



**AMENDED AGENDA  
PLANNING AND LAND USE COMMITTEE  
MEETING OF JANUARY 23, 2014, AT 9:00 A.M.  
COUNCIL CHAMBERS  
CITY HALL, 1 CENTENNIAL SQUARE**

Page

**CALL TO ORDER**

**APPROVAL OF AGENDA**

**CONSENT AGENDA**

**ADOPTION OF MINUTES**

1. Minutes from the Meeting of January 9, 2014

**DECISION REQUEST**

2. Rezoning Application # 000379 for 2810 Shelbourne Street 3 - 36  
*--D. Day, Director of Sustainable Planning & Community Development*  
  
Neighbourhood: Oaklands Recommendation: to decline
3. Rezoning Application # 00380 & Development Permit with Variance 37 - 84  
Application for 62 Cambridge Street  
*--D. Day, Director of Sustainable Planning & Community Development*  
  
Neighbourhood: Fairfield Recommendation: to decline  
3.A. Late Item: Correspondence from Applicant
- [Addenda]
4. Development Permit with Variances Application # 000321 85 - 124  
for 1521 Elford Street  
*--D. Day, Director of Sustainable Planning & Community Development*  
  
Neighbourhood: Fernwood Recommendation: Proceed for PH  
4.A. Late Item: Correspondence from Applicant

[Addenda]

5. Development Permit Application # 000330 for 645 Dunedin Street 125 - 141  
*--D. Day, Director of Sustainable Planning & Community Development*
- Neighbourhood: Burnside Recommendation: Authorize DP
- 5.A. Late Item: Heritage Designation # 000136 for 97 Cook Street 143 - 156  
*--D. Day, Director of Sustainable Planning & Community Development*

[Addenda]

#### **PROPERTY MAINTENANCE BYLAW HEARING**

6. Illegal Use and Work Without Permit - 724 Craigflower Road 157 - 170  
*--R. Woodland, Director of Legislative & Regulatory Services*
7. Work Without Permit - 2315 Forbes Street 171 - 179  
*--R. Woodland, Director of Legislative & Regulatory Services*
8. Illegal Accessory Building - 732 Front Street 181 - 189  
*--R. Woodland, Director of Legislative & Regulatory Services*

#### **ADJOURNMENT**



## Planning and Land Use Committee Report

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**Date:** January 8, 2014      **From:** Lucina Baryluk, Senior Process Planner

**Subject:** **Rezoning Application #000379 for 2810 Shelbourne Street**  
Application to rezone the subject lot from the R1-B Zone, Single Family Dwelling District, to a new zone, to allow the redevelopment of the property with five dwelling units

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### Executive Summary

At the Council meeting of October 10, 2013, the following motion to refer this application was carried unanimously:

It was moved by Councillor Alto, seconded by Councillor Helps, that the application be referred to the new Planning and Land Use Committee, when it is constituted.

When this application was presented to the Planning and Land Use Standing Committee on March 7, 2013, the Committee placed the application on hold pending further information from the applicant. The reports and meeting minutes are attached. The main issues to be addressed were:

- The proposal results in the isolation or “orphaning” of the adjacent properties located at 2816 Shelbourne Street and 1650 Ryan Street. The *Official Community Plan* encourages the logical assembly of development sites that enable the best realization of permitted development potential for an area. This issue is still unresolved as the applicant and the owner of the adjacent properties have not come to an agreement for a coordinated redevelopment of the three properties.
- There are a number of setback reductions associated with the application which are in part related to the lot area being below the minimum required in the standard comparative zone.

The applicant has chosen to maintain the development proposal as originally submitted, therefore, the staff recommendation remains to decline this application.

### Recommendation

That Rezoning Application #00379 for 2810 Shelbourne Street be declined.

If Council wishes to proceed with this application, an alternative recommendation is provided:

That Rezoning Application #00379 for 2810 Shelbourne Street proceed, subject to:

1. Submission of a Development Permit Application as the site falls within Development Permit Area 7A, Corridors, at which time refinements to the design, siting and landscaping could be further considered.

2. Consideration by the applicant of transportation demand management strategies to justify the parking reduction.
3. Prior to Public Hearing, the applicant provide a registered Statutory Right-of-Way of 7.0 m along Shelbourne Street.

Respectfully submitted,

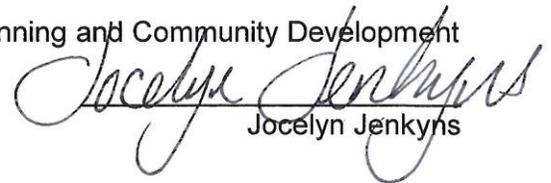


Lucina Baryluk  
Senior Process Planner  
Development Services



Deb Day  
Director  
Sustainable Planning and Community Development

Report accepted and recommended by the City Manager:

  
Jocelyn Jenkyns

LB:aw

### 3. DECISION REQUEST

#### 3.1 Rezoning Application # 00379 for 2810 Shelbourne Street

Committee received a report dated February 13, 2013, regarding Rezoning Application #000379 for 2810 Shelbourne Street to rezone the subject lot from the R1-B Zone, Single Family Dwelling District, to a new zone, to allow the redevelopment of the property with five dwelling units.

The application involves the repositioning and renovation of the existing single family dwelling on the lot to create three units and to relocate a single family dwelling from 1705 Haultain Street onto this lot and renovating it as well, to create two more residential units.

While the land use and density advanced in this application meet the intent of the direction of the *Official Community Plan*, the issue of restricting further development on the adjacent parcels is a larger long-term land use issue that requires careful consideration. Should this project proceed, the future redevelopment of the adjacent sites will be very challenging.

A Development Permit Application is required as the site falls within Development Permit Area 7A Corridors, at which time refinements to the design, siting and landscaping should be considered.

Committee discussed:

- The main issues associated with the project are the limitations of development on the adjacent parcels and the reduction for setbacks.
  - *The current proposal limits the development potential of the adjacent properties, essentially orphaning them and making future development on those sites very challenging.*
- This is a challenging application and committee understands the impact it will have on neighbouring properties. The City also understands that the application addresses other goals of the City, such as providing rental stock.
  - *The standard that is used is a 10m setback for any expansion of Shelbourne Street for biking or cycling. Should those improvements go ahead they will be less than two meters. In terms of existing developments, they have met the setback requirement. The Kingdom Hall is very close to the right of way but it is not a concern because of it being a public building.*

**Action:** Councillor Helps moved that Committee recommends that Rezoning Application #00379 for 2810 Shelbourne Street be postponed pending:

1. The applicant reconsidering the proposal to explore opportunities for taking a more coordinated site planning approach with the adjacent properties
2. That the proposal meets the policy objectives related to setback standards from Shelbourne Street.

CARRIED UNANIMOUSLY 13/PLUSC035

PLUSC meeting  
March 7, 2013



## Planning and Land Use Standing Committee Report

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**Date:** August 30, 2013      **From:** Lucina Baryluk, Senior Process Planner

**Subject:** **Rezoning Application #000379 for 2810 Shelbourne Street**  
 Application to rezone the subject lot from the R1-B Zone, Single Family Dwelling District, to a new zone, to allow the redevelopment of the property with five dwelling units

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### Executive Summary

The purpose of this report is to provide updated information, analysis and recommendations regarding a Rezoning Application for the property located at 2810 Shelbourne Street. This application was presented to the Planning and Land Use Standing Committee on March 7, 2013, when the Committee placed the application on hold pending further information from the applicant. The application involves the repositioning and renovation of the existing single family dwelling on the lot to create three units and to relocate a single family dwelling from 1705 Haultain Street onto this lot and renovating it to create two more residential units.

The applicant has provided a letter dated August 16, 2013, addressing the issues raised by the Committee which requested the applicant consider:

- taking a more coordinated site planning approach with the adjacent properties
- meeting the policy objectives related to setback standards from Shelbourne Street.

In short, the applicant and the owner of the adjacent properties have not come to an agreement for a coordinated redevelopment of the three properties and the development proposal remains the same. However, the applicant's submission includes a sketch plan showing a potential layout for future redevelopment of the adjacent properties.

While the land use and density advanced in this application meet the intent of the *Official Community Plan*, the issue of restricting further development on the adjacent parcels is a larger, long-term land use issue that requires careful consideration. Should this project proceed, the future redevelopment of the adjacent sites would be a challenge resulting in a less than ideal site plan and building configuration for the area and likely at a density lower than is anticipated in the *Official Community Plan*. Staff's position has not altered and the recommendation is that this application be declined.

### Recommendation

That Rezoning Application #00379 for 2810 Shelbourne Street be declined.

If Council wishes to proceed with this application, an updated alternative recommendation is provided in the Options Section of this Report.

Respectfully submitted,



Lucina Baryluk  
Senior Process Planner  
Development Services

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Deb Day  
Director  
Sustainable Planning and Community Development

Report accepted and recommended by the City Manager:

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Jocelyn Jenkyns

LB:aw

S:\TEMPEST\_ATTACHMENTS\PROSPERO\PL\REZ\REZ00379\PLUSC REPORT UPDATE 2810 SHELBOURNE.DOC

## 1.0 Purpose

The purpose of this report is to present Council with updated information, analysis and recommendations regarding a Rezoning Application for the property located at 2810 Shelbourne Street. The application involves the repositioning and renovation of the existing single family dwelling on the lot to create three units and to relocate a single family dwelling from 1705 Haultain Street onto this lot and renovating it to create two more residential units.

## 2.0 Background

### 2.1 Direction from Planning and Land Use Standing Committee

The Planning and Land Use Standing Committee initially reviewed this application on March 7, 2013. Staff identified two main issues with this application:

- limiting the development on adjacent parcels
- setback reductions from Shelbourne Street and parking reductions.

The Planning and Land Use Standing Committee recommended that this application be postponed pending:

1. The applicant reconsidering the proposal to explore opportunities for taking a more coordinated site planning approach with the adjacent properties.
2. That the proposal meets the policy objectives related to setback standards from Shelbourne Street.

### 2.2 Further Information Provided and Analysis

#### 2.2.1 Adjacent Property Redevelopment Potential

The applicant has provided a site plan for the neighbouring property at 2816 Shelbourne Street that shows the placement of two buildings (for four units in total). As this property is identical in size to the subject property and the applicant is proposing five residential units in total on the subject property, the number of units is realistic. However, the overall effect of the site layout of these two properties, if developed separately, is far from ideal and results in less green space than could be achieved through a coordinated site design and a housing type which tends to result in a housing form with less of a street presence. It also tends to result in unit types that are less ground-oriented in nature. The *Official Community Plan* favours ground-oriented units in the Shelbourne Corridor.

Additionally, by allowing 2816 Shelbourne Street to be redeveloped as a separate development, the chance to eliminate an additional driveway crossing on Shelbourne Street will be lost. This again affects the overall street relationship and results in potential green space being required to accommodate a second driveway. The applicant has indicated that they do not wish to consider an easement through 2810 Shelbourne Street for access to 2816 Shelbourne Street.

The property at 1650 Ryan Street, developed on its own, would only support two units due to its configuration and the type of unit is undetermined at this time.

The owner of the adjacent properties has provided a letter, which is attached to this report.

**2.2.2 Shelbourne Right-of-Way and Setback Standards**

The City requires a right-of-way of 7.0 m along the west side of Shelbourne Street as part of a staged improvement strategy. This right-of-way is required to preserve space for the future transportation needs of the corridor, while respecting the significant boulevard trees. Due to the required right-of-way, the setback standard from Shelbourne Street is 10.7 m to provide for a larger front yard setback after the right-of-way improvements are eventually constructed.

The site plan shows a setback of 9.0 m from Shelbourne Street for Building #1. This would result in a 2.0 m front yard setback for the three units within this building as opposed to a 3.7 m setback if the policy was adhered to. This is not an ideal situation as it further diminishes the separation space between the right-of-way and the living units.

The applicant was asked to reconsider the proposed front yard setback but has declined to change the siting of the front building.

By comparison, nearby recent developments on this side of Shelbourne Street have provided the following range of setbacks in order to accommodate future right-of-way improvements:

- 2918 Shelbourne, 7 townhouse units – compliance with the RK-3 Zone standard of 10.7 m
- 2828 Shelbourne, 10 townhouse units – compliance with the RK-3 Zone standard of 10.7m
- 2734 – 2746 Shelbourne, 2 duplex projects – exceed the R-2 Zone standards of 7.5 m with a minimum 9.5 m setback.

**3.0 Options**

Option 1 (recommended)

That Rezoning Application #00379 for 2810 Shelbourne Street be declined.

Option 2

Rezoning Application #00379 for 2810 Shelbourne Street proceed, subject to:

1. Submission of a Development Permit Application as the site falls within Development Permit Area 7A, Corridors, at which time refinements to the design, siting and landscaping could be further considered.
2. Consideration by the applicant of transportation demand management strategies to justify the parking reduction.
3. Prior to Public Hearing, the applicant provide a registered Statutory Right-of-Way of 7.0 m along Shelbourne Street.

**4.0 Conclusions**

Although this application is generally consistent with the *Official Community Plan (OCP)* objectives related to use and density, there are still a number of issues associated with the application. In order to facilitate a comprehensive and coherent redevelopment of the Shelbourne Street Corridor, lot consolidation and redevelopment with the adjoining two lots would be the preferable scenario consistent with the OCP objectives for logical assembly of

development sites to enable optimum development potential. Additionally, although the reuse of two existing buildings advances the OCP objectives related to green building objectives, it may not represent the best design option for the site. Staff, therefore, do not support this application.

**5.0 Recommendation**

That Rezoning Application #00379 for 2810 Shelbourne Street be declined.

**6.0 List of Attachments**

- Letter and drawing from the applicant, dated August 16, 2013
- Letter from Duncan Hopp, adjacent neighbour, dated September 3, 2013
- Planning and Land Use Standing Committee report dated February 13, 2013 and supporting material, excluding petitions.



607 Vancouver St.  
Victoria, BC V8V 3T9

Telephone: (250) 480-2894  
Fax: (250) 480-2895

August 16, 2013

To: City of Victoria  
Planning & Land Use Standing Committee

Re: 2810 Shelbourne St. Rezoning Application

Thank you for providing us the opportunity to respond to your concerns regarding our application to rezone 2810 Shelbourne. Your two concerns are herein addressed.

1. Explore opportunities for use of contiguous properties in conjunction with the proposed use:

We have met several times with the owner of the two contiguous properties. These meetings explored various possibilities. The owner would not put in townhouses under any circumstances even if he owned ALL the properties. Neither would we, as that is not an economically viable proposition.

The market is looking for affordable housing, especially for hospital workers. The neighbourhood is totally supportive of increased density on Shelbourne St., although they are virtually unanimous in rejecting more townhouses. It is very apparent that the neighbours want to maintain the character of the existing homes.

We discussed increasing the density on the contiguous land of the type we are proposing and that seemed "do-able", but he wanted all access through our property. We do not see that as a viable option. The narrow laneway would not be adequate to accommodate the traffic generated by the development of all three lots. Additionally, we see no need to tie all three properties together.

Our proposal creates five affordable homes, and will allow us to commence our development immediately. The contiguous properties can then be developed in due course. The neighbouring owner has stated that he wants to duplex the property fronting on Ryan Street. His Shelbourne property can accommodate four strata homes, two in the existing house and two in a newly constructed house of similar design.

.....  
*Building Homes for Today's Families*

We have drafted a plan (enclosed) to show that this scheme works quite well. This design does not "orphan" the neighbouring lots. Quite the contrary, he can in fact create this development profitably.

The overall plan then results in eleven affordable residences. This is actually more individual units than a townhouse development contemplates, and everyone is satisfied with the resulting development.

2. Setback standards from Shelbourne Street:

The appropriated land for future Shelbourne St. widening is very substantial and of course we fully support this initiative. It seems however, that the actual event is well into the future and affordable housing is an immediate need.

The overall incursion into the setback area will actually provide relief from the "straight line" effect along Shelbourne St.

The Kingdom Hall is very close to the right-of-way but is not a concern because of it being a public building. So, there are varying reasons for acceptability. The fact that the proposed use of the land is to create a cycling lane indicates that there is no increased danger as a result of being closer to motor traffic.

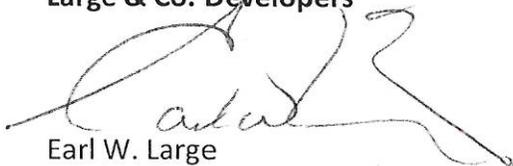
SUMMARY

This project is exactly what is called for by the OCP. Its appearance fits in beautifully with surrounding structures. Its re-use of existing buildings promotes environmentally sustainable development. The human scale of the design is appealing to all demographics, promoting the desired multi-generational communities. The site is ideally located to encourage alternative transport and increase the use of transit. The impact to traffic in the area will be negligible and serves the interest of developing the Shelbourne corridor pursuant to the development permit are 7A for increasing density and revitalizing the area.

The contiguous property is not orphaned and can be developed suitably when the owner decides to do so. In the meantime, this development ties in beautifully to his and other properties in the area. The set-back relaxation is minor in nature and will not negatively impact anyone or any future development.

We respectfully request that our application be put forward to Public Hearing.

**Large & Co. Developers**



Earl W. Large  
Director

.....  
*Building Homes for Today's Families*



PROPOSED 4 UNIT TOWNHOUSE CONCEPT - 2816 SHELBOURNE STREET



September 3, 2013

Duncan Hopp  
1981 Ferndale Rd.  
Victoria, BC V8N2Y4  
hopper@islandnet.com

City of Victoria  
Mayor and Council,  
PLUSC

Regarding Rezoning Application #00379 for 2810 Shelbourne Street

As stated in my previous letter, I am not in favour of the rezoning. Mr. Large and I have talked and have not been able to come to an understanding as to how to proceed with plans for this site. We do agree that it is not a viable site for townhouses. We both like the idea of infilling for this site. I would like to access both properties from Ryan St. making access and egress much easier. This would then alleviate traffic from Shelbourne, a much busier roadway. It would also leave my property at 1650 Ryan undisturbed, as I did not intend for this property to be part of the 2 lot plan.

I now see the Mr. Large is planning to proceed with his original plan while supplying a drawing of how my property could be developed as well. This is all well and good so long as council and the committee are willing to grant me the same variances and densities as Mr. Large. If this can be guaranteed I would not have a problem supporting the Large proposal.

I still believe there is a way to make this property work for the benefit of all involved. I just don't quite see it working out as presented in these plans.

Best regards,

Duncan Hopp



## Planning and Land Use Standing Committee Report

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**Date:** February 13, 2013      **From:** Lucina Baryluk, Senior Process Planner  
**Subject:** **Rezoning Application #000379 for 2810 Shelbourne Street**  
 Application to rezone the subject lot from the R1-B Zone, Single Family Dwelling District, to a new zone, to allow the redevelopment of the property with five dwelling units

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### Executive Summary

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application for the property located at 2810 Shelbourne Street. The application involves the repositioning and renovation of the existing single family dwelling on the lot to create three units and to relocate a single family dwelling from 1705 Haultain Street onto this lot and renovating it as well, to create two more residential units.

The following points were considered in assessing this application:

- The *Official Community Plan 2012* (OCP) designates the parcel as Traditional Residential. As Shelbourne Street is designated as a secondary arterial, the anticipated built form for residential uses ranges from ground-oriented buildings to multi-family buildings, including attached residential (townhouses) and apartments. The corresponding density is up to a Floor Space Ratio (FSR) of 1.0:1.
- The project introduces a variety of housing types in the area and is, therefore, compliant with the OCP. However, the density of 0.6:1 could be considered lower than the OCP objectives for the Shelbourne Corridor. The proposal is to use two existing structures, which supports the OCP objective of building retention and reuse.
- The development of this project will limit the potential redevelopment of the two adjacent properties. The OCP encourages the logical assembly of development sites that enable the best realization of permitted development potential for the area.
- The *Oaklands Neighbourhood Plan* designates the Shelbourne Corridor between Myrtle Avenue and Haultain Street as suitable for townhouse development.
- There are a number of setback reductions associated with this application which are in part related to the lot area being below the minimum required in the standard comparative zone.
- A reduced parking requirement is requested. This will likely create a further demand for on-street parking. The applicant has not provided a technical justification for this request nor a Transportation Demand Management Strategy.

While the land use and density advanced in this application meet the intent of the direction of the *Official Community Plan*, the issue of restricting further development on the adjacent parcels is a larger long-term land use issue that requires careful consideration. Should this project proceed, the future redevelopment of the adjacent sites will be very challenging.

A Development Permit Application is required as the site falls within Development Permit Area 7A Corridors, at which time refinements to the design, siting and landscaping should be considered.

**Recommendation**

That Rezoning Application #00379 for 2810 Shelbourne Street be declined.

If Council wishes to proceed with this application, an alternative recommendation is provided in the Options Section of this Report.

Respectfully submitted,



Lucina Baryluk  
Senior Process Planner  
Development Services

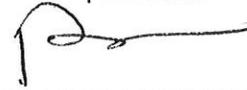


Deb Day  
Director  
Planning and Development



Peter Sparanese  
General Manager  
Operations

Report accepted and recommended by the City Manager:



Gail Stephens

LB:aw

S:\TEMPEST\_ATTACHMENTS\PROSPERO\PL\REZ\REZ00379\PLUSC PLANNING REPORT TEMPLATE REZ2.DOC

**1. Purpose**

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application for the property located at 2810 Shelbourne Street. The application involves the repositioning and renovation of the existing single family dwelling on the lot to create three units and to relocate a single family dwelling from 1705 Haultain Street onto this lot and renovating it as well, to create two more residential units.

**2. Background**

**2.1 Description of Proposal**

The subject property is located on the northwest corner of Shelbourne Street and Ryan Street. The single family dwelling currently located on the subject property was built in 1954 (noted as House #1 on the applicant's submission). This house would be moved and lifted and two units would be created on the first storey and one unit would be created on the second storey. House #2, which will be moved from 1705 Haultain Street, would be redeveloped for two units, one on each level. Both units will be approximately 80 m<sup>2</sup> and have two bedrooms.

One surface parking stall is provided for each of the five units. The required parking for the project is eight stalls; therefore, a reduced parking standard is being requested.

As the subject property is within Development Permit Area 7A- Corridors, the form and character and the landscaping plan are more appropriately dealt with at the development permit stage. It is noted that the landscaping along Shelbourne Street may require revisions so as not to conflict with the Statutory Right-of-Way requirements

**2.2 Existing Site Development and Development Potential**

The R1-B Zone, Single Family Dwelling District, would allow construction of a house with a secondary suite up to 300 m<sup>2</sup> in size. If construction takes place under the existing zoning and a secondary suite were provided, it would provide a rental unit in addition to the principal unit.

The standard townhouse zoning (RK-3) applied along Shelbourne Street requires a specific site area of 225 m<sup>2</sup> for each townhouse unit, which has the effect of limiting the number of units per parcel. The application proposes a ratio of only 148 m<sup>2</sup> of site area per unit, therefore, a site-specific zone would be required (representing a 34% reduction). However, the floor space ratio for the development is in keeping with the RK-3 Zone.

**2.3 Legal Description**

Lot 2, Section 8-A, Victoria District, Plan 9957.

**2.4 Data Table**

The following data table compares the proposal with the RK-3 Zone, Shelbourne Townhouse District, which has been the commonly applied zone along the Shelbourne Corridor. An asterisk is used to identify where the proposal is less stringent than the proposed comparative zone.

Zoning Criteria	Proposal	Zone Standard RK3
Site area (m <sup>2</sup> ) – min.	740*	1125 Based on 225 m <sup>2</sup> per unit
Total floor area (m <sup>2</sup> ) – max.	420	444
Site coverage (%) – max.	32	33
Open site space (%) – min.	45	45
Density (Floor Space Ratio) – max.	0.6:1	0.6:1
Height (m) – max.	Building 1 - 7.53 Building 2 - 7.0	8.5 Measured from ceiling in upper floor
Storeys – max.	Building 1 - 2.5 Building 2 - 2	2.5
Setbacks (m) – min.		
Front – Shelbourne Street	9.0*	10.7
Rear – west	2.06*	4 (habitable room)
Side – north	1.65*	4 (habitable room)
Side – Ryan Street	2.13*	7.5 (living room)
Separation Space Between Buildings (m) – min.	4.5*	6
Parking – min.	5*	8
Visitor parking – min.	Nil*	1 (included in the total 8 stall requirement)
Bicycle storage – min.	6	6
Bicycle rack – min.	6	6

**2.5 Land Use Context**

The Shelbourne Corridor has seen significant changes over the last decade. In the immediate neighbourhood, the Jehovah Witness Kingdom Hall has been constructed on the southwest corner of Shelbourne Street and Ryan Street. Some older single family homes have been replaced by a number of new duplexes and townhouse projects, however, there are also pockets of single family homes. In essence, Shelbourne Street is an area in transition.

**2.6 City Policies and Regulations**

**2.6.1 Official Community Plan (OCP) 2012 and Oaklands Neighbourhood Plan**

The *Official Community Plan 2012* (OCP) designates the parcel as Traditional Residential. As Shelbourne Street is designated as a secondary arterial, the anticipated built form for residential uses ranges from ground-oriented to multi-family buildings, including attached residential and apartments. The corresponding density is up to 1:1 FSR. The proposed project does not

exceed the density ceiling, with a proposed density of 0.6:1. The retention and reuse of two existing buildings is in compliance with the OCP policies that support such actions related to housing stock.

The *Oaklands Neighbourhood Plan* recognizes this parcel within an area of potential change (Shelbourne Street corridor between Myrtle Avenue and Haultain Street) and consideration of rezonings for townhouses with up to 18 units per acre with a 2.5 storey limit. In many cases, lot consolidation has been required to achieve adequate site area for redevelopment. The Neighbourhood Plan favours townhouses over apartments as the built form, with the focus on retaining and enhancing housing suitable for families.

**2.6.2 Design Guidelines**

The property is within Development Permit Area 7A Corridors, Shelbourne Street, which provides guidelines related to general form and character. If the Rezoning Application proceeds, a concurrent or subsequent Development Permit Application will be required.

