing allowable building height** 1.57m (5.5ft)
- The towering bulk of this overheight 4-story building is totally out of scale with the existing buildings, and changes the model of seniors living in a quiet, safe environment.
- **This increased density** will totally change the density from having open “pastoral” [Gorge View website] green space with 15 1-story 100-unit buildings, and only 1 2-story 8-unit building, with a maximum of 125 residences, to a huge hulking tower overshadowing the neighbouring buildings
- **Height** was said to “not affect any other building” my building N would be in total shadow all day December 21, with very limited light from November to February, a time during which having reduced light would have the most impact on resident health than at any other season.
- **Increased density** with 58 new units (from 108 to 166), 7 new parking stalls (from 70 to 77) can only be done by decreasing the existing stall width, necessary for seniors with reduced mobility, or needing walkers and wheeled carts (from 58 units with 1,2,3 or more possible new residents (from 125 to up to 250 people – doubling the population).
- **Density population of new residents** will increase in a larger proportion that the 58 units, as 9 of these will be 2-3 BD family units (18-27), the other 49 units (49-98) could be an extra 58-125 people, potentially doubling the population of the existing 125 senior residents, none of whom would be eligible to live in these new suites because our maximum income eligibility is too for the most “affordable” of the new suites.
- Increased noise levels will dramatically change the quality of life for seniors in what is now an appropriately quiet and safe environment.

II. Decreased horizontal setback distances between development and all buildings and parking spaces will overshadow the existing senior residential buildings J, K & L and abut right up to sidewalks

- making it a 4-story hulking block looming over the surrounding one-story buildings
- There will be no setback or vertical barriers as is required by City bylaw – this would make an already too-tall building very imposing from street level, which is the level of all the current senior residences.

III. Exterior Design

- Increased volume of garbage disposal and bicycle storage space will take room away from current resident parking spaces
- **A tall, large, noisy electrical unit** will be located right beside the corner of building N which will be running 24/7 and severely impact the peace and quiet of the adjacent units. This was never included in any preliminary elevation drawings, and should be located within the footprint of the new development, or out at the street on Harriet Road like other neighbourhood 4-story multi-residential units do instead of subjecting seniors with noise for services to another building.
- Increased traffic, including impacts on resident parking, byke and baby stroller traffic on sidewalks due to change from slow seniors in walkers to families with multiple users across the already too-narrow sidewalks
- Landscape discussions were only conducted with current gardeners within the present gated garden with no input from residences who may be affected by the potential of mandatory raised gardens in front of their units with someone else gardening in them

IV. Parking Ratio

- Parking setback should be 6m with only 2.4m separating the building units from parking stalls is less than ½ the suggested setback, and with only 7 new parking stalls proposed, which can only be done by making the existing stalls narrower and less useful to the existing seniors who use all 70 spots, will lead to increased traffic, reducing access to Harriet Rd, and increased parking on Harriet Rd or elsewhere in the neighbourhood.
- As a person with a disability, my parking spot outside of my suite is essential to my activities of daily living, and for me to have no access to parking for up to 2 years will have an extremely negative impact on my pain level and ability to function. For the proposed development to add only 7 extra parking spots would require that the existing parking spots would be made narrower, and even without a disability, a senior may have mobility issues requiring the car door to fully open, which would not be possible if the parking stalls were made narrower.
- No traffic study has been conducted for pedestrian, mobility scooter, bicycles and vehicular traffic to determine if there can be safe access for senior, wide enough parking stalls for seniors and persons with disabilities to use effectively, or if sidewalks will be wide enough to accommodate a potential doubling of population on site.

Pamela Martin

From: [REDACTED]
Sent: June 24, 2020 4:08 PM
To: Public Hearings
Subject: 11 Chown Place Development Permit with Variances Application No. 00132

Mayor & Council,

I am writing as a resident of Burnside Gorge to express my support for the 11 Chown Place Development Permit application. We need more family housing in our neighbourhood and I believe this will be a good addition.

Elizabeth Cull

June 23, 2020

To Victoria City Council

Re: Proposed development of # 11 Chown Place

I have addressed Council in person in 2011 when The Gorge Society was proposing development on the property at 11 Chown Place. At that time the proposal was for 8 more one bedroom units. The neighborhood at that time was concerned about the lack of parking spaces that already existed to accommodate the already 99 Units on the property....parking available was 51 regular spaces 8 visitor and 1 handicapped. They proposed to cut 2 parking spaces and add 1 more handicapped. That development went through with an impact on the neighborhood with residents of Chown Place parking their vehicles on surrounding streets for days on end and their visitors also parking for extended periods of time. This lead to the surrounding streets applying for and being granted Residential Only parking. This designation has not deterred the overflow parking from Chown Place. Moving on to the new development proposal of 58 new units consisting of 1,2,and3, bedroom units in a four story building. An initial community meeting was held in October2019 to get neighbors input as well as current residents of Chown Place. The property is said to be 5.5 acres which sounds like a lot of land....which it is ...but most of it already has been developed. This new structure is being squeezed onto the only green space the now exists on the property and to do that they have to get a variance to be able to fit it. The developers did their presentation and an in depth handout was given. Concerns were raised as to the height of the building and its continuity with the rest of the development...(all one and two stories) , the removal of the community garden and it being relocated also raised concerns as it would be placed behind the four story structure in a South West exposure which is not conducive to large amounts of sun (even though the hand out had a full page of sun aspect on it... with our weather sun is at a premium most of the time) residents were not happy with this location. The main and major concern was again the parking situation. The developers are allowing for only 5 new parking spots bringing the parking spaces to a grand total of 74 including regular spots, visitor spots, and handicapped spots for the development . This when they are adding 58 new units bringing the total number of units to 166 seems a little unbalanced to say the least and there was much discussion on this point. The meeting ended with the developers, Gorge View Society, and other planning members thanking every one for coming and for their input and it would be taken under advisement. There seems to be no change on the original proposal and with the whole development being given a \$5.8M grant from the B.C. Government it looks like an effort in futility to try and have any changes made to the proposal at this time to the lack of for site in the need for additional parking for residents... handicapped or not...for their visitors and for the support workers that make routine visits to Chown Place to provide medical assistance. I am once again disappointed that when the neighborhood is asked for their input on development in the Gorge Burnside Area this input seems to fall on deaf ears.

Sincerely Catherine Delo

3062 Irma Street, Victoria B.C.

Pamela Martin

From: Bonnie Langridge [REDACTED] >
Sent: June 24, 2020 7:07 PM
To: Public Hearings
Subject: Development Permit with Variances Application No. 00132 for 11 Chown Place

To Those This May Concern,

I am writing this email from my lovely, cozy home here at Chown Place in beautiful Victoria, BC. A home which I am grateful for each and everyday because it is affordable housing. As a senior living on disability, securing permanent subsidized housing has been such a Blessing and relief for both myself and my family. I remember the day well, when "I" got the phone call that offered me permanent affordable housing here at Chown Place. It was such a welcomed gift and many of my stresses melted away.

I am happy living within this community alongside my wonderful neighbours and am proud that we are managed by a caring, dedicated and progressive minded Board of Directors and staff. I fully support this development simply because it will ensure that other seniors and young families will have the same opportunity for affordable housing that I have been granted. That they too will receive that phone call which will change their lives for the better and make them much more manageable.

There has been an affordable housing crisis in this city for many years and we need to build where there is space, all over the city. I understand fully the concerns of the residents who reside here at Chown Place, most of them for many years. Yes, there are many concerns and there will be many changes and disruptions going forward but that is what life looks like. This current Pandemic has shown us that but it has also shown us how incredibly adaptable we all are. As a society we need to share our good fortune, if and when we have the means.

It is only when we open our hearts and our minds that we are pleasantly surprised.

Grateful to share a Blessing,

Bonnie Langridge

From: Michael Madrone [REDACTED] >
Sent: June 25, 2020 9:33 AM
To: Public Hearings
Subject: Dev.Permit with Variances App. no. 00132

This application should be denied and sent back to be re-worked. It is a pre-covid 19 document that can no longer be considered acceptable.

Everyone wants housing but it must be done right. It is not enough to just build housing. It must be done in a responsible way. This proposal is irresponsible.

Any council who approves this as is, is going to be on the wrong side of history and will forfeit any claim to be ecologically aware. We cannot just go back to business as usual. This plan is business as usual in the worst possible way.

A staff report called the site a vacant lot. It is anything but that. Question: How many members of council have actually seen this site and talked to the residents?

The owners of Chown Place do not live there. Their plan to "move" the garden is greenwashing at its worst. The council which is voting do not even live in the neighborhood. Dozens of Chown Place residents and neighbours have expressed their opposition to this project. It needs to be rejected and sent back to the drawing board. Do the people who will be affected by this have any say or is this hearing just a rubber stamp?

Reject this plan.

"They paved paradise and put up a parking lot." -Joni Mitchell

Thank you,
Michael Madrone
66 Chown Place
Victoria
V9A 1H5

Pamela Martin

From: Lynn Peters [REDACTED] >
Sent: June 24, 2020 1:24 PM
To: Public Hearings
Subject: Opportunity for Public Comment - Thurs., June 25, 2020

PID: 005-066-999, Lot A (DD2703731), Section 10 & 11, Victoria District, Plan 11749.

Dear Councillors:

I would like to respectfully submit a Public Comment regarding Variance Application No. 00132 for 11 Chown Place. I am a six-year tenant at Chown Place... As the heart of this property is one of rare pastoral vistas so close to the city, may I invite a reconsideration of the intention of changing the zoning regulation bylaw from 2 to 4 storeys? It seems that a 4-storey building would not fit well with the aesthetic of this site. Thank you for your kind attention.

Yours very truly, D. Lynn Peters

June 25, 2020

Mayor & Council
#1 Centennial Square
Victoria, BC

Dear Mayor and Council:

Re: Development Variance Permit for 11 Chown Place

On January 13, 2002 the Gorge View Society presented their plans to the Burnside Gorge Land Use Committee for an affordable Seniors and Family Housing project to be built on their existing housing location at 11 Chown Place.

The BGLUC fully supports this proposal as a welcome addition to the neighbourhood and previously submitted a letter of support dated January 14, 2020.

The proposed 4 storey building consisting of 49 seniors and 9 family units of affordable housing requires a variance from the Chown Place Special Planning Area policy of 3 storeys in height. As this building is located in the centre of the Chown Place 2.24 hectare site, there would be minimal if any affect on the surrounding properties in regards to shadowing or sight lines. The inclusion of family units is much desired by the community as part of the positive growth of Burnside Gorge.

The substantial land area available throughout the site will be used to redistribute the existing community gardens being displaced by the proposed building.

Working with the Gorge View Society the BGLUC envisions an opportunity to develop the various pedestrian connections through Chown Place as outlined in the Neighbourhood plan. Formal development of the improvised walkway from Irma Street to Balfour Avenue is desired by the community.

The BGLUC believes that the current opposition by some community members is the unfortunate result of the recent increase of incidents of crime around Chown Place. The BGLUC views these incidents to be temporary and the causes will be addressed as the Topaz Park relocation process is completed.

Respectfully,





Avery Stetski
Chair, Burnside Gorge Land Use Committee

cc: Sustainable Planning and Community Development Department
The Gorge View Society

NO. 20-038

HOUSING AGREEMENT (11 CHOWN PLACE) BYLAW
A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to authorize an agreement to ensure that the proposed four-storey, multi-unit residential building remains rental in perpetuity on the lands known as 11 Chown Place, Victoria, BC.

Under its statutory powers, including section 483 of the *Local Government Act*, the Council of The Corporation of the City of Victoria in an open meeting enacts the following provisions:

Title

- 1 This Bylaw may be cited as the "HOUSING AGREEMENT (11 CHOWN PLACE) BYLAW (2020)".

Agreement authorized

- 2 The Director of Sustainable Planning and Community Development is authorized to execute the Housing Agreement:
- (a) substantially in the form attached to this Bylaw as Schedule A;
 - (b) between the City and The Gorge View Society, Inc. No. S0004996 or other registered owners from time to time of the lands described in subsection (c); and
 - (c) that applies to the lands known as 11 Chown Place, Victoria, BC, legally described as:
PID: 005-066-999, Lot A (DD 270373I), Section 10 and 11, Victoria District, Plan 11749

READ A FIRST TIME the **11** day of **June** 2020

READ A SECOND TIME the **11** day of **June** 2020

READ A THIRD TIME the **11** day of **June** 2020

ADOPTED on the day of 2020

CITY CLERK

MAYOR

HOUSING AGREEMENT
(Pursuant to section 483 of the *Local Government Act*)

BETWEEN:

THE CORPORATION OF THE CITY OF VICTORIA
#1 Centennial Square
Victoria, B.C. V8W 1P6

(the "City")

AND:

THE GORGE VIEW SOCIETY
Inc. No. S0004996
11 Chown Place
Victoria, BC V9A 1H5

(the "Owner")

WHEREAS:

- A. Capitalized terms used herein will have the respective meanings ascribed to them in section 1.1 of this Agreement, unless the context otherwise clearly requires or they are elsewhere defined herein.
- B. Under section 483 of the *Local Government Act* the City may, by bylaw, enter into a housing agreement with an owner regarding the occupancy of the housing units identified in the agreement, including but not limited to terms and conditions referred to in section 483(2) of the *Local Government Act*.
- C. The Owner is the registered owner in fee simple of lands in the City of Victoria, British Columbia, with a civic address of 11 Chown Place, Victoria, B.C. and legally described as:

PID:005-066-999
Lot A (DD 270373I) Section 10 and 11, Victoria District Plan 11749

(the "Lands").
- D. The Owner has applied for a Development Permit with variances to permit a four-storey multi-residential building consisting of approximately 58 rental dwelling units in accordance with this Agreement.
- E. The City and the Owner wish to enter into this Agreement, as a housing agreement pursuant to section 483 of the *Local Government Act*, to secure the agreement of the Owner that all Dwelling Units within the Development on the Lands will be used and held only as rental housing.

NOW THIS AGREEMENT WITNESSES that pursuant to section 483 of the *Local Government Act*, and in consideration of the premises and covenants contained in this agreement (the "Agreement"), the parties agree each with the other as follows:

1.0 DEFINITIONS

1.1 In this Agreement:

"Business Day" means Monday to Friday, other than any such day which is a statutory holiday in Victoria, British Columbia;

"Development" means the new 58 unit building consisting of residential housing and related facilities on the Lands;

"Dwelling Units" means any or all, as the context may require, of the 58 self-contained residential dwelling units within the Development and includes any dwelling unit that is developed on the Lands in future, whether as part of the Development or otherwise, and **"Dwelling Unit"** means any of such residential dwelling units located on the Lands;

"Immediate Family" includes a person's spouse, child, grandchild, parent, grandparent, sibling, niece and nephew, and includes the Immediate Family of the person's spouse;

"Non-owner" means a person other than a Related Person or the Owner;

"Owner" includes a person who acquires an interest in the Lands or any part of the Lands or the Development and is thereby bound by this Agreement, as referred to in section 8.3;

"Related Person" includes, where the registered or beneficial owner of the Lands or Dwelling Unit, as applicable, is:

(a) a corporation or society:

- (i) an officer, director, shareholder, or member of such corporation or society, or of another entity which is a shareholder or member of such corporation or society; or
- (ii) an Immediate Family of a person to whom paragraph (i) applies, or

(b) an individual, an Immediate Family of the registered or beneficial owner;

"Strata Corporation" means, for the portions of the Lands or any building on the Lands that is subdivided under the *Strata Property Act*, a strata corporation as defined in that Act, including the Owner while in control of the strata corporation and subsequently the individual strata lot owners collectively acting as the strata corporation.

"Tenancy Agreement" means a tenancy agreement pursuant to the *Residential Tenancy Act* that is regulated by that Act.

2.0 DWELLING UNITS TO BE USED AND OCCUPIED ONLY AS RENTAL UNITS

- 2.1** The Owner covenants and agrees that the Dwelling Units shall only be used as rental housing in perpetuity, and for that purpose shall only be occupied by a Non-owner under the terms of a Tenancy Agreement between the Owner and the Non-owner who occupies the Dwelling Unit.

3.0 NO RESTRICTIONS ON RENTALS

- 3.1** The Owner covenants and agrees that the Owner shall not take any steps, or enter into any agreements, or impose any rules or regulations whatsoever, the effect of which would be to prevent or restrict the Owner of a Dwelling Unit from renting that Dwelling Unit to a Non-owner under the terms of a Tenancy Agreement.
- 3.2** Without limiting the generality of section 3.1, the Owner covenants and agrees that it will not make application to deposit a strata plan for or in respect of the Lands or a building on the Lands unless the strata bylaws in no way restrict rental of any Dwelling Unit to a Non-owner under the terms of a Tenancy Agreement.
- 3.3** For clarity, nothing in this Agreement shall be interpreted as restricting the Owner from entering into subsequent agreements that restrict rentals to certain classes of persons where such restrictions are permitted by law.

4.0 REPORTING

- 4.1** The Owner covenants and agrees to provide to the City's Director of Sustainable Planning and Development, within thirty (30) days of the Director's written request, a report in writing confirming that:

- (a) all Dwelling Units are being rented to Non-owners or are vacant, and
- (b) all other requirements of this Agreement are being complied with by the Owner and the Development,

along with such other information as may be requested by the Director from time to time.

- 4.2** The Owner hereby authorizes the City to make such inquiries as it considers necessary in order to confirm that the Owner is complying with this Agreement.
- 4.3** The Owner acknowledges that it is within the City's sole discretion to consent or not to consent to modifications of this Agreement and that such consent may be withheld for any reason.

5.0 NOTICE TO BE REGISTERED IN LAND TITLE OFFICE

- 5.1** Notice of this Agreement (the "Notice") will be registered in the Land Title Office by the City at the cost of the Owner in accordance with section 483 of the *Local Government Act*, and this Agreement is binding on the parties to this Agreement as well as all persons who acquire an interest in the Lands after registration of the Notice.

6.0 LIABILITY

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- 6.1** The Owner agrees to indemnify and saves harmless the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from all claims, demands, actions, damages, costs and liabilities, which all or any of them shall or may be liable for or suffer or incur or be put to by reason of or arising out of failure of the Owner to comply with the terms and conditions of this Agreement, or otherwise that would not have arisen "but for" this Agreement.
- 6.2** The Owner hereby releases and forever discharges the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from any and all claims, demands, actions, damages, economic loss, costs and liabilities which the Owner now has or hereafter may have with respect to or by reason of or arising out of the fact that the Lands are encumbered by and affected by this Agreement, or otherwise that would not have arisen "but for" this Agreement.