The main objective of this Development Permit Area, as it relates to this development, is to ensure corridors are compatible with adjacent and nearby lower-density residential neighbourhoods through human-scaled urban design and a sensitive transition in building form and place character. Although a Development Permit Application has not been received at this stage, the proposed buildings will require significant design refinements to ensure consistency. Although the reuse of two existing buildings advances the OCP objectives related to recycling and reuse of existing housing stock, the development may not represent the best design option for the site.

**2.7 Community Consultation**

The Oaklands Community Association hosted a meeting regarding this application on July 19, 2012. The attached record provides details of this discussion.

Petitions and letters regarding this application have also been submitted.

**3. Issues**

The main issues associated with this project are:

- limiting development on adjacent parcels
- requested reductions for setbacks and parking.

**4. Analysis**

**4.1 Limiting Development on Adjacent Parcels**

The *Official Community Plan 2012* (OCP) and the *Oaklands Community Plan* recognize the Shelbourne Street corridor as suitable for higher densities. This development potential (subject to rezoning) also applies to the adjacent properties at 1650 Ryan Street and 2816 Shelbourne Street. The current proposal for 2810 Shelbourne Street limits the development potential of these adjacent properties, essentially orphaning them and making future development on those sites very challenging. In Section 6, Land Management and Development, the OCP encourages the logical assembly of development sites that enable the best realization of permitted development potential for the area. (Policy 6.8)

Since the proposal at 2810 Shelbourne Street would ultimately involve strata-titling the five units, redevelopment of this site in a more comprehensive fashion is not likely to occur in the foreseeable future. Lot consolidation would provide more options for improved site planning and overall design, as well as consolidating access and egress points to one location within the site. Additionally, there would likely be fewer variances required if the development could be accommodated on a larger site.

It is noted that the age and condition of the adjacent dwelling at 2816 Shelbourne Street is very similar to the existing house on the subject property and the house located at 1650 Ryan Street is in good condition and was built in the mid 1960's. A letter, dated November 5, 2012, is provided from the owner of two adjacent properties.

**4.2 Requested Reductions for Setbacks and Parking**

**4.2.1 Shelbourne Street Setback**

The 1989 Shelbourne Corridor Study, as endorsed by Council, recommended securing a widened right-of-way of 7.0 m along the west side of Shelbourne Street as part of a staged improvement strategy. The right-of-way is required to preserve space for future transportation needs on the corridor, while respecting the significant boulevard trees planted along Shelbourne Street. This right-of-way has been achieved on a number of properties in the area as a result of redevelopment. The RK-3 Zone, Shelbourne Townhouse District, was created in response to the Corridor Study. It stipulates a 10.7 m setback requirement from Shelbourne Street to ensure a larger front yard setback in the event that right-of-way improvements are made along Shelbourne Street.

The site plan shows a setback of 9.0 m from Shelbourne Street for Building #1. Should the right-of-way be reconfigured, this would result in a 2.0 m front yard for the three units within this building (as opposed to a 3.7 m setback). (For reference the existing house is 8.0 m from Shelbourne Street.) This is not an ideal situation as it further diminishes the separation space between the right-of-way and the living units.

**4.2.2 Other Setbacks**

The setbacks from the other lot lines are also reduced as the surface parking and drive aisles force the buildings to be placed closer to streets. With adequate landscaping and screening, the impact to the adjacent properties can be mitigated, however, the issue of the closeness of the living units to the street remains.

**4.2.3 Parking**

With respect to the parking reduction requested, a total of eight parking stalls are required for the five units and only five are provided. This is a shortfall of three stalls. In addition, no parking has been designated for visitor parking (which forms part of the total eight stall requirement).

The applicant has not provided a technical justification for this requested reduction. However, the applicant has provided a rationale stating that Shelbourne Street is a transit corridor and many services are within walking distances. Any on-site shortfall for residents and their guests will likely have an impact on-street parking availability.

**5. Resource Impacts**

There are no resource impacts anticipated with this application.

**6. Options**

Option 1 (recommended)

That Rezoning Application #00379 for 2810 Shelbourne Street be declined.

Option 2

That prior to Rezoning Application #00379 for 2810 Shelbourne Street proceeding, that the applicant address the following issues and a report be provided to Council:

1. Submission and review of a Development Permit Application that addresses the concerns raised in this report, including options for redevelopment that do not restrict potential development on the adjacent properties.
2. Consideration by the applicant of transportation demand management strategies to justify the parking reduction.
3. Prior to Public Hearing, the applicant provide a registered Statutory Right-of-Way of 7.0 m along Shelbourne Street.

**7. Conclusions**

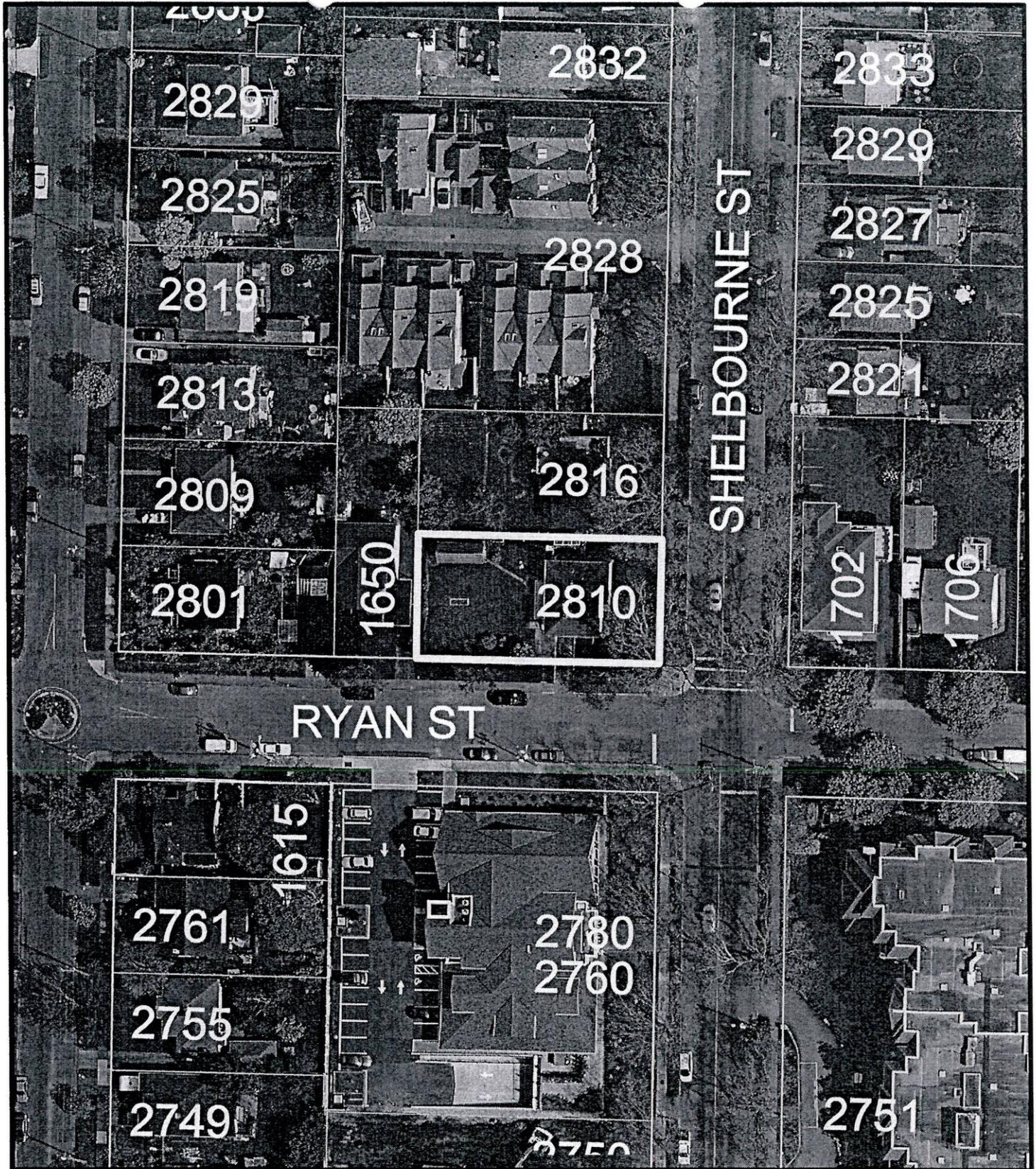
Although this application is generally consistent with the *Official Community Plan (OCP)* objectives related to use and density, there are a number of issues associated with the application. In order to facilitate a comprehensive and coherent redevelopment of the Shelbourne Street Corridor, lot consolidation and redevelopment with the adjoining two lots would be the preferable scenario consistent with the OCP objectives for logical assembly of development sites to enable optimum development potential. Additionally, although the reuse of two existing buildings advances the OCP objectives related to green building objectives, it may not represent the best design option for the site. Staff, therefore, does not support this application.

**8. Recommendation**

That Rezoning Application #00379 for 2810 Shelbourne Street be declined.

**9. List of Attachments**

- Subject map
- Air photo
- Letter from the applicant
- Submission drawings dated September 24, 2012 and November 23, 2012
- Oaklands Community Association Minutes
- Petitions and letters.



2810 Shelbourne Street

Rezoning #00379

Bylaw #





2810 Shelbourne Street  
 Rezoning #00379  
 Bylaw #





## Dear Mayor and Council

### Introduction

Large and Co is pleased to provide the City with this development proposal for 2810 Shelbourne Ave. We believe this project to be a great fit for the Shelbourne Corridor. The enclosed plans were developed after reviewing Victoria's new *Official Community Plan: April 2012* (from here forward referenced as "OCP") that has been compiled to offer builders and government the new direction for urban planning in the Victoria region. This extensive document notes specifically the need for densification and multiunit residential developments to house the estimated 20 000 new people that will move to the area in the next 30 years (Figure 3.3). In this proposal, we will detail how this development is congruent with the OCP and will reference key points that support our project. This project will increase density from a single occupancy home to a five unit strata development.

Victoria is consistently rated as one the best cities in the world to live. However, it also carries some of the most expensive real estate in the nation. In order to make Victoria more affordable for families and better use the land that is available, innovative building and planning practices are necessary. This development would convert a single family home in a premier location into a 5 unit strata complex. Our plans use existing buildings that will be renewed and retrofitted into new homes of various sizes to accommodate residents no matter where they are in their home buying lifecycle. This projects promotes modernized use of existing buildings an environmentally sustainable practice that is directly supported by the OCP (12.20)

### **The Shelbourne Corridor- A Major Artery for the City**

The site in question is at the corner of Shelbourne Ave and Ryan St, directly in the centre of what the OCP has designated the Shelbourne Corridor. Shelbourne is an arterial road (7.2) that is a major public transit route and falls into development permit area 7A. This area currently has “urban design that is incoherent and in need of revitalization” (DPA7A-3b). However, it also notes that given the traditional residential nature of this neighborhood that it is “requiring a sensitive transition in building form” (DPA7A-3c) . Our project achieves these objectives perfectly by maintaining the outward appearance of two single family dwellings but housing 5 units that contribute to the desired density for the area. This sentiment has been echoed by the surrounding households as they see it a great compromise instead of larger and taller townhouse developments. This development explicitly meets the goals set out by (DPA7A-5vi).

DPA7A 5. (vi) Shelbourne Avenue corridor:

(a) The scale and massing of buildings should relate to adjacent buildings and provide a sensitive transition between a proposed development and its neighbors.

(b) The location, height and form of buildings should be in keeping with the topography.

(c) The shape, siting, roof lines and exterior finishes of buildings should be sufficiently varied to avoid a monotonous appearance.

(d) Exterior lighting and signs should be unobtrusive and be in scale with their surroundings.

Other specific benefits to the site in question are its proximity to commercial and community services. Within 500m of this site there is three parks, the community centre, a middle school, an elementary school and of the commercial hub of Hillside Mall. This reduces the need for transport and encourages walking and biking.

### **Traffic and Transportation**

Shelbourne is noted as one the major arteries around Victoria. This means that any developments that front it will have a negligible impact on local side streets and lanes. To further diminish any increase in traffic is the proximity of services (noted above). A key component of the OCP is the need to encourage green transit and make it easy for people to get around the city without their cars. Shelbourne is a primary bus route that can take someone from 2810 Shelbourne to Downtown or to UVIC in only 7 minutes (as per google maps). Any other amenities are easily within walking distance.

For each unit, a parking space is provided off-street, although the area does allow residential parking along Ryan St. Schedule C requires that 1.4 spaces per unit be provided. However given the excellent local transit setting, the proximity of essential amenities and the presence of on street parking for residents, we believe that an exception for this requirement can be made. A setback of 7.5m from Shelbourne Ave is included should the road need to be widened in the future. Both the design and location of this development means that impact on local traffic will be minimal and could contribute to increased alternate transport use and a transit ridership.

### **Exterior design and Landscaping**

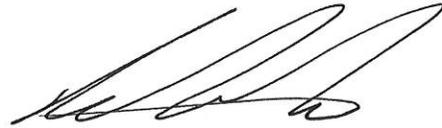
The current site at 2810 Shelbourne is sparsely vegetated and appears aged. Our proposal will completely makeover the property with new plantings and renewed facades that will add polish and contribute to pride in the neighborhood. Each unit will have its own parcel of yard so that each resident will get to enjoy the landscaping. The 7.5M setback from Shelbourne means that the view from the street will be lush and will help distance the road noise for the homeowners. The driveway provides a parking stall for each unit and with the bulk of the stalls towards the rear or the yard, added security as well. Although there are no heritage implications for the project, the re-used nature of the homes will maintain the outward appearance and roofline that is present in the neighborhood. In regards to CPTED, we believe the amount of open space and simply its location adjacent to a busy street, provides a high degree of natural surveillance to help reduce instances of crime. Landscaping and pathways will be such that clear lines of ownership and property are maintained to both the public, and the other strata title holders.

### **Interior Layout and Demographic Appeal**

One of the great attributes of this project is that it has homes for a variety of demographics. The square footage of the units are 495, 720, two 858, and the largest being 1213. This goes a long way to create the "multi-generational neighborhood" called for by the OCP. The range of units will naturally offer a range of prices as well. The result will be a diverse yet small "strata community" for people

**Summary**

This project is exactly what is called for by the OCP. Its appearance fits in beautifully with surrounding structures. Its re-use of existing buildings promotes environmentally sustainable development. The human scale of the design is appealing to all demographics promoting the desired multi-generational communities. The site is ideally located to encourage alternative transport and increase the use of transit. The impact to traffic in the area will be negligible and serves the interest of developing the Shelbourne corridor pursuant to the development permit area 7A for increasing density and revitalizing the area. Large and Co submits that construction for this project be approved by council.



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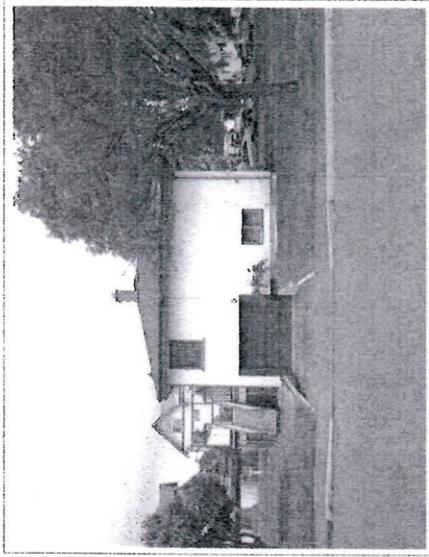
Doug Surtees

Large and Co Developments

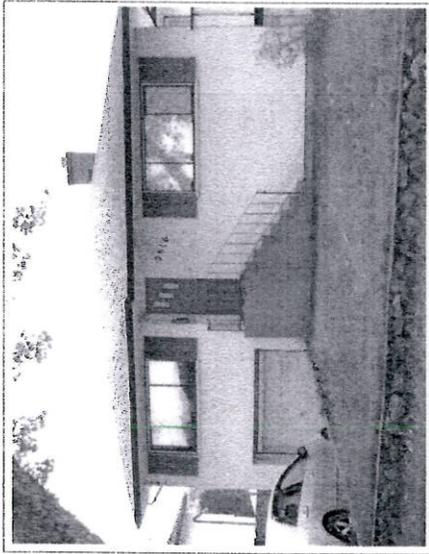
**Green Building Features**

- The primary green feature in this development is that it uses existing structures. Building retention and reuse is directly called for the OCP and the City of Victoria Heritage Program.
- Minimal parking to encourage cycling and walking
- Drive-ways are provided with permeable sections
- Net increase in trees

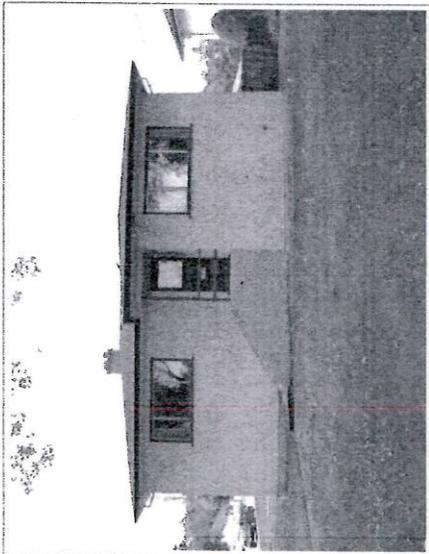
<b>LARGE &amp; CO.</b>	
Land Development 1000 West 10th Street Wichita, KS 67203 Tel: 316-261-1000	
<b>Gerry Troesch</b> Residential Design	
Drawn By: G. TROESCH	Scale: AS SHOWN
Date:	Project:
Drawn By: G. TROESCH	Proposed Development:
	2500 "Shelbourne" Street Wichita, KS
Drawn By: G. TROESCH	Site Plan No.:
	Sheet 1 of 6



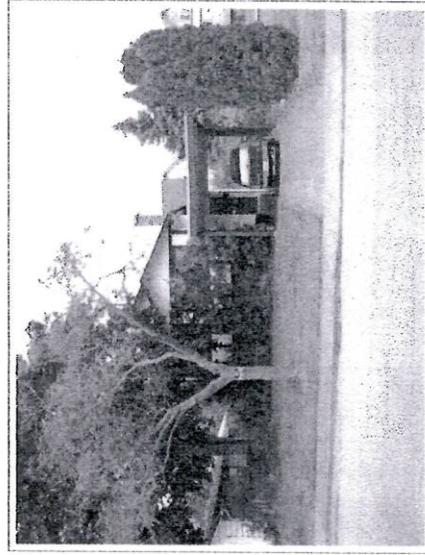
SUBJECT PROPERTY VIEWED FROM RYAN STREET



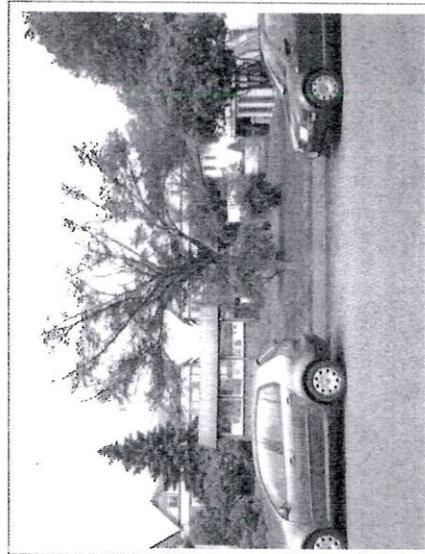
ADJACENT PROPERTY TO THE NORTH OF SUBJECT PROPERTY



SUBJECT PROPERTY VIEWED FROM SHELBOURNE STREET



ADJACENT PROPERTY TO THE WEST OF SUBJECT PROPERTY



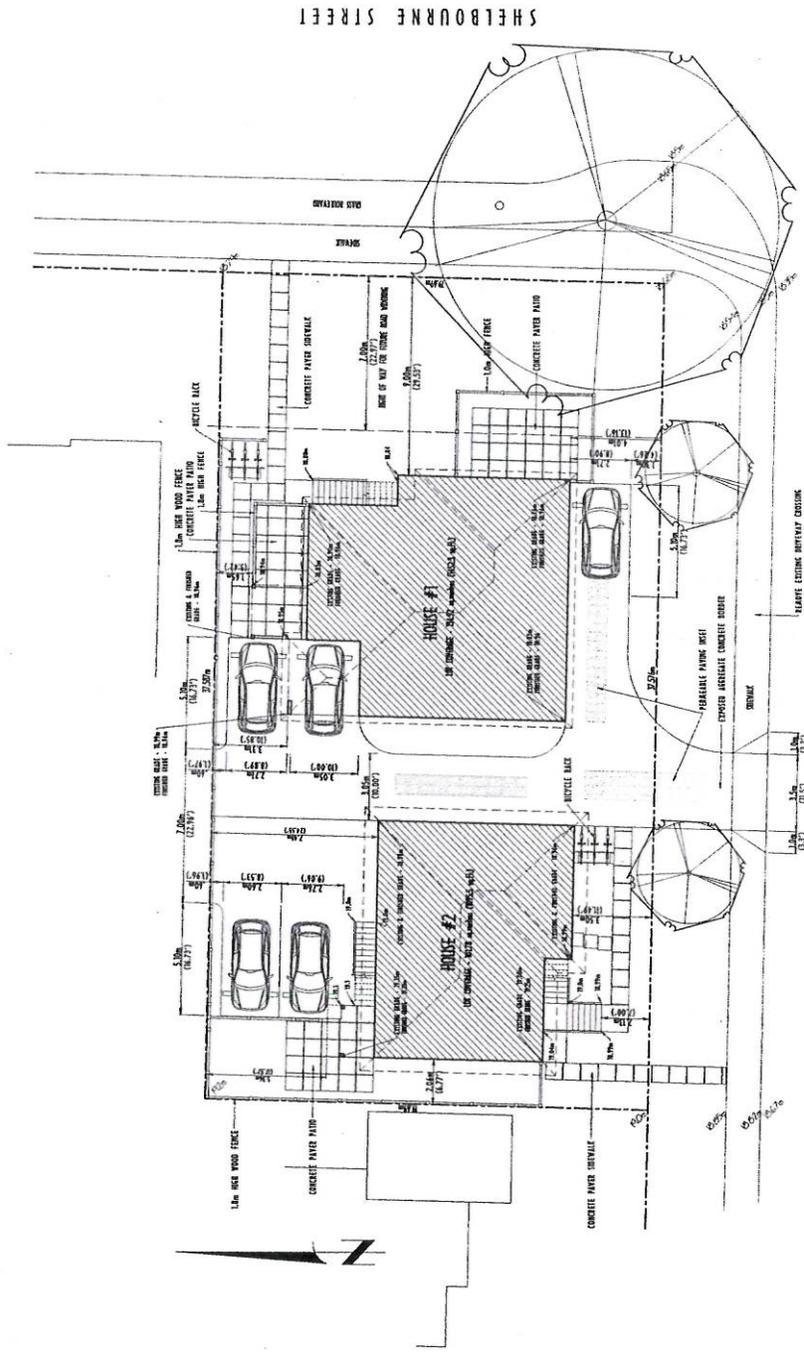
BACK OF SUBJECT PROPERTY VIEWED FROM RYAN STREET

Received  
City of Wichita  
SEP 24 2012  
Planning & Development Department  
Development Services Division

**AVERAGE GRADE CALCULATION**

HOUSE #1 AVERAGE GRADE CALCULATION			
SOUTH SIDE			
18.87	18.76	2	11 296.745
EAST SIDE			
18.76	18.84	2	7.66 144.828
18.84	18.84	2	0.373 6.98332
18.84	18.88	2	1.81 34.2660
18.88	18.9	2	0.12 2.2728
18.9	18.9	2	0.132 2.5728
NORTH SIDE			
18.9	18.93	2	3.76 71.1204
18.93	18.94	2	2.44 46.2614
18.94	18.95	2	1.44 27.144
18.95	18.95	2	1.44 27.144
18.95	18.95	2	1.44 27.144
WEST SIDE			
18.96	18.83	2	12.18 231.9201
TOTAL			
AVERAGE GRADE			18.87

HOUSE #2 AVERAGE GRADE CALCULATION			
FRONT			
18.02	18.04	2	1.42 25.9612
18.04	18.09	2	2.59 47.2485
18.09	18.09	2	1.2 22.328
18.09	18.1	2	0.11 2.082
18.1	18.1	2	0.11 2.082
18.09	18.09	2	0.127 2.38143
18.09	18.06	2	0.1 18.7475
EAST SIDE			
18.06	18.06	2	0.7 13.038
NORTH SIDE			
18.08	18.1	2	1.42 25.9612
18.1	18.1	2	0.11 2.082
18.1	18.1	2	0.11 2.082
18.1	18.11	2	0.11 2.082
18.11	18.11	2	0.11 2.082
WEST SIDE			
18.15	18.05	2	8.26 156.226
AVERAGE GRADE			18.07



**2810 SHELBOURNE STREET - SITE DATA**

PROPOSED	REQUIREMENTS (MUNICIPAL ACT)
LOT AREA	2405 SQUARE METRES (5643 SQ FT)
LOT COVERAGE	28.7 PERCENT (547.42 SQ FT) OR 23%
OPEN SITE SPACE	353.4 SQUARE METRES (8025 SQ FT) OR 63.36%
HOUSE #1 FLOOR AREA	222.2 SQUARE METRES (5025 SQ FT)
HOUSE #2 FLOOR AREA	222.2 SQUARE METRES (5025 SQ FT)
FRONT YARD SPACE	383.8 SQUARE METRES (8715 SQ FT)
REAR YARD SPACE	510.7
SEMI-PRIVATE DRIVEWAY (SHELBOURNE STREET)	24m (62 FT)
REAR DRIVEWAY	24m (62 FT)
RYAN STREET SIDE YARD WEDGE #1	4.0m (10 FT)
RYAN STREET SIDE YARD WEDGE #2	3.5m (9 FT) TO WEDGE
WEDGEMENT SIDE YARD WEDGE #1	1.5m (5 FT) TO WEDGE
WEDGEMENT SIDE YARD WEDGE #2	1.5m (5 FT) TO WEDGE
INTERIOR SIDE YARD WEDGE #1	5.5m (14 FT) TO WEDGE
INTERIOR SIDE YARD WEDGE #2	7.0m (18 FT) TO WEDGE
NUMBER OF UNITS	2
HOUSE #1	1
HOUSE #2	1
NUMBER OF PARKING SPACES	5
HOUSE #1	2.5m (6 FT)
HOUSE #2	7.0m (22 FT)

**SITE PLAN**  
 SCALE - 1:100  
 CIVIC ADDRESS - 2810 SHELBOURNE STREET  
 LEGAL DESCRIPTION - LOT 2, SECTION 84, VICTORIA DISTRICT, PLAN 1957

Received  
 City of Victoria  
 NOV 23 2012  
 Planning & Development Services Division

**LARGE & CO.**  
 1000 WESTERN AVENUE  
 SUITE 100  
 VICTORIA, BC V8M 3R7  
 TEL: 250-383-2881  
 FAX: 250-383-2881

**Gerry Troosen**  
 Residential Design  
 1000 WESTERN AVENUE  
 SUITE 100  
 VICTORIA, BC V8M 3R7  
 TEL: 250-383-2881  
 FAX: 250-383-2881

Drawn By: G. TROOSEN  
 Date: \_\_\_\_\_  
 Scale: A5 SHOWN  
 Project: \_\_\_\_\_  
 City: \_\_\_\_\_  
 County: \_\_\_\_\_  
 District: \_\_\_\_\_  
 V.P. No.: \_\_\_\_\_

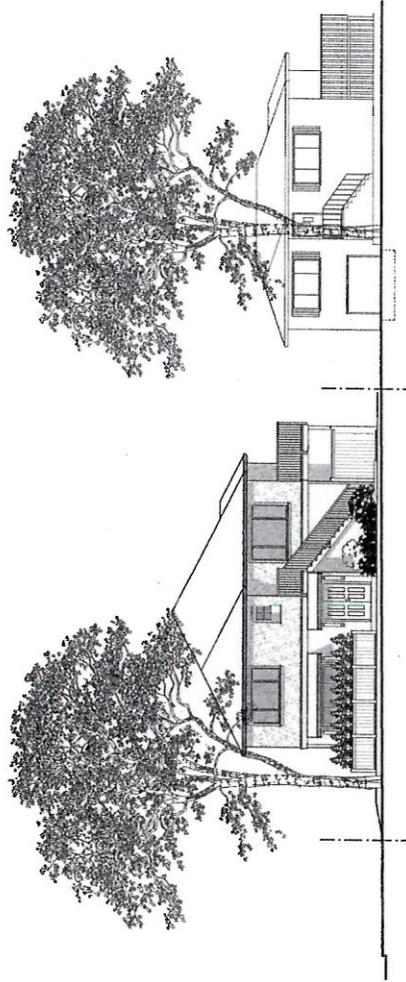
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 Date: \_\_\_\_\_

Revision: NOV/2012 - NOVEMBER 23, 2012

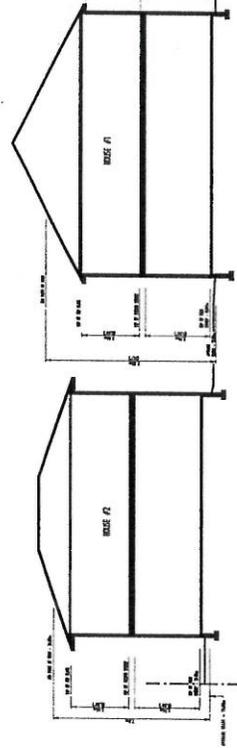
Sheet 2 of 6  
 Plan No. \_\_\_\_\_



RYAN STREET STREETScape



SHELBOURNE STREET STREETScape



SITE SECTION  
SCALE: 1/4" = 1'-0"

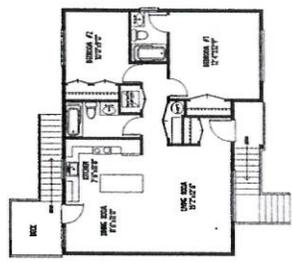
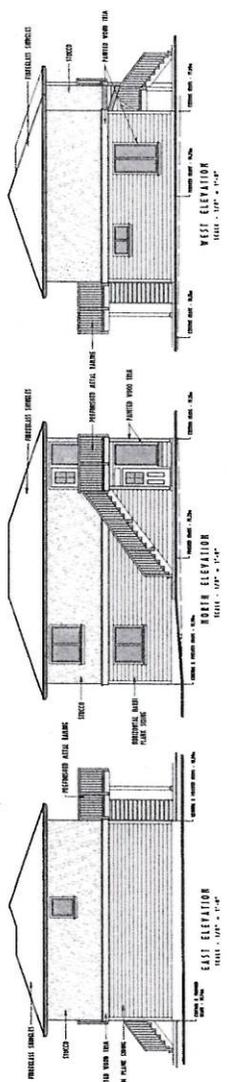
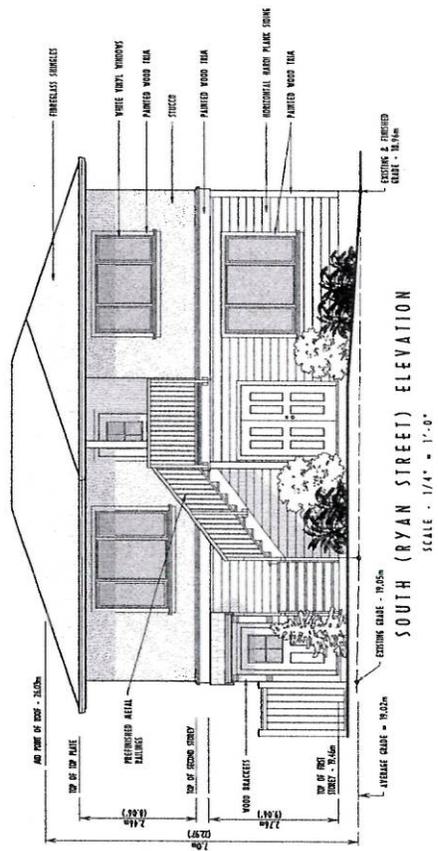
<b>LARGE &amp; CO.</b>	
Land Development	
1000 West 10th Street, Suite 100 Victoria, BC V8M 2K7 Phone: 250-383-8282	
<b>Gerry Troesch</b>	
Residential Design	
Drawn By: G. TROESCH	Scale: AS SHOWN
Date:	Project:
Client:	Proposed Development:
Site:	2810 Shelbourne Street
City:	Victoria, BC
Drawn:	Sheet:
DATE:	3 of 6
Revisions:	Plan No.:
REVISED - NOVEMBER 22, 2012	

Received  
City of Victoria  
NOV 23 2012  
Planning & Development Department  
Development Services Division



LARGE & CO.

<b>Gerry Trees... Residential Design</b>	
Drawn By: G. TRZCZAK	Date:
Scale: A3, 3/4"=1'-0"	Project: Development
Client: Large & Co.	Address: 2810 Shelbourne Street, Victoria, BC
Drawing: 5	Sheet: 5 of 6
Revision:	Plan No:



Received  
City of Victoria  
NOV 23 2012  
Planning & Development Department  
Development Services Division

HOUSE #2



## Oaklands Community Association Land Use Committee Meeting

July 19, 2012 Meeting Minutes

### 2810 Shelbourne

Earl Large (EL), Developer presenting plan for proposed redevelopment of 2810 Shelbourne St.

#### *Points that EL made to audience:*

- Easier to do this development because of corner lot allowing side street access
- A similar development happened on the corner of Denman and Richmond. This property is in the same situation as it provides affordable housing within walking distance of the hospital.
- New house will be put in the backyard with 2 new units underneath. Existing house will be turned to face Ryan and have 1 new unit underneath.
- It will be a strata development with 5 units.
- The houses will be upgraded compared to the original building standards when originally built with thermal pane windows, etc.
- EL states that has also purchased a house on Haultain, from which he will move the existing house to the Ryan Street property in question.

Some confusion between the audience and EL about current zoning and EL states that lot is currently zoned for townhouses.

#### *Concerns from community:*

- Why so much room for parking on site? There is a potential for nicely landscaped yard here if parking requirements are relaxed.
- Other members state concern about parking spilling over onto the street, combining with the busy traffic from Kingdom Hall next door.
- Question about why EL wouldn't just build new? Answer from EL: There is the potential to save money from recycling building materials.
- Question about whether there are any trees on the lot that need to be taken down? EL: No
- Question about how long the construction will take? Member teaches English at home and this is a concern for them (neighbour) EL: 8 months starting in October. There is financial incentive to finish construction as soon as possible.
- Question: Is there potential to provide bus passes or car share coop memberships in lieu of parking? EL: The reality is that while people might use the bus or walk to work, they typically still require the space for a vehicle.
- Suggestion that paving stones instead of poured concrete would help mitigate the look of the parking area.

**The most common concern from residents in attendance is that this development would significantly increase the traffic and need for parking on Ryan Street.**



## Planning and Land Use Committee Report

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**Date:** January 9, 2014      **From:** Helen Cain, Senior Planner

**Subject:** **Rezoning Application #00380 and Development Permit with Variance Application for 62 Cambridge Street**  
 Application to rezone to permit retention of a single family dwelling with a secondary suite on a subdivided lot and construction of a new small lot house with one variance for front setback

---

### Executive Summary

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application and Development Permit with Variance Application for the property located at 62 Cambridge Street. The proposal is to rezone from the R1-B Zone (Single Family Dwelling District) to permit a single family dwelling with a legal secondary suite on a subdivided lot and construction of a new small lot house with one variance related to the front setback requirements. Given the existing single family dwelling on a newly created lot would have a greater total floor area and higher density than permitted in the R1-B Zone, a custom zone would be required.

The following points were considered in assessing this application:

- The subject site is designated as Traditional Residential in the *Official Community Plan, 2012* (OCP). The rezoning proposal is generally consistent with the uses identified for this Urban Place Designation.
- The proposal to rezone is compatible with the OCP objectives for sensitive infill and the proposed design will comply with applicable guidelines in Development Permit Area 15A, Intensive Residential Small Lot Development.
- Current policy states that a "satisfactory level" of neighbourhood support for a small lot house rezoning is 75%. The applicant completed a Small Lot House Rezoning Petition twice in 2012 and 2013. Initially 33% of adjacent property owners and residents supported the proposal; this increased to 56% in 2013.

Although the proposal is consistent with OCP policy and applicable design guidelines, staff are recommending that the rezoning be declined because the applicant has not satisfied the Small Lot House Rezoning Policy with respect to the minimum level of neighbours' support. Should Council wish to advance the Rezoning Application and Development Permit with Variance to a Public Hearing, an alternate recommendation is provided in the Options Section of the report.

**Recommendation**

That Council decline Rezoning Application #00380 for 62 Cambridge Street.

Respectfully submitted,

*Helen Cain*

*AM*

Helen Cain  
Senior Planner  
Development Services Division

*D. E. Day*

Deb Day  
Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:

*Jocelyn Jenkyns*  
Jocelyn Jenkyns

HC/ljm

S:\TEMPEST\_ATTACHMENTS\PROSPERO\PL\REZ\REZ00380\PLUC REPORT\_REZ\_62CAMBRIDGESTREET\_JAN9\_2013.DOC.DOC

**1.0 Purpose**

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application and Development Permit with Variance for the property at 62 Cambridge Street.

**2.0 Background**

**2.1 Clean Hands Policy**

At the time the applicant purchased the property at 62 Cambridge Street, the existing house had two suites that were created without the necessary City approvals. The current owner has worked with staff to address this situation, and a Building Permit to remove both illegal suites and to allow a new secondary suite was approved in July 2013. Given that the illegal suites were decommissioned in August 2013, there is no outstanding issue to be addressed prior to consideration of the proposed rezoning of the subject property.

**2.2 Description of Proposal**

The subject site is a corner lot at Cambridge Street and Woodstock Avenue. The applicant proposes to rezone the property from the R1-B Zone (Single Family Dwelling District) to permit subdivision into two parcels, retention of the existing house on Lot 1 and construction of a small lot house on Lot 2. The latter will comply with the R1-S2 Zone (Restricted Small Lot Two Storey District) criteria except for the front setback which will be relaxed from 6 m to 4.1 m. However, the Lot 1 house has existing conditions that are not permitted in the R1-B Zone. Firstly, this house has a total floor area (374.92 m<sup>2</sup>) exceeding the maximum (300 m<sup>2</sup>) allowed, indirectly resulting in a greater floor space ratio (i.e. density). Secondly, the height of the existing house is 7.82 m and three storeys which exceed the standards of 7.6 m and two storeys. Lastly, it has two existing non-conforming setbacks: the front setback is 2.0 m and its east side (Cambridge Street) setback is 3.4 m, whereas the standard requirements are 7.5 m and 3.4 m, respectively.

The proposed site plan, house design and landscaping include the following:

- Siding and details: cedar shingles (painted “putty”) on bottom and upper facade with fibre cement board with HardiePlank panels on second storey.
- Windows and entrances: vinyl windows (painted charcoal) with HardiePlank trim, fir door for main entrance with HardiePlank gable roof feature and twin columns on granite rock piers, and a built-in recessed garage with metal door (painted “putty”).
- Driveway, paths and patios: The Lot 1 house driveway will remain in its existing location and new patio areas will be introduced at the rear and in the east side yard. On Lot 2, a new driveway will cross over Cambridge Street, two pathways will flank the proposed small lot house along its north and south property lines, a patio will be placed at the rear, and pavers in the front yard will be combined with soft landscape.
- Trees and plantings: extensive new plantings are proposed for Lots 1 and 2 in the front and south side yards and a lawn will separate the existing house from

the small lot house, while a hedge along the latter's south side yard will also provide privacy. A new row of maple trees along the rear property line of Lots 1 and 2 will screen the two houses from adjacent properties to the west and north.

**2.3 Land Use Context**

The subject property is located at the corner of Woodstock Avenue and Cambridge Street. On both streets, the place character is low-density residential in the form of duplexes, single family dwellings, and small lot single family dwellings. Four blocks to the northwest is Cook Street Village where there is a cluster of community and commercial services. New infill that is low-scale, ground-oriented housing is well-suited to the context of this area of south Fairfield.

The immediate land use context includes:

- to the north on Faithful Street, one parcel is R1-B Zone, Single Family Dwelling District
- to the east on Cambridge Street, six parcels are R1-B Zone, Single Family Dwelling District, and one parcel is R-2 Zone, Two Family Dwelling District
- to the south and west on Woodstock Avenue, one parcel is R-2 Zone, Two Family Dwelling District, and five parcels are R1-B Zone, Single Family Dwelling District.

**2.4 Community Consultation**

The applicant consulted with the Fairfield Gonzales Community Association Land Use Committee (CALUC) on September 17, 2012. No comments had been received from the CALUC prior to writing of this staff report.

With respect to the *Small Lot House Rezoning Petition*, the required poll of neighbours was initially completed in early 2013, but yielded low support (33%) for the proposal. In efforts to achieve greater support, the applicant conducted a second petition in late 2013 that indicates a relative increase (56%), but less than a "satisfactory support" level (75%). Land use-related concerns expressed in the petition are the size and height of the new small lot house, potential shadow and privacy impacts, availability of street parking, and higher traffic volumes.

**2.5 Existing Site Development and Development Potential**

The data table (below) compares the proposal with the R1-B Zone (Single Family Dwelling District) and R1-S2 Zone (Restricted Small Lot Two Storey District). The proposal is less stringent than the applicable zoning criteria where identified with an asterisk (\*) as below. Dimensions marked with a double asterisk (\*\*) are existing legally conforming conditions.

Zoning Criteria	Proposed Lot 1	Zone Standard R1-B	Proposed Lot 2	Zone Standard R1-S2
Site area (m <sup>2</sup> ) – minimum	471.9	460	299.47	260
Lot width (m) – minimum	18.26	15	16.39	10.00
Total floor area (m <sup>2</sup> ) – maximum	374.92**	190.00	217.82	190

Density (Floor Space Ratio) – maximum	0.79:1	n/a	0.53:1	0.6:1
Height (m) – maximum	7.82**	7.60	6.96	7.50
Storeys – maximum	3**	2	2	2
Site coverage (%) – maximum	37.5	40	32	40
Open site space (%) – minimum	57	n/a	58	n/a
Setbacks (m) – minimum				
Front	2.0**	7.50	4.10*	6.00
Rear	7.5	7.50	6.00	6.00
Side (west; north)	2.5	1.83	1.50	1.50
Side (Cambridge; south)	3.4**	3.50	2.40	2.40
Combined side yards	5.90	4.50	n/a	n/a
Vehicle Parking – minimum	1 space	1 space	1 space	1 space

**2.6 Legal Description**

Lot 18, Fairfield Farm Estate, Victoria City, Plan 960.

**2.7 Consistency with City Policy**

**2.7.1 Regional Growth Strategy**

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

**2.7.2 Official Community Plan, 2012**

The proposed development is consistent with the relevant land use policies of the *Official Community Plan 2012* (OCP). The property at 62 Cambridge Street is designated as Traditional Residential in the OCP, where ground-oriented housing, such as small lot single family dwellings, are enabled as appropriate forms of new infill.

In accordance with the OCP, the new small lot dwellings are subject to DPA 15A, Intensive Residential Small Lot. The objectives of DPA 15A are:

4. (a) *To accommodate 10% of Victoria's anticipated population growth and associated housing growth in Small Urban Villages and residential area to encourage and support future and existing commercial and community services.*
- (b) *To accommodate housing growth in Traditional Residential areas in a manner that is gradual, of a small scale and adaptive to the local contexts.*
- (c) *To integrate more intensive residential development in the form of single family dwellings on relatively small lots within existing Traditional Residential areas in a manner that respects the established character of neighbourhoods.*
- (d) *To achieve a high quality of architecture, landscape and urban design to enhance neighbourhoods.*

- (e) *To integrate infill development in Traditional Residential areas that is compatible with existing neighbourhoods through considerations for privacy, landscaping and parking.*

The proposal for 62 Cambridge Street is consistent with DPA 15A objectives to achieve infill that is of high-quality design and that respects the established character in residential areas.

## **2.8 Consistency with Design Guidelines**

The proposal is subject to review under DPA 15A, Intensive Residential Small Lot Development. Building form, character, exterior finishes and landscaping details are controlled and regulated in relation to the *Design Guidelines for Small Lot Houses, 2002*. Staff assessment of this small lot house proposal for compliance with applicable guidelines is summarized as below.

### **2.8.1 Siting, Location and Topography**

The subject property is a corner lot with an older single family dwelling that has its front yard on Woodstock Avenue, east side yard on Cambridge Street, and a north rear yard, which would be subdivided with a new small lot house. The proposed new dwelling on Lot 2 would have a frontage along Cambridge Street with a west rear yard. Its side setbacks would be narrow, but would have landscaping strips to visually separate the Lot 1 and 2 houses on the latter's south side, and to provide privacy for the Lot 2 house in relation to the house at 1149 Faithful Street. Because the small lot house would be two storeys and sited near (1.83 m) the north property line, the building would have a minor shadowing impact on the rear yard of the adjacent house.

### **2.8.2 Architectural Envelope**

No exterior changes to the Lot 1 house are part of the proposal. With respect to the small lot house, the proposed form and massing are compatible with the block of Cambridge Street between Faithful Street and Woodstock Avenue where houses are varied in scale and size. The house design is a contemporary interpretation of Arts and Crafts architectural styles as evident in gable roof elements, wood trim siding details, and twin entrance columns on rock piers. Given the prevalence of Arts and Crafts houses on this particular section of Cambridge Street, the proposed design would enhance and reinforce existing place character.

### **2.8.3 Openings**

The main entrance of the small lot house would be the prominent feature of its front elevation, central to the façade with a gable roof and flanked by columns on piers. While this frontage would have a built-in garage, this entrance would be set back from building face and painted in a colour that blends with the lower facade. On the west (rear) elevation there would be two doors, one opening to a patio area. Upper windows would face the rear yard of the property to the west, but outward views would be screened by a row of new trees on the subject site and a large existing tree on the neighbouring property. Similarly, views from a small window on the upper north elevation would be limited due to a tree near the property line on the adjacent lot.

#### 2.8.4 Textures and Detail

The colour palette for the small lot house would be neutral with a mix of materials and textures. Finishes include: light grey smooth fibre cement board siding with HardiePlank detailing on the upper façade and grey-brown cedar shingles at grade; black vinyl windows; metal garage door painted in grey-brown; fir main entrance door; and wooden entry columns on granite rock piers.

#### 2.8.5 Landscaping

New landscape design is proposed for Lots 1 and 2. A new hedge and shrubbery planted along both frontages of the Lot 1 house would contribute to a positive street presence. Other hedges at the south and north edges of Lot 2 would visually separate the small lot house from the Lot 1 house, and place a buffer between the small lot house and the adjacent house to the north. While there would be hard surfaces in the front yard of the small lot house, these would be softened with new plantings along the east property line and building face. Additionally, new trees and plantings along the west property line would help to provide privacy for neighbours.

### 3.0 Issues

The issues related to this application are:

- satisfactory level of support
- shadowing impact
- house conversion.

### 4.0 Analysis

#### 4.1 Satisfactory Level of Support

Although this proposal is consistent with land use policy and design guidelines, a number of adjacent neighbours are not supportive. While the applicant's efforts have increased support from 33% to 56%, this level is less than the threshold of 75% for "satisfactory support" identified in the *Small Lot House Rezoning Policy*. Given the latter standard, staff are recommending that Council decline this rezoning. Should Council wish to advance the application for consideration at a Public Hearing, an alternate recommendation is provided in "Options – Section 6.2", below.

#### 4.2 Shadowing Impact

Impact of new development on access to sunlight for adjacent residents is an important design consideration. Because the small lot house would be two storeys and sited relatively close (1.5 m) to the north property line, the applicant has submitted a third-party Solar Impact Analysis, attached to this report. This study states that there would be no direct shading over the rear yard of the house at 1149 Faithful Street.

#### 4.3 House Conversion

Currently, the single family dwelling on Lot 1 has a legal secondary suite, but this house has potential for conversion into additional self-contained dwelling units. Staff have no concerns about retention of the secondary suite, but future house conversion should be restricted to

maintain an appropriate intensity of development. Should Council advance the rezoning for consideration at a Public Hearing, Option Two (below) provides direction to ensure the existing house is restricted to a single family dwelling with a secondary suite that cannot be converted into additional suites.

## 5.0 Resource Impacts

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

## 6.0 Options

### Option One (Staff Recommendation)

That Council decline Rezoning Application #00380 for 62 Cambridge Street.

### Option Two (Proceed to a Public Hearing)

1. That Rezoning Application #00380 for 62 Cambridge Street proceed for consideration at a Public Hearing, subject to the preparation of the necessary *Zoning Regulation Bylaw* amendments for the existing single family dwelling with a secondary suite, restricting any further conversion, and for construction of a small lot house.
2. Subject to adoption of the *Zoning Regulation Bylaw* amendments, that Council authorize the issuance of a Development Permit, in accordance with:
  - a. plans for Rezoning Application #00380, stamped November 12, 2013, and December 13, 2013, for the colour elevation and landscape plan;
  - b. development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:  
 Part 1.23, R1-S2 Zone, Restricted Small Lot Two Storey District
    - minimum front setback is relaxed from 6.0 m to 4.1 m;
  - c. final plans to be in accordance with plans identified above.

## 7.0 Conclusions

This proposal to create two lots with retention of a single family dwelling with a secondary suite on one lot and one new small lot house is well-suited to the surrounding land use context. It is also consistent with design guidelines for infill in low-density residential areas with established place character. However, the application is not supportable based on the applicable policy for achieving a minimum level of "satisfactory support" from adjacent property owners and residents.

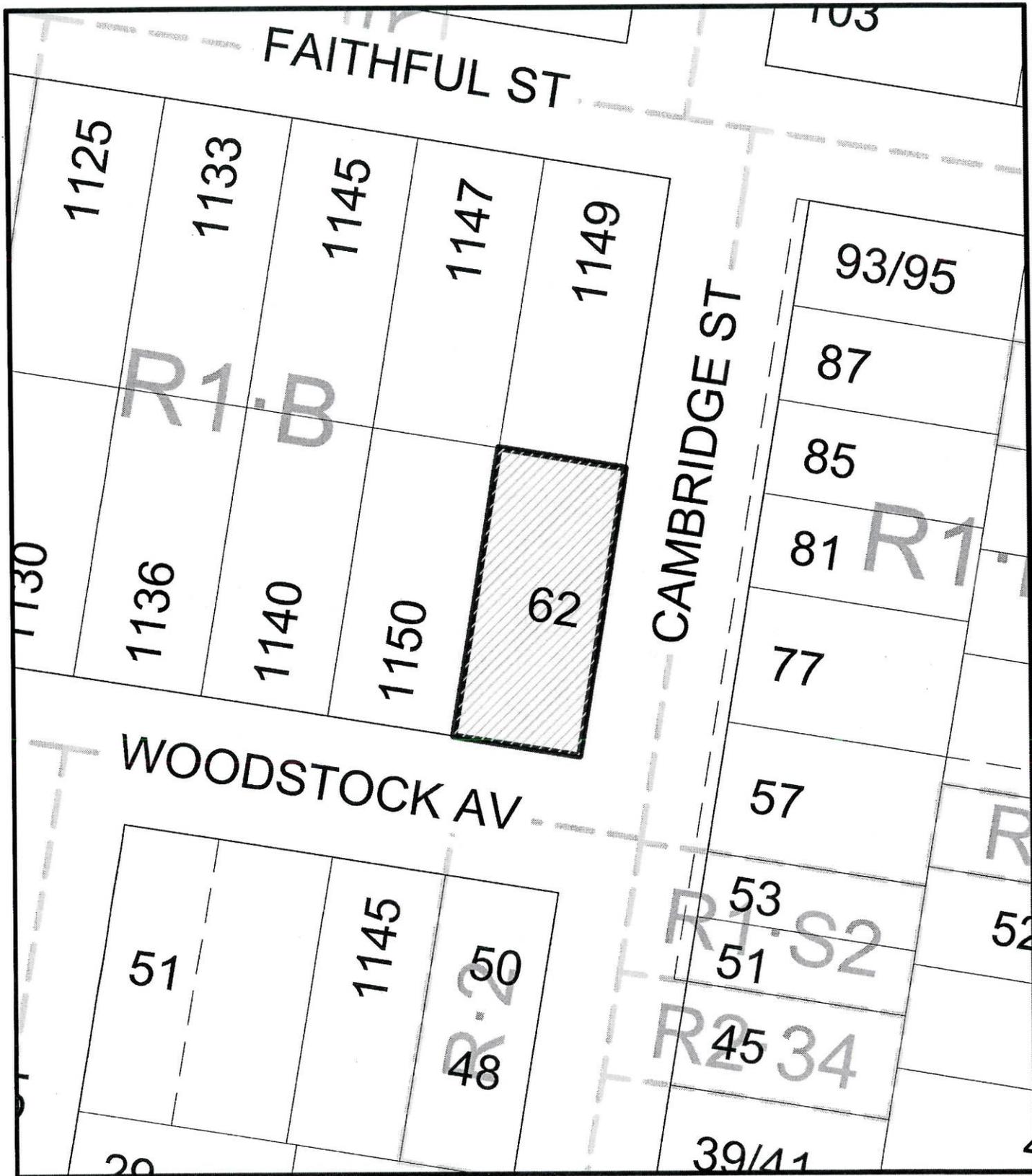
## 8. Recommendation

That Council decline Rezoning Application #00380 for 62 Cambridge Street.