7.0 SUBDIVISION

- 7.1 Release of Notice on Subdivision.** If the portion of the Lands containing the Development is subdivided and any of the parcels created as a result of such subdivision do not contain any of the Dwelling Units (each, a "Subdivided Parcel"), this Agreement shall be deemed to be automatically modified such that it no longer applies to each Subdivided Parcel and the owner of such Subdivided Parcel may apply to the City to release the Notice (as defined in section 5.1) from title to the Subdivided Parcel. The City agrees to execute and deliver a release of this Housing Agreement from title to the Subdivided Parcel, provided however that: (a) the City will have no obligation to execute any such release until a written request therefor from the owner of the Subdivided Parcel has been received by the City, which request will include the form of release in registerable form; (b) the cost of preparation of such release and the cost of registration of same in the Land Title Office will be paid by the Owner; and (c) the City will have a reasonable time within which to execute such release and return the same to the Owner for registration.

8.0 GENERAL PROVISIONS

- 8.1 NOTICE.** If sent as follows, notice under this Agreement is considered to be received:
- (a) upon confirmation of delivery by Canada Post if sent by registered mail,
 - (b) on the next Business Day if sent by facsimile or email with no notice of failure to deliver being received back by the sender, and
 - (c) on the date of delivery if hand-delivered, and

in the case of the City, addressed to:

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

Attention: Director of Sustainable Planning and
Community Development

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1426916-1

Fax: 250-361-0386
Email: khoese@victoria.ca

and in the case of the Owner, addressed to:

The Gorge View Society
11 Chown Place
Victoria, BC V9A 1H5

Attention: Operations Manager
Email: gorgeview@shaw.ca

or upon registration of a strata plan for the Lands, to the Strata Corporation, and to the Owner of any Dwelling Unit that is subject to the restrictions under section 2.1.

If a party identifies alternate contact information in writing to another party, notice is to be given to that alternate address.

If normal mail, email or facsimile service is interrupted by strike, work slowdown, force majeure, or other cause,

- (d) notice sent by the impaired service is considered to be received on the date of delivery, and
- (e) the sending party must use its best efforts to ensure prompt receipt of a notice by using other uninterrupted services, or by hand-delivering the notice.

8.2 TIME. Time is of the essence of this Agreement.

8.3 BINDING EFFECT. This Agreement will enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors, and permitted assignees. In accordance with section 483(6) of the *Local Government Act*, this Agreement and all obligations hereunder is binding on all who acquire an interest in the Lands, and the Owner only during the Owner's ownership of any interest in the Lands, and with respect only to that portion of the Lands of which the Owner has an interest.

8.4 WAIVER. The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar.

8.5 HEADINGS. The division of this Agreement into articles and sections and the insertion of headings are for the convenience of reference only and will not affect the construction or interpretation of this Agreement.

8.6 LANGUAGE. Words importing the singular number only will include the plural and vice versa, words importing the masculine gender will include the feminine and neuter genders and vice versa, and words importing persons will include individuals, partnerships, associations, trusts, unincorporated organizations and corporations and vice versa.

- 8.7 LEGISLATION.** Reference to any enactment includes any regulations, orders or directives made under the authority of that enactment, and is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided.
- 8.8 EQUITABLE REMEDIES.** The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement and that the public interest strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement
- 8.9 CUMULATIVE REMEDIES.** No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.
- 8.10 ENTIRE AGREEMENT.** This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.
- 8.11 FURTHER ASSURANCES.** Each of the parties will do, execute, and deliver, or cause to be done, executed, and delivered all such further acts, documents and things as may be reasonably required from time to time to give effect to this Agreement.
- 8.12 AMENDMENT.** This Agreement may be amended from time to time, by consent of the Owner and a bylaw duly passed by the Council of the City and thereafter if it is signed by the City and the Owner.
- 8.13 LAW APPLICABLE.** This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.
- 8.14 NO DEROGATION FROM STATUTORY AUTHORITY.** Nothing in this Agreement shall:
- (a) limit, impair, fetter or derogate from the statutory powers of the City all of which powers may be exercised by the City from time to time and at any time to the fullest extent that the City is enabled and no permissive bylaw enacted by the City, or permit, licence or approval, granted, made or issued thereunder, or pursuant to statute, by the City shall estop, limit or impair the City from relying upon and enforcing this Agreement; or
 - (b) relieve the Owner from complying with any enactment, including the City's bylaws, or any obligation of the Owner under any other agreement with the City.
- 8.15 SEVERABILITY.** If any section, term or provision of this Agreement is found to be partially or wholly illegal or unenforceable, then such sections or parts will be considered to be separate and severable from this Agreement and the remaining sections or parts of this Agreement, as the case may be, will be unaffected thereby and will remain and be enforceable to the fullest extent permitted by law as though the illegal or unenforceable parts or sections had never been included in this Agreement.
- 8.16 JOINT AND SEVERAL.** The Owner, if more than one, are jointly and severally obligated to perform and observe each and every of the covenants, warranties and agreements herein contained by the Owner to be observed and performed.
- 8.17 COUNTERPARTS.** This Agreement may be executed in counterparts and delivered by emailed PDF file, each of which will have the same effect as if all parties had signed the

same document. Each counterpart shall be deemed to be an original. All counterparts shall be construed together and shall constitute one and the same Agreement.

8.18 EFFECTIVE DATE. This Agreement is effective as of the date of the signature of the last party to sign.

[signatures on following page]

**THE CORPORATION OF THE CITY OF)
VICTORIA by its authorized signatories:)**

CITY CLERK Chris Coates

Date signed: _____

**THE GORGE VIEW SOCIETY, by its
authorized signatory(ies):**

Print Name: David King

Print Name: Michael McAuley

Date signed: 4 June 2020

E. BYLAWS

E.2 Bylaw for 1009 Southgate Street: Heritage Designation Application No. 000190

Moved By Councillor Thornton-Joe

Seconded By Councillor Alto

That the following bylaw **be given first and second readings:**

1. Heritage Designation (1009 Southgate Street) Bylaw No. 20-073

CARRIED UNANIMOUSLY



Council Report

For the Meeting of June 11, 2020

To: Council
From: C. Coates, City Clerk
Date: June 5, 2020
Subject: 1009 Southgate Street: Heritage Designation Application No. 000190

RECOMMENDATION

That the following bylaw be given first and second readings:

1. Heritage Designation (1009 Southgate Street) Bylaw No. 20-073

BACKGROUND

Attached for Council's initial consideration is a copy of the proposed Bylaw No. 20-073.

The issue came before Council on April 9, 2020 where the following resolution was approved:

1009 Southgate Street: Heritage Designation Application No. 000190

That Council approve the designation of the property located at 1009 Southgate Street, pursuant to Section 611 of the Local Government Act, as a Municipal Heritage Site, and that first and second reading of the Heritage Designation Bylaw be considered by Council and a Public Hearing date be set.

Respectfully submitted,

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

Chris Coates
City Clerk

Report accepted and recommended by the City Manager:

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

Date: June 5, 2020

List of Attachments:

- Bylaw No. 20-073

H. REPORTS OF COMMITTEES

H.1 Committee of the Whole

H.1.a Report from the April 2, 2020 COTW Meeting

H.1.a.b 1009 Southgate Street: Heritage Designation Application No. 000190 (Fairfield)

Moved By Councillor Thornton-Joe

Seconded By Councillor Alto

That Council approve the designation of the property located at 1009 Southgate Street, pursuant to Section 611 of the Local Government Act, as a Municipal Heritage Site, and that first and second reading of the Heritage Designation Bylaw be considered by Council and a Public Hearing date be set.

CARRIED UNANIMOUSLY

E.4 1009 Southgate Street: Heritage Designation Application No. 000190
(Fairfield)

Committee received a report dated March 12, 2020 from the Director of Sustainable Planning and Community Development regarding the proposed Heritage Designation Application No. 000190 for 1009 Southgate Street in order to designate the exterior of the property and recommending that it move forward to a public hearing.

Moved By Councillor Dubow
Seconded By Councillor Alto

That Council approve the designation of the property located at 1009 Southgate Street, pursuant to Section 611 of the Local Government Act, as a Municipal Heritage Site, and that first and second reading of the Heritage Designation Bylaw be considered by Council and a Public Hearing date be set.

CARRIED UNANIMOUSLY



Committee of the Whole Report For the Meeting of April 2, 2020

To: Committee of the Whole **Date:** March 12, 2020
From: Karen Hoesel, Director, Sustainable Planning and Community Development
Subject: Heritage Designation Application No. 000190 for 1009 Southgate Street

RECOMMENDATION

That Council approve the designation of the property located at 1009 Southgate Street, pursuant to Section 611 of the *Local Government Act*, as a Municipal Heritage Site, and that first and second reading of the Heritage Designation Bylaw be considered by Council and a Public Hearing date be set.

LEGISLATIVE AUTHORITY

In accordance with Section 611 of the *Local Government Act*, Council may designate real property, in whole or in part, as protected property.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations regarding an owner request to designate the exterior of the property located at 1009 Southgate Street. The house was built in 1912 and contributes to the historic character of the Fairfield neighbourhood, an area characterized by low-rise apartments and single-family homes on well-maintained, tree-lined streets.

The designation of this building is generally consistent with Section 8: "Placemaking (Urban Design and Heritage)" and Section 21: "Neighbourhood Directions" of the *Official Community Plan* (OCP, 2012), the *Fairfield Neighbourhood Plan* and the *Victoria Heritage Thematic Framework*. The Statement of Significance supports its designation.

The application was reviewed by the Heritage Advisory Panel at its February 11, 2020 meeting and it recommended that Council consider approving the designation of the property located at 1009 Southgate Street.

BACKGROUND

Description of Proposal

The property located at 1009 Southgate Street is a large three-storey, Foursquare style, multi-residential building built in 1912 and containing four strata units. The exterior façade of 1009

Southgate Street has maintained much of its original appearance with one noticeable alteration - a two-foot section of the ground floor on the west side of the house was cut away to create sufficient width for a driveway to the rear yard. Its character-defining elements include most of its architectural features and Craftsman design elements, including boxy, rectangular design with full width porch; cedar shingle cladding with a wide belt course between the first and second storey; hipped roof with dormer window; open eaves; original double height and dormer windows and intact porches. The property also has heritage value for its association with the early development of the Hudson's Bay Corporation reserved public park land and the subdivision of James Douglas' Fairfield Farm Estate into building lots for suburban middle class housing.

Regulatory Considerations

The proposed heritage designation is consistent with surrounding land uses.

Condition/Economic Viability

The building is currently in good condition.

ANALYSIS

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

Official Community Plan

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

Goals

8 (B) *Victoria's cultural and natural heritage resources are protected and celebrated.*

Broad Objectives

8 (j) *That heritage property is conserved as resources with value for present and future generations.*

8 (l) *That heritage and cultural values are identified, celebrated, and retained through community engagement.*

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.*

Buildings and Sites

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 designation of this building is also consistent with Section 21: "Neighbourhood Directions (Fairfield)" of the OCP which states:

Fairfield

21.5 *Vision in the citywide context includes:*

21.5.5 *Residential character with mature streetscapes, historic homes and landscapes, continuous shoreline access, beaches, and park space of regional significance*

21.6 *Strategic Directions include:*

21.6.1 *Maintain and enhance established character areas.*

Fairfield Neighbourhood Plan

The designation of this building is also consistent with the *Fairfield Neighbourhood Plan*, which states:

10.3 *Heritage Register and Designated Properties*

Intent: Recognize and protect the historic character of significant buildings and important sites.

10.3.1. *Encourage landowners to consider the protection of heritage resources through the designation of properties listed on the City's Register of Heritage properties, identified on Map 12, or other buildings of heritage merit, including through the rezoning process.*

Victoria Heritage Thematic Framework

A key policy of the OCP includes the determination of heritage value using a values-based approach. In this regard, a City-wide thematic framework (OCP Fig. 12) was developed and incorporated into the OCP to identify the key civic historic themes. The *Victoria Heritage Thematic Framework* functions as a means to organize and define historical events, to identify representative historic places, and to place sites, persons and events in an overall context. The thematic framework recognizes a broad range of values under which City-wide themes can be articulated. A Heritage Value assessment with consideration of the *Victoria Heritage Thematic Framework* is incorporated into the Statement of Significance.

Resource Impacts

The designation of the property would make the building eligible for heritage grants from the Victoria Civic Heritage Trust to incentivize exterior conservation work. The building could also be eligible for the tax incentive program in future.

Heritage Advisory Panel

The application was reviewed by the Heritage Advisory Panel at its February 11, 2020 meeting and was recommended for approval.

Statement of Significance

A Statement of Significance describing the historic place, outlining its heritage value and identifying its character-defining elements, is attached to this report.

CONCLUSIONS

The fourplex at 1009 Southgate Street is a building that is a good example of the Foursquare style with unique Craftsman style features such as the double-height, diamond leaded glass heritage windows. The designation of the residence as a Municipal Heritage Site is consistent with relevant City policies and strategic directions for the Fairfield neighbourhood. Staff therefore recommend that Council approve the Heritage Designation Application for the building located at 1009 Southgate Street.

ALTERNATE MOTION

That Council decline Heritage Designation Application No. 000190 for the property located at 1009 Southgate Street.

Respectfully submitted,



John O'Reilly
Senior Heritage Planner
Development Services Division

JH.



Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

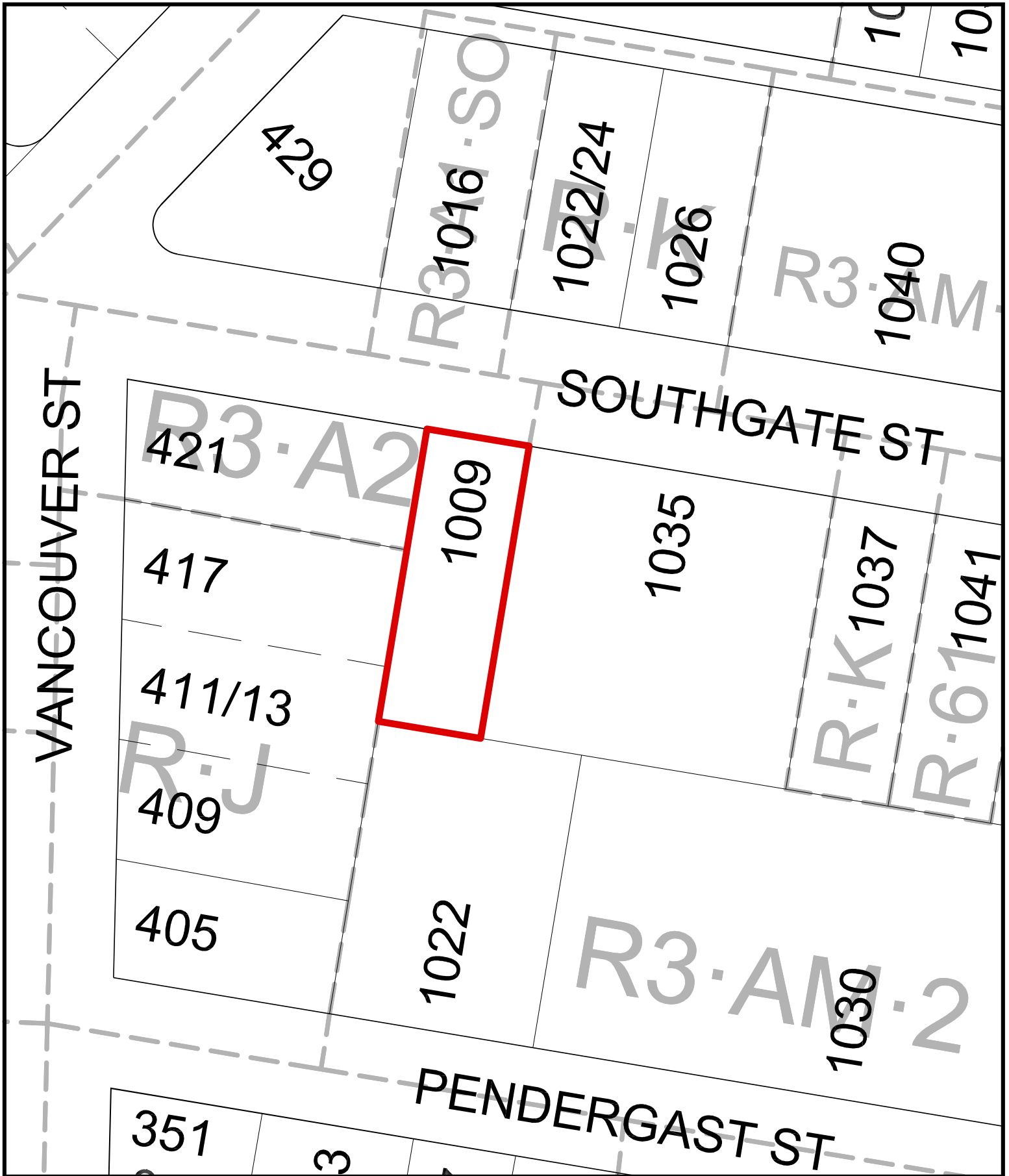


Date:

March 19, 2020

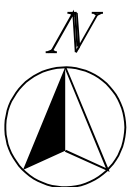
List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Photographs
- Attachment D: Statement of Significance
- Attachment E: Application for Heritage Designation for 1009 Southgate Street by Strata VIS 4224
- Attachment F: Minutes of the Heritage Advisory Panel, February 11, 2020.