## 9. List of Attachments

- Zoning map
- Aerial photo

- Letter from owner, Peter Waldhuber, stamped December 16, 2013
- Letters from Archie Willie on behalf of the owner, stamped March 15, 2013
- Letter from Alfresco Living Design, stamped December 13, 2013
- Plans for Rezoning Application #00380, stamped November 13, 2013 and stamped December 13, 2013 for colour elevation and Landscape Plan
- Two Summaries and Responses to the Small Lot House Rezoning Petition.



62 Cambridge Street  
 Rezoning #00380  
 Bylaw #





62 Cambridge Street  
Rezoning #00380  
Bylaw #





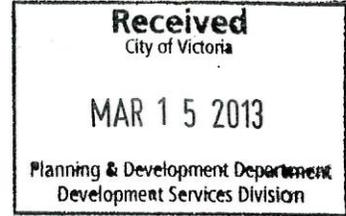
December 10, 2013

Re: 62 Cambridge St.  
Small Lot Subdivision Rezoning

My name is Peter Waldhuber, I am the homeowner of 62 Cambridge St. I purchased the house in 2010, at that time there was a Bylaw Contravention registered on title for two unauthorized suites. I purchased the home to rezone and subdivide the north portion of the property. I spoke with City of Victoria planning department several times to get proper instruction and guidance as to how to proceed with the Bylaw Contravention and my plans to rezone. I was told by the planning department that I could put in my application for the Small Lot subdivision but it could not go to council until I cleared the title.

I started to meet with neighbours to discuss my plans for the property. At the time I had a preliminary plan for the proposed house design, initial feedback was generally positive, although the size and height were an issue with some. All along I recognized my direct neighbours to the north and west would be the most impacted by the new proposed house. I changed my house design based on some initial feedback, in fact I changed architects altogether and hired Archie Willie Designs. Archie has successfully completed several Small Lot Subdivisions in the Fairfield Gonzales area and I knew he would be very sensitive to the house design fitting into the neighborhood. He came up with a great house plan that complemented the neighbourhood very well and addressed initial concerns from neighbors.

In September 2012 Archie Willie and I went in front of the Fairfield Gonzales Community Association. Some feedback from neighbors was that the proposed house design was too large and shaded out my neighbor's garden directly to the north of the property. Along with an extensive landscaping plan for the proposed house and the existing house, I had a shading analysis done. The shading analysis shows there is no direct shading being impacted on the garden of 1149 Faithfull St. I also spoke of the fact that the proposed house is under the maximum allowable size for the proposed property size, as well as being under height. The zoning bylaw allows for a maximum house floor area of 180 square meters (1,937 sqft), the proposed house is 158 square meters (1,700 sq ft) which is 88 percent of the maximum allowable floor area. The overall roof height also conforms to the city bylaw in fact we are under the maximum height 0.54 meter (1.8 feet). Some other feedback was the existing house had unauthorized suites. I informed my neighbors that I had spoken with City Planning department and that I was working on a Clean Hands Policy and putting a building permit in place to convert the house back to a single family dwelling



March 15, 2013

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

RE: Rezoning and Subdivision of 62 Cambridge Street (existing zone R1-B)  
 Legal Description: Lot 16, Section 23, Victoria district, Plan 2097

We hereby request subdivision and rezoning of an existing R1-B zoned lot (Single Family Dwelling District) into two lots as follows:

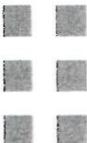
Lot A - existing residence with one secondary suite (site specific zoning)

Lot B - new single family dwelling residence (R1-S2 zoning) Restricted Small Lot (Two Storey) facing Cambridge Street

This proposal has been reviewed by the Fairfield Community Association. The neighbours were concerned over parking, but all city parking requirements conform with one onsite parking space to each lot. Another concern has been the illegal use of the existing single family dwelling with two illegal units, but the owner is removing both illegal units and constructing a new legal permitted secondary suite. The primary concern has been privacy and shading on the adjacent lots, but we have addressed this concern with an extensive landscape design (by Larry Myers, Alfresco Living Design) to both proposed lots.

A minor development variance is also requested to the front setback of the proposed R1-S2 zoned lot (Lot B) from the required 6.0 metre setback to a 4.1 metre setback for alignment with the adjacent Cambridge Street residences. All other zoning requirements conform.

There would be a significant benefit for this development to provide additional housing on an under-utilized property. In addition, it will create an attractive streetscape for all the adjacent properties in the form of an architecturally designed home while maintaining and enhancing the established character in this area as recommended by the Official Community Plan. . We will also be providing substantial attractive landscaping to both proposed lots which will complement and improve existing conditions in the neighbourhood and the adjacent properties.



Green Building Features:

- Energy audit with an on-site consultant
- Energy efficient windows and construction
- Pre-fabricated wall panels, floor and roof structure for less waste and noise
- Recycled aggregate for concrete
- Hardscaping with permeable seams and application
- Substantial increase in plant material
- Drip irrigation
- Reduced turf

Thank you for your consideration of this request.

Respectfully submitted

A handwritten signature in cursive script that reads "Archie Willie".

Archie Willie, A. Willie Design

Wednesday, 06 March 2013



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

RE: Development Variance Permit (DVP) for 62 Cambridge Street  
 Legal Description: Lot 16, Section 23, Victoria district, Plan 2097

The existing lot is being subdivided into two lots as follows:  
 Lot A - existing residence with one secondary suite (site specific zoning)  
 Lot B - new single family dwelling residence (R1-S2 zoning)

We hereby request a development variance to a proposed R1-S2 zoned lot facing Cambridge Street (Lot B) for the following reasons:

- To comply with small lot guidelines that suggest we maintain the front setback in line with the adjacent houses.
- To maintain compliance with rear and side setbacks so adjacent properties will not be affected.
- To provide adequate room sizes for comfortable living space

Zoning Criteria (R1-S2)	Required	Proposed	Relaxation
Front Setback	6.0m	4.1m	1.9m

There would be a significant benefit for this development to provide additional housing on an under-utilized property. In addition, it will create an attractive streetscape for all the adjacent properties in the form of an architecturally designed home while maintaining and enhancing the established character in this area as recommended by the Official Community Plan. . We will also be providing substantial attractive landscaping to both proposed lots which will complement and improve existing conditions in the neighbourhood.

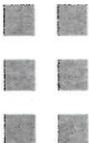
Green Building Features:

- Energy audit with an on-site consultant
- Energy efficient windows and construction
- Pre-fabricated wall panels, floor and roof structure for less waste and noise
- Recycled aggregate for concrete
- Hardscaping with permeable seams and application
- Substantial increase in plant material
- Drip irrigation
- Reduced turf

Thank you for your consideration of this request.

Respectfully submitted

Archie Willie, A. Willie Design



# Alfresco Living Design

79-850 Parklands Drive  
Victoria, BC V9A 7L9  
Phone: 250-381-5802  
E-Mail: alfrescolivingdesign@shaw.ca  
Web: www.alfrescolivingdesign.ca

Protégé Developments  
Peter Waldhuber  
20 Marlborough Street  
Victoria BC V8V 4A5

December 10, 2013

Re: Landscape Plan      62 Cambridge  
                                 Lot 16, Section 23, Victoria District,  
                                 Plan 2097 Lot A / Lot B

City of Victoria  
Planning Department



Dear Sir or Madam:

This Letter is a Document Attachment to the Landscape Plan referenced and supports Project L1.01Protege dated November 28, 2012 and is an Integral Part of Landscape Plan L1.1, Perspective L2.1 and Planting Plan L3.1.

The Landscape Plan is intended to address Site conditions with respect to the Existing Vegetation, Lighting and Drainage concerns.

## Lot A

The Landscape Plan for Lot A is a proposal to replace the non-conforming wooden deck structures and concrete pads with Permeable Hardscape Structures. The Plan also was developed with respect for privacy, as well as address light quality and shading concerns for both the above-mentioned lot and adjacent properties.

- All Hardscape surfaces shall be placed on compacted lifts of aggregate utilizing French Drains and Drain Curtains for both structural integrity as well as site drainage capacity.
- Hardscapes shall be constructed with permeable surfaces, or sufficient breaks in contiguous surfaces, allowing surface water to filter and drain.
- Hydra Press Heavy Pavers and Aggregate is proposed for walkways spaced on a grid pattern to facilitate site drainage.
- Cast in Place Concrete and Aggregate is proposed for patios and Entrances in such a manner to facilitate site drainage.

## Lot B

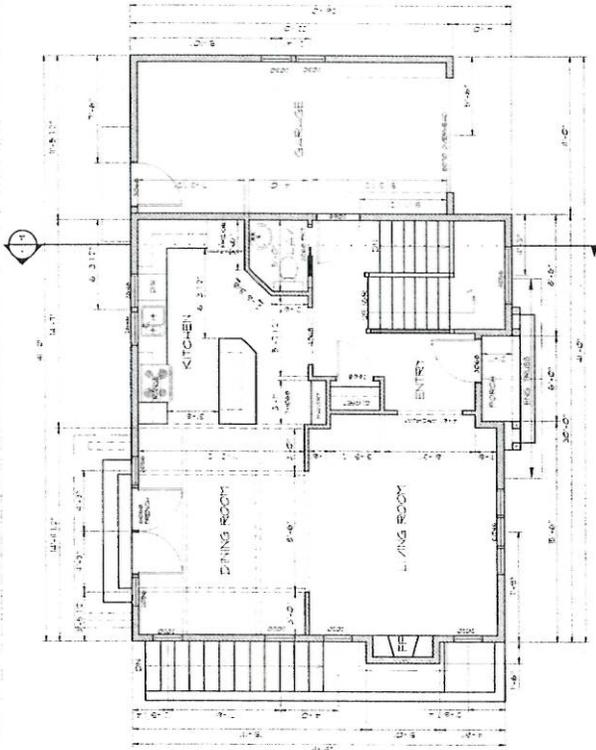
The Proposed landscape Plan is intended to utilize the site, balancing both Hardscape and Softscape components. Drainage capacity, privacy and light quality primarily shading were addressed in all aspects of the planning process. Hardscapes shall be constructed and configured to prevent surface water from migrating. Permeable Hardscape structures are proposed.

- All Hardscape surfaces shall be placed on compacted lifts of aggregate utilizing French Drains and Drain Curtains for both structural integrity as well as site drainage capacity.
- Hardscapes shall be constructed with permeable surfaces, or sufficient breaks in contiguous surfaces allowing surface water to filter and drain.
- Hydra Press Heavy Pavers and Aggregate is proposed for Walkways spaced on a grid pattern to facilitate site drainage.
- Cast in Place Concrete and Aggregate is proposed for Patios and Entrances to facilitate site drainage.

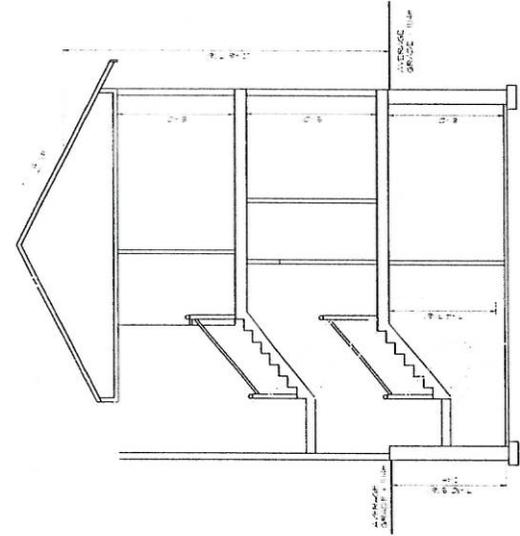
Sincerely,

Larry Myers  
Alfresco Living Design

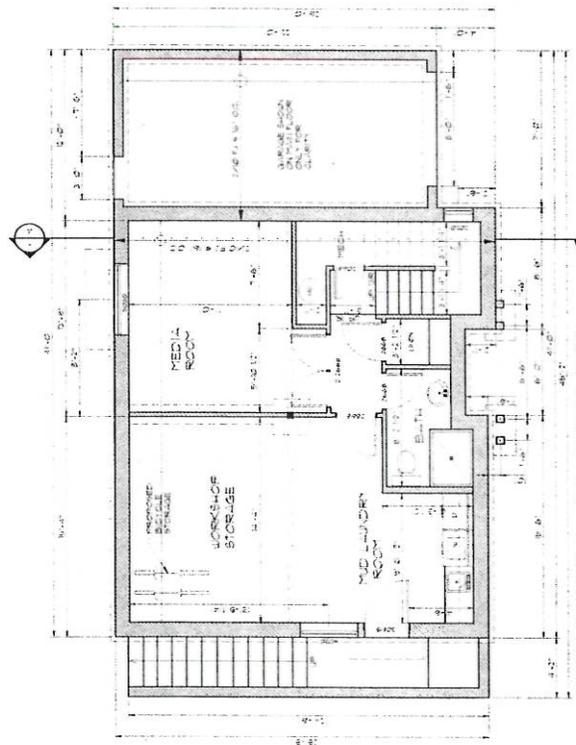




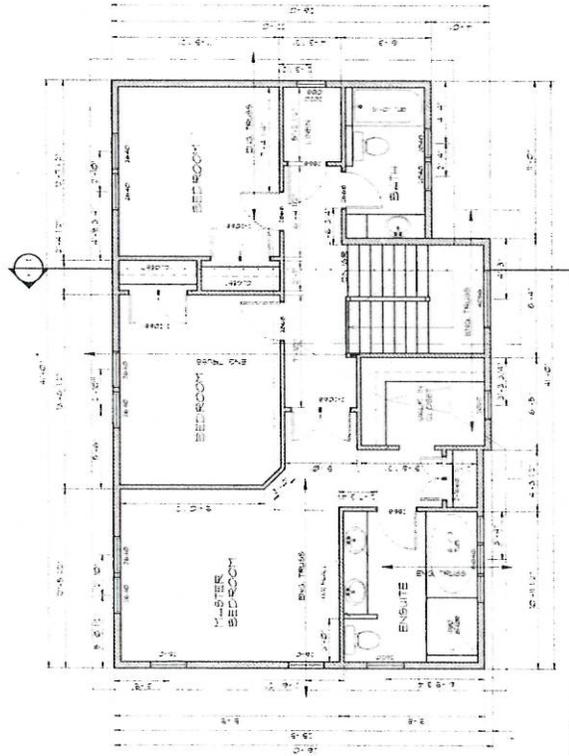
MAIN FLOOR PLAN - LOT B, CAMBRIDGE STREET  
SCALE: 1/4" = 1'-0"



SECTION 1  
SCALE: 1/4" = 1'-0"



BASEMENT FLOOR PLAN - LOT B, CAMBRIDGE STREET  
SCALE: 1/4" = 1'-0"



UPPER FLOOR PLAN - LOT B, CAMBRIDGE STREET  
SCALE: 1/4" = 1'-0"

NO.	DESCRIPTION	DATE	BY	CHKD BY
1	PRELIMINARY	01/10/13	AD	AD
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100	REVISED	01/10/13	AD	AD

**A. WILLIE DESIGN**  
 7485 EPICORTH ST.  
 VICTORIA BC  
 TEL: (250) 958-9386

**PROTEGE DEVELOPMENTS**  
 PROJECT LOCATION:  
 LOT B, CAMBRIDGE STREET,  
 VICTORIA, BC.

**PROPOSED FLOORPLANS,  
 SECTION NOTES**

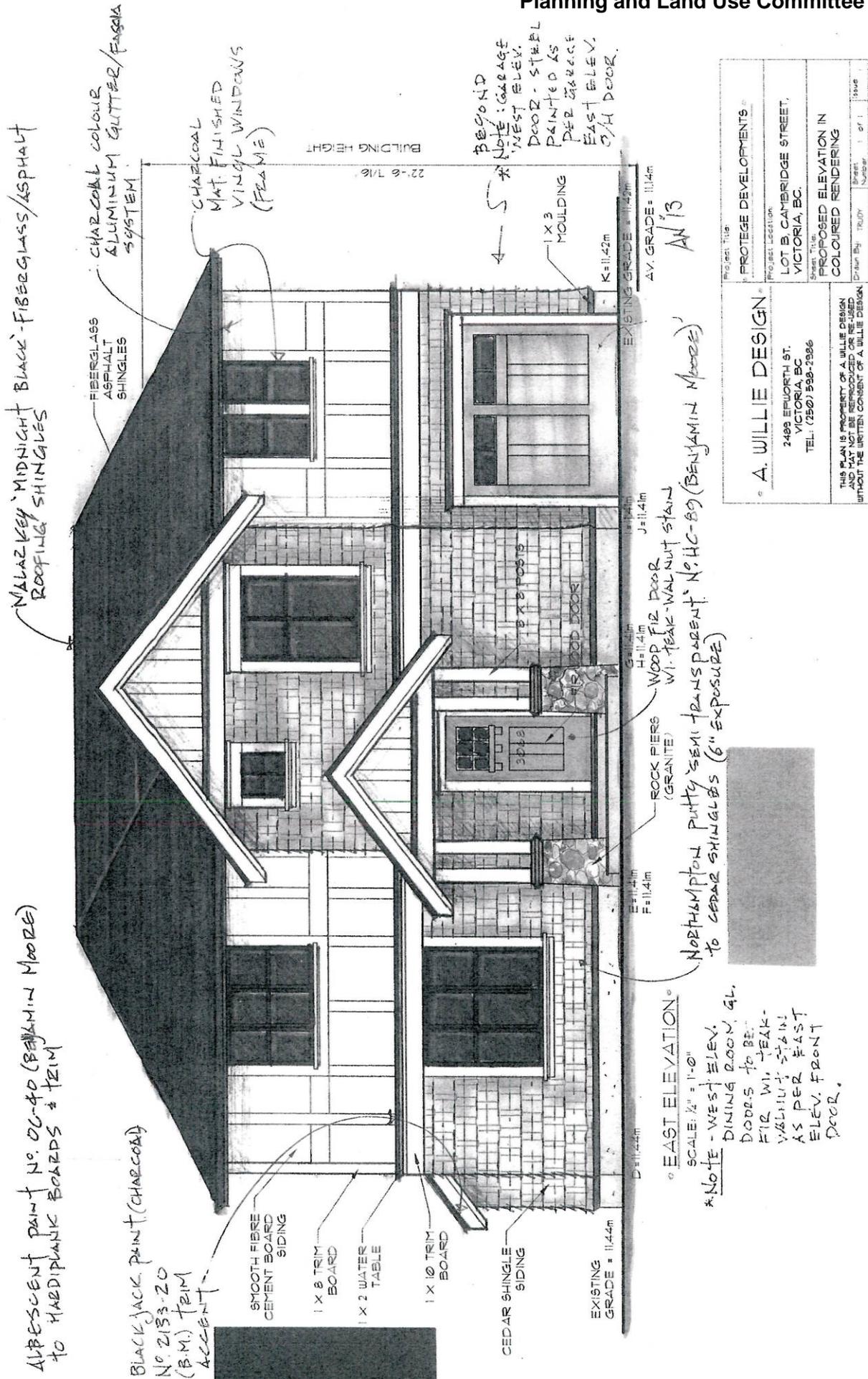
THIS PLAN IS PROPERTY OF A WILLIE DESIGN  
 WITHOUT THE WRITTEN CONSENT OF A WILLIE DESIGN

Received  
 City of Victoria

NOV 12 2013

Planning & Development Department  
 Development Services Division





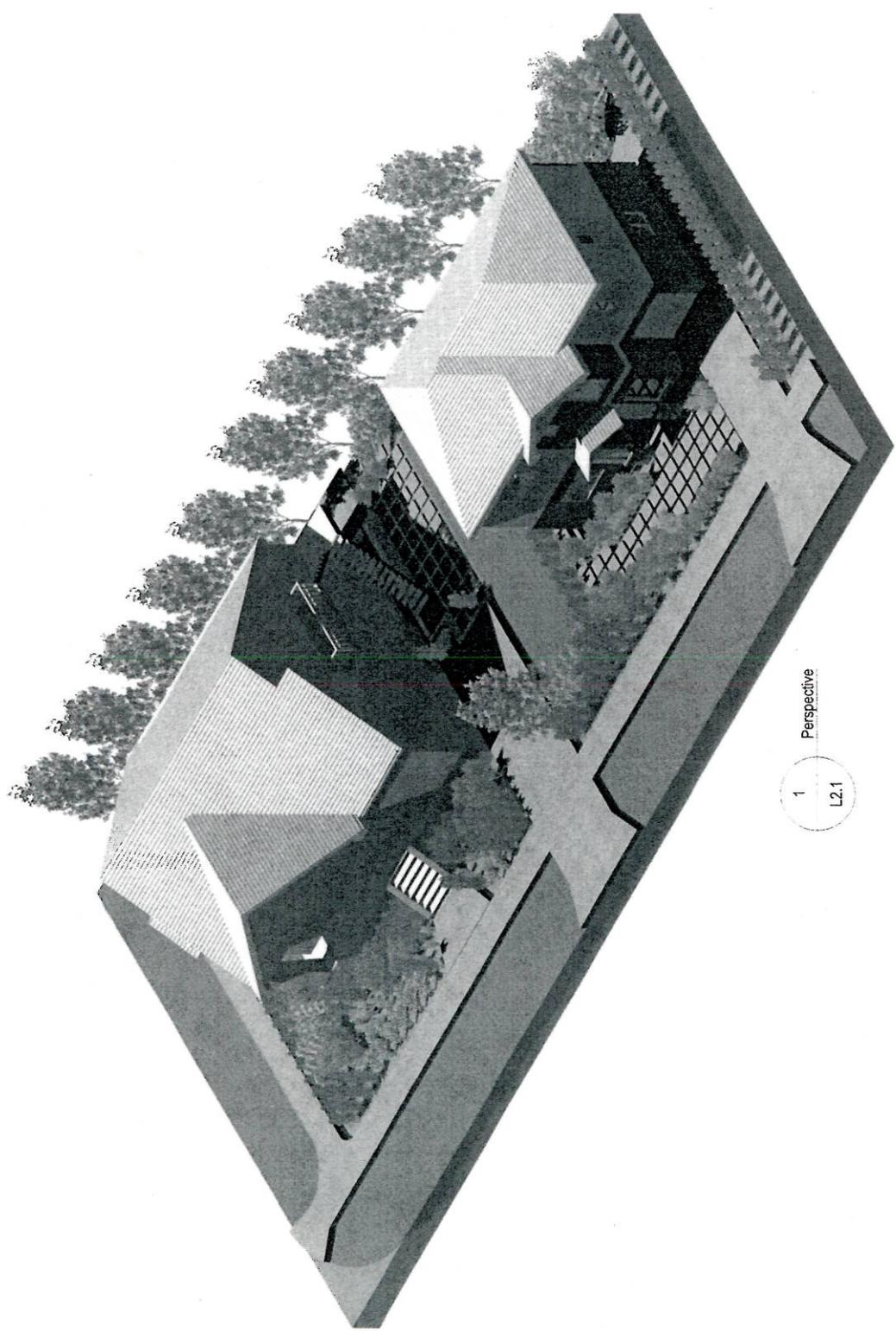
A. WILLIE DESIGN  
 2499 EPIWORTH ST.  
 VICTORIA BC  
 TEL: (250) 598-2986  
 THIS PLAN IS PROPERTY OF A. WILLIE DESIGN  
 AND MAY NOT BE REPRODUCED OR RE-USED  
 WITHOUT THE WRITTEN CONSENT OF A. WILLIE DESIGN

EAST ELEVATION  
 SCALE: 1/4" = 1'-0"  
 \*NOTE - WEST ELEV.  
 DINING ROOM, GL.  
 DOORS TO BE  
 FIBRE W/ TEAK-  
 WALNUT STAIN  
 AS PER EAST  
 ELEV. FRONT  
 DOOR.





REV	DESCRIPTION	DATE	APPROVED



1 Perspective  
L2.1

3. Assessing Methods for the existing and proposed... (text partially obscured)
2. Reviewing in an Artistic Representation for... (text partially obscured)
1. Site Analysis  
 204-21, 2200 Hours, Daylight Saving Time  
 -84-3226 N / 123.147 W  
 No. 10000 Note

**Alfredco**  
Living Design

**Errors and Omissions:**  
 Designer: Will be responsible for the costs incurred to... (text partially obscured)

**Owner:** Alfredco Living Design  
**Designer:** Larry Myers  
 75 900 Parkside Drive, Victoria BC, V8W 2H 9  
 (250) 681-3343  
 1-250-681-3343  
 1-425-884-1400

EXTENSIVE	INTERMEDIATE	ENVIRONMENTAL
Lot 1, 6, Section 23 Victoria, BC Plan 2017	Protege Developments Cambridge Street Lot A / Lot B Proposal	Protege Solar Analysis Mass Modelling
Project ID	L1.01 Protege	
Designer	Larry Myers	
Project Name	Protege Developments	
Scale	1:75	
Date	November 28, 2012	Total

**SUMMARY  
SMALL LOT HOUSE REZONING PETITION**

I, Peter Waldbuber (applicant), have petitioned the adjacent neighbours in compliance with the *Small Lot House Rezoning Policies* for a small lot house to be located at 62 Cambridge (location of proposed house) and the petitions submitted are those collected by \_\_\_\_\_\* (date).