1009 Southgate Street

Heritage Designation #000190

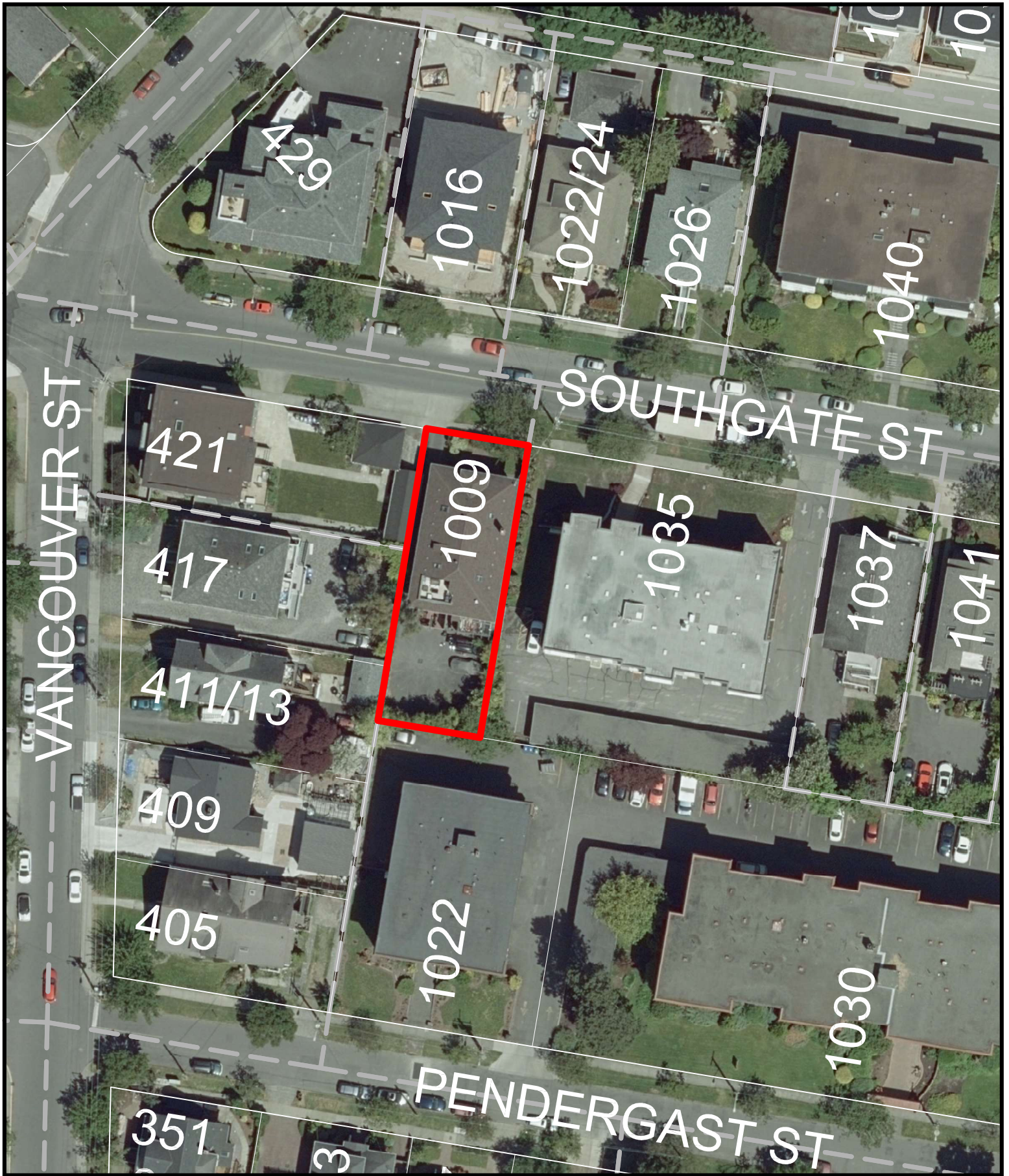


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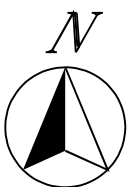
Registered





1009 Southgate Street

Heritage Designation #000190



Designated



Registered



1009 Southgate Street



Front (North) Elevation



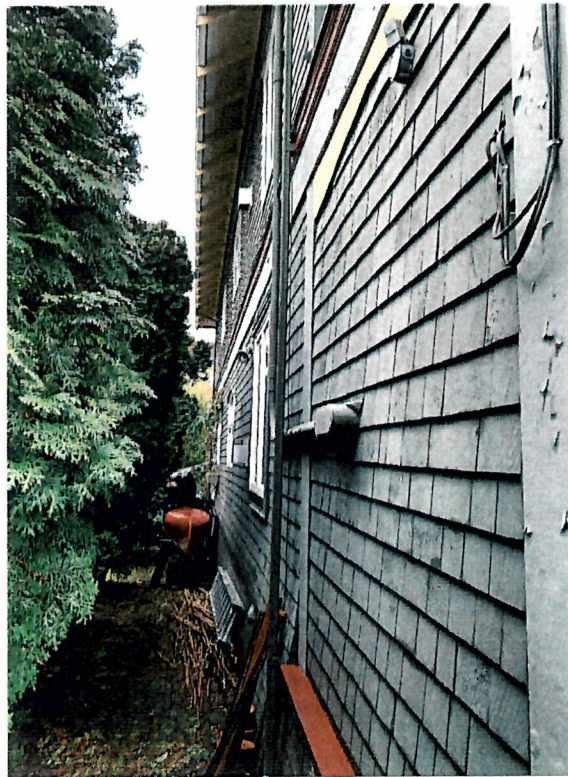
Angled view of Front Elevation with cantilevered second storey visible



West (Side) Elevation



South (Rear) Elevation



East (Side) Elevation



Leaded Glass Windows



Front Elevation Closeup

STATEMENT OF SIGNIFICANCE

1009 Southgate Street

Owner: Strata VIS 4224

Architect: Harold Joseph Rous Cullin

Date: 1912

Description of Historic Place

1009 Southgate Street is a flat, rectangular lot on the south side of Southgate Street, which measures 60 feet wide and 120 feet deep. It is located near the southeast corner of the intersection of Vancouver Street and Southgate Street in the Victoria's Fairfield neighbourhood. Occupying the property is a two-storey, Foursquare-style apartment building constructed in 1912 and containing four strata residential units. The building is boxy and rectangular, with a medium pitch hipped roof and a dormer window facing the street. The front elevation features recessed balconies at the second storey framed with decorative beams, railings and spindles. It has porches at the ground floor that are open at the front and side. Centred between the porches and balconies are three diamond pattern leaded glass windows extending from the base of the second floor to the roofline. Beneath the windows are a pair of doors accessed from a projecting covered porch with turned wood columns. The façade includes a wide belt course dividing the two storeys. The building features many Craftsman details including open eaves with exposed rafter tails. There is a driveway to the immediate west of the building providing access to a rear yard parking area. The west side wall of the ground floor was pushed in slightly to create space for the driveway when it was converted to strata units in 1997.

Heritage Value of Historic Place

The apartment building on 1009 Southgate Street has historical worth for its connection to one of the earliest phases of settlement in Victoria- the subdivision of James Douglas' 300-acre Fairfield Farm Estate into suburban lots to create what would become the Fairfield Neighbourhood.^{1,2,3,4} At the end of the 19th century, Victoria was rapidly expanding beyond its early city boundaries.⁵ By 1911, estate lands that had been used for dairy and vegetable farming were subdivided into building lots to make way for suburban middle-class housing. Family homes were filling up Vancouver Street and nearby areas, and a street car route was laid along Cook Street in 1903. The link between this property and the subdivision and development of the Fairfield Farm Estate fits into the *Coastal Settlement - Pioneer Farms to First Suburbs & City of Gardens and Landscapes* theme of the Victoria Thematic Framework in the *Official Community Plan*.

¹See Appendix 2 and Appendix 3 for historic maps showing current location of 1009 Southgate Street within a continuous stretch of public park land.

² Ringuette, Janis, 2004, *Beacon Hill Park History*, Chapter 3, Beacon Hill Park Society, Victoria BC, viewed 02 January 2020, <<https://beaconhillparkhistory.org/contents/chapter3.htm>>.

³ Roueche, Ken. *A Fairfield History*, 2005. Ken Roueche, Victoria B.C.

⁴ See Appendix 4 for a 1889 map showing current location of 1009 Southgate as part subdivided area with street and farms in area of farm land, and a photograph in Appendix 5 showing the fertility of the area for vegetable farming.

⁵See Appendix 6 for fire insurance maps showing suburbanization of Southgate area from 1895 - 1913.

The building has educational value as a unique example of medium density purpose-built rental housing that was distinct from the more common suburban single family homes and apartments and duplexes built during Victoria's rapid expansion at the time. It originally consisted of four "residential flats".⁶

Designed in 1911 by architect Harold Joseph Rous Cullin and constructed by John O. Dunford, of William Dunford & Son and James F. Strang of Hooper-Strang Co., the building has aesthetic value as a rare, surviving example of a Foursquare Edwardian Vernacular style multi-residential building.⁷ It incorporates Craftsman design elements inspired by the British Arts & Crafts movement. The Foursquare style was more affordable than the more decorative Victorian and Classical styles, and was commonly used in streetcar suburbs on long narrow lots. The simple symmetrical exterior design and floor plan characterizing the Foursquare style conveys a division of the house into quarters on each floor to accommodate a home's various rooms. However, in the case of this particular house, each "quarter" was in fact a "flat" or apartment - two on each floor, running the full front to back length of the house, each with its own living room, bedroom, bathroom and kitchen, and with each "flat" having very similar layout, illustrated in the original plan.⁸ The unique style of the house fits the theme of *Cultural Exchange - Architectural Expression* under the Victoria Heritage Thematic Framework in the Official Community Plan.

The building is a good example of the work of Harold Joseph Rous Cullin, who was born in 1875 in Liverpool, England. He was a member of the London Rifle Brigade and officer in the Royal Engineers. He immigrated to Canada in 1904 and until World War 1 specialized in designing public and private buildings and homes in Victoria. His projects consisted of many public buildings, including seven schools, commercial blocks and apartments as well as private homes. Among the latter are iconic heritage houses at 25 Cook Street (Inglenook, 1911), 1134 Dallas Road (1913) and 806 Linden Avenue (Hume Cottage, 1907). Cullin served overseas as a Lieutenant Colonel in WWI. Suffering from rheumatoid arthritis, he was deemed a surplus officer and returned to B.C., where he resumed his architecture career, although mostly in the B.C. interior.

Character-defining elements

- boxy and rectangular massing
- the projecting covered landing on the front elevation, including turned wood columns, balusters and pickets
- cedar shingle cladding and the wide belt course between the first and second storeys
- medium-low pitched hipped roof with a dormer window
- open eaves with exposed rafter tails
- decorative beam framing the top of each porch and balcony
- set of three diamond leaded glass windows extending from the base of the second floor to just below the roofline
- original and intact porches and balconies complete with mostly original rails and spindles
- the dormer, with its three diamond leaded glass windows.

⁶ See Appendix 7, the original 1911 architectural plan refers to the house as "Residential Flats".

⁷ Muir, William R., Morrow, Cecelia (drawings), n.d., *Architectural Style Guide*, Victoria Heritage Foundation,

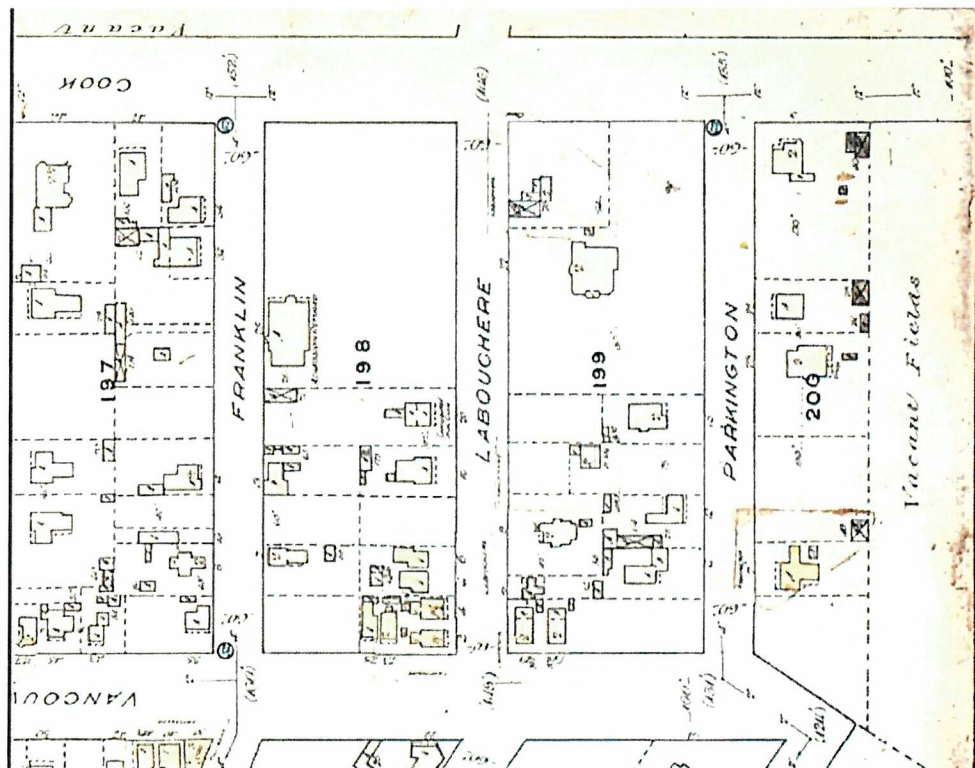
⁸ See Appendix 7, interior layout.

APPENDIX 1 – 1009 Southgate (January 2020)

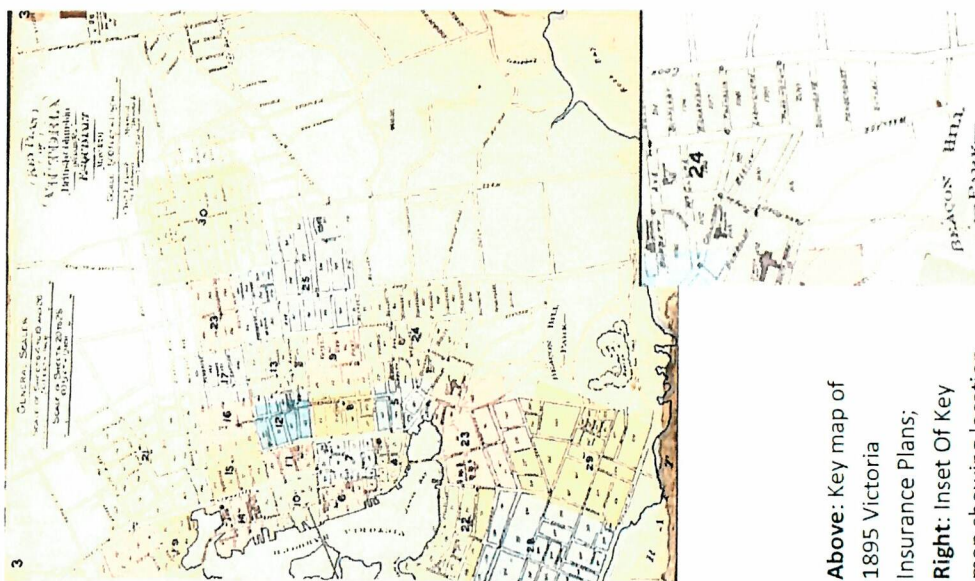




APPENDIX 2 – Fire Insurance Plans showing 1009 Southgate Site in Victoria⁹



Top: Area south of Pakington St. is marked as "Vacant Fields" in 1895; from Fire Insurance Map, inset of Sheet 24, 1895.

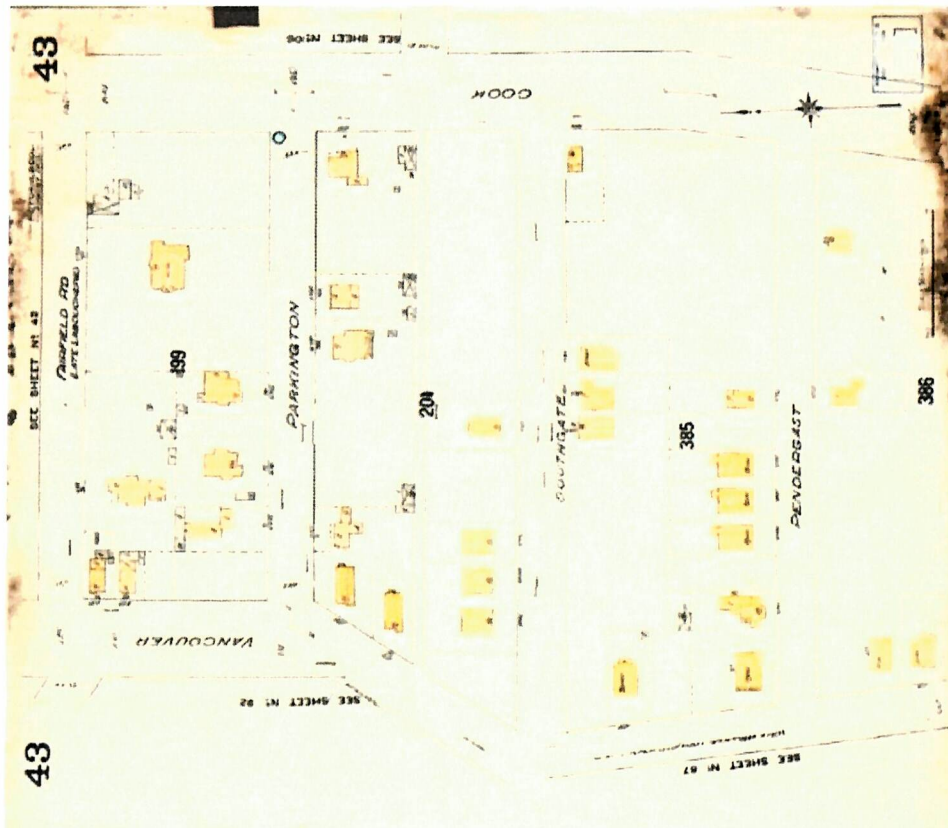


Above: Key map of 1895 Victoria Insurance Plans;

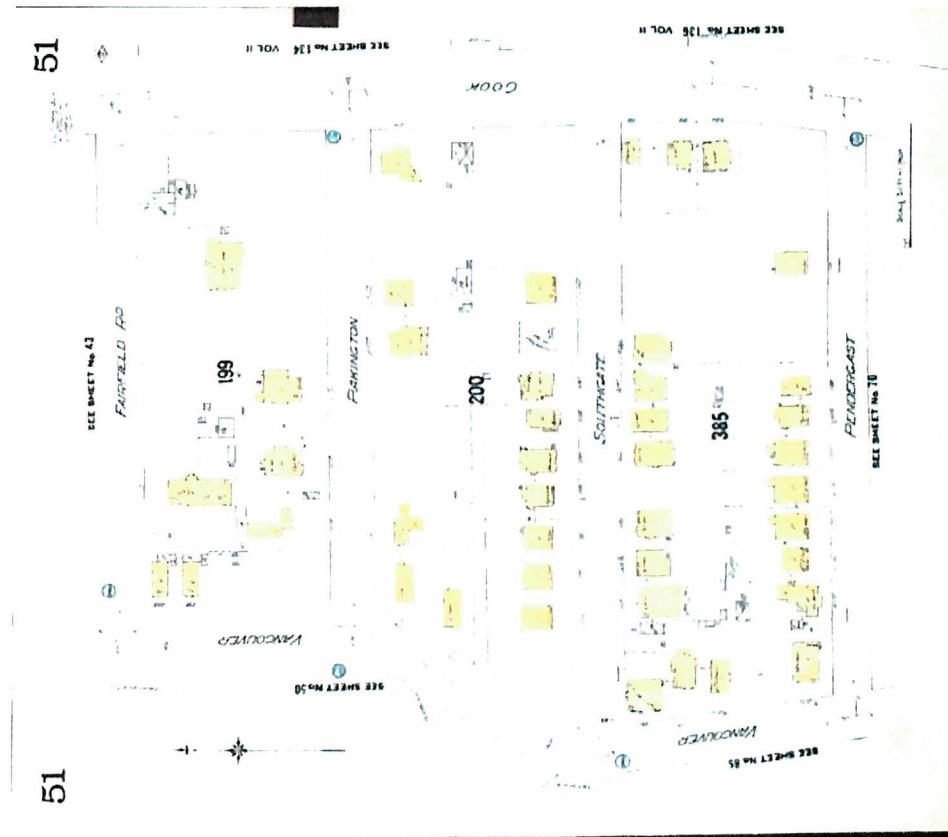
Right: Inset Of Key map showing location of Southgate and Pakington Streets.

Left inset of Sheet

⁹ Source: *Victoria Fire Insurance Plans, Vol. 1, Sheet 51, 1911 (rev 1913); 1903; and Sheet 24, 1891 (rev 1895)*, Digital Collections, University of Victoria Libraries, viewed on 08 January 2020, <<https://vault.library.uvic.ca/collections/6cf241ab-b4ef-44c2-8b6c-38a9de32f7d5>>.

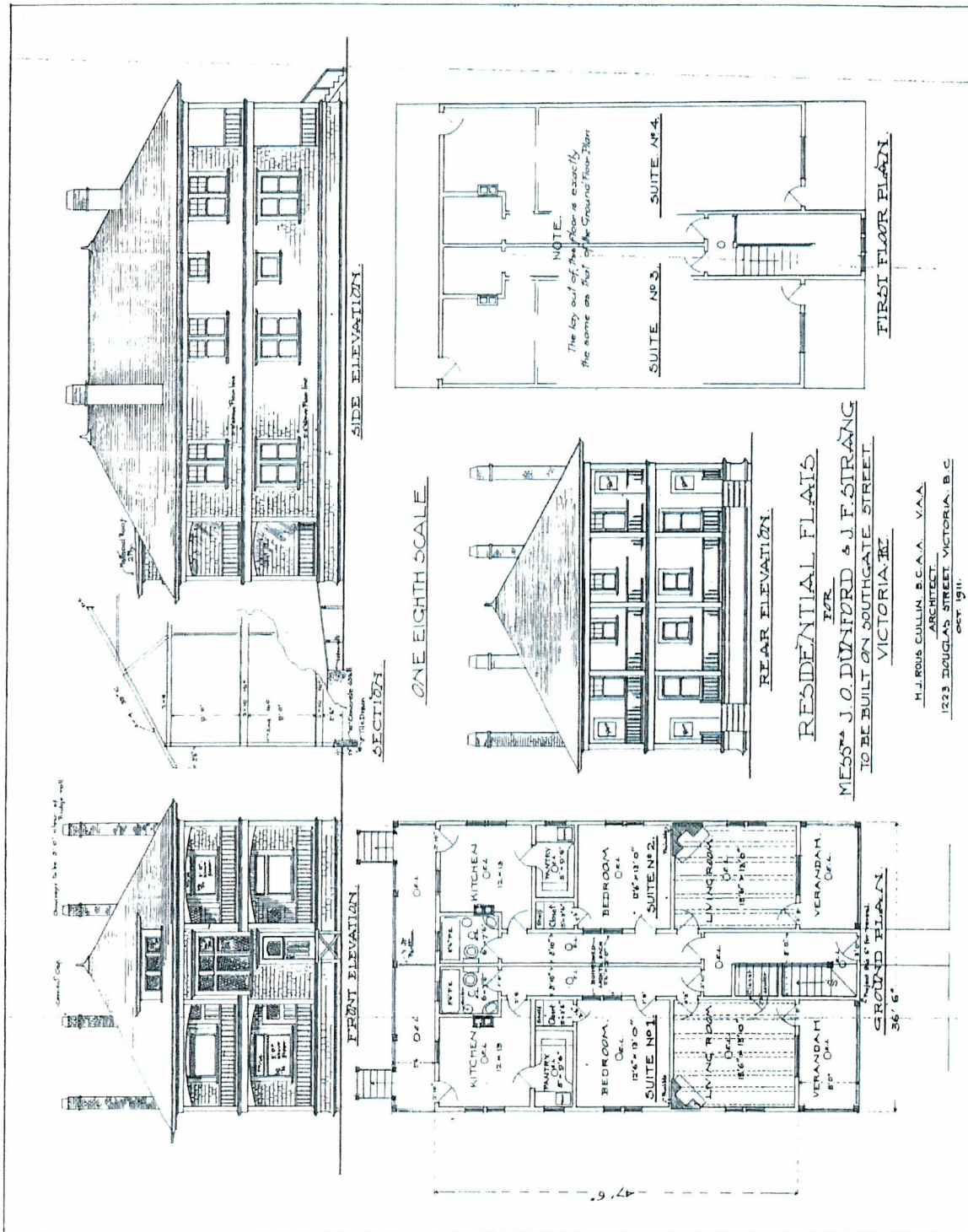


Top: Undeveloped lands in southwest portion of early Southgate Street in 1903; from Fire Insurance Plan Sheet 43, 1903.



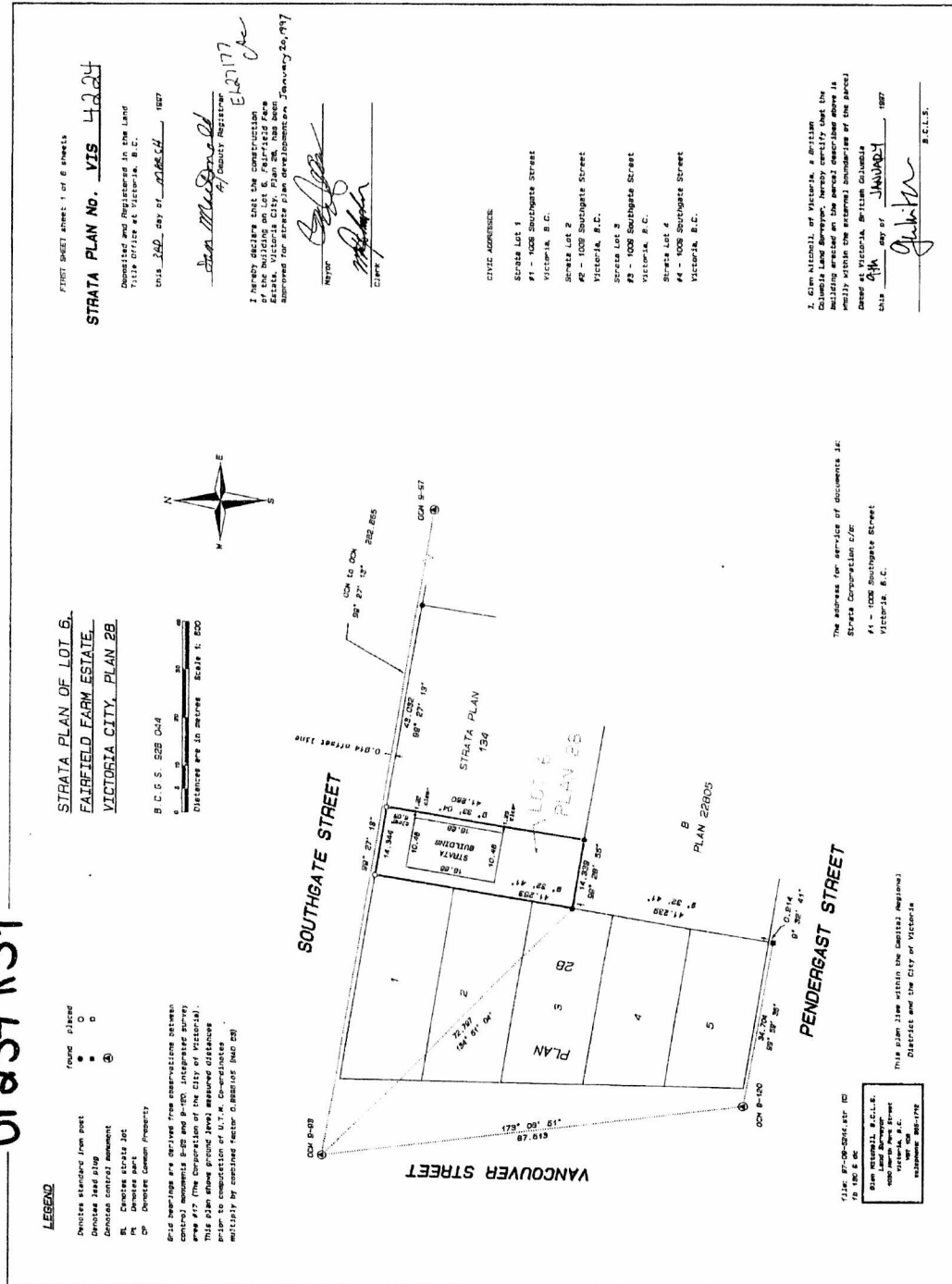
Top: Southgate Street is filling up with homes by 1913; from Fire Insurance Plan Sheet 51, 1911 (rev 1913).

APPENDIX 3 – Original Plan for 1009 Southgate (October 1911)



Status: Filed

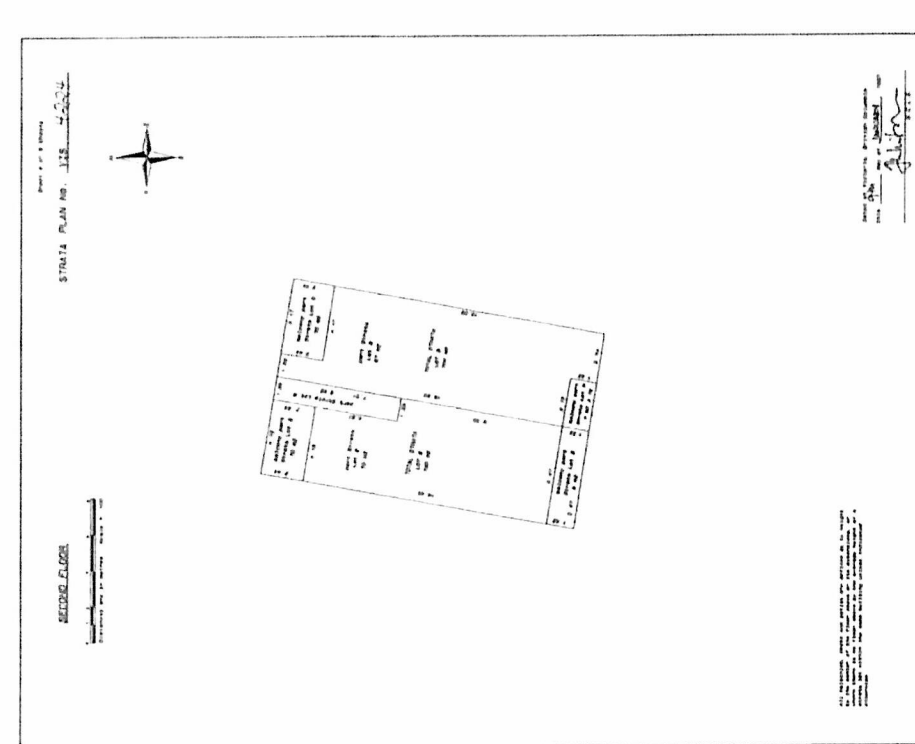
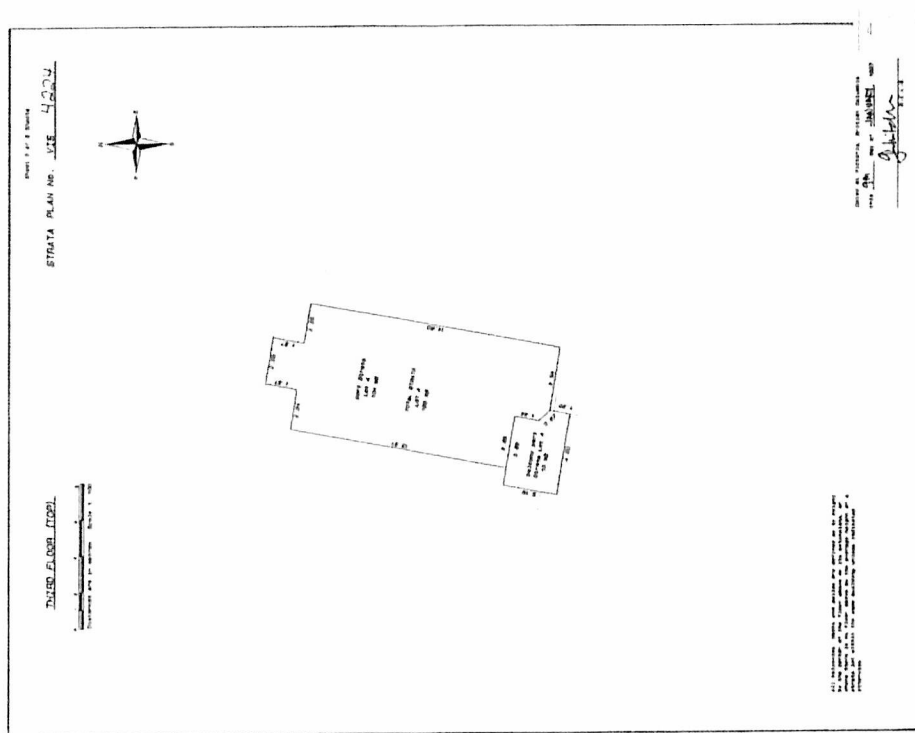
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CONDOMINIUM ACT

PART 1		PART 2		PART 3	
ADDRESS OF UNIT AND APARTMENT		ADDRESS OF UNIT AND APARTMENT		ADDRESS OF UNIT AND APARTMENT	
1. UNIT	2. APARTMENT	3. UNIT	4. APARTMENT	5. UNIT	6. APARTMENT
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RCVD: 1997-03-03 RQST: 2020-01-08 12.34.36

Strata Plan No. VIS 4224

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DATED AT VICTORIA, BRITISH COLUMBIA
 this 24th DAY OF JANUARY 1927
 J. L. Hunter

APPLICATION FOR HERITAGE DESIGNATION

FOR

1009 SOUTHGATE STREET

Submitted to the City of Victoria

by Strata VIS 4224

January 2020

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WE RESPECTFULLY ACKNOWLEDGE THAT OUR RESIDENCE IS WITHIN THE TRADITIONAL AND ANCESTRAL TERRITORY OF THE LEKWUNGEN PEOPLES, ANCESTORS OF THE SONGHEES, ESQUIMALT AND WSÁNEĆ PEOPLES OF TODAY.

STATEMENT OF SIGNIFICANCE

RESIDENCE AT
1009 SOUTHGATE STREET
VICTORIA, BC

Description of historic place

The house on 1009 Southgate is comprised of four residential units whose construction began in 1911 and was completed in 1912. The house is located near the southeast corner of the intersection of Vancouver Street and Southgate Street in the Fairfield neighbourhood of Victoria.¹

Heritage value and relevance to Victoria's Thematic Framework

Theme: Coastal Settlement – Pioneer Farms to First Suburbs & City of Gardens and Landscapes

The house on 1009 Southgate is historically important for marking one of the earliest shifts in the settlement of Victoria, the transformation of farmlands rented out by Sir James Douglas to suburban lots of what would become the neighbourhood of Fairfield.²

Sometime in the early 1850s, Sir James Douglas bought approximately 24 acres of the northeast corner of the Hudson's Bay Corporation (HBC) reserved public park land (later known as Beacon Hill Park) to add to his already vast property, the 300-plus acre Fairfield Farm Estate.^{3, 4, 5} Victoria was rapidly

¹ See Appendix 1.

² See Appendix 2 and Appendix 3 for historic maps showing current location of 1009 Southgate within a continuous stretch of public park land.

³ Ringuette, Janis, 2004, *Beacon Hill Park History*, Chapter 3, Beacon Hill Park Society, Victoria BC, viewed 02 January 2020, <<https://beaconhillparkhistory.org/contents/chapter3.htm>>.

⁴ Roueche, Ken. *A Fairfield History*, 2005. Ken Roueche, Victoria B.C.

⁵ See Appendix 4 for a 1889 map showing current location of 1009 Southgate as part subdivided area with street and farms in area of farm land, and a photograph in Appendix 5 showing the fertility of the area for vegetable farming.

expanding beyond its early city boundaries at the end of the 19th century⁶ and by 1911, this portion of the Fairfield Farm Estate used for dairy and vegetable farming was subdivided into building lots to make way for suburban middle-class housing. Family homes were filling up Vancouver Street and nearby areas, and a street car route was laid along Cook Street in 1903.

This residence, located at the outskirts of the town of Victoria but near electric streetcar and early automobile and carriage routes, is a unique example of medium density rental housing signifying its distinctiveness from the more common suburban single family homes and apartments and duplexes built during Victoria's rapid expansion at the time. It was purposely built as "residential flats"⁷ comprising four units. Southgate Street, on which it was built, is also a classic example of a Victoria wide boulevard street lined with flowering plum and cherry trees as it approaches Beacon Hill Park, and is recognized in the City of Victoria's Greenways Plan.

Theme: Cultural Exchange – Architectural Expression.

The residence at 1009 Southgate is valuable for its uninterrupted use as a four-unit medium density housing, which has continued for over a century of Victoria's history, as well as for the retention of its original idiosyncratic architectural style – a Foursquare Edwardian Vernacular style⁸ multi-residential building incorporating Craftsman design elements inspired by the British Arts & Crafts movement.

The Foursquare style is known to be affordable compared to the decorative Victorian and Classical styles, and best suited to streetcar suburbs and for long narrow lots, as is the case with this Southgate fourplex. The simple symmetrical exterior design and floor plan characterizing the Foursquare style conveys a division of the house into quarters on each floor to accommodate a home's various rooms. However, in the case of this particular house, each "quarter" was in fact a "flat" or apartment – two on each floor, running the full front to back length of the house, each with its own living room, bedroom, bathroom and kitchen, and with each "flat" having very similar layout, illustrated in the original plan.⁹

The house is boxy and rectangular with a full-width porch, cedar shingles, a wide belt course dividing the two storeys, and a low-pitched hipped roof with a dormer window. Craftsman influence includes open eaves with exposed rafter tails, and leaded glass windows. Craftsman design elements were creatively used in transforming the Foursquare's simple upper windows into balconies by means of

⁶ See Appendix 6 for fire insurance maps showing suburbanization of Southgate area from 1895 - 1913.

⁷ See Appendix 7, the original 1911 architectural plan refers to the house as "Residential Flats".

⁸ Muir, William R., Morrow, Cecelia (drawings), n.d., *Architectural Style Guide*, Victoria Heritage Foundation, Victoria BC, viewed 02 January 2020, <<https://victoriaheritagefoundation.ca/archstyles/styleguide.html>>.