Address	Total of Voting Age Renters and Owners	In Favour ✓	Opposed ✓	Neutral (30-day time expired) ✓
57 Cambridge St		✓		
81 Cambridge St			✓	
50 Woodstock Ave		✓		
1150 Woodstock Ave			✓	
1149 Faithful St.			✓	
1147 Faithful St.			✓	
85 Cambridge St			✓	
1145 Woodstock St		✓		
77 Cambridge St.			✓	

SUMMARY	Number	%
IN FAVOUR	3	37%
OPPOSED	56	63%
TOTAL RESPONSES	9	100%

33%  
67%

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

SMALL LOT HOUSE REZONING PETITION

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

Peter Waldhuber  
(print name), am conducting the petition requirements for the

property located at 62 Cambridge St.

to the following Small Lot Zone: R1S2

The City of Victoria requires that all residents and owners of neighbouring lots be polled to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) RON SEWARD - LORIE GERRARD

ADDRESS: 57 CAMBRIDGE ST

Are you the registered owner? Yes  No

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

I support the application.

I am opposed to the application.

Comments:

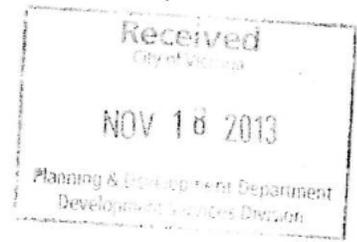
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\_\_\_\_\_

APR 28, 2012  
Date

*Ron Seward*  
Signature

*L.H. March 2/2012 2013*

p 10/3



SMALL LOT HOUSE REZONING PETITION

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

Peter Waldhuber  
(print name)

, am conducting the petition requirements for the

property located at ████████ Cambridge st.

to the following Small Lot Zone: R152

The City of Victoria requires that all residents and owners of neighbouring lots be polled to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) HOME OWNER (see addendum)

ADDRESS: ████████ CAMBRIDGE ST. VICTORIA BC

Are you the registered owner? Yes  No

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

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

Comments:

The proposed house is way too big for the lot because it goes over the rear yard of 1149 Faithful Street to the point of No Sun. That householder has been an avid gardener at that location for 30+ years.

There is way too much vehicle traffic on this short, narrow street another home (residence) will clutter the already clutter road. There are too many vehicles parked roadside on this street with vehicles coming going throughout the day and night.

There are up to 5x vehicles associated some houses on this st. which has gotten way out of hand because they all park on street allowing for only single lane traffic.

2013-03-02  
Date



(OVER)

- The current property owner of 62 Cambudge Street has 3x suites in the existing house and he has not provided sufficient parking to accomodate these 3x suites on the property.

- I am opposed to the [redacted] application [redacted]





SMALL LOT HOUSE REZONING PETITION

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

Peter Waldhuber, am conducting the petition requirements for the  
(print name)

property located at 62 Cambridge St.

to the following Small Lot Zone: R1 S2

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

Please review the plans and indicate the following:

NAME: (please print) Rose M. Sommerstad (see note above)

ADDRESS: 1150 Woodstock Ave. Victoria V8V 2R1

Are you the registered owner? Yes  No

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

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

Comments:

Attached - LETTER SUBMITTED

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Sept 15, 2012  
Date

R. M. Sommerstad  
Signature

SMALL LOT HOUSE REZONING PETITION

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

Peter Waldhuser (print name), am conducting the petition requirements for the

property located at 62 Cambridge St

to the following Small Lot Zone: R1S2

The City of Victoria requires that all residents and owners of neighbouring lots be polled to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) Derek Reimer + Maxine Charlesworth

ADDRESS: 1149 Faithful St.

Are you the registered owner? Yes  No

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

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

Comments:

- building is too large, too high + too close to our property line
- too much loss of light in our backyard
- short setback on proposed "side" yard very near our "back" yard

Date May 19, 2012  
March 2/13  
DR

D Reimer (Signature)

**SMALL LOT HOUSE REZONING PETITION**

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

Peter Waldhimer  
(print name), am conducting the petition requirements for the

property located at 62 Cambridge St

to the following Small Lot Zone: RIS2

The City of Victoria requires that all residents and owners of neighbouring lots be polled to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) Jean-Pierre VERAN + Marie-Josée LEPAGE

ADDRESS: 1147 FAITHFUL ST VICTORIA BC V8V 2R5

Are you the registered owner? Yes  No

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

I support the application.

I am opposed to the application.

Comments:

\* The proposed building is too large and too high compared to the size of the sub-divided lot

\* The proposed building would be very close to our backyard, and its top floor would directly overlook it, therefore significantly impacting our privacy

\* The current house at 62 Cambridge St appears to be already organized in multiple living units. Subdividing the lot and adding a new house could lead to a very high density of residents in our close neighbourhood

June 16, 2012  
Date

J.P. Veran  
Signature

Jean-Pierre VERAN

Marie-Josée Lepage  
Signature

Marie-Josée LEPAGE

SMALL LOT HOUSE REZONING PETITION

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

Peter Walchuber (print name), am conducting the petition requirements for the

property located at 62 Cambridge St

to the following Small Lot Zone: R1S2

The City of Victoria requires that all residents and owners of neighbouring lots be polled to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) PENELOPE EARNSHAW

ADDRESS: 85 CAMBRIDGE STREET

Are you the registered owner? Yes  No

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

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

Comments:

- Vehicles come + go up + down this street  
 - Parking at (proposed) existing house, not enough parking spaces. All suits have at least 1 car per suite.  
 - Traffic - currently one lane only, due to the many vehicles parked along street.  
 I have put up with 5 YRS of Renos with adjacent to me and they are still continuing.  
 The Home owner at 1149 Faithful is in his Rear Garden 24-7. The Proposed house will ruin his garden, leaving him with NO Sun light.

March 2/13  
Date

Mrs P. Earnshaw  
Signature

SMALL LOT HOUSE REZONING PETITION

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

Peter Waldhuber (print name), am conducting the petition requirements for the

property located at 62 Cambridge St.

to the following Small Lot Zone: R1S2

The City of Victoria requires that all residents and owners of neighbouring lots be polled to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) Valerie Stanley-Jones

ADDRESS: 1145 Woodstock Ave

Are you the registered owner? Yes  No

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

I support the application. see below

I am opposed to the application.

Comments:

My only 2 provisos for my approval/support are:  
# 1. That there is enough space to park a second standard sized car in the driveway of the garage (ie parking for 2 cars)  
# 2 IF either or both of the trees have to come down, or die within the three years of the construction, that Peter Waldhuber (or a new owner) be required to replacement(s) in the form of similar oxygen producing tree(s), within less than one year of their demise.

*2 parking tree*

June 2, 2012  
Date March 9, 2013

[Signature]  
Signature



SMALL LOT HOUSE REZONING PETITION

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

Peter Waldhuber, am conducting the petition requirements for the  
(print name)

property located at 62 Cambridge St.

to the following Small Lot Zone: R1 S2

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

Please review the plans and indicate the following:

NAME: (please print) ROBERT BOUDREAU (see note above)

ADDRESS: 77 Cambridge St, Victoria BC,

Are you the registered owner? Yes  No  V8V 4A7

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

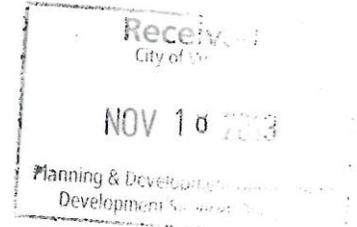
- I support the application.
- I am opposed to the application.

Comments:

Attached  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Oct. 15, 2012.  
Date

[Signature]  
Signature



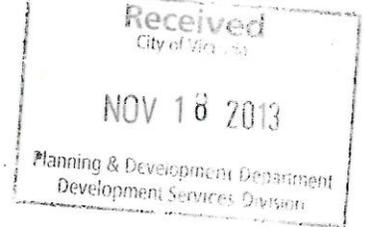
**SUMMARY  
SMALL LOT HOUSE REZONING PETITION**

I, Peter Waldhuber (applicant), have petitioned the adjacent neighbours in compliance with the *Small Lot House Rezoning Policies* for a small lot house to be located at 62 Cambridge St. (location of proposed house) and the petitions submitted are those collected by \_\_\_\_\_\* (date).

Address	Total of Voting Age Renters and Owners	In Favour ✓	Opposed ✓	Neutral (30-day time expired) ✓
57 Cambridge St		✓		
81 Cambridge St			✓	
50 Cambridge St.		✓		
1145 Woodstock Ave.		✓		
1150 Woodstock Ave.			✓	
1149 Faithful St.			✓	
1147 Faithful St.			✓	
85 Cambridge St.		✓		
53 Cambridge St.		✓		
77 Cambridge St.				✓

SUMMARY	Number	%
IN FAVOUR	5	56
OPPOSED	4	45
TOTAL RESPONSES	9	100%

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



SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I, Peter Waldhuber (print name), am conducting the petition requirements for the property located at 62 Cambridge St. to the following Small Lot Zone: R1S2

The City of Victoria requires that all residents and owners of neighbouring lots be called to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. Please do not include your phone number or email address.

Please review the plans and indicate the following:

NAME: (please print) RON SEWARD - LORIE GERRARD  
ADDRESS: 57 CAMBRIDGE ST

Are you the registered owner? Yes  No

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

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

Comments:

Multiple horizontal lines for handwritten comments.

APR 28, 2012  
Date

[Signature]  
Signature

L.H. March 2/2012 2013

P 1073

SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I, Peter Waldhuber (print name), am conducting the petition requirements for the

property located at 62 Cambridge St.

to the following Small Lot Zone: R152

The City of Victoria requires that all residents and owners of neighbouring lots be polled to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. Please do not include your phone number or email address.

Please review the plans and indicate the following:

NAME: (please print) HOME OWNER (see addendum)

ADDRESS: CAMBRIDGE ST. VICTORIA BC

Are you the registered owner? Yes  No

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

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

Comments:

*The proposal house is way too big for the lot because it towers over the rear yard of 1149 Faithful Street to the point of the Sunlight that hereunder has been an avid gardener at that location for 30+ years.*

*There is way too much vehicle traffic on this short narrow street and another home (residence) will clutter the already clutter roadway. There are too many vehicles parked roadside on this street with vehicles coming going throughout the day and night.*

*There are up to 5x vehicles associated with houses on this street which has gotten way out of hand because they all park on the street allowing for only single lane traffic.*

2013-03-02  
Date

[Redacted Signature]

(over)

- The current property owner of 62 Cambridge Street has 3x suites in the existing house and he has not provided sufficient parking to accommodate these 3x suites on the property.

- I am opposed to this application.







SMALL LOT HOUSE REZONING PETITION

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

Peter Waldhuber (print name), am conducting the petition requirements for the

property located at 62 Cambridge St.

to the following Small Lot Zone: R1S2

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Please review the plans and indicate the following:

NAME: (please print) Valerie Stanley-Jones

ADDRESS: 1145 Woodstock Ave

Are you the registered owner? Yes  No

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

I support the application. see below

I am opposed to the application.

Comments:

My only 2 provisos for my approval/support are:  
# 1. that there is enough space to park a second standard sized car in the driveway of the garage (ie parking for 2 cars).  
# 2 IF either or both of the trees have to come down, or die within the three years of the construction, that Peter Waldhuber (or a new owner) be required to replacement(s) in the form of similar oxygen producing tree(s), within less than one year of their demise.

*2 park km tree*

June 2 2012  
Date March 9, 2013

[Signature]  
Signature

SMALL LOT HOUSE REZONING PETITION

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

Peter Waldhuber, am conducting the petition requirements for the  
(print name)

property located at 62 Cambridge St.

to the following Small Lot Zone: R1 S2

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

Please review the plans and indicate the following:

NAME: (please print) Rose M. Sommerstad (see note above)

ADDRESS: 1150 Woodstock Ave. Victoria V8V 2R1

Are you the registered owner? Yes  No

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

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

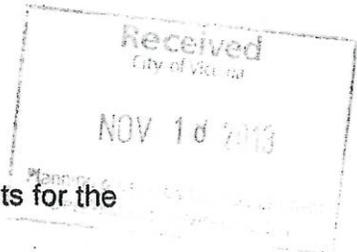
Comments:

Attached - LETTER SUBMITTED  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sept 15, 2012  
Date

R. M. Sommerstad  
Signature

SMALL LOT HOUSE REZONING PETITION



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

Peter Waldhuber  
(print name)

, am conducting the petition requirements for the

property located at 62 Cambridge St

to the following Small Lot Zone: B1S2

The City of Victoria requires that all residents and owners of neighbouring lots be polled to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) Derek Reimer + Maxine Charlesworth

ADDRESS: 1149 Faithful St.

Are you the registered owner? Yes  No

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

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

Comments:

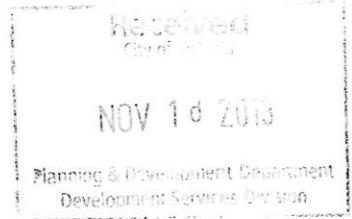
- building is too large, too high + too close to our property line
- too much loss of light in our backyard
- short setback on proposed "side" yard very near our "back" yard

May 19, 2012  
Date

March 2/13

JK

Derek Reimer  
Signature



**SMALL LOT HOUSE REZONING PETITION**

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

Peter Waldhauer  
(print name)

, am conducting the petition requirements for the

property located at 62 Cambridge St.

to the following Small Lot Zone: RIS2

The City of Victoria requires that all residents and owners of neighbouring lots be polled to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) Jean-Pierre VERAN + Marie-Josée LEPAGE

ADDRESS: 1147 FAITHFUL ST VICTORIA BC V8V 2R5

Are you the registered owner? Yes  No

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

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

Comments:

\* The proposed building is too large and too high compared to the size of the sub-divided lot

\* The proposed building would be very close to our backyard, and its top floor would directly overlook it, therefore significantly impacting our privacy

\* The current house at 62 Cambridge St appears to be already organized in multiple living units. Subdividing the lot and adding a new house could lead to a very high density of residents in our close neighbourhood

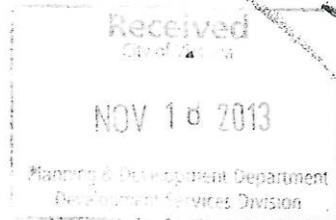
June 16, 2012  
Date

J. Veran  
Signature

Jean-Pierre VERAN

M. Lepage  
Signature

Marie-Josée LEPAGE



SMALL LOT HOUSE REZONING PETITION

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

Peter Waldhuser (print name), am conducting the petition requirements for the

property located at 62 Cambridge St

to the following Small Lot Zone: B1S2

The City of Victoria requires that all residents and owners of neighbouring lots be polled to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) RENELOPE D. EARNSHAW

ADDRESS: 85 CAMBRIDGE STREET

Are you the registered owner? Yes  No

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

I support the application.

I am opposed to the application.

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Oct 29 / 2013  
Date

Mrs P Earnshaw  
Signature







December 10, 2013

Re: 62 Cambridge St.  
Small Lot Subdivision Rezoning

My name is Peter Waldhuber, I am the homeowner of 62 Cambridge St. I purchased the house in 2010, at that time there was a Bylaw Contravention registered on title for two unauthorized suites. I purchased the home to rezone and subdivide the north portion of the property. I spoke with City of Victoria planning department several times to get proper instruction and guidance as to how to proceed with the Bylaw Contravention and my plans to rezone. I was told by the planning department that I could put in my application for the Small Lot subdivision but it could not go to council until I cleared the title.

I started to meet with neighbours to discuss my plans for the property. At the time I had a preliminary plan for the proposed house design, initial feedback was generally positive, although the size and height were an issue with some. All along I recognized my direct neighbours to the north and west would be the most impacted by the new proposed house. I changed my house design based on some initial feedback, in fact I changed architects altogether and hired Archie Willie Designs. Archie has successfully completed several Small Lot Subdivisions in the Fairfield Gonzales area and I knew he would be very sensitive to the house design fitting into the neighborhood. He came up with a great house plan that complemented the neighbourhood very well and addressed initial concerns from neighbors.

In September 2012 Archie Willie and I went in front of the Fairfield Gonzales Community Association. Some feedback from neighbors was that the proposed house design was too large and shaded out my neighbor's garden directly to the north of the property. Along with an extensive landscaping plan for the proposed house and the existing house, I had a shading analysis done. The shading analysis shows there is no direct shading being impacted on the garden of 1149 Faithfull St. I also spoke of the fact that the proposed house is under the maximum allowable size for the proposed property size, as well as being under height. The zoning bylaw allows for a maximum house floor area of 180 square meters (1,937 sqft), the proposed house is 158 square meters (1,700 sq ft) which is 88 percent of the maximum allowable floor area. The overall roof height also conforms to the city bylaw in fact we are under the maximum height 0.54 meter (1.8 feet). Some other feedback was the existing house had unauthorized suites. I informed my neighbors that I had spoken with City Planning department and that I was working on a Clean Hands Policy and putting a building permit in place to convert the house back to a single family dwelling

with a legal secondary suite in the basement. That building permit application was submitted in December 2012 and approved.

In March of 2012 I put in the application for a Small Lot Subdivision. At the time the percentage of support on my petitions was under fifty percent. I continued to meet with neighbours to address their concerns and managed to get the support petition percentage up to fifty six percent.

Throughout this process I had received my building permit for the existing house that allowed me to start the process of clearing the Bylaw Contravention that was still registered on title. I worked with the City inspectors to deal with the issues of the unauthorized suites and was able to clear the title in November of 2013 of the Bylaw Contravention.

This has been a very long process from the start and one that I felt needed time to address the issues with the existing house as well as to address issues my neighbors have to my rezoning proposal. It has been very important to me to not only to design a house that I felt would be the right fit for the neighborhood but to work with my neighbors on their concerns. I am a neighbor myself and have lived at 20 Marlborough St for the past seventeen years.

Sincerely,  
Peter Waldhuber





## Planning and Land Use Committee Report

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**Date:** January 9, 2014      **From:** Helen Cain, Senior Planner  
**Subject:** **Development Permit with Variances Application #000321 for 1521 Elford Street** – Application for a four-storey, 17-unit apartment with seven variances

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### Executive Summary

The purpose of this report is to provide information, analysis and recommendations regarding a Development Permit Application with Variances for the property located at 1521 Elford Street. This Application is to permit the construction of a four-storey, 17-unit apartment building in the R3-2 Zone, Multiple Dwelling District. The proposal has a total of seven variances from the *Zoning Regulation Bylaw* for site area, site coverage, open space, setback and parking.

The following points were considered in assessing this Application:

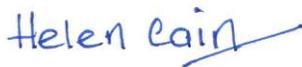
- While the subject property is designated as Traditional Residential in the *Official Community Plan, 2012*, the existing zone allows multiple dwellings.
- Variances related to site area, site coverage, open space and setback conditions are important considerations because the subject property is located adjacent to Stadacona Park, to the east, and single-family dwellings along Elford Street, to the north, which are also Traditional Residential but R1-B Zone, Single Family Dwelling.
- The proposed design does not fully comply with Development Permit Area (DPA) 16: General Form and Character objectives and applicable guidelines:
  - Staff are concerned that the urban design and associated variances for greater site coverage, reduced open space and narrow setbacks on all sides will not provide a comfortable visual transition from the apartment in relation to the houses along Elford Street or Stadacona Park.
  - Also, some aspects of the building form, massing and features are not human-scaled, including a three-storey street wall at the height of the adjacent house and a north elevation which lacks a clearly legible top, middle and base and is a partial “blank wall”.
- Staff have no objection to the relaxation of parking standards from 24 stalls to 21 stalls because the subject property is located along Pandora Avenue where that roadway is a secondary arterial and transit corridor.
- For the purpose of multi-modal transportation planning, staff have requested the registration of a Statutory Right-of-Way (SRW) of 2.4 m along Elford Street. The applicant has agreed and identifies this detail in the proposed plans.
- Given the proposed site plan has narrow setbacks and the building would have underground parking, the construction phase of the development may require Council approval of two encroachment agreements, one for the Elford Street public Right-of-Way and another for Stadacona Park.

Staff are recommending support for the Application, subject to design refinements that improve responsiveness to the land use context, visual transition, human-scale and subject to review by the Advisory Design Panel. To move forward efficiently, the staff recommendation also includes a condition for Council approval of any necessary encroachment agreements, prior to issuance of the Building Permit.

**Recommendations**

1. That Development Permit #000321 with Variances for 1521 Elford Street proceed for consideration at a Public Hearing, subject to:
  - (a) Referral to Advisory Design Panel with direction to consider plan revisions to improve the site plan, urban design, architecture and landscape design with specific attention to the context and transition, human-scaled form, massing and features.
  - (b) Plan revisions and refinements to the final design to address the matters that are identified above in 1(a), to the satisfaction of the Director of Sustainable Planning and Community Development.
  - (c) Preparation, execution and registration of a Statutory Right-of-Way of 2.4 m along Pandora Avenue to the satisfaction of the City Solicitor and Director of Engineering and Public Works.
  
2. That Council authorize the issuance of Development Permit with Variances #000321 in accordance with:
  - (a) Plans stamped December 16, 2013, for Development Permit with Variances #000321;
  - (b) Development meeting all *Zoning Regulation Bylaw* requirements, except for the following:
    - (i) Section 3.3.4(1) – Site coverage relaxed from 40% to 42.78%,
    - (ii) Section 3.3.6(2) – Open site space for multiple dwelling with enclosed parking relaxed from 60% to 46.50%,
    - (iii) Section 3.3.9 – Site area for lot with a multiple dwelling relaxed from 920 m<sup>2</sup> to 891 m<sup>2</sup>,
    - (iv) Section 3.3.10 – Front yard setback relaxed from 10.5 m to 5.24 m,
    - (v) Section 3.3.12 – Rear yard setback relaxed from 6.5 m to 5.2 m to 2.45 m,
    - (vi) Section 3.3.12 – Side yard setbacks relaxed from 6.5 m to 3.05 m and 4.41 m for the west and east sides, respectively,
    - (vii) Schedule “C” Section 16.A.12 (b) – Vehicle parking requirements are relaxed from 1.4 spaces per unit (24 stalls) to 1.24 spaces per unit (21 stalls) for a maximum total of 17 strata-titled dwelling units;
  - (c) Final plans to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development;
  - (d) Council approval of any necessary encroachment agreements to the satisfaction of the City Solicitor, Director of Engineering and Public Works and Director of Parks, Recreation and Culture, prior to the issuance of a Building Permit.

Respectfully submitted,



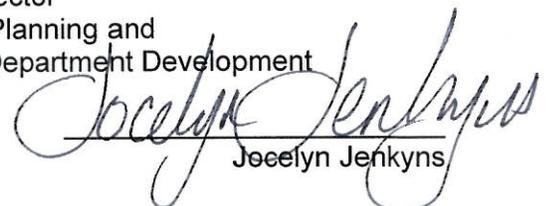
Helen Cain  
 Senior Planner  
 Development Services





Deb Day, Director  
 Sustainable Planning and  
 Community Department Development

Report accepted and recommended by the City Manager:

  
 Jocelyn Jenkyns

HC:aw

**1.0 Purpose**

The purpose of this report is to present Council with information, analysis and recommendations with respect to a Development Permit Application with seven variances for the property located at 1521 Elford Street.

**2.0 Background**

**2.1 Description of Proposal**

The applicant is proposing the construction of a four-storey, 17-unit strata-titled apartment building on a corner lot at the intersection of Pandora Avenue and Elford Street. This proposal would comply with the R3-2 Zone, Multiple Dwelling District, for land use and density, but includes seven variances for the following:

- minimum site area for a multiple dwelling
- maximum site coverage
- minimum open site space
- minimum setback in front yard
- minimum setback for rear and side yards
- minimum vehicle parking stalls.

The proposed architecture and landscape design for the apartment building includes:

- form and massing: four-storey, apartment with top (fourth) floor stepped back from street wall on north, south, east and west elevations, and enclosed parking.
- siding: mix of stucco and horizontal wood panels as primary materials with stone veneer details at building base on the west, east and south elevations
- balconies: metal railings with glazed inset panels
- windows and doors: vinyl windows
- pathways and patios: individual units at grade with patios surfaced in non-permeable pavers and concrete for driveway along north side of the building to underground parking
- trees and plantings: removal of two Gary Oak trees in the rear (north setback), retention of a Red Maple boulevard tree on Elford Street, five new boulevard trees on Pandora Avenue and new trees, shrubs and groundcover around the edge of each private patio area, in all four setbacks.

With respect to plan details related to the Tree Protection Bylaw, two Gary Oaks on the subject site would be removed. Staff support their removal because one tree, near the west property line, is in poor condition and the other, near the north property line, would be affected at the construction stage for underground parking. Loss of the Gary Oak trees would be mitigated through the five new boulevard trees on Pandora Avenue, and at the corner of Elford Street.

**2.3 Land Use Context**

The subject property is located at the corner of Elford Street and Pandora Avenue, where the latter is a secondary arterial. This site is next to Stadacona Park and one block to the west of Stadacona Village, with commercial and community services within walking distance (200 m).

New residential infill that is low-to-medium density is well-suited to the surrounding block of Pandora Avenue, where the place character features the park, but also includes apartment forms of four to six storeys. It is also appropriate for this block of Elford Street which has two single-family dwellings and a large, six-storey apartment directly across from the subject site.

The immediate land use context includes:

- to the west and south, three parcels are in the R3-2 Zone, Multiple Dwelling District
- to the north and east, three parcels are in the R1-B Zone, Single Family Dwelling District.