⁹ See Appendix 7, interior layout.

decorative beams, railings and spindles framing each balcony. This effectively allowed each resident access to the outside from their own unit via doors and windows.

As the distinguished Victoria heritage historian Nick Russell points out, “I notice that Rous Cullin doesn’t seem to have designed any other Four-Squares, and Dunford doesn’t seem to have built any others. I have only identified about 14 of this style in the city, mostly built by Moore & Whittington to the same basic design in 1911-12 – nothing as idiosyncratic as 1009 Southgate!”¹⁰

Conversion into strata – retaining original architectural expression

While the building was converted into a three-storey strata in 1997¹¹, it has maintained four separate residential units. However, the four units now have varying floor areas and layouts: two units on the east side’s first two floors remain mostly unchanged in terms of the original layout, the third unit on the west side combines the first and second floors to create a two-storey apartment, and the fourth unit was modernized as a loft apartment by dropping the ceiling height of the second floor to create a third floor apartment with sloped ceilings and angular dormers.

Despite the significant change in the interior, the outer shell of the building remains largely the same. One subtle yet noticeable change from the street view is on the west side of the building: approximately two feet of the ground floor were removed in order to create a driveway to access parking at the back of the building. The second floor of the west side is cantilevered out over the driveway. In addition, a porch 8.5’ by 5’ was added to the front of the building for ease of access, but in a style consistent with the remainder of the house. The front single door entrance of the original was widened to include two doorways, and the railing of each front porch on the west and east sides was cut into to accommodate steps. These changes provided four separate and safe front entranceways for each unit.

On the east, west and south sides of the house, new vinyl windows replaced the original wooden frame windows, with the original shape mostly still intact. At the back or south side of the house, a third-floor deck was added, cutting into the roof line. That change is not visible from Southgate Street.

Aside from those changes, the building envelope remains as it was when its construction was completed in 1912 with the front façade and original features intact. The house not only exhibits a distinctive architectural style that has been largely retained today, but is a singular example of suburban medium density housing constructed during the city’s first boom years. The property represents the early history of Beacon Hill Park as public park land, the first subdivision of Sir James Douglas’ Fairfield Farm Estate, and early housing in the development of the neighbourhood of Fairfield.

¹⁰ Personal e-mail communication with historian Patrick Dunae, conveyed to strata resident and owner Larry Hannant, July 2019.

¹¹ See Appendix 8, Strata Plan (1997).

Character-defining elements

- the property represents the transformation of mostly dairy farmlands to suburban lots, featuring
 - o original unaltered subdivision of Sir James Douglas' Fairfield Farm Estate into suburban lot, and
 - o maximization of suburban land use via long narrow lots and use of a Foursquare architectural style
 - o fronting a wide landscaped street lined with plum and cherry trees as it approaches to Beacon Hill Park
- the house is a rare example of four-unit "Residential Flats" built during the Edwardian Era boom years at the turn of the 20th century in response to increase in population and need for affordability
- the house features the simple and affordable Foursquare architectural style incorporating popular Craftsman design elements of the time¹²
 - o boxy and rectangular design with a full-width front porch
 - o cedar shingles interrupted by a wide belt course between the first and second storeys
 - o medium-low pitched hipped roof with a dormer window
 - o open eaves with exposed rafter tails
 - o decorative beam framing the top of each porch and balcony
 - o three sets of diamond leaded glass heritage windows that extends up from the base of the second floor to just below the roofline,
 - o diamond leaded glass style replicated in three leaded glass window in the dormer
 - o original and intact four porches and balconies complete with mostly original rails and spindles; the height of the railings on first floor may have been raised during strata conversion when the front entrance was re-done
 - o original 5' x 3' windows topped by separate 5' x 1' diamond leaded glass windows – and the dormer, with its three diamond leaded glass windows.

Developers, architects and occupants

The building permit was issued in late 1911 to John O. Dunford, of William Dunford & Son¹³ and James F. Strang of Hooper-Strang Co. who were builders' suppliers. The cost was recorded at \$6,000 in

¹² See Appendix 9, for house picture showing architectural features.

¹³ Recorded as "investment specialists, real estate and insurance agents," City of Victoria directories (1911; 1912).

1912. Dunford & Son were one of the major building contractors of the era, completing six houses between 1911 to 1912.

The architect of the building was Harold Joseph Rous Cullin. Born in 1875 in Liverpool, England, he was a member of the London Rifle Brigade and officer in the Royal Engineers. He immigrated to Canada in 1904 and until World War 1 specialized in designing public and private buildings and homes in Victoria. His projects consisted of many public buildings, including seven schools, commercial blocks and apartments as well as private homes. Among the latter are iconic heritage houses at 25 Cook Street (Inglenook, 1911), 1134 Dallas Road (1913) and 806 Linden Avenue (Hume Cottage, 1907). Cullin served overseas as a Lieutenant Colonel in WW1. Suffering from rheumatoid arthritis, he was deemed a surplus officer and returned to B.C., where he resumed his architecture career, although mostly in the B.C. interior.

Occupants of 1009 Southgate were not listed in the Victoria's City Directory until 1914, which included only three individuals (Graham E. Williams, Wm D. Morgan, and Robert S. May).¹⁴

In March 1997, the Victoria Design Group, an architectural design and building company, submitted plans to the city for a redesign of the building.

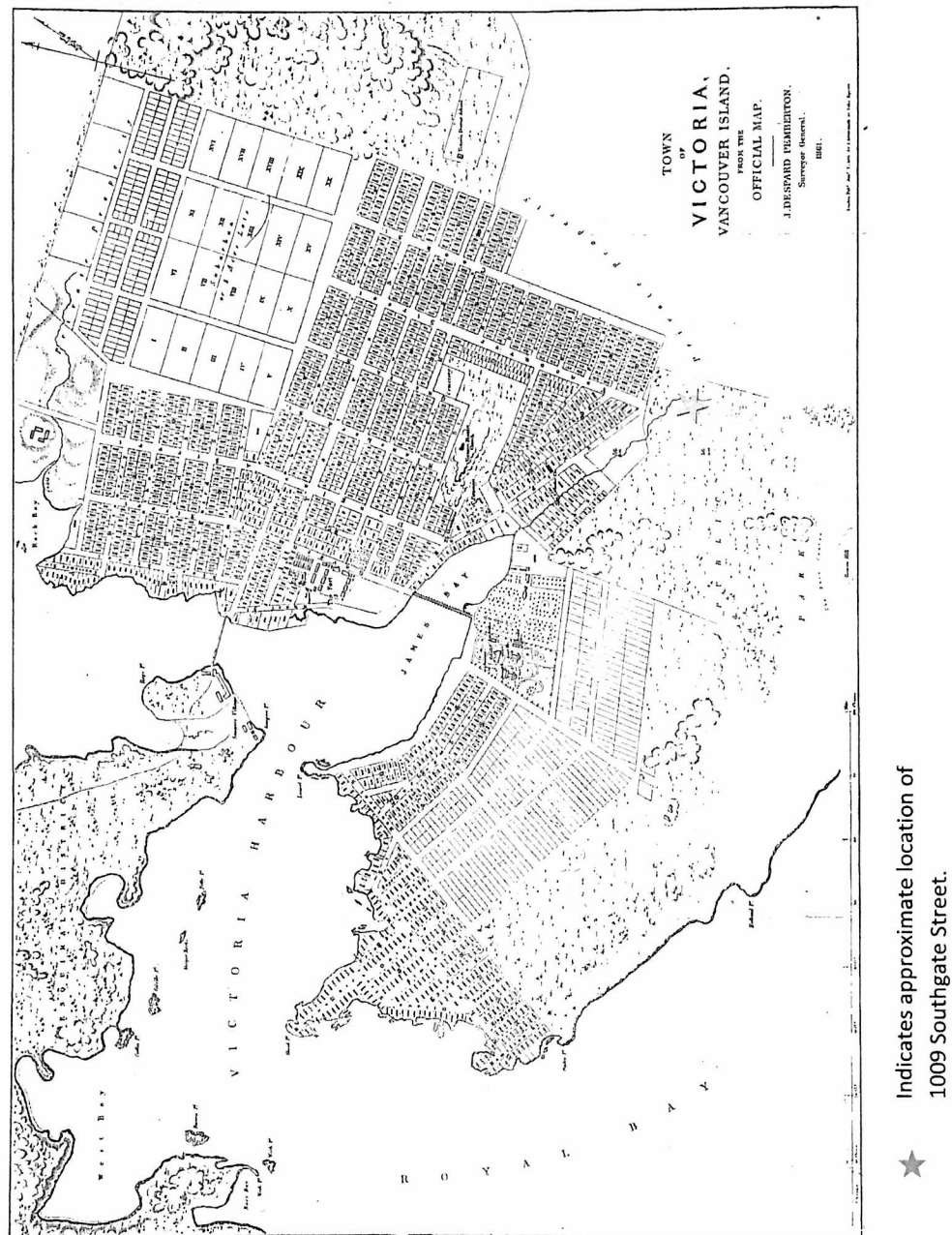
While it is unknown to current residents as to whom the fourplex was intended when it was originally designed and constructed, the house itself demonstrates both the commitment and creativity of the builders and architects during both time periods (1911 and 1997) to ensure the aesthetic integrity of a unique housing style and type.

¹⁴ *Henderson's Greater Victoria City Directory, 1914*, British Columbia City Directories 1860-1955, Vancouver Public Library, viewed on 08 January 2020
<https://bccd.vpl.ca/index.php/browse/title/1914/Henderson%27s_Greater_Victoria_City_Directory>.

APPENDIX 1 – 1009 SOUTHGATE STREET (JANUARY 2020)

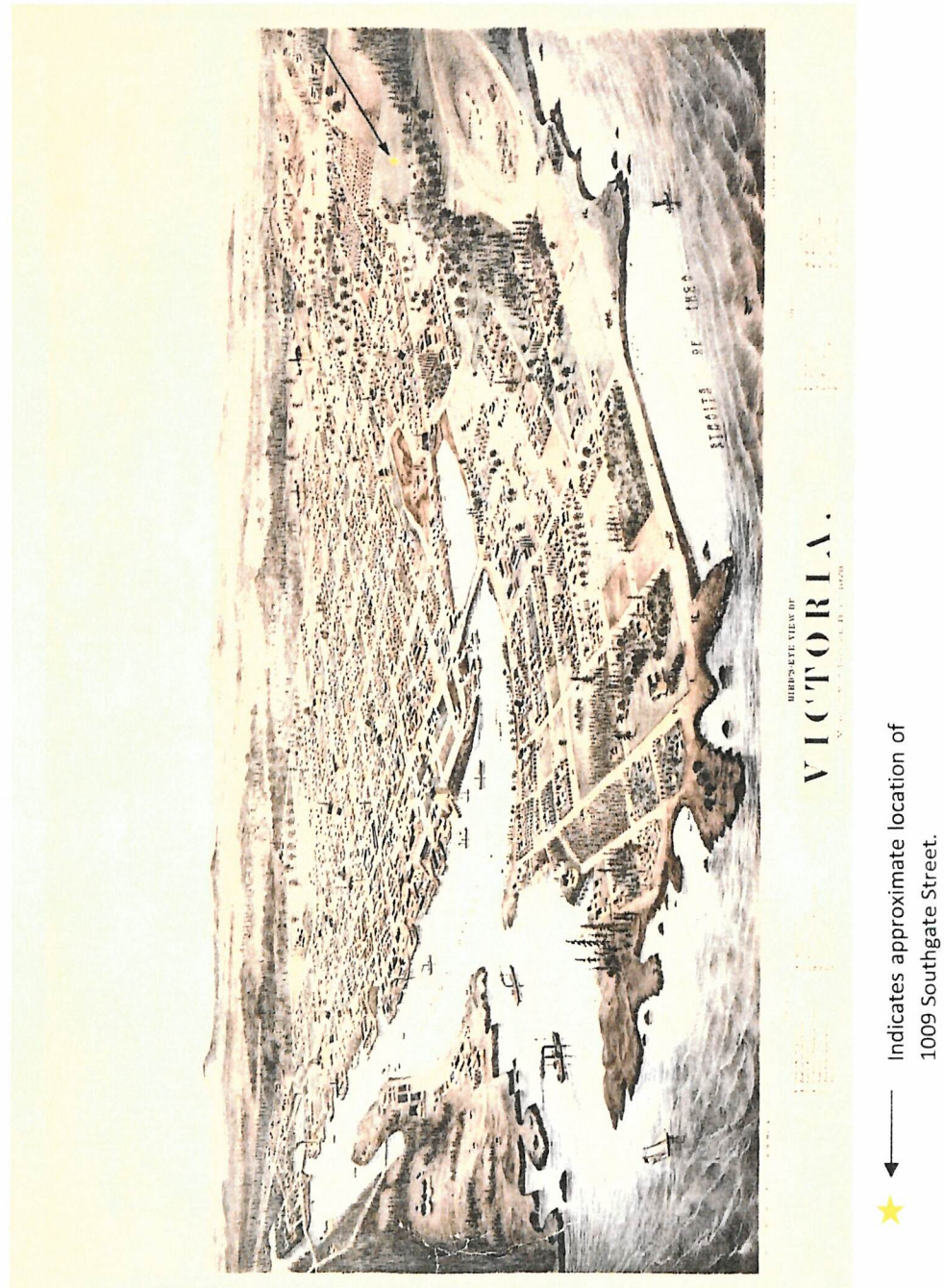


APPENDIX 2 – MAP OF VICTORIA (1861) SHOWING SOUTHGATE LOCATION IN PUBLIC PARK LANDS



Source: Pemberton, J. Despard, Surveyor General (1861). *Town of Victoria, Vancouver Island, Official Map*. J. Arrowsmith, published January 7th, 1861. [Map] Retrieved from University of Victoria Digital Collections, <https://contentdm.library.uvic.ca/cdm/ref/collection/collection5/id/198/>

APPENDIX 3 – MAP OF VICTORIA (1878) SHOWING SOUTHGATE LOCATION IN PUBLIC PARK LANDS (COLOURED GREEN BY GLOVER)



Source: Glover, E. S., A.L. Bancroft & Company & Waitt & Co. (1878) *Bird's-eye view of Victoria, Vancouver Island, B.C.* Victoria, M.W. Waitt & Co. [Map] Retrieved from the Library of Congress, <https://www.loc.gov/item/75696732/>

APPENDIX 4 – MAP OF VICTORIA (1889) SHOWING SOUTHGATE LOCATION IN FARM LANDS



This map shows an Agricultural Hall building further south of 1009 Southgate Street on Vancouver Street and Sutlej Street, marked as #58 on the map legend.

Indicates approximate location of 1009 Southgate Street.

Source: Ellis & Co. (1889) Victoria, B. Victoria. [Map] Retrieved from the Library of Congress, <https://www.loc.gov/item/75696734/>.

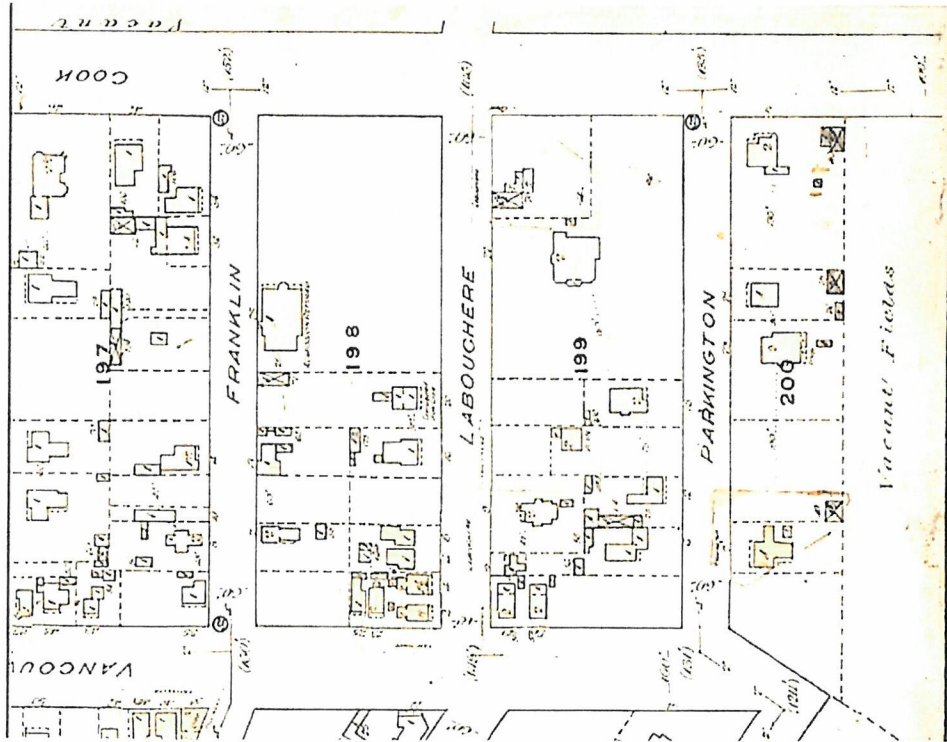
APPENDIX 5 – VEGETABLE PLANTING ON SOUTHGATE STREET



Above Early 20th century photo of land being planted with potatoes as part of the Invertavish Nursery Gardens in the area of what is currently known as Quadra Street, Southgate Street and Convent Place, demonstrating the fertility and use of the land for vegetable farming.

Source: McTavish, Duncan Douglas (192-). *Planting Potatoes on Southgate Street*. [Photograph] Retrieved from the City of Victoria Archives, <https://archives.victoria.ca/planting-potatoes-on-southgate-street-2>

APPENDIX 6 – FIRE INSURANCE PLANS SHOWING SOUTHGATE SITE IN VACANT FIELDS PRIOR TO SUBURBANIZATION



Top: Area south of Pakington St. is marked as "Vacant Fields" in 1895; from Fire Insurance Map, inset of Sheet 24, 1895.



Above: Key map of 1895 Victoria Insurance Plans;

Right: Inset Of Key map showing location of Southgate and Pakington

Source: *Victoria Fire Insurance Plans, Vol. 1, Sheet 51, 1911 (rev 1913); 1903; and Sheet 24, 1891 (rev 1895)*, Digital Collections, University of Victoria Libraries, viewed on 08 January 2020, <<https://vault.library.uvic.ca/collections/6cf241ab-b4ef-44c2-8b6c-38a9de32f7d5>>.



Top: Undeveloped lands in southwest portion of early Southgate Street in 1903; from Fire Insurance Plan Sheet 43, 1903.



Top: Southgate Street is filling up with homes by 1913; from Fire Insurance Plan Sheet 51, 1911 (rev 1913).

Architectural drawings for Messrs J.O. Dunford & J.F. Strang, Residential Flats. The drawings include a Front Elevation, Side Elevation, Ground Plan, and First Floor Plan. The Ground Plan shows two suites, each with a bedroom, living room, kitchen, and bathroom. The First Floor Plan shows the layout of the first floor, including a staircase and a note about the key out of the floor.

FRONT ELEVATION.

SIDE ELEVATION.

GROUND PLAN.

FIRST FLOOR PLAN.

REAR ELEVATION.

ONE EIGHTH SCALE.

SECTION.

NOTE.
The key out of the floor is exactly the same as that of the Ground Floor Plan.

SUITE NO. 1.

SUITE NO. 2.

SUITE NO. 3.

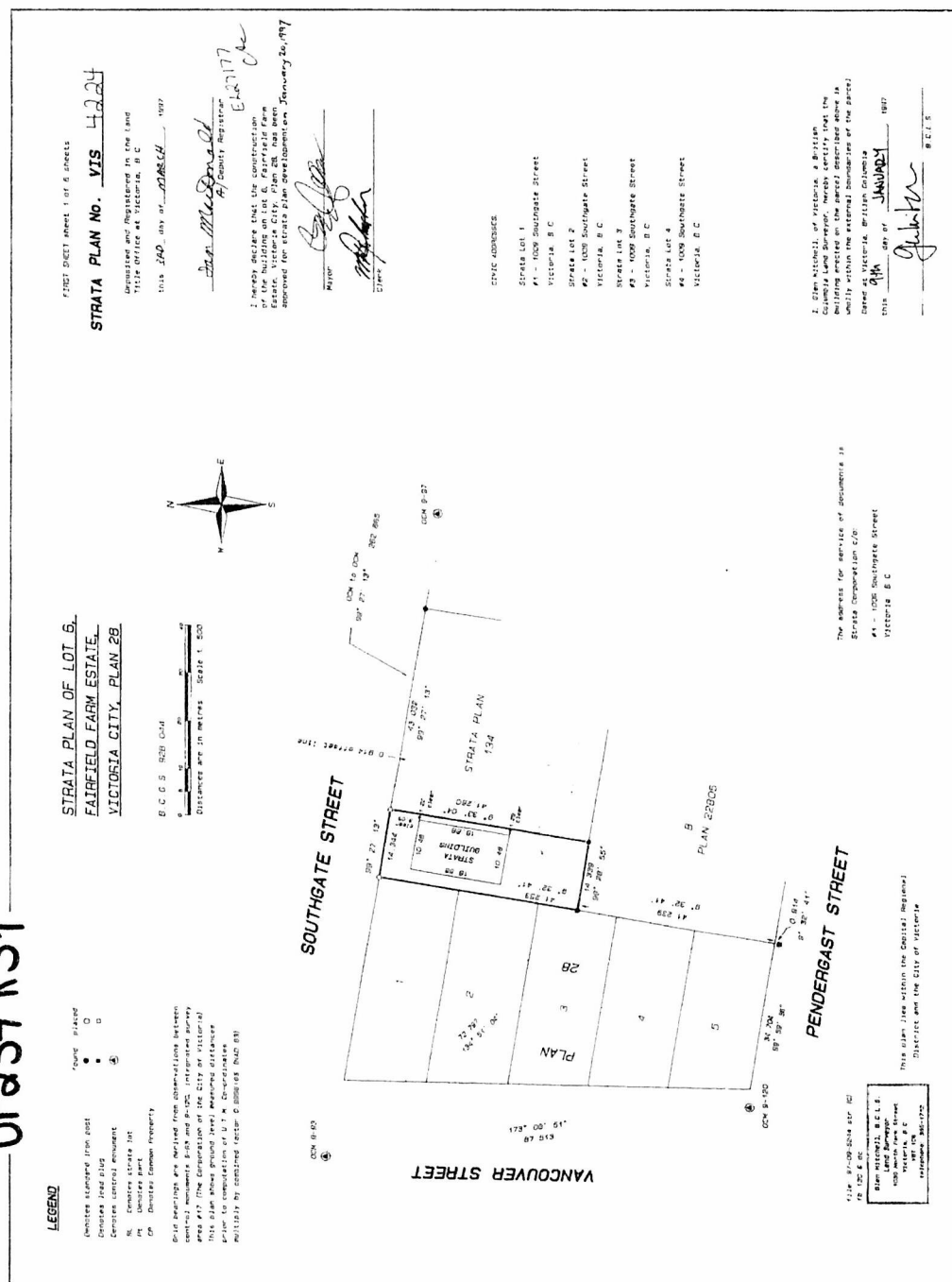
SUITE NO. 4.

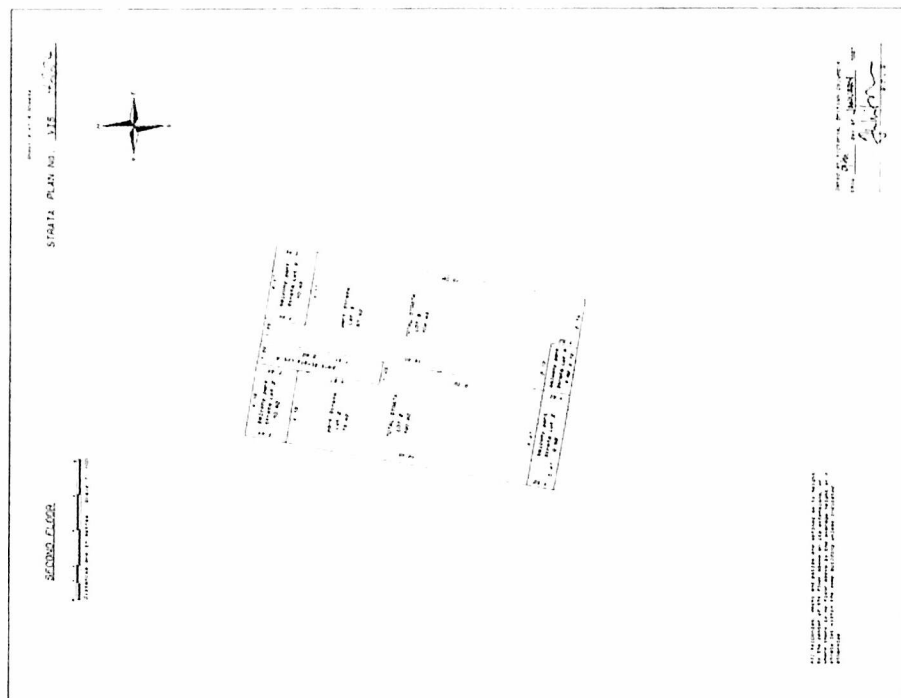
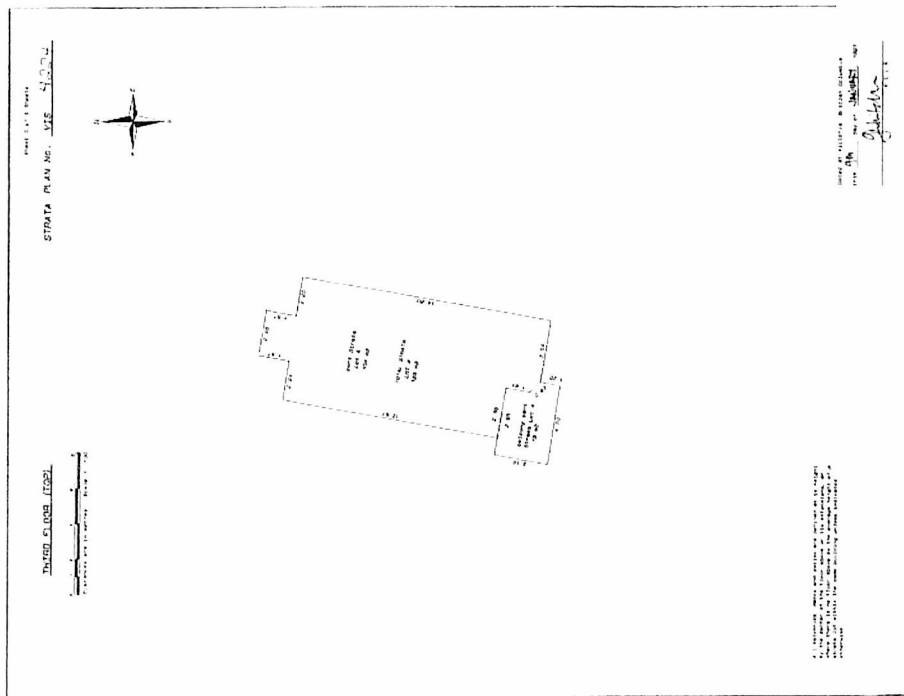
MESSRS J. O. DUNFORD & J. F. STRANG
TO BE BUILT ON SOUTHGATE STREET,
VICTORIA, B.C.

H. J. ROUS CULLIN, B.C.A.A. V.A.A.
ARCHITECT.
1223 DOUGLAS STREET, VICTORIA, B.C.
OCT 1911.

Status: Filed

01-234-R39





Plan #: VIS4224 App #: N/A Curl #:

RCVD: 1997-03-03 RQST: 2020-01-08 12.34.36

Strata Plan No. 4224 VIS[illegible]

Cared at Victoria, British Columbia
 9th day of JANUARY 1897

APPENDIX 9 – ARCHITECTURAL FEATURES RETAINED SINCE 1911

*medium-low pitched hipped roof with a
dormer window*

*diamond leaded glass style
replicated in three leaded glass
window in the dormer*



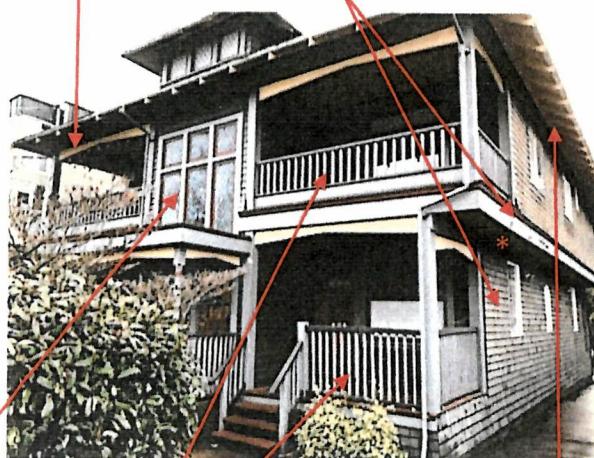
*boxy and rectangular design with
a full-width front porch*

*three sets of diamond leaded glass heritage
windows that extend up from the base of the
second floor to just below the roofline*

*original 5' x 3' windows topped by separate 5'
x 1' diamond leaded glass windows – and the
dormer, with its three diamond leaded glass
windows*

*decorative beams (painted yellow) framing
the top of each porch and balcony*

*cedar shingles interrupted by a wide
belt course between the first and
second storeys*



*open eaves with
exposed rafter tails*

*original and intact four porches and balconies
complete with mostly original rails and
spindles; the height of the railings on first floor
may have been raised during strata conversion
when the front entrance was re-done*

*

cantilevered outer wall from 1997 conversion to make room for driveway

4. **1009 Southgate Street**
Heritage Designation Application No. 000190

Attendees: Larry Hannant (owner)

John O'Reilly provided a brief introduction. Larry Hannant presented.

Panel Questions and Comments

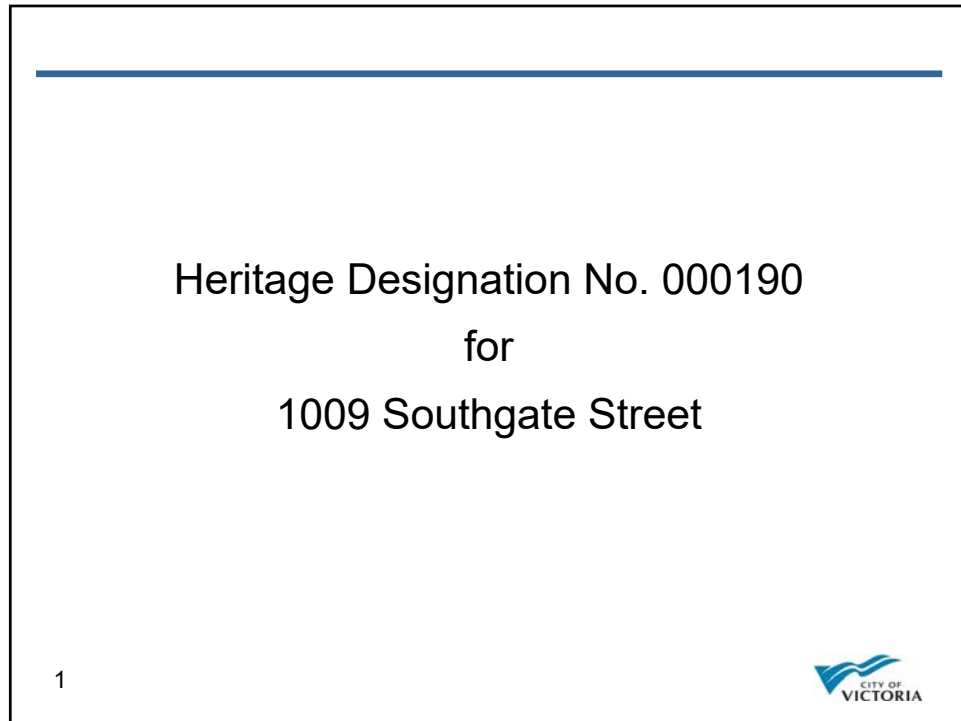
- The Statement of Significance does an excellent job in outlining the history of the property; however, the format is not appropriate for submission to the BC Heritage Register. An SOS is not a history, but a statement of value; this SOS confuses the two. The current document can be refined to the standard format with the history appended. John O'Reilly will assist the applicant with the format.
- Since the property is a strata, is there a difference in the process? John O'Reilly: Consent to designate the property was received from each of the four owners rather than from a strata council as is done with larger developments.
- The building was converted to a strata in 1997; the strata is thanked for their commitment to retaining the heritage value of the building. For example, a third floor that was added under the roof did not require alterations to the exterior.

Moved

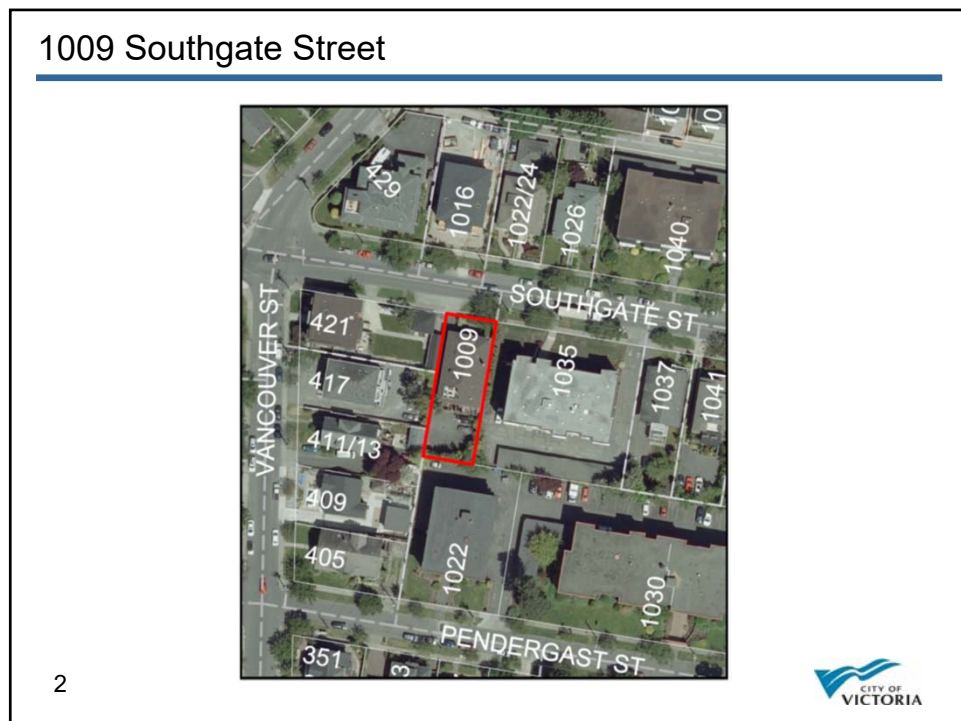
Seconded

That the Heritage Advisory Panel recommend that Council approve the designation of the property located at 1009 Southgate Street, pursuant to Section 611 of the *Local Government Act*, as a Municipal Heritage Site.

Carried



1



2

1009 Southgate Street

Staff Recommendation

That Council approve the designation of the property located at 1009 Southgate Street, pursuant to Section 611 of the *Local Government Act*, as a Municipal Heritage Site, and that first and second reading of the Heritage Designation Bylaw be considered by Council and a Public Hearing date be set.