**2.4 Community Consultation**

In accordance with Council's *Community Association Land Use Committee (CALUC) Procedures* for processing Development Permit Applications with Variances, staff referred this Application to the Fernwood CALUC. No comments were received prior to writing this staff report.

**2.5 Existing Site Development and Development Potential**

The data table (below) compares the proposal with the existing R3-2 Zone, Multiple Dwelling District. The proposed new four-storey apartment building is less stringent than the standard zone in criteria identified with an asterisk (\*) below.

Zoning Criteria	Proposal	Zone Standard R3-2
Site area (m <sup>2</sup> ) – minimum	891*	920
Total floor area (m <sup>2</sup> ) – maximum	1390.51	1425.5
Density (Floor Space Ratio) – maximum	1.57:1	1:6:1
Height (m) – maximum	12.68	18.5
Storeys	4	n/a
Site coverage (%) – maximum	42.78*	40
Open site space (%) – minimum	46.50*	60
Storeys – maximum	4	n/a (18.5 m in height)
Setbacks (m) – minimum		
Front (south/Pandora Avenue)	5.24*	10.5
Rear (north)	2.45*	6.5
Side (west/Elford Street)	3.05*	6.5
Side (east/Stadacona Park)	4.41*	6.5
Centre line (right-of-way width)	11.96 (Elford St). 15.05 (Pandora Ave)	10.5 (4 storeys) 10.5 (4 storeys)

Parking – minimum	21*	24
Visitor parking – minimum	3	2
Bicycle storage – minimum	18	16
Bicycle rack – minimum	6	6

**2.6 Legal Description**

Lot 9, Section 75, Victoria District, Plan 2307.

**2.7 Consistency with City Policy**

**2.7.1 Official Community Plan, 2012**

The proposed development is consistent with the relevant land use policies of the *Official Community Plan 2012* (OCP). In accordance with the OCP, the new apartment building is subject to DPA16 General Form and Character. The objectives of DPA 16 are:

- 4. (a) *To support commercial, industrial and multi-unit residential developments that provide a sensitive transition to adjacent and nearby areas with built form that is often three storeys, or lower.*
- (b) *To integrate commercial, industrial and multi-unit residential developments in a manner that is complementary to established place character in a neighbourhood or other areas, including its heritage character.*
- (c) *To enhance the place character of established areas and their streetscapes through high quality of architecture, landscape and urban design that responds to each distinctive setting through sensitive and innovative interventions.*
- (d) *To achieve more livable environments through considerations for human-scaled design, quality of open spaces, privacy impacts, safety and accessibility.*

The proposed development at 1521 Elford Street does not fully comply with DPA 16 objectives for residential infill with a high quality of design that is complimentary to the place character of Pandora Avenue and Elford Street.

**2.8 Consistency with Design Guidelines**

The proposal is subject to review under DPA 16 General Form and Character. Building form, character, finishes and landscaping details are controlled and regulated in relation to the *Design Guidelines for Multi-Unit Residential, Commercial and Industrial Development (2012)*. The proposed development responds well to the design considerations as summarized below.

### **2.8.1 Context and Transition**

The form and massing of the proposed apartment are modest in relation to the scale and height of the adjacent buildings to the west and south, which are a large, six-storey apartment and a long, four-storey apartment, respectively. While the fourth storey is stepped back on all sides, the north and east setbacks are narrow and this will result in an abrupt transition from the apartment's three-storey street wall to the smaller Elford Street houses and a park setting.

### **2.8.2 Streetscape and Relationship to the Street**

The new apartment would add variety to the streetscape along both frontages with respect to height and massing. The south elevation would be narrow compared to the surrounding streetscape, where the north and south sides of Pandora Avenue have large apartments with street walls which are an entire block in length. On Elford Street, the west streetscape has similar conditions, but the houses along the east side are small and set back from the street, so the new apartment would change the streetscape rhythm. Both its south and west elevations would be visually and physically connected to the street through main entrances, unit doors to private patios and plantings to soften the interface between private and public realms.

### **2.8.3 Human-Scaled Massing, Height and Architectural Features**

Elements of the proposed design contribute to human-scale, such as a fourth storey stepped back from the building base on all sides, main entrances on the Pandora Avenue and Elford Street frontages, unit doors, patios and projecting balconies on the second and third storeys. However, the north elevation lacks a legible base and its middle section is a "blank wall". The three-storey street wall is also out-of-scale with the adjacent houses and park setting. The narrow north and east setbacks would not provide much visual relief from the building face for neighbours and users of Stadacona Park.

### **2.8.4 Exterior Finishes**

The proposed mix of exterior finishes includes: stucco and horizontal wood panels as primary materials and stone veneer detailing at building base. Windows are vinyl and balcony doors and railings are metal with inset glazing.

### **2.8.5 Landscaping**

The landscape design includes the removal of two Gary Oak trees within the south (rear) and west (side) setback and the retention of a Red Maple boulevard tree on Elford Street, as well as five new boulevard trees on Pandora Avenue and at the southwest corner of the site. New trees, shrubs and groundcover will be planted within all setbacks near the property lines and around the edge of private patio areas.

### **2.8.6 Parking, Access and Circulation**

A driveway across Elford Street would provide access and egress to the north quadrant of the site leading to the underground parking. The layout includes one vehicle stall that would meet the standards for universal access as well as horizontal and vertical bicycle storage facilities. The visitor bicycle rack will be placed in front of the main entryway in the Pandora Avenue façade, where it will be visible from the street.

### 3.0 Issues

The key issues related to this Development Permit with Variances Application are:

- Impact of variances
- context and transition
- human-scaled massing, height and features
- multi-modal transportation planning
- encroachment into public Right-of-Way and park.

### 4.0 Analysis

#### 4.1 Impact of Variances

The proposal includes seven variances related to parking, site area, site coverage, open space and setbacks. Staff have no objection to the relaxation of the parking standard from 24 stalls to 21 stalls because the subject property is located along Pandora Avenue where that roadway is a secondary arterial and transit corridor. However, the extensive building footprint combined with the relatively small amount of open space and narrow setbacks on all sides would result in a site plan with little “breathing room” for a comfortable visual transition from the new apartment to the houses to the north and Stadacona Park to the south. Visual relief should be provided through wider setbacks, more open space, a smaller building footprint or design refinements to the building mass, such as a setback at the third and fourth storeys, instead of the fourth storey only, in combination with additional urban design and landscaping refinements.

#### 4.1 Context and Transition

In DPA 16, new infill should be sensitive to its context. One relevant guideline (Policy 1.2) is that “where new development is directly abutting lands in a different OCP Urban Place Designation, or it directly abuts a different Development Permit Area, the design should provide a transition between areas in ways that respond to established form and character, and that anticipate any future development”. While the subject site is zoned for multiple dwellings, it is designated as Traditional Residential, and this is also the case for all parcels adjacent to Stadacona Park. The design as presented does not provide an adequate visual transition to the Elford Street houses or a broader park setting. The proposal could be refined to increase setback conditions along the north and west sides of the apartment and alter the form and massing through measures such as stepping back the third and fourth floors. Refinements to improve the responsiveness of the design to the adjacent land use context may involve significant changes to both the site plan and overall architectural program.

#### 4.2 Human-Scaled Massing, Height and Features

Policy 2.1.3 of the applicable design guidelines states that “new development that is located on a corner site should be designed to contribute to both streetscapes”. In DPA 16, where infill is often introduced in a low-scale, low-density context, such as Traditional Residential areas, one key consideration is human-scaled massing, height and architectural features. The proposed massing on the west elevation has a three-storey street wall, which is approximately the height of the adjacent house, and a north elevation without a clear building base and central “blank wall” visible from the street. Design refinements are required to mitigate the visual impact of building massing, perceived height and north elevation features.

**4.3 Multi-Modal Transportation Planning**

To enable the future improvement of sidewalks along Pandora Avenue, staff are requesting a Statutory Right-of-Way (SRW) of 2.40 m along that frontage to be registered on property title, prior to a Public Hearing. The applicant has agreed and the plans identify the requested SRW.

**4.4 Encroachment into Public Right-of-Way and Park**

If it is determined that excavation for the underground parking in this proposal will result in anchor pins remaining in the public Right-of-Way along Elford Street or in Stadacona Park. Council approval to authorize an encroachment agreement, or agreements, will be required before the commencement of excavation and construction. Staff recommend Council approval for any necessary encroachments agreements prior to the issuance of a Building Permit.

**5.0 Resource Impacts**

There are no anticipated resource impacts associated with this proposal.

**6.0 Options**

Option 1 (Staff Recommendation - Design Refinements)

1. That Development Permit #000321 with Variances for 1521 Elford Street proceed for consideration at a Public Hearing, subject to:
  - (a) Referral to Advisory Design Panel with direction to consider plan revisions to improve the site plan, urban design, architecture and landscape design with specific attention to the context and transition, human-scaled form, massing and features.
  - (b) Plan revisions and refinements to the final design to address the matters that are identified above in 1(a), to the satisfaction of the Director of Sustainable Planning and Community Development.
  - (c) Preparation, execution and registration of a Statutory Right-of-Way of 2.4 m along Pandora Avenue to the satisfaction of the City Solicitor and Director of Engineering and Public Works.
2. That Council authorize the issuance of Development Permit with Variances #000321 in accordance with:
  - (a) Plans stamped December 16, 2013, for Development Permit with Variances #000321;
  - (b) Development meeting all *Zoning Regulation Bylaw* requirements, except for the following:
    - (i) Section 3.3.4(1) – Site coverage relaxed from 40% to 42.78%,
    - (ii) Section 3.3.6(2) – Open site space for multiple dwelling with enclosed parking relaxed from 60% to 46.50%,
    - (iii) Section 3.3.9 – Site area for lot with a multiple dwelling relaxed from 920 m<sup>2</sup> to 891 m<sup>2</sup>,
    - (iv) Section 3.3.10 – Front yard setback relaxed from 10.5 m to 5.24 m,
    - (v) Section 3.3.12 – Rear yard setback relaxed from 6.5 m to 5.2 m to 2.45 m,
    - (vi) Section 3.3.12 – Side yard setbacks relaxed from 6.5 m to 3.05 m and 4.41 m for the west and east sides, respectively,

- (vii) Schedule "C" Section 16.A.12 (b) – Vehicle parking requirements are relaxed from 1.4 spaces per unit (24 stalls) to 1.24 spaces per unit (21 stalls) for a maximum total of 17 strata-titled dwelling units;
- (c) Final plans to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development;
- (d) Council approval of any necessary encroachment agreements to the satisfaction of the City Solicitor, Director of Engineering and Public Works and Director of Parks, Recreation and Culture, prior to the issuance of a Building Permit.

Option 2 (Proposal as Presented by the Applicant)

1. That Development Permit #000321 with Variances for 1521 Elford Street proceed for consideration at a Public Hearing, subject to:
  - (a) Referral to Advisory Design Panel with direction to consider plan revisions to improve the site plan, urban design, architecture and landscape design with specific attention to the context and transition, human-scaled form, massing and features.
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  - (c) Final plans to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development;
  - (d) Council approval of any necessary encroachment agreements to the satisfaction of the City Solicitor, Director of Engineering and Public Works and Director of Parks, Recreation and Culture, prior to the issuance of a Building Permit.

Option 3 (Decline)

That Council decline Development Permit with Variances Application #00321.

**7.0 Conclusions**

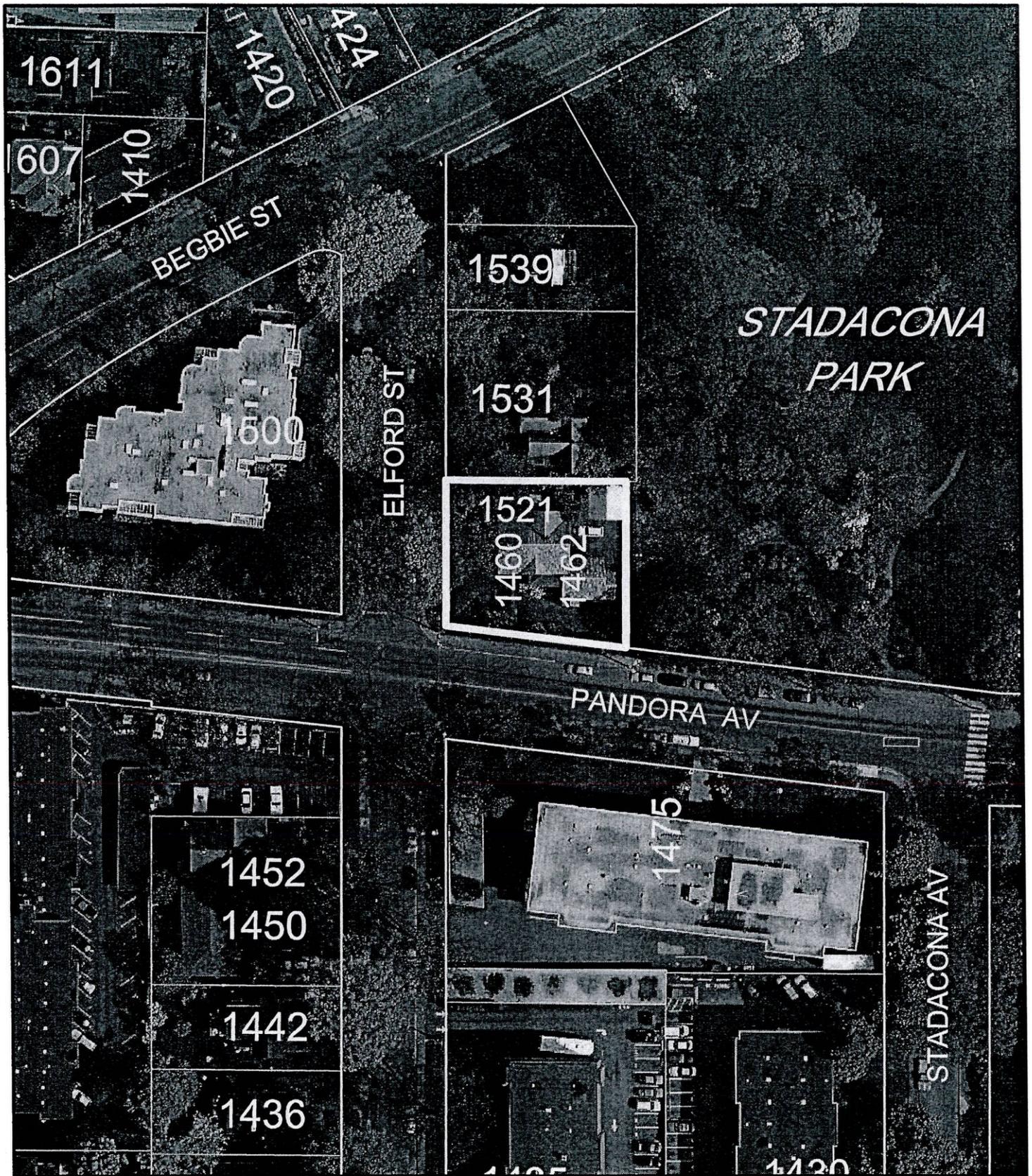
The proposal for a four-storey apartment building in the R3-2 Zone (Multiple Dwelling District) is supportable, subject to either or both reduced variances and design refinements to mitigate the visual impact of a large-building footprint, small open spaces and narrow setbacks. Staff are also recommending the registration of a Statutory Right-of-Way of 2.4 m along Elford Street, prior to a Public Hearing, and approval of any necessary encroachment agreements prior to issuance of a Building Permit.

**8.0 Recommendations**

1. That Development Permit #000321 with Variances for 1521 Elford Street proceed for consideration at a Public Hearing, subject to:
  - (a) Referral to Advisory Design Panel with direction to consider plan revisions to improve the site plan, urban design, architecture and landscape design with specific attention to the context and transition, human-scaled form, massing and features.
  - (b) Plan revisions and refinements to the final design to address the matters that are identified above in 1(a), to the satisfaction of the Director of Sustainable Planning and Community Development.
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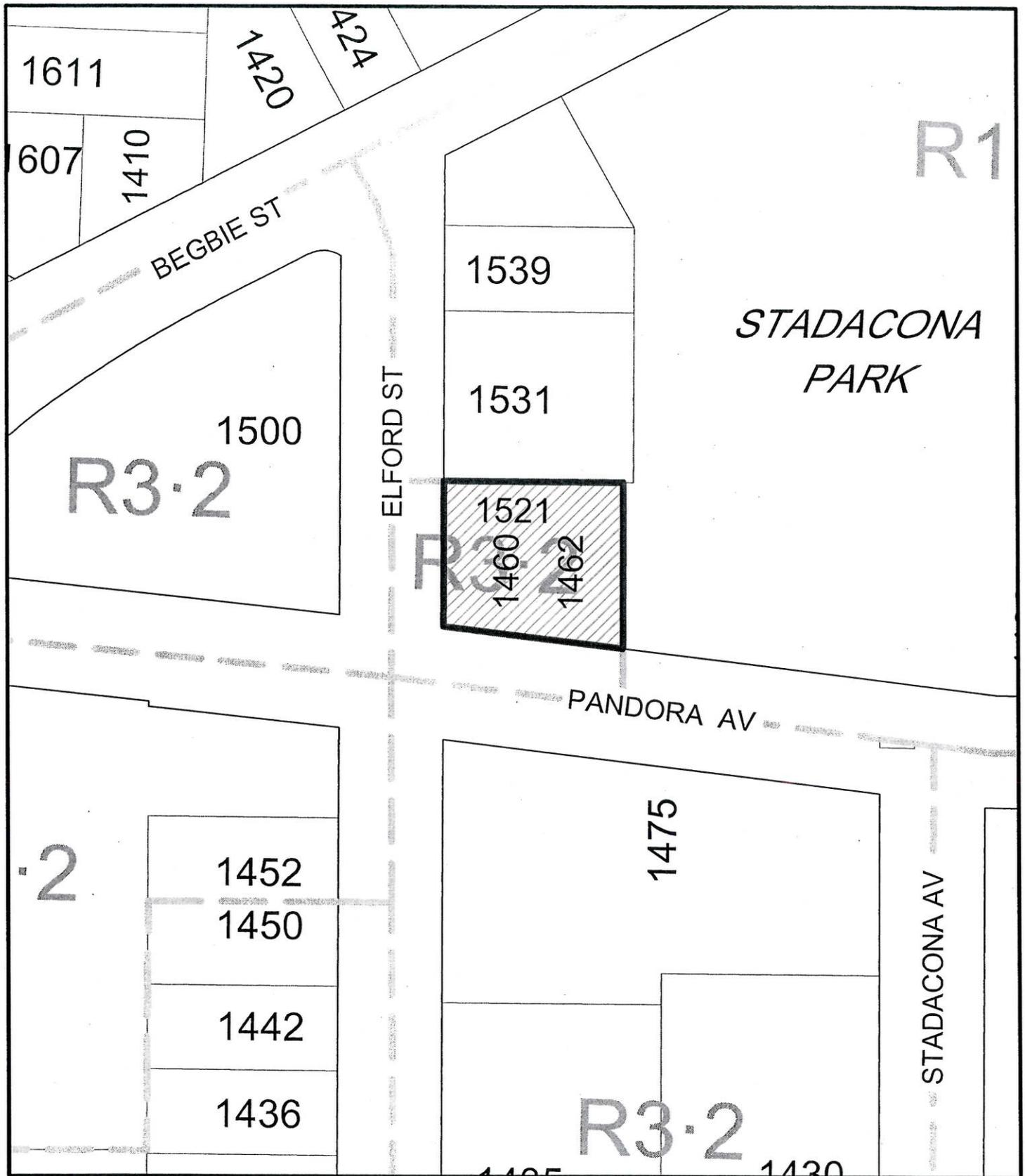
**9.0 Attachments**

- Aerial Photo
- Zoning Map
- Letters from applicant dated December 16, 2013, October 7, 2013, and July 5, 2013
- Plans for Development Permit with Variances #000321, date-stamped December 16, 2013
- Arborist Report, from SouthShore Forest Consultants.



1521 Elford Street  
Development Permit #000321





1521 Elford Street  
 Development Permit #000321



alan  architect inc.

07 October 2013 (revised 16 December 2013 )

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

Attention: Mayor and Council

Re: 1521 Elford Street, Victoria British Columbia

Your Worship Mayor Fortin and Council,

Further to the technical review committee (TRC) summary of July 24, 2013, we have worked with our client to revise our proposal to meet the planning departments concerns. Instead of proposing a 6 storey residential building within the R3-2 zone, we have now revised our proposal which we feel is more in keeping with the Design Guidelines for Multi-unit Residential within Development Permit #16.

Our client is proposing to redevelop the property at 1521 Elford Street ( a legal triplex ) into a 17 unit condominium project. The property is on the corner of Pandora Avenue and Elford Street, adjacent to Stadacona Park. The property to the west across Elford is a 6 storey multi-family residential building, the property to the south across Pandora Avenue is a 4 storey multi-family residential building, and the properties to the north are existing single family residential buildings or conversions. The property directly to the north is a large property that has a derelict house on the property. As it is also within 200 metres of the Stadacona Village, the potential for a future development is likely to occur.

Our property is zoned R3-2 zone multiple dwelling district zone, but our lots size is 29 metres short of the minimum site area of 920 square metres. We feel the medium-rise multi-family dwelling proposed meets the vision of your new OCP for this area. Our client has tried to purchase the adjacent property to the north to consolidate the two properties for a larger project but the adjacent property owner has not shown any interest.

This property is located along the Pandora Avenue secondary arterial. It is adjacent to transit routes along Pandora Avenue, Begbie Street, Fort Street. Bicycle routes and greenways exist nearby and is a prime location for higher density residential.

Given the new OCP is focusing on our population growth within walking distance ( 200 metres ) of large urban villages such as Stadacona Centre and along arterials and secondary arterials, this site an excellent candidate to be redeveloped for multi-family residential use.

This site also benefits from being adjacent to green space in the form of Stadacona Park as well as nearby Scurrah Green, Verrinder Park, and Johnson Street Green.

With the adoption of the new OCP, all multi-unit residential buildings not within a specified development permit area fall within the DPA 16 guidelines. These multi-unit residential buildings are often located along or visible from high traffic corridors and areas. Special attention to form and character adjacent or nearby existing buildings and streetscapes and surrounding areas are required.

The objectives that justify the development permit designation include:

- support multi-unit residential developments that provide a sensitive transition to adjacent and nearby areas with built form that is often 3 storeys or lower, and
- integrate multi-unit residential buildings in a manner that is complementary to established place character in a neighbourhood or other area, including its heritage character.

We feel that the design and the variances requested for this proposal meet your vision for this site and the future of this area. We feel the site is appropriately zoned for multi-unit residential as it is located within walking distance to a large urban village and is located on an arterial road. It is adjacent to transit routes, bike paths and greenways.

We feel the design of the four storey building, with the fourth storey stepped back, creates a sensitive transition for a development within this neighbourhood and the context of the existing buildings. Since the November 13 TRC meeting, we have pulled the building further away from the park to create a larger set back to the park as well as added windows to the north elevation. The materials on the building are complementary to the materials on other buildings in the area. We are proposing wood siding on the corner elements of the building, rock facing to the base of the building and stucco to the body of the building.

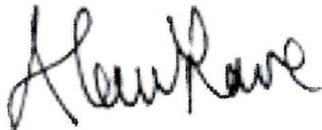
By keeping the building to four storeys and creating a fourth floor that is set back from the rest of the building, we are also requesting a variance for site coverage. We are slightly over the 40% site coverage allowed and feel that the massing of the project benefits from the request for the additional site coverage.

We are also requesting a variance of three parking stalls for this project. The project provides bicycle parking in the underground parking area as well as three visitor parking stalls. As the building is located adjacent to transit routes and bike lanes, we feel the variance requested is reasonable.

In summary, we are proposing to build a 17 unit condominium within 200 metre walking distance to what is classified as a large urban village ( Stadacona Centre ). The OCP states that densities of up to 2.5:1.0 could be appropriate if they are consistent with the intent of the Urban Place Designation guidelines. We are not requesting a rezoning for additional density for this project, but are requesting variances for minimum site area, setbacks, site coverage, and parking.

We trust that this proposal is in keeping with the neighbourhood and your vision for this area within the newly adopted Official Community Plan.. Should you have any questions, please feel free to contact us at 250-360-2888.

Yours truly,

A handwritten signature in black ink, appearing to read "Alan Lowe". The signature is written in a cursive, flowing style.

Alan Lowe  
Alan Lowe Architect Inc.

cc. Client



07 October 2013

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

Attention: Mayor and Council

Re: 1521 Elford Street, Victoria British Columbia

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Our client is proposing to redevelop the property at 1521 Elford Street ( a legal triplex ) into a 17 unit condominium project. The property is on the corner of Pandora Avenue and Elford Street, adjacent to Stadacona Park. The property to the west across Elford is a 6 storey multi-family residential building, the property to the south across Pandora Avenue is a 4 storey multi-family residential building, and the properties to the north are existing single family residential buildings or conversions.

Our property is zoned R3-2 zone multiple dwelling district zone, but our lots size is 29 metres short of the minimum site area of 920 square metres. We feel the medium-rise multi-family dwelling proposed meets the vision of your new OCP for this area. Our client has tried to purchase the adjacent property to the north to consolidate the two properties for a larger project but the adjacent property owner has not shown any interest.

This property is located along the Pandora Avenue secondary arterial. It is adjacent to transit routes along Pandora Avenue, Begbie Street, Fort Street. Bicycle routes and greenways exist nearby and is a prime location for higher density residential. Given the new OCP is focusing on our population growth within walking distance ( 200 metres ) of large urban villages such as Stadacona Centre and along arterials and secondary arterials, this site an excellent candidate to be redeveloped for multi-family residential use.

This site also benefits from being adjacent to green space in the form of Stadacona Park as well as nearby Scurrah Green, Verrinder Park, and Johnson Street Green.

With the adoption of the new OCP, all multi-unit residential buildings not within a specified development permit area fall within the DPA 16 guidelines. These multi-unit residential buildings are often located along or visible from high traffic corridors and areas. Special attention to form and character adjacent or nearby existing buildings and streetscapes and surrounding areas are required.