3



3

1009 Southgate Street

1878 Bird's Eye view of Victoria



4

4

1009 Southgate Street



Planting potatoes on Southgate Street, McTavish, Duncan Douglas (192-)

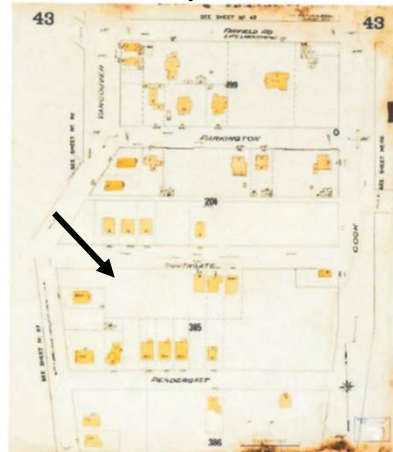
5



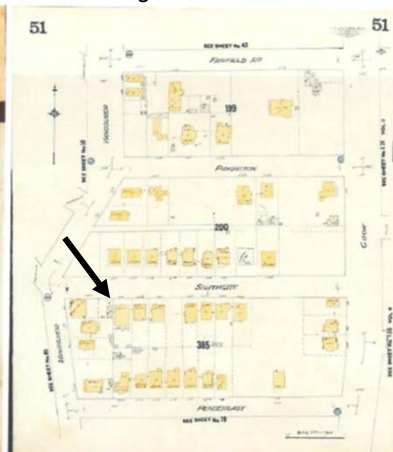
5

1009 Southgate Street

1903- Low density settlement



1913- Southgate Street is filled in

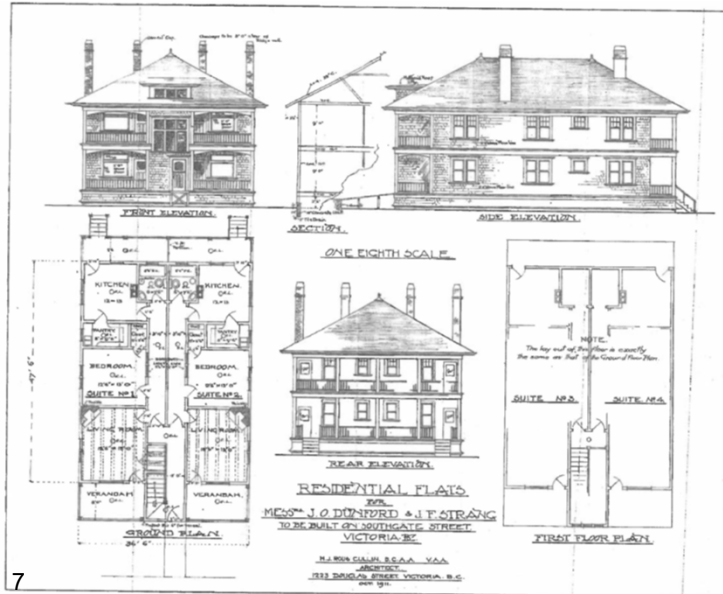


6



6

1009 Southgate Street



7

1009 Southgate Street

Front (north) Elevation



8

8

1009 Southgate Street



Side (west)
Elevation

9



9

1009 Southgate Street



Rear (south) Elevation

10



10

1009 Southgate Street



Side (west) Elevation



Side (east) Elevation

11



11

1009 Southgate Street

medium-low pitched hipped roof with a
dormer window

diamond leaded glass style
replicated in three leaded glass
window in the dormer

original 5' x 3' windows topped by separate 5'
x 1' diamond leaded glass windows – and the
dormer, with its three diamond leaded glass
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decorative beams (painted yellow) framing
the top of each porch and balcony

cedar shingles interrupted by a wide
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open eaves with
exposed rafter tails

original and intact four porches and balconies
complete with mostly original rails and
spindles; the height of the railings on first floor
may have been raised during strata conversion
when the front entrance was re-done

Character-defining Elements

12



12

1009 Southgate Street

Staff Recommendation

That Council approve the designation of the property located at 1009 Southgate Street, pursuant to Section 611 of the *Local Government Act*, as a Municipal Heritage Site, and that first and second reading of the Heritage Designation Bylaw be considered by Council and a Public Hearing date be set.



13



NO. 20-073

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to designate the exterior of the building located at 1009 Southgate Street to be protected heritage property.

Under its statutory powers, including Section 611 of the *Local Government Act*, the Municipal Council of The Corporation of the City of Victoria enacts the following provisions:

1. This Bylaw may be cited as the “HERITAGE DESIGNATION (1009 SOUTHGATE STREET) BYLAW”.

2. The building located at 1009 Southgate Street, legally described as:

PID: 023-686-219, Strata Lot 1, Fairfield Farm Estate, Victoria City, Strata Plan VIS4224;
PID: 023-686-227, Strata Lot 2, Fairfield Farm Estate, Victoria City, Strata Plan VIS4224;
PID: 023-686-235, Strata Lot 3, Fairfield Farm Estate, Victoria City, Strata Plan VIS4224;
PID: 023-686-243, Strata Lot 4 Fairfield Farm Estate, Victoria City, Strata Plan VIS4224,
and Common Property Strata Plan VIS4224,

is designated to be protected heritage property.

READ A FIRST TIME the **11th** day of **June** 2020.

READ A SECOND TIME the **11th** day of **June** 2020.

Public Hearing Held On the day of 2020.

READ A THIRD TIME the day of 2020.

ADOPTED on the day of 2020.

CITY CLERK

MAYOR

H. REPORTS OF COMMITTEES

H.1 Committee of the Whole

H.1.a Report from the April 2, 2020 COTW Meeting

H.1.a.a582 St. Charles Street: Heritage Alteration Permit with Variance Application No. 00020 (Rockland)

Moved By Councillor Thornton-Joe
Seconded By Councillor Alto

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Heritage Alteration Permit with Variance Application No. 00020 for 582 St. Charles Street, in accordance with:

1. Plans, date stamped January 28, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
 - to permit a roof deck.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Director, Sustainable Planning and Community Development.
4. Heritage Alteration Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY

E.3 582 St. Charles Street: Heritage Alteration Permit with Variance Application No. 00020 (Rockland)

Committee received a report dated March 12, 2020 from the Director of Sustainable Planning and Community Development regarding the proposed Heritage Alteration Permit with Variance Application No. 00020 for 582 St. Charles Street in order to retroactively approve a variance for a decades-old third-floor balcony and an exterior fire escape and recommending that it move forward to an opportunity for public comment.

Moved By Councillor Dubow
Seconded By Councillor Alto

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Heritage Alteration Permit with Variance Application No. 00020 for 582 St. Charles Street, in accordance with:

1. Plans, date stamped January 28, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
 - to permit a roof deck.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Director, Sustainable Planning and Community Development.
4. Heritage Alteration Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY



Committee of the Whole Report

For the Meeting of April 2, 2020

To: Committee of the Whole **Date:** March 12, 2020

From: Karen Hoes, Director, Sustainable Planning and Community Development

Subject: Heritage Alteration Permit with Variance Application No. 00020 for 582 St. Charles Street

RECOMMENDATION

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Heritage Alteration Permit with Variance Application No. 00020 for 582 St. Charles Street, in accordance with:

1. Plans, date stamped January 28, 2020.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
 - to permit a roof deck.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Director, Sustainable Planning and Community Development.
4. Heritage Alteration Permit lapsing two years from the date of this resolution."

LEGISLATIVE AUTHORITY

In accordance with Sections 617 and 618 of the *Local Government Act*, Council may issue a Heritage Alteration Permit which may be subject to terms consistent with the purpose of the heritage protection of the property, including: (i) conditions respecting the sequencing and timing of construction, (ii) conditions respecting the character of the alteration or action to be authorized, including landscaping and the siting, form, exterior design and finish of buildings and structures and (iii) security. Council may refuse to issue a Heritage Alteration Permit for an action that, in the opinion of Council, would not be consistent with the purpose of the heritage protection of the property.

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with information, analysis and recommendations for a Heritage Alteration Permit with Variance Application for the property located at 582 St. Charles Street. The proposal is to retroactively approve a variance for a decades-old third-floor balcony on the existing heritage-designated house, which is considered a roof deck according to the *Zoning Regulation Bylaw*. Also proposed is an exterior fire escape for the third-floor apartment.

The Tudor Revival style house at 582 St. Charles Street was built in 1903 and designed by Francis Rattenbury, one of Victoria's most famous architects. It was renovated in 1983 to contain five apartment suites. A fire escape for the third-floor unit was included on building permit plans at the time of the renovation; however, it was either never constructed or removed between 1983 and today. In 2019, the owner of the property received a notice from the Fire Department requiring that they reinstate an exterior fire escape.

The application is consistent with policies in the *Official Community Plan* (OCP, 2012) under Chapter 8: Placemaking - Urban Design and Heritage; the objectives of Development Permit Area DPA 15C, Intensive Residential - Rockland; the *Rockland Neighbourhood Plan* (1987) and the *Standards and Guidelines for the Conservation of Historic Places in Canada*.

The application was reviewed by the Heritage Advisory Panel at its February 11, 2020 meeting and was recommended for approval.

BACKGROUND

Description of Proposal

Proposed is the retroactive approval of a third-storey balcony measuring 2.17m deep by 3.6m wide on the west side of the roof of the existing heritage-designated three-storey house. Also proposed is a new fire escape stair providing egress for the third-storey rental unit from the balcony to the roof of a projecting one-storey extension of the house, where there is an area of refuge. The fire exit stair is required for fire safety regulations.

The following data table compares the proposal with the existing R1-A Zone, Rockland Single Family Dwelling District. An asterisk is used to identify where the proposal does not meet the *Zoning Regulation Bylaw* requirement. A double asterisk is used to identify legal non-conformities.

Zoning Criteria	Proposal	Zone Standard
Site area (m ²) - minimum	1567.5	740
Density (Floor Space Ratio) - maximum	Existing	N/A
Total floor area (m ²) - maximum	Existing	130
Height (m) - maximum	Existing	7.6
Storeys - maximum	3**	2.5
Site coverage (%) - maximum	Existing	40
Open site space (%) - minimum	>30	30
Setbacks - minimum		
Front (St. Charles Street)	Existing	10.5
Rear (West)	17.5	13.87
Side (North)	5.3	3
Side (South)	3+	3

Zoning Criteria	Proposal	Zone Standard
Vehicle parking - minimum	4**	7
Parking Location	Side and Rear Yard	Not front yard
Roof Deck	Yes*	Not Permitted

Description of Historic Place

The Statement of Significance includes the following description of the house:

"The house was built in 1903 as a wedding gift for Elizabeth Harvey, the granddaughter of Robert Dunsmuir, a wealthy Vancouver Island businessman who built the well-known landmark, Craigdarroch Castle. The house at 582 St. Charles was designed by Francis Rattenbury, one of Victoria's most famous architects who was also responsible for the BC Legislature (1894) and the Empress Hotel (1907-1913)."

"The house is a good example of a Tudor Revival style home with the typical wood half-timbering on the second storey and stucco finishes on the balance of the house. It also features extensive leaded glass wood windows and a central projecting front gable over the front entry. This style of house was typical of the mansions built in the Rockland neighbourhood for the wealthy business class in Victoria at the beginning of the twentieth century."

Character-defining Elements

- exterior finishes of stucco and wood half-timbering
- leaded glass wood windows
- tall brick chimneys on the rear elevation
- large open porch on the front elevation
- "bell cast" roof form
- mature landscaping surrounding the house.

The front stair is a reconstruction and not original. An original coach house survives on the property.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the application was referred for a 30-day comment period to the Rockland CALUC. At the time of writing this report, a letter from the CALUC had not been received.

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

ANALYSIS

Consistency with Policies and Design Guidelines

Official Community Plan

The proposed alterations outlined in the application are consistent with the OCP and advance the following policies:

- 8.6 Conserve and enhance the heritage value, character and special features of areas, districts, streetscapes, cultural landscapes and individual properties throughout the city.
- 8.49 Continue to support new additions that conserve and enhance heritage property, as consistent with the National Standards and Guidelines for the Conservation of Historic Places in Canada.

The proposed fire exit stair is made of wood, which is a key characteristic of the Tudor Revival style. The detailing of the staircase, including the spacing of pickets and the rail design, is intended to replicate the detailing of the existing balcony and blend seamlessly into the house.

Rockland Neighbourhood Plan

The proposed alterations outlined in the application are consistent with the *Rockland Neighbourhood Plan* and advance the following policies.

- 2.3.1 Properties of heritage character and merit should be conserved.
- 2.3.2 Exterior changes and additions to buildings of heritage merit should be in keeping with their heritage character.

The proposal conserves the heritage property and makes the rental unit on the third storey safer and more livable by adding an essential life safety feature. The balcony has existed for decades and is invisible from both the street and the principal entrance approach from the southeast. It is screened from neighbouring properties by mature landscaping, which prevents any privacy impacts.

Standards and Guidelines for the Conservation of Historic Places in Canada

The proposal is consistent with the following relevant standards and guidelines:

- 3. Conserve *heritage value* by adopting an approach calling for *minimal intervention*.
- 11. Conserve the *heritage value* and *character-defining elements* when creating any new additions to an *historic place* or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place.

4.3.1 Exterior Form - Additional Guidelines for Rehabilitation Projects

	Recommended	Not Recommended
16	Adding new features to meet health, safety or security requirements, such as an exterior stairway or a security vestibule in a manner that respects the exterior form and minimizes impact on heritage value.	Constructing a new addition to accommodate code required stairs or elevators on a highly visible, character-defining elevation, or in a location that obscures, damages or destroys character-defining elements.
17	Working with code specialists to determine the most appropriate solution to health, safety and security requirements with the least impact on the character-defining elements and overall heritage value of the historic building.	Making changes to the exterior form without first exploring equivalent health, safety and security systems, methods or devices that may be less damaging to the character-defining elements and overall heritage value of the historic building.

The proposed fire exit stair has been reduced in scale and extent from the original proposal. The balusters of the stair, which previously extended down to the roof level of the one-storey extension of the house, have been shortened to the minimum length required for a stair. This is consistent with a minimal intervention approach advocated by Standard 3. The balcony predates the heritage designation of the property and is shown in photos from around the time of designation. While not original to the house, it was designed in a compatible style, using wood construction with simple, wood balusters. It is distinguishable from the original house through its simplicity of design, while remaining compatible in style through the use of wood.

The balcony and exit stair respect the heritage value of the house by being located discretely on the east elevation of the house, inset from the main front wall, so that they are not visible from the main approach to the house from the southeast.

Regulatory Considerations

The proposed variance would authorize a balcony that has been part of the house since before it was designated in 2002. The balcony faces west towards the sloped topography of the Government House property. Buildings on the Government House property are well set back from the applicant's property and are not impacted by the proposal. The adjacent houses to the north and south are aligned with the heritage-designated house, which means that their sidewalls screen any views from the balcony towards their rear yards. The property is lined with mature trees and vegetation, further enhancing privacy. In staff's view, the variance is minor in nature and results in no adverse impacts to adjacent properties.

Heritage Advisory Panel

The application was reviewed by the Heritage Advisory Panel at its February 11, 2020 meeting and was recommended for approval.

CONCLUSIONS

In staff's opinion, the proposal to retroactively approve a variance for a decades-old third-floor balcony and an exterior fire escape is supportable. The application is consistent with policies in the *Official Community Plan* (OCP, 2012) under Chapter 8: Placemaking - Urban Design and Heritage; the objectives of Development Permit Area DPA 15C, Intensive Residential - Rockland; the *Rockland Neighbourhood Plan* (1987) and the *Standards and Guidelines for the Conservation of Historic Places in Canada*. Staff recommend that City Council consider approving the application.

ALTERNATE MOTION

That Council decline Heritage Alteration Permit with Variance Application No. 00020 for the property located at 582 St. Charles Street

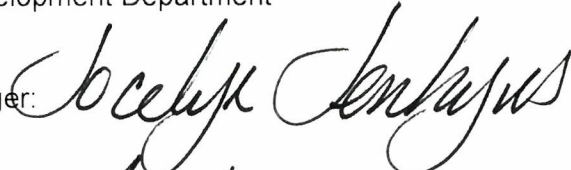
Respectfully submitted,


John O'Reilly
Senior Heritage Planner
Development Services

JH

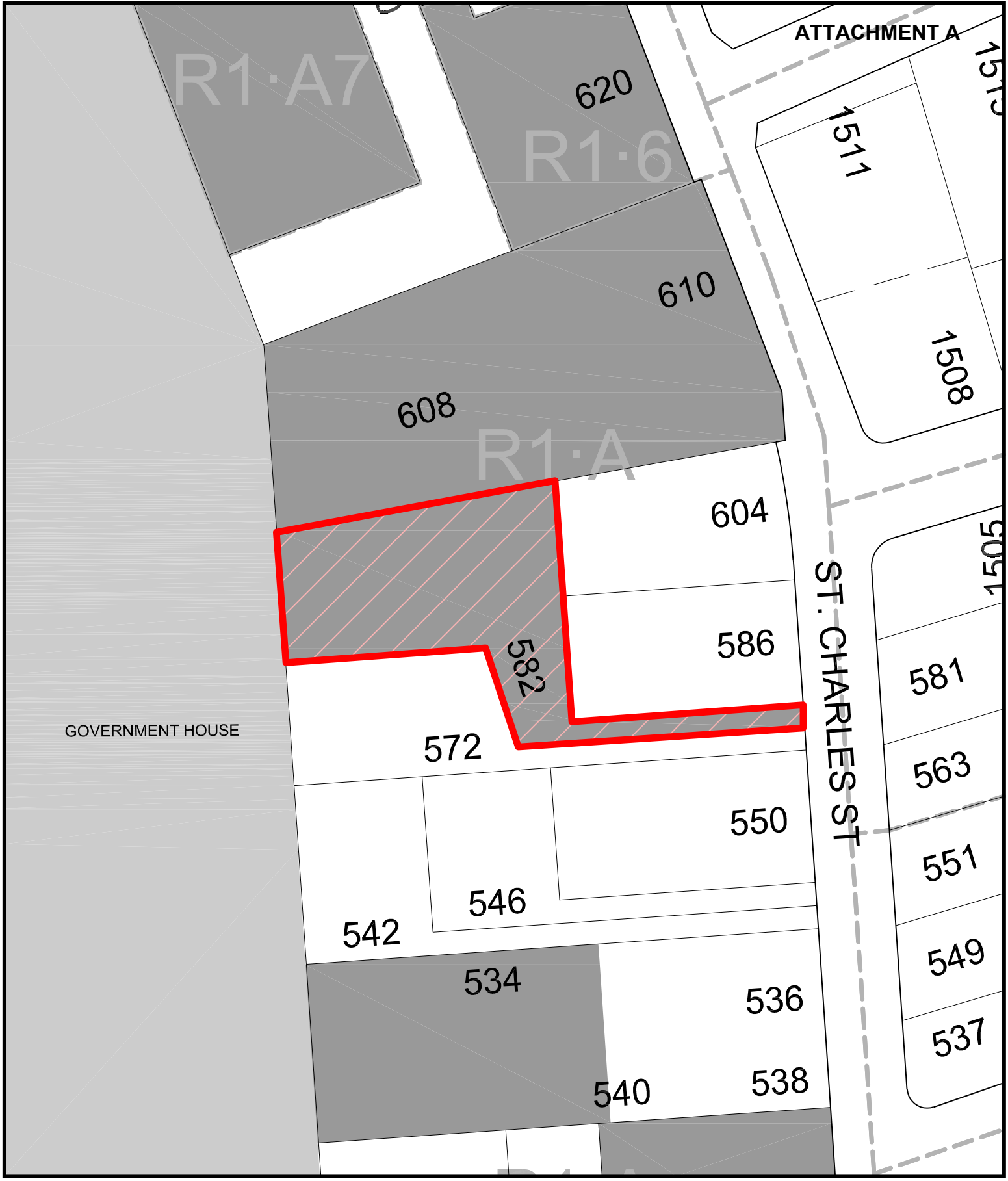

Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:


Date: March 19, 2020

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plan, date stamped January 28, 2020
- Attachment D: Applicant's letter, date stamped January 28, 2020
- Attachment E: Heritage Designation Bylaw No. 02-112
- Attachment F: Statement of Significance
- Attachment G: Minutes of the Heritage Advisory Panel, dated February 11, 2020.