The objectives that justify the development permit designation include:

- support multi-unit residential developments that provide a sensitive transition to adjacent and nearby areas with built form that is often 3 storeys or lower, and
- integrate multi-unit residential buildings in a manner that is complementary to established place character in a neighbourhood or other area, including its heritage character.

We feel that the design and the variances requested for this proposal meet your vision for this site and the future of this area. We feel the site is appropriately zoned for multi-unit residential as it is located within walking distance to a large urban village and is located on an arterial road. It is adjacent to transit routes, bike paths and greenways.

We feel the design of the four storey building, with the fourth storey stepped back, creates a sensitive transition for a development within this neighbourhood and the context of the existing buildings. The setbacks requested are in keeping with setbacks in the area and the massing is reduced due to the design of the building. The materials on the building are complementary to the materials on other buildings in the area. We are proposing wood siding on the corner elements of the building, rock facing to the base of the building and stucco to the body of the building.

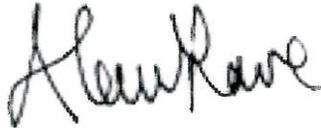
By keeping the building to four storeys and creating a fourth floor that is set back from the rest of the building, we are requesting a variance for site coverage. We are slightly over the 40% site coverage allowed and feel that the massing of the project benefits from the request for the additional site coverage.

We are also requesting a variance of two parking stalls for this project. The project provides bicycle parking in the underground parking area as well as three visitor parking stalls. As the building is located adjacent to transit routes and bike lanes, we feel the variance requested is reasonable.

In summary, we are proposing to build a 17 unit condominium within 200 metre walking distance to what is classified as a large urban village ( Stadacona Centre ). The OCP states that densities of up to 2.5:1.0 could be appropriate if they are consistent with the intent of the Urban Place Designation guidelines. We are not requesting a rezoning for additional density for this project, but are requesting variances for minimum site area, setbacks, site coverage, and parking.

We trust that this proposal is in keeping with the neighbourhood and your vision for this area within the newly adopted Official Community Plan.. Should you have any questions, please feel free to contact us at 250-360-2888.

Yours truly,

A handwritten signature in black ink, appearing to read "Alan Lowe". The signature is written in a cursive, flowing style.

Alan Lowe  
Alan Lowe Architect Inc.

cc. Client

alan  architect inc.



4 July, 2013

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

Attention: Mayor and Council

Re: 1521 Elford Street, Victoria British Columbia

Your Worship Mayor Fortin and Council,

We are pleased to submit this redevelopment project for you review. Our client is proposing to redevelop the property at 1521 Elford Street into a 16 unit condominium project. The property is adjacent to Stadacona Park, is along Pandora Avenue, and is across Elford Street from another 6 storey condominium building.

The property, zoned R3-2, is 29 square metres smaller than the minimum site area for this zone. We are requesting that Council relax the minimum site area for this project to 891 square metres. The R3-2 zone was also created when the idea of building multi-family buildings was to set them back from the lot lines and create a more suburban feel to these projects. In order to build on this site, and to fit an appropriate building on this site, we are requesting setback variances on this property that are in keeping with neighbouring properties and the character of the area.

Our proposal is a 6 storey wood framed building with one level of underground parking. The building is stepped back at the top floor creating one penthouse unit.

We trust that this is in keeping with the neighbourhood. Should you have any questions, please feel free to contact us at 250-360-2888.

Yours truly,

A handwritten signature in cursive script that reads "Alan Lowe".

Alan Lowe  
Alan Lowe Architect Inc.

**PROJECT INFORMATION**

LEGAL ADDRESS: LOT 9, SECTION 75, VICTORIA DISTRICT, PLAN 2167  
 CIVIC ADDRESS: 1521 ELFORD STREET,  
 VICTORIA, BRITISH COLUMBIA  
 ZONING DATA  
 ZONING: R3-2

OCCUPANCY CLASSIFICATION: GROUP C - RESIDENTIAL  
 BUILDING CLASSIFICATION: 3,2,2,50 GROUP C, UP TO 5 STORES, SPRINKLED  
 3,2,2,50 2) 5th floor presentation shall be in accordance with a F.R.A.  
 not less than 1 HR.

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ZONE (EXISTING)	Existing	Required / Alignment	Proposed	Variance / Requisitioned
Site Area	891.12 (216,000 sq ft)	7000 sq ft	891.12 sq ft	25.14 sq ft
Basement			134.15 m <sup>2</sup>	
Ground Floor			259.72 m <sup>2</sup>	
2nd Floor			366.38 m <sup>2</sup>	
3rd Floor			366.38 m <sup>2</sup>	
4th Floor			292.09 m <sup>2</sup>	
5th Floor			130.75 m <sup>2</sup>	
Open Site Space			18.50 m <sup>2</sup>	
Floor space ratio		60%	18.50%	13.2%
Site coverage %		1.001	1.961	0.960
Height of Building (m)		40%	42.8%	2.8%
Number of Storeys		13.5 m <sup>2</sup>	12.08 m <sup>2</sup>	
Parking stalls on site		21	21	2
Bicycle parking (storage and rack)		18 m <sup>2</sup> storage + 6 rack		
Building Setbacks (m)				
Front yard	10.5m	5.241m	5.241m	5.259m
Side yard (Rear/Left)	10.5m	3.446m	3.446m	7.054m
Side yard (Front/Right)	10.5m	4.61m	4.61m	5.89m
Side yard (Rear/Right)	10.5m	3.048m	3.048m	7.452m
Total number of units		33 m <sup>2</sup> (min.)	17	
Minimum unit floor area (sqm)				

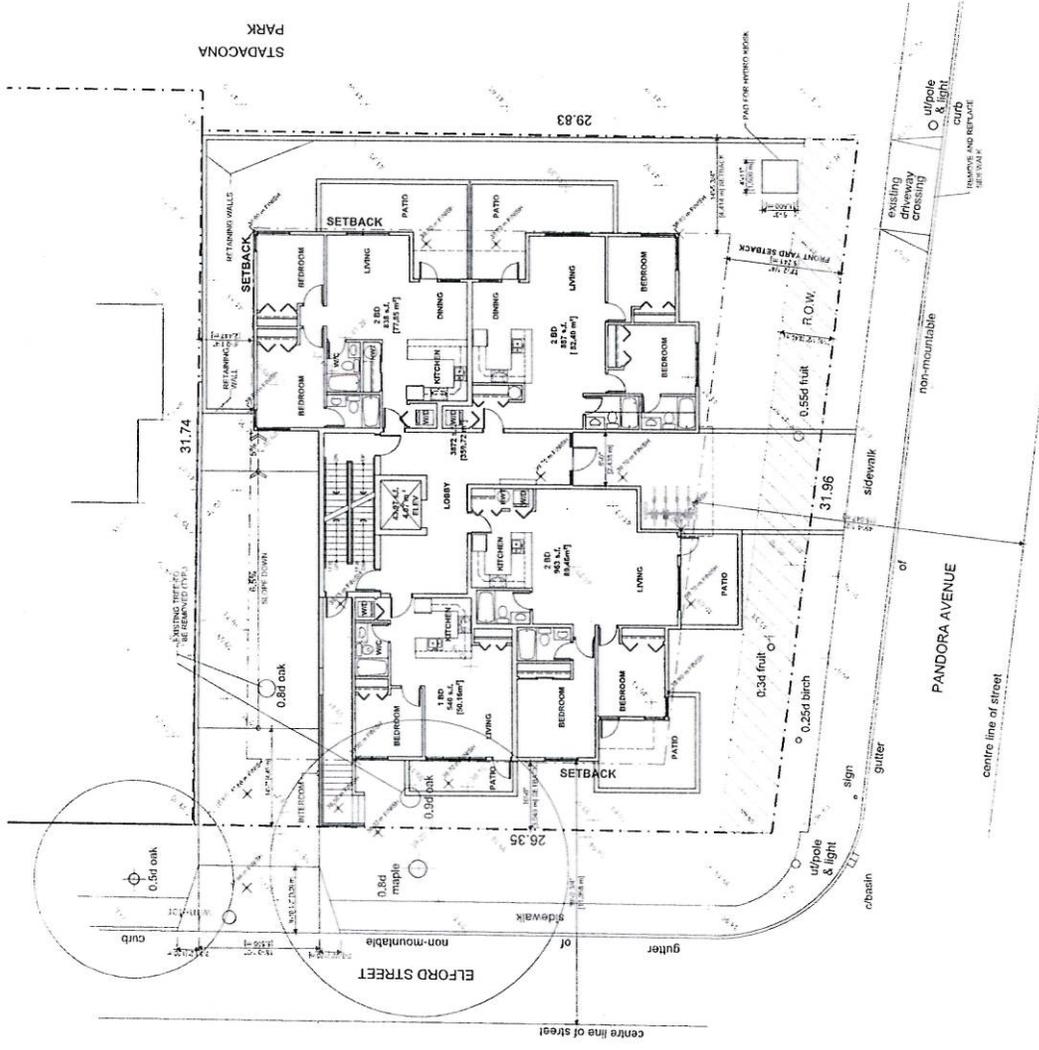
Average Gross Calorific: 345.6 (Elk, net, calculation based) / 26.0m (R18g) / 10m (R18g) / 10m (R18g) = 20,98 m

align love architect inc.  
 252 - 1118 Government St.  
 Victoria, British Columbia  
 1-800-251-2666

RESIDENTIAL DEVELOPMENT  
 1521 ELFORD STREET  
 SITE PLAN  
 SITE DATA

Project No: 13-0278  
 Date: 1/13/2014  
 Scale: 1:1000  
 Drawing No: 1001  
 Revision: 01  
**A1.0**

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 City of Victoria  
 DEC 16 2013  
 Planning & Development Department  
 Development Services Division



1 SITE PLAN  
 A1.0

**PROJECT INFORMATION**

LEGAL ADDRESS: LOT 9, SECTION 75, VICTORIA DISTRICT, PLAN 2307  
 CIVIC ADDRESS: 1591 ELFORD STREET, VICTORIA, BRITISH COLUMBIA  
 ZONING DATA: RB-2

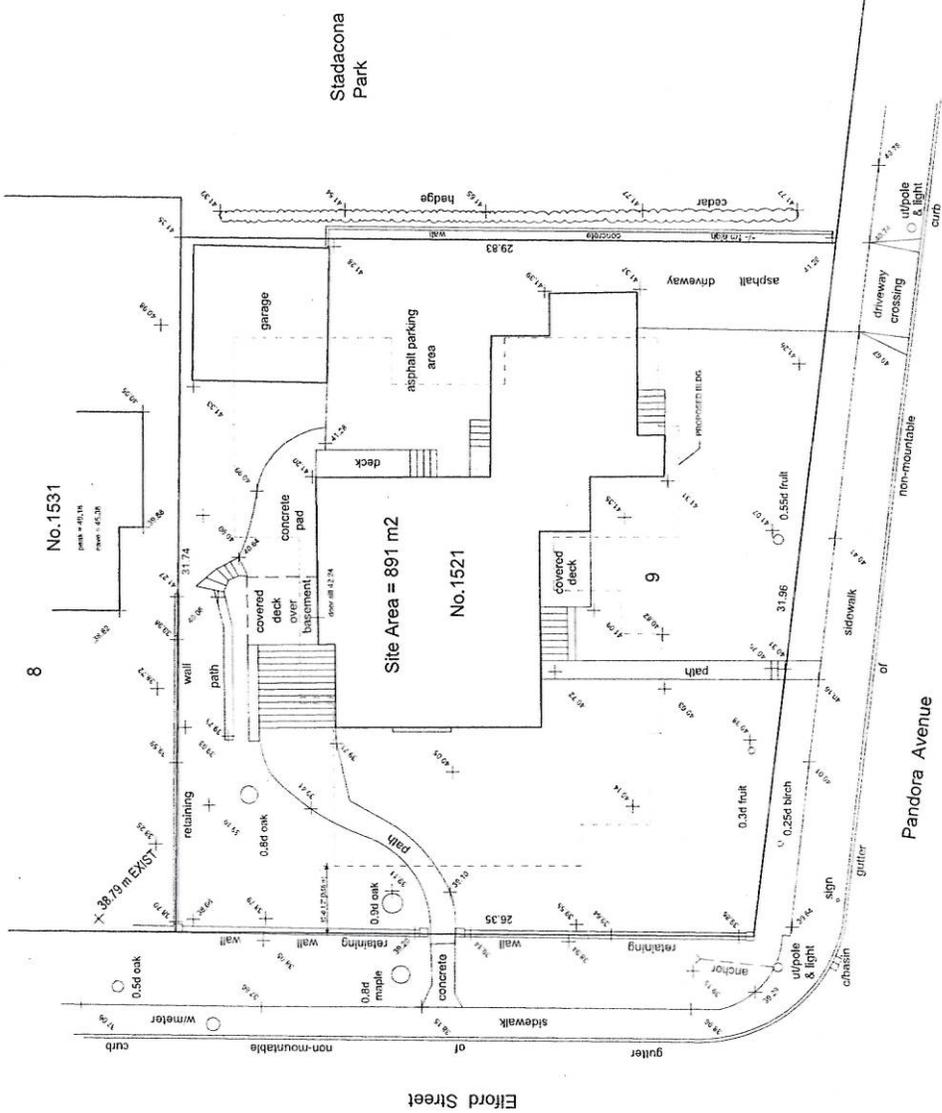
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 Fax: 250.681.1112  
 www.alanlowe.com

RESIDENTIAL DEVELOPMENT  
 1521 ELFORD STREET  
 EXISTING SITE PLAN

project no:	15-278
date:	11/15/13
client:	LOWE
location:	1521 ELFORD STREET
scale:	AS SHOWN
sheet:	1

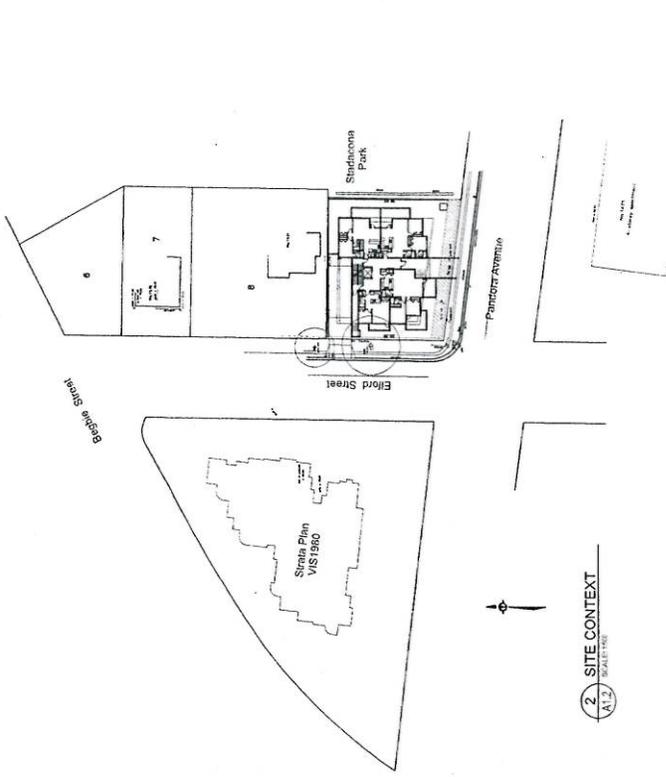
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1 EXISTING SITE PLAN

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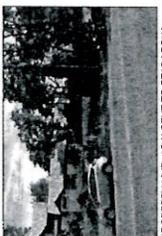
RESIDENTIAL DEVELOPMENT  
1521 ELFORD STREET  
SITE CONTEXT

PROJECT NO.	1521/2013
DATE	6 DEC 2013
STATUS	APPROVED
SCALE	AS SHOWN
DATE	15 DEC 2013
BY	AL

A1.2



APPROACHING SITE WESTBOUND ON PANDORA AVE.



PROPERTY LINE ADJACENT TO STADACONA PARK



EXISTING PANDORA STREET ELEVATION



EAST ELEVATION FROM STADACONA PARK



ACROSS THE STREET (ELFORD ST.) @ PANDORA AVE.



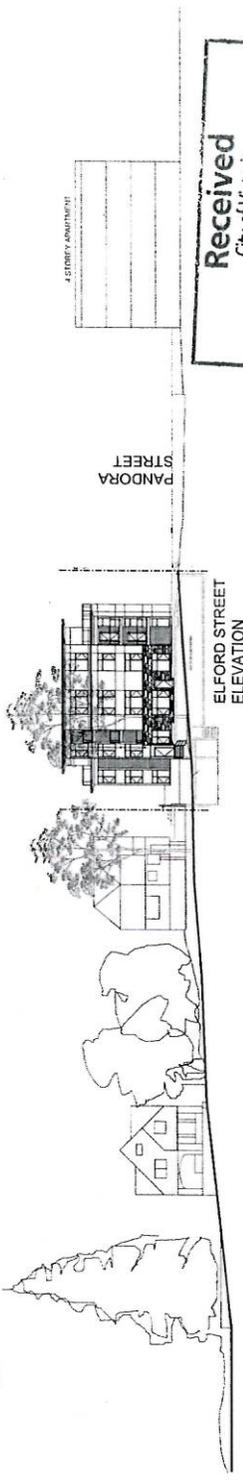
ACROSS THE STREET (PANDORA AVE)



PANDORA AVENUE

BEGBIE STREET

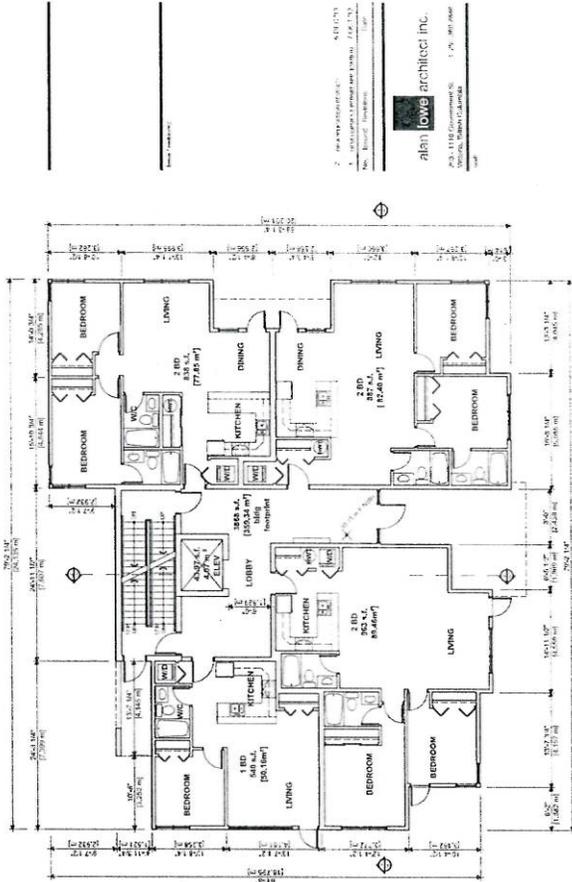
3 PHOTOS  
A1.2 SCALE



1 STREETSCAPE  
A1.2 SCALE

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DEC 16 2013  
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 www.alainlowie.com

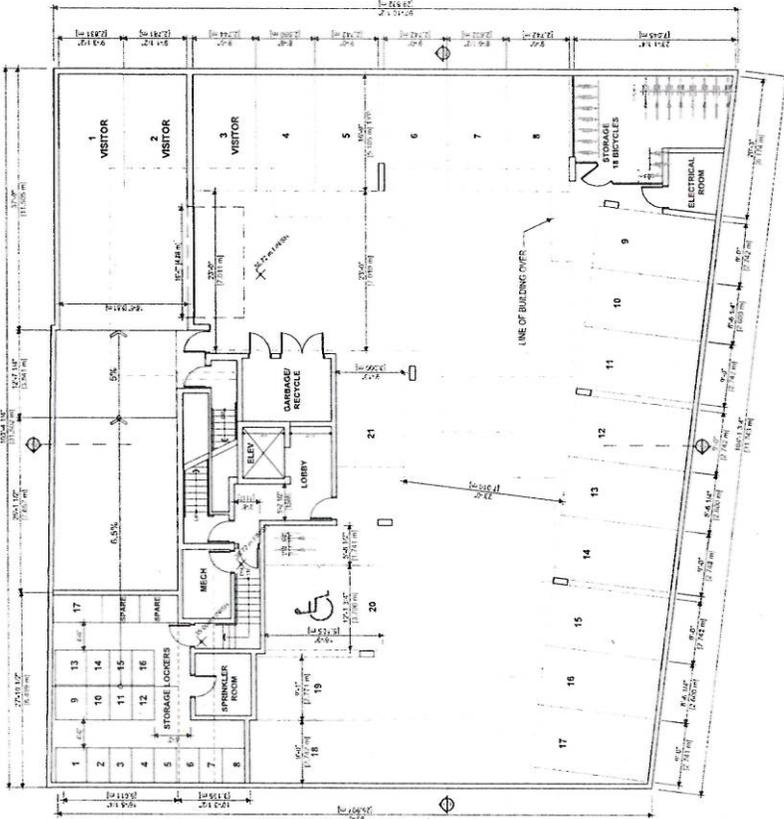
RESIDENTIAL DEVELOPMENT  
 1521 ELFORD STREET  
 PLAN - BASEMENT  
 - GROUND FLOOR

PROJECT NO.: 10-275  
 DATE: 8/20/2013  
 DRAWN BY: JLM  
 CHECKED BY: JLM  
 SCALE: AS SHOWN

# A2.0

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 Planning & Development Department  
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2. GROUND FLOOR PLAN  
 SCALE: 1/8" = 1'-0"



1. BASEMENT PLAN  
 SCALE: 1/8" = 1'-0"

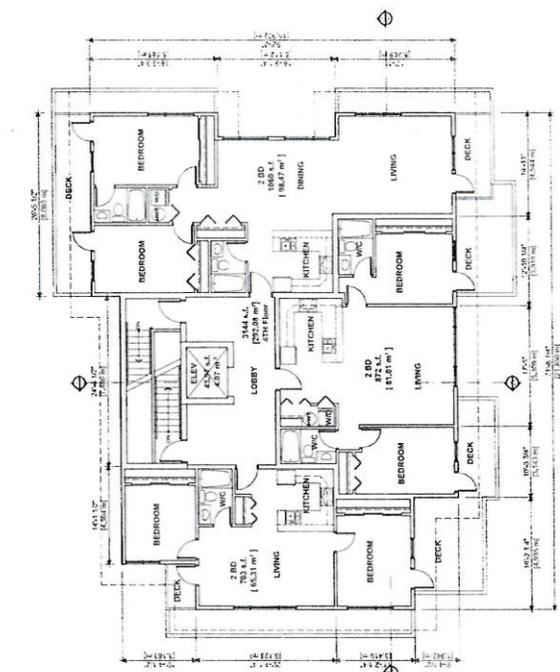
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 VANCOUVER, BC V6H 2G6  
 TEL: 604.681.1111  
 FAX: 604.681.1112  
 WWW: ALANLOWEARCHITECT.COM

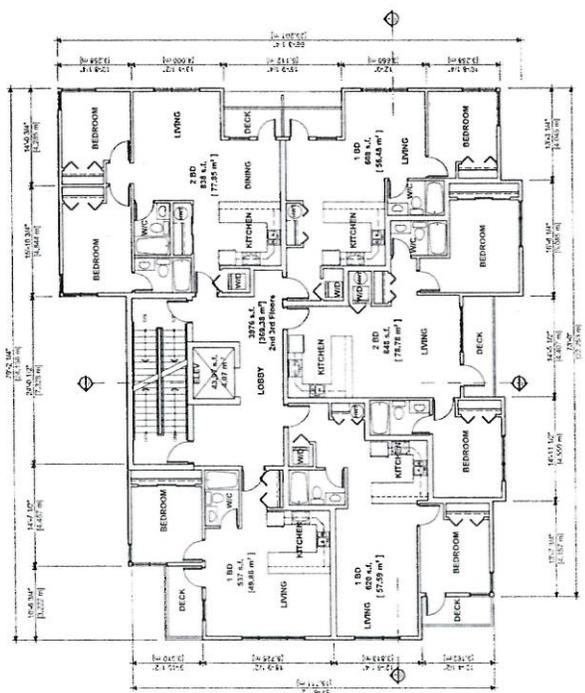
RESIDENTIAL DEVELOPMENT  
 1521 TELFORD STREET  
 PLAN - 2ND & 3RD FLOOR  
 - 4TH FLOOR PLAN

PROJECT NO.:	15278
DATE:	10/18/13
SCALE:	1/8" = 1'-0"
PROJECT:	1521 TELFORD ST
DATE:	10/18/13
SCALE:	1/8" = 1'-0"
PROJECT:	1521 TELFORD ST

A2.1



2 4TH FLOOR PLAN  
 A2.1 24.1' x 61.1'



1 2ND & 3RD FLOOR PLAN  
 A2.1 24.1' x 61.1'

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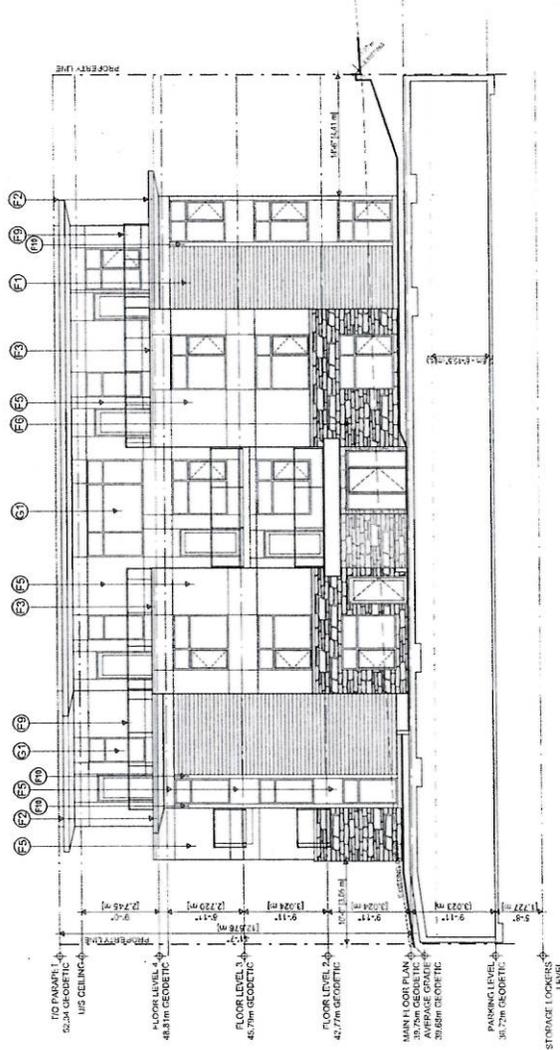
KEY PLAN  
 1. SITE PLAN  
 2. EXTERIOR FINISHES & NOTES  
 3. INTERIOR FINISHES & NOTES  
 4. ELECTRICAL SYMBOLS  
 5. MECHANICAL SYMBOLS  
 6. PLUMBING SYMBOLS  
 7. ROOFING SYMBOLS  
 8. FINISHES SYMBOLS  
 9. MATERIALS SYMBOLS  
 10. DIMENSIONS SYMBOLS  
 11. NOTES SYMBOLS  
 12. LEGEND SYMBOLS  
 13. INDEX SYMBOLS  
 14. TITLE SYMBOLS  
 15. REVISIONS SYMBOLS  
 16. SCALE SYMBOLS  
 17. NORTH ARROW SYMBOLS  
 18. PROPERTY LINE SYMBOLS  
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alan lowe architect inc.  
 215 - 1115 Commercial St.  
 Victoria, British Columbia  
 V8W 2E6

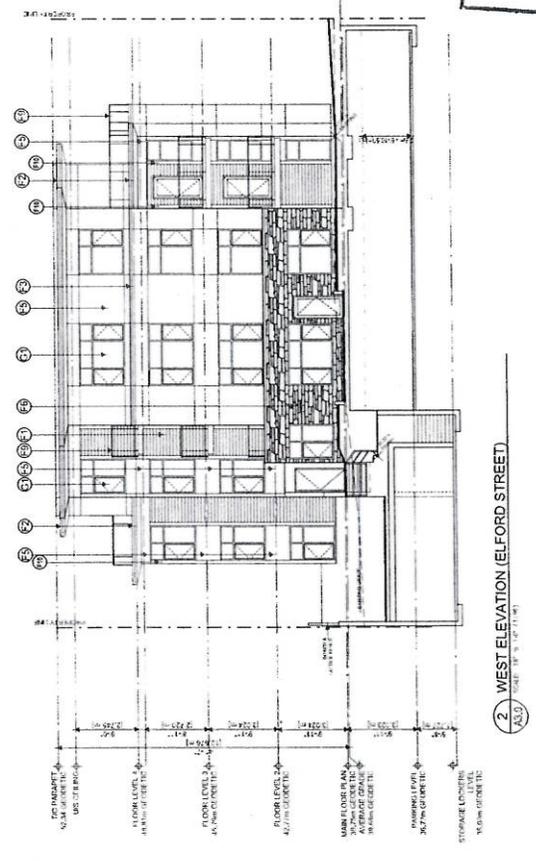
RESIDENTIAL DEVELOPMENT  
 1821 ELFORD STREET  
 ELEVATIONS

project no.: 15078  
 sheet no.: 15078-01  
 scale: 1/8" = 1'-0"

A3.0



1 SOUTH ELEVATION (PANDORA AVE.)  
 A3.0



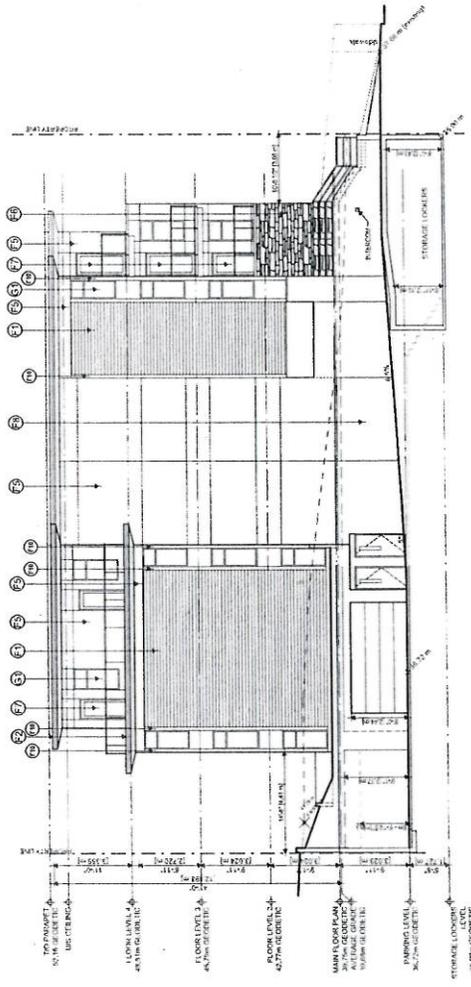
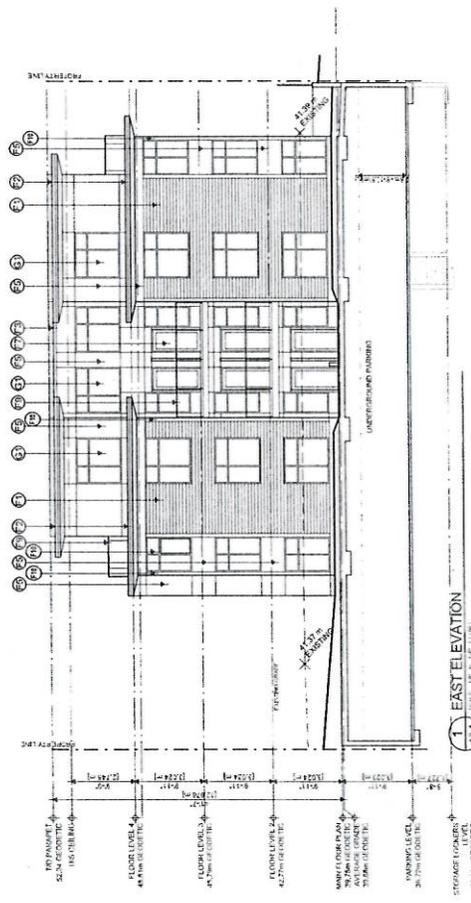
2 WEST ELEVATION (ELFORD STREET)  
 A3.0

EXTERIOR FINISHES & NOTES :

- (E1) INTERIOR FINISHES
- (E2) INTERIOR FINISHES
- (E3) INTERIOR FINISHES
- (E4) INTERIOR FINISHES
- (E5) INTERIOR FINISHES
- (E6) INTERIOR FINISHES
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- (E32) INTERIOR FINISHES

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 Planning & Development Department  
 Development Services Division

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 2013.01.16



- EXTERIOR FINISHES & NOTES :**
- (1) CONCRETE WORKING
  - (2) POLYURETHANE PAINT
  - (3) METAL PANEL FINISHES
  - (4) METAL PANEL FINISHES
  - (5) STONE
  - (6) STONE VENEER
  - (7) QUARTZITE
  - (8) ARCHITECTURAL GRANITE
  - (9) TERRAZZO AND POLISHED CONCRETE
  - (10) HARDWOOD
  - (11) WALL COVERING - POLYURETHANE GLASS

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**RESIDENTIAL DEVELOPMENT**  
 1525 ELDFORD STREET  
 MONTREAL, QUEBEC H3H 1R6  
 RENDERINGS

PROJECT NO. 152579  
 CLIENT: ALEC 2013  
 DATE: 2013.01.16  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]

**A3.1**

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 Development Services Division

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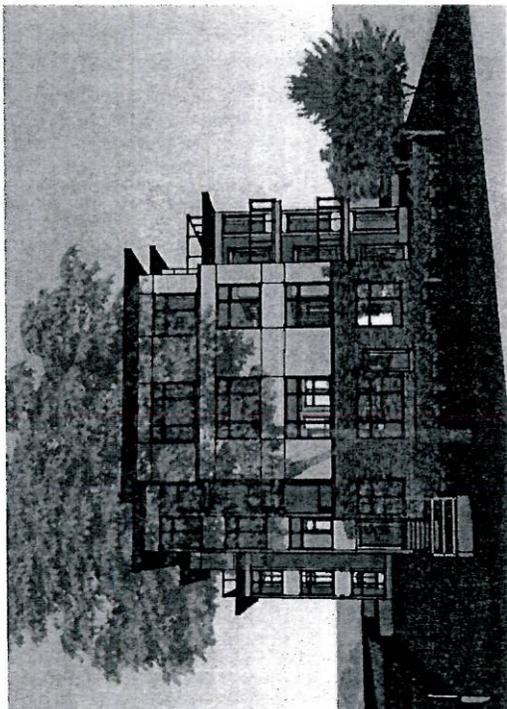
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alan lowe architect inc.  
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 Victoria, British Columbia  
 V8M 1A1

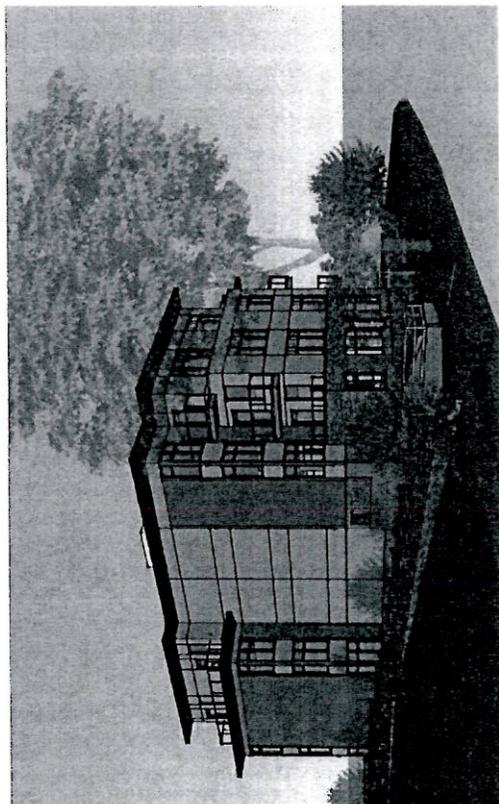
**RESIDENTIAL DEVELOPMENT**  
 124 ELFORD STREET  
 VICTORIA  
 RENDERINGS

project no.: 13079  
 name: RESIDENTIAL DEVELOPMENT  
 location: 124 ELFORD ST  
 date: 2013  
 scale: 1/8" = 1'-0"

**A3.2**



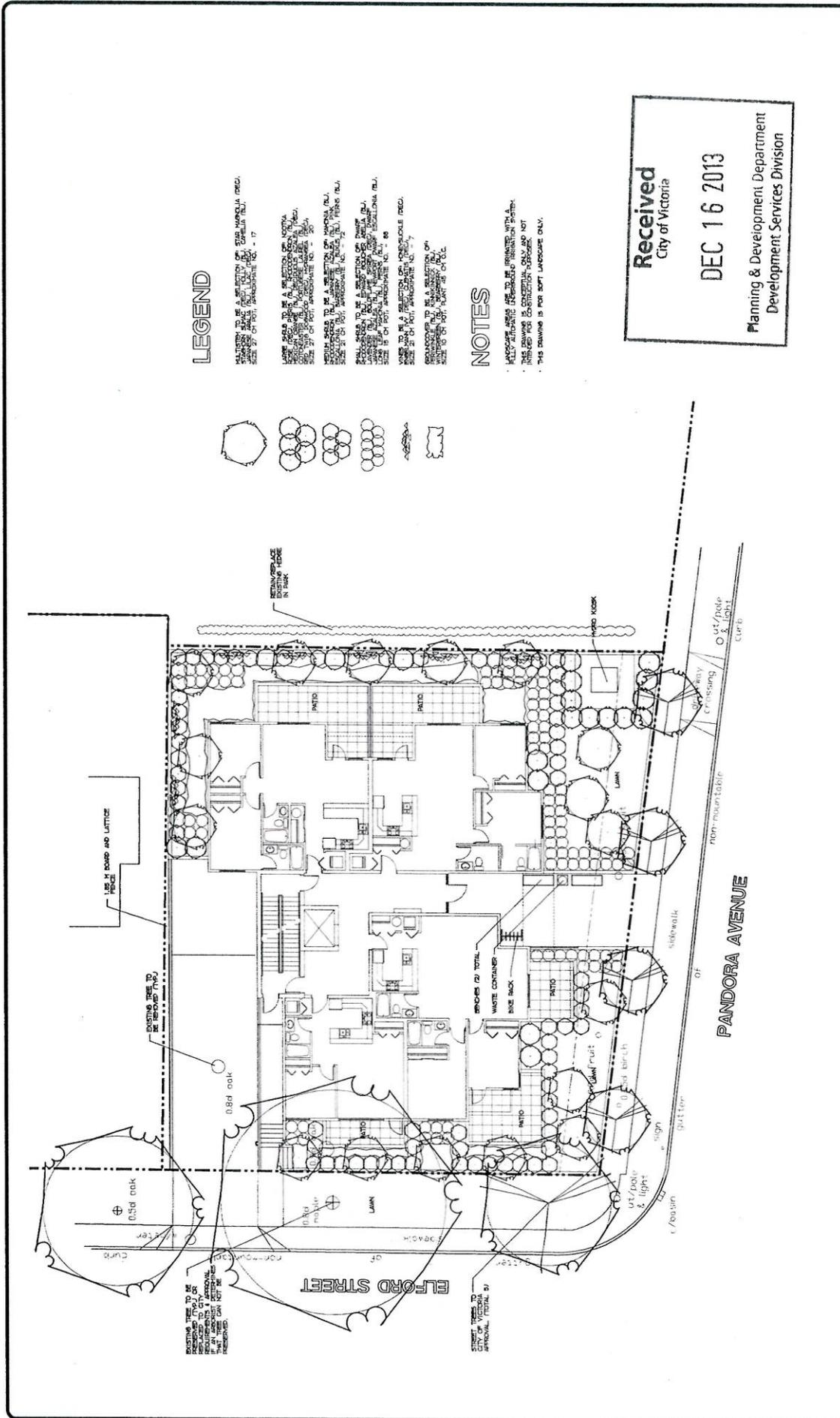
1 WEST ELEVATION  
 1/8" = 1'-0"



2 NORTH WEST  
 1/8" = 1'-0"

Received  
 City of Victoria  
 DEC 16 2013  
 Planning & Development Department  
 Development Services Division





Received  
City of Victoria  
DEC 16 2013  
Planning & Development Department  
Development Services Division



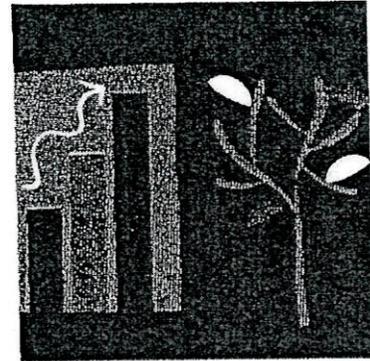
**ELFORD STREET CONDOMINIUMS**  
VICTORIA, B.C.



DATE: 10/07/2013	SCALE: 1:100
PROJECT: ELFORD STREET CONDOMINIUMS	DATE: OCTOBER 07, 2013
DESIGNER: J.P.	DATE: OCTOBER 07, 2013
CHECKER: J.P.	DATE: OCTOBER 07, 2013
APPROVER: J.P.	DATE: OCTOBER 07, 2013

# *SouthShore Forest Consultants*

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## **Arborist Report**

### **Tree Retention & Tree Removal Project**

1521 Elford Street  
Victoria, B.C.

Submitted to: Lt Patrick Larose  
Engineering Officer  
HMCS Victoria  
250.363.5817

Prepared by: Michael Butcher  
SouthShore Forest Consultants  
BS Forestry  
ISA - ON- 0583AM  
CTRA #1401

## Objective

The objective for this report is to identify and provide information to our client, Patrick Larose on the protection, preservation and removal of trees which are located on his property at 1521 Elford Street, Victoria B.C.. The clients intent for the property will be to move the current dwelling making way for the construction of new 3-4 story multiplex structure with proposed underground parking. The client has asked that an arborist report be completed and submitted to City staff prior to project approval.

## Site Observations

On Monday February 6th Michael Butcher from SouthShore Forest Consultants assessed the site and made observations pertaining to trees located on at 1521 Elford Street. The lot is located in an established residential neighbourhood in Victoria BC.. The property appeared to at one time have a well established landscape design with a variety of mature native trees, shrubs and hedges positioned throughout the lot. Elevated above natural grade, the lot was observed to have an increased in elevation approximately 2 metres in height from the road to the foot of the structure. Approximately 900 square metres in size the parcel is located on a corner lot beside a vacant adjoining residential parcel to the north and a municipal park located along its eastern edge. During the inspection it was observed that a number of the trees and vegetation were in declining condition.

The existing dwelling was observed to be located in the middle of the parcel situated closed to the north end of the lot . A three story structure with a basement, the existing house appeared to be a vintage war-time dwelling. A detached garage, asphalt drive way and patio pad are located on the southeast side of the lot. A retaining wall located along the north and west side of the property border the city boulevard. A stone wall approximately one metre in height borders the property along the eastern side of the parcel. A cedar hedge located in a city park runs the length of a stone wall located beside the driveway. Two municipal trees are located in the boulevard along the Elford Street side of the property. Each of these trees were observed to be in good condition and health. Each of the trees must be preserved and protected during the project.

The grounds area of the property appeared to be of a native turf grass with numerous planting and flower beds bordering the structure. A automatic irrigation system was not observed during my assessment. It appears that at one time the natural grade of the site was raised for drainage purposes. There appeared to be no natural root-flair present on each of the two mature oak trees.

Tree Inventory

All significant tree located within the property were inventoried. Tree are not tagged due to the limited number of specimens found on site . The tree inventory is a routine account of tree species, characteristics and conditions which represent an identified population of trees in any given location. Small shrubs and plants of insignificance in size were not listed and assessed in the tree inventory.

Tree Position	Species	DBH (cm)	Diameter of CRZ (m)	Condition	Retain	Remove	Comments
City tree - positioned in N section of blvd	Garry oak ( <i>Quercus garryana</i> )	52	9.5	fair	yes		Tree will require tree protection to reduce impacts as per municipal guidelines
City tree - positioned in blvd next to gate	Big leaf maple ( <i>Acer macrophyllum</i> )	75	13.5	fair	yes		Tree will require protection to reduce impacts as per municipal guidelines
Positioned inside gate close to retaining wall.	Garry oak ( <i>Quercus garryana</i> )	87	15.5	poor/fair		yes - advanced decay in root crown region	Tree has been identified to be infected with Ganoderma pathogen.
Positioned next to steps at side porch	Garry oak ( <i>Quercus garryana</i> )	79	14	fair	yes - try to protect.	yes - if root system is compromised due to building footprint.	Further recommendations pertaining to preservation or removal will be required. Mitigation of the specimen is an option.
Positioned above retaining wall south of side gate	Red oak ( <i>Quercus rubra</i> )	8	1.5	fair		yes - the tree can be transplanted or removed	This specimen can tree transplanted by mechanical means.
Positioned in SW corner along Pandora side	Laburnum ( <i>Laburnum anagyroide</i> )	35	6.5	poor		yes - decay present, multiple limb failures - poor structure	Remove due to poor tree condition and structure
Positioned along Pandora side in	Flowering cherry ( <i>Prunus serrulata</i> )	48	9	fair/poor		yes - poor structure	Remove due to declining health.

landscape bed							
Positioned next to driveway	Fig tree (Ficus carica)	8	1.5	fair		yes	Remove - in the path of demolition & construction
Positioned in rear at corner of garage	European ash ( <i>Fraxinus excelsior</i> )	18	3.5	fair		yes – poor location. potential hardscape issues	Remove - in the path of demolition & construction
Positioned in garden bed, west of garage	Fig tree (Ficus carica)	6	1	fair		yes	Remove - in the path of demolition & construction
Positioned in NW corner of lot at the property line	Laburnum ( <i>Laburnum anagyroide</i> )	35	6.5	Poor/fair		Yes	Poor structure, multiple cracks at branch attachments - 7X stem.

Condition Rating

**Good -** A tree specimen which is exempt defects, branch dieback, moderate insect and fungal identification. This tree has evenly distributed branching, trunk development and flare. The root zone is undisturbed, leaf, bud and flower production and elongation are normal for its distribution.

**Fair -** A tree specimen which has minor defects, branch dieback, previous limb failure, identification of cavities and insect or fungal identification. This tree has multiple (2-3) primary stem attachments, previous utility pruning, callus growth and poor wound wood development. Minor root girdling, soil heave and identifiable mechanical damage to the root flare or root zone.

**Poor-** A tree specimen where 30-40% of the canopy is identifiably dead, large dead primary branching, limited leaf production, bud development and stem elongation. Limb loss/failure, heavy storm damage leading to uneven weight distribution. Large pockets of decay, multiple cavities, heavy insect and fungal infection. Root crown damage, mechanical severing of roots. Root plate shifting, heavy lean and movement of soil.

**Dead-** Tree has been observed to be dead with no leaf, foliar and bud development. No stump sprouts and root suckers are present.

## Discussion

It was observed during my assessment that four (4) trees met the criteria for tree preservation within the project area. Two of the trees, a Gary oak (*Quercus garryana*) and a big leaf maple (*Acer macrophyllum*) are municipal trees. These trees will remain and must be protected during all phases of the construction project. Within the confines of the lot there are two trees which meet the municipal tree preservation and protection policy.

The first tree a Gary Oak measuring 87 cm in diameter at standard measuring height is located next to the gated walkway on the west Elford Street side of the property. This tree is infected with the Ganoderma (*Ganoderma applanatum*) pathogen. The Ganoderma is a wood decay fungus which attacks heart and sap wood in mature oak trees. A root-crown excavation was performed on this specimen. Upon conclusion of the assessment it was determined that that 70% of the upper root crown was infected with the pathogen. Upon further inspection I determined there to be an above average amount of dead limbs located on the west side of the trees canopy. A Ganoderma conk was removed from the tree. The conk was located at the base of the tree attached just above grade. The conk was approximately 5-7 years in age.

The second tree, a Gary oak measured 79 cm in diameter at standard measuring height is located next to the porch on the Elford Street side of the property. This tree appeared to be in fair condition with no visible pathogenic or cultural disturbances occurring to it at the time of inspection. The tree is approximately 24 metres in height with a 10 metre crown spread. Sheltered by other trees this oaks stem and canopy are skewed towards the structure reaching above the roof. This tree will pose a problem during the construction process. The critical root protection zone is estimated to be a minimum of 14 metres. If the tree can receive this type of protection, then preservation can be achieved with specific monitoring and evaluation during the construction process. If more than 50% of the critical root zone is removed, damaged or unattended to during the project, then there would be an increased probability of tree failure and mortality. The current location and potential footprint of the proposed structure as well as the demolition process leave me to believe that this tree is a good candidate for removal with an approved tree mitigation plan.

## Recommendations

- A. Without the current architectural proposal, preserve and protect two municipally owned trees.
- B. Provide tree removal for all remaining trees located in the project area. Provide a tree mitigation plan for the removal of one 79 cm diameter Gary oak. The tree mitigation plan can be used on site for landscape improvements or off site with approval of City staff.
- C. Protect all off-site planting, hedging and neighboring trees during the construction process.
- D. Follow tree preservation and protection measure guidelines as directed in Arborist comments section of the report.

## Arborist Comments

All protective fencing shall be in place prior to commencement of work. Fencing shall be constructed under the supervision of an ISA certified arborist and will meet or exceed the tree protection policies of the City of Victoria.

Wood chip layering or matting shall be used to protect the municipal boulevard during construction. The layering or matting shall be installed within one (1)m of each tree in the boulevard. The matting will provide further protection and reduce soil compaction in each trees root zone. The use of aerial stem protection devices may be required. Matting or wood reinforced strapping attached to each trees stem will add further protection during the project. The project arborist will have the authority to require such protection measures prior to and during construction.

Utility cuts, installation and the path of travel may encounter tree roots. The contractor will be responsible to contact the project arborist/s when roots greater than 6cm in diameter are exposed. When anticipation of tree roots are expected the project arborist will be on site during excavation. Scheduling of this task will be the sole responsibility of the contractor. The project arborist will provide root pruning, removal and shaving during the construction process.

## Tree Protection Plan

- i. Provide a detailed sign specifying that tree protection measures are in place and will be followed during the project. Fines will be posted for malicious acts and can be placed on individuals who disregard the tree protection plan and its guidelines. Signs will be placed at each entrance of the project detailing what is expected when working in potentially high impact tree protection zones.
- ii. Provide tree protection fencing for all trees which are to be retained on the property. This fencing shall be four (4ft) feet in height and made of orange plastic. If required header and footer boards will be used to secure the protective fencing.
- iii. Tree protection and root protection signs will be placed on the fencing. No entry will be allowed, unless specified by the project arborist and in their presence while on site.
- iv. Restrict vehicle traffic to designated access routes and travel lanes to avoid soil compaction and vegetation disturbances.
- v. Make all necessary precautions to prevent the storage of material, equipment, stockpiling of aggregate or excavated soils within tree protection areas. No dumping of fuels, oils or washing of concrete fluids will be allowed in tree protection zones.
- vi. Provide an onsite arborist when a risk of root damage, root cutting or limb removal is required within the tree protection zone.
- vii. Avoid alterations to existing hydrological patterns to minimize vegetation impacts to the site.
- viii. The use of a project arborist is required to provide layout of tree protection zones. The project arborist(s) will provide pre-construction information to all parties involved with the project. The arborist must be notified 24hrs prior to construction activities in sensitive areas. The project arborist should be used to provide root and branch pruning when diameters are greater than 6cm.
- ix. At no time will tree protection zones be removed from the project unless approved by the project arborist.

## Conclusions

The proposed house removal and new construction will require the removal of all privately owned trees on site. Although one Gary oak tree could be preserved, it makes more sense to remove the tree reducing future liability due to root loss during the construction