582 ST. CHARLES STREET

Heritage Alteration with Variance #00020

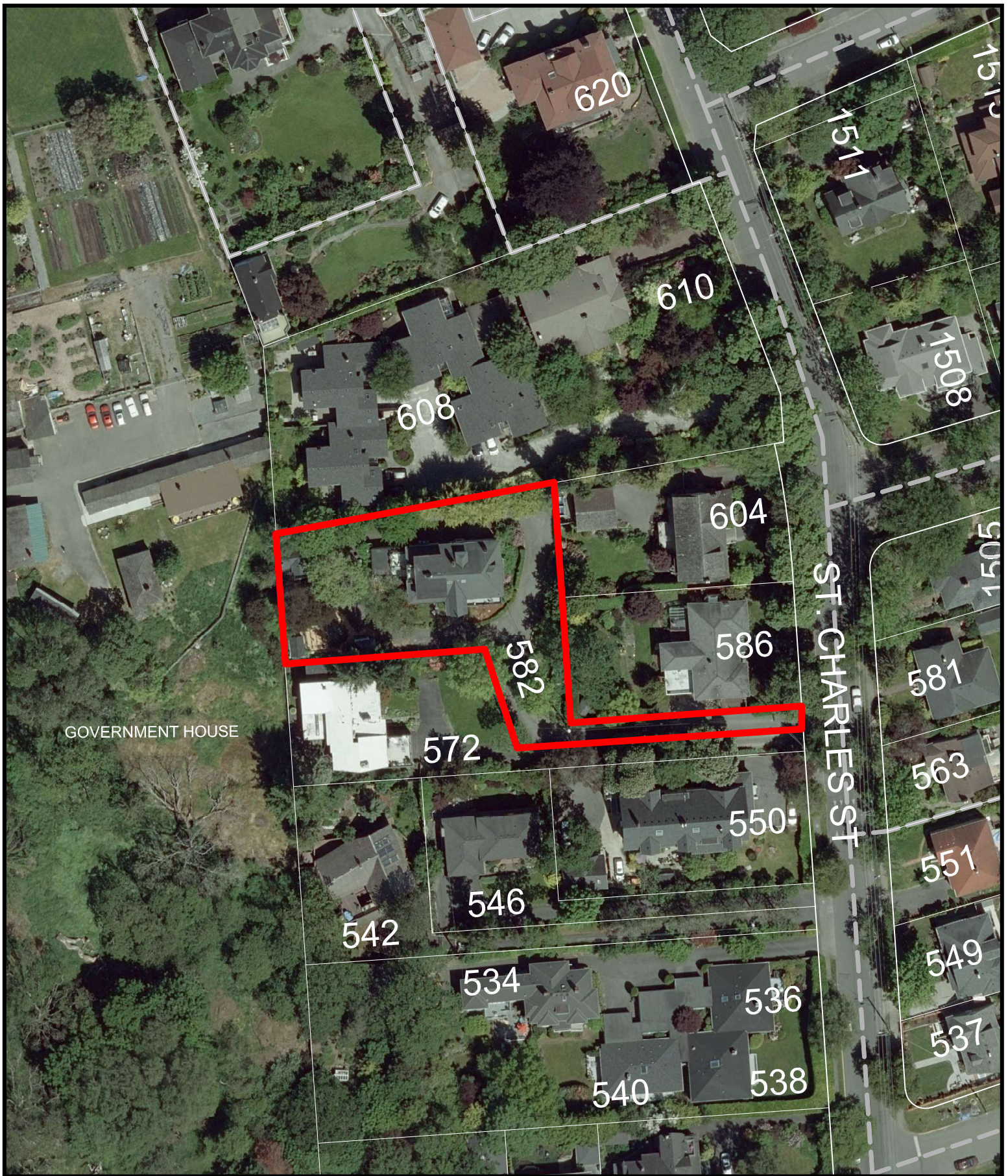


Designated



Registered





582 ST. CHARLES STREET

Heritage Alteration with Variance #00020

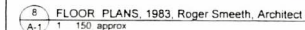
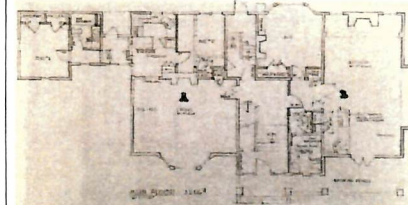
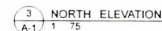
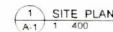
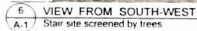


Designated



Registered





Property Address:	162 St Charles Street Victoria B.C.		
PH:	006-796-848		
LEGAL:	Lot 4 Section 68 Victoria City Plan 26540		
Zoning:	R1A Richmond Single Family Dwelling		
Floor Area:	G.F.A.	484 Sqm	Existing no change
			Byline 13.0m
American Grade:	Existing no change		
Building Height:	Byline	7.8 m	2 1/2 stories
		Existing no change	
Setbacks:			Byline 10.5m
Front	Existing no change		
Rear	Proposed Building (N)	10.52m	55.45 x 25% = 13.86m
	Existing no change	18.00m	
North Side	Proposed Building (N)	8.45m	
	Proposed free use no change		3.0m
South Side	Existing no change		
Building Separation:	Front	Secondary (N)	10.5m
	Proposed free use	Secondary	11.0m

Fire Escape Stairs,
582 St. Charles Street,
Victoria, BC.

Title:
PLANS,
ELEVATIONS,
VIEWS

Date	November 30, 2019
Scale	As noted
Issue	HAP Variance

Sheet Number:

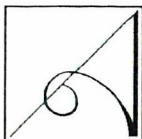
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© Armetage Architect

ATTACHMENT C

Planning & Development Department
Development Services Division

213


ARMITAGE ARCHITECT

1251 Victoria Avenue, Victoria, B.C. Canada, V8S 4P3

John H Armitage Architect AIBC, LEED-AP

250 - 884 - 2414

john_armitage@shaw.ca

January 23, 2020

The City of Victoria,
Sustainable Planning and Community Development,
Development Services Division,
1 Centennial Square,
Victoria, BC. V8W 1P6.

To: The Mayor and Council,

Re. 582 St. Charles Street, Lot 4, Section 68, Victoria City, Plan 26646.

Heritage Alteration Permit with Variance – Exterior Fire Escape Addition.


On behalf of the owner of this property, I wish to outline the history and rationale for this application.

In 2019, the owner of this property received a notice from the Fire Department requiring the reinstatement of an exterior fire escape from the third floor apartment that was included on building permit plans at the time of its 1983 conversion into five suites. The documentary record is elusive as a notation by a City official also records it as "not included". There is no "as-built" record and the property has seen several changes of ownership since that time.

An application for a Delegated Heritage Alteration Permit was submitted September 29, 2020 and was reviewed by the Heritage Advisory Panel and Senior Heritage Planner.

A Building Permit application was submitted December 2. During the Planning review, it came to light that a third floor balcony had been constructed without a building permit and is the subject of this request for a variance.

This property had received heritage designation in 2002 by which time any fire escape had been removed and the new balcony had been added, with no official commentary on its non-conforming status. No alterations to the property by subsequent owners appear to have been made since that time.

The proposed fire escape attaches to this balcony to permit a second exit from the suite via a door, rather than a window, as requested by the Fire Department. This door is located in the NW corner of the suite's living room and is a much safer exiting option than the bedroom window as proposed in the 1983 BP documents.

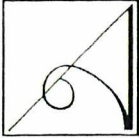
The existing balcony is approximately 2.0 x 3.4m or 6.8sm (73sf) with the door in the SE corner and the fire escape in the NW corner. For a properly designed exit, an "area of refuge," in the form of an expanded top landing, should be provided for persons with mobility difficulties. Taking these factors into account, if this balcony did not already exist, the new fire escape would still require a landing and exit route of about 60% of this area. And the visual impact from the exterior would be identical, with the same extent of guardrail visible.

The fire escape stair is designed to terminate at an area of refuge at second floor level as proposed in the 1983 BP documents. Therefore it will not impinge upon required parking or Fire Department manoeuvring areas at ground level.

The balcony and fire escape are located on the west side of the building and will not be visible from the front approach to the property. Viewed from the Government House grounds to the west, the balcony is set within the profile of the building mass. The stair presents as narrow a profile as possible that will blend with the mass of the building behind and will be screened by the original coach house to the west.

There are no known overlook issues with neighbouring properties. As noted above, the requirements for the new fire escape would essentially recreate the existing balcony configuration were it not already existent.

The design is in conformance with Section 3.4.7 of the B.C. Building Code using wood construction, with detailing and colour to match existing adjacent wood elements, and is in accordance with Parks Canada's *Standards and Guidelines for the Conservation of Historic Places in Canada*.



ARMITAGE ARCHITECT

1251 Victoria Avenue, Victoria, B.C. Canada, V8S 4P3
John H. Armitage Architect AIBC, LEED-AP

250 - 884 - 2414

john_armitage@shaw.ca

This proposal is consistent with a number of objectives in the OCP, the Rockland Neighbourhood Design Guidelines and the 1987 Rockland Neighbourhood Plan from which they derive.

- "Encourage a diversity of...housing in consideration of the neighbourhood's heritage and estate character."
- "Continue to conserve the historic architectural and landscape character of the neighbourhood."
- It respects the traditional siting and orientation and will "not intrude upon views of (this) historic building from the street" and the traditional approach route.
- "Suites in converted houses are an established and important component...which should be conserved."

I trust you will find the proposed application to be a satisfactory resolution of life safety requirements and to be a respectful alteration that is consistent with the form and character of this heritage property within its established neighbourhood.

Respectfully submitted,

John Armitage, Architect AIBC, LEED-AP.

NO. 02-112

A BYLAW OF THE CITY OF VICTORIA

to designate the house located at 582 St. Charles Street to be protected heritage property.

Under its statutory powers, including section 967 of the *Local Government Act*, the Municipal Council of The Corporation of the City of Victoria enacts the following provisions:

1. This Bylaw may be cited as the "HERITAGE DESIGNATION (582 ST. CHARLES STREET (RIFFHAM)) BYLAW (NO. 491)".
2. The house located at 582 St. Charles Street, legally described as Lot 4, Section 68, Victoria City, Plan 26646, is designated to be protected heritage property.
3. Bylaw No. 02-103, Heritage Designation (582 St. Charles Street (Riffham)) Bylaw (No. 491), is repealed.

READ A FIRST TIME the day of 2002.

READ A SECOND TIME the _____ day of _____ 2002.

Public hearing held on the _____ day of _____, 2002.

READ A THIRD TIME the _____ day of _____ 2002.

ADOPTED on the day of 2002.

CORPORATE ADMINISTRATOR

MAYOR

STATEMENT OF SIGNIFICANCE 582 ST. CHARLES STREET

The house at 582 St. Charles Street known as "Riffham" is a large two-storey Tudor Revival house designed by Francis Rattenbury and located in the Rockland neighbourhood. The building is no longer visible from the street as a result of subsequent subdivisions and redevelopment.

- a. **Historical** - The house was built in 1903 as a wedding gift for Elizabeth Harvey, the granddaughter of Robert Dunsmuir, a wealthy Vancouver Island businessman who built the well-known landmark, Craigdarroch Castle. The house at 582 St. Charles was designed by Francis Rattenbury, one of Victoria's most famous architects who was also responsible for the BC Legislature (1894) and the Empress Hotel (1907-1913).
- b. **Aesthetic** - The house is a good example of a Tudor Revival style home with the typical wood half-timbering on the second storey and stucco finishes on the balance of the house. It also features extensive leaded glass wood windows and a central projecting front gable over the front entry. This style of house was typical of the mansions built in the Rockland neighbourhood for the wealthy business class in Victoria at the beginning of the twentieth century.

Character-defining Elements

The character-defining features of the house include:

- its exterior finishes of stucco
- wood half-timbering
- its leaded glass wood windows
- the tall brick chimneys on the rear elevation
- the large open porch on the front elevation
- "bell cast" roof form
- mature landscaping surrounding the house
- the original coach house behind the main residence.

Note: The front stair has been reconstructed.

Prepared by: Steve Barber, Heritage Planner - July 31, 2002

Formatting: John O'Reilly, Senior Heritage Planner - February 2020

ATTACHMENT G

3. **582 St. Charles Street**
Heritage Alteration Permit with Variance Application No. 00020

Attendees: Rein Rungus (owner)

John O'Reilly provided a brief introduction. There were no questions or comments from the Panel.

Moved

Seconded

That the Heritage Advisory Panel recommend to Council that Heritage Alteration Permit with Variance Application No. 00020 for 582 St. Charles Street be approved as presented.

Carried

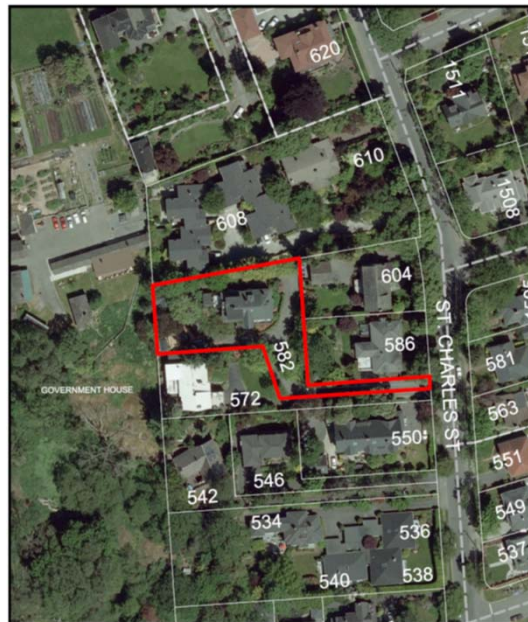
Heritage Alteration Permit with a
Variance No. 00020 for
582 St. Charles Street

1



1

582 St. Charles Street



2



2

582 St. Charles Street

Proposal:

To install a new wood fire escape at the rear of the existing home to meet life safety requirements of the BC Building Code and to approve a variance for an existing roof deck.



3



3

582 St. Charles Street



4



4

582 St. Charles Street

Heritage Status:

- Designated
- DPA 15C: Intensive Residential - Rockland
- **Heritage Significance:** Built in 1903 for Elizabeth Harvey, granddaughter of Robert Dunsmuir. Designed by Francis Rattenbury, one of Victoria's most famous architects.
- **CDEs:** Wood half-timbering at the second storey, leaded glass windows and a central projecting front gable, bell cast roof form, brick chimneys.



5



5

582 St. Charles Street

November 12, 2019 Proposal



5 VIEW FROM NORTH-WEST
A-1 With sketch overlay

6



6

582 St. Charles Street



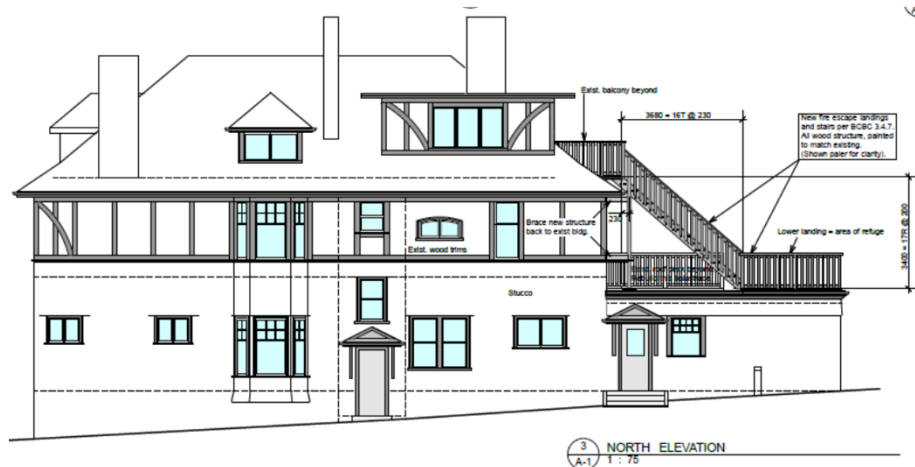
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5
A-1 VIEW FROM NORTH-WEST
With sketch overlay



7

582 St. Charles Street



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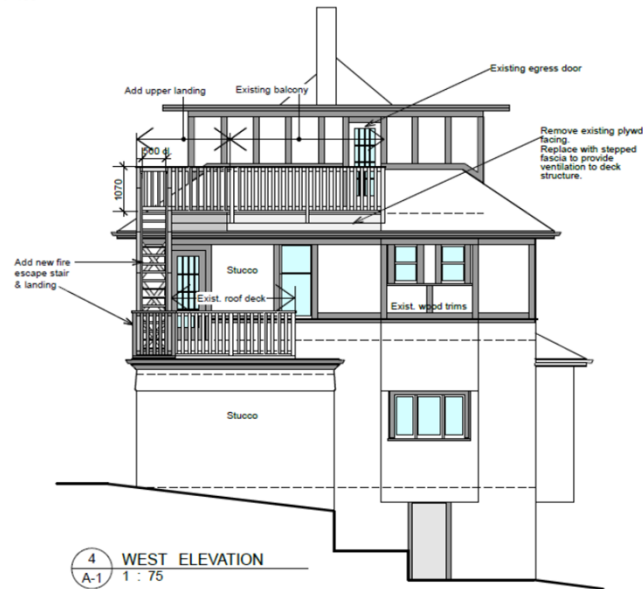
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A-1 NORTH ELEVATION
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582 St. Charles Street

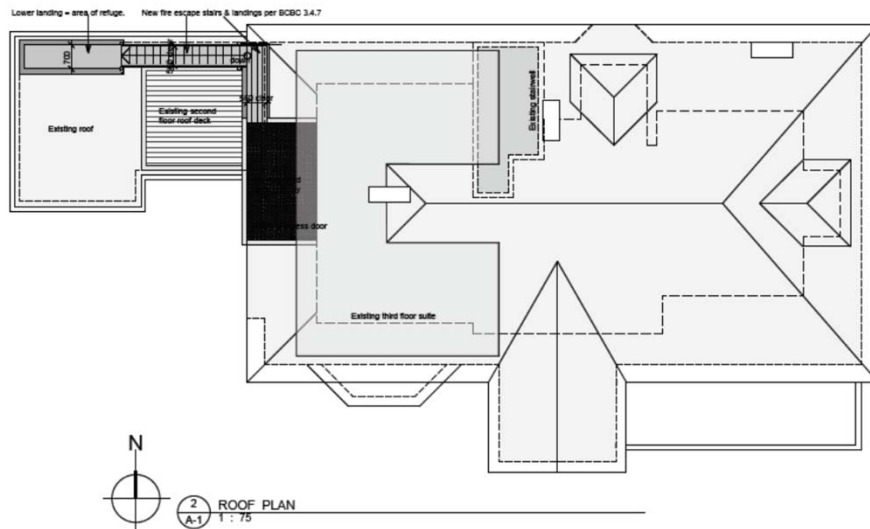
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582 St. Charles Street



10



582 St. Charles Street



11



11

582 St. Charles Street

Staff Recommendation:

That Council authorize the issuance of Heritage Alteration Permit with Variance Application No. 00020 for 582 St. Charles Street in accordance with...



12



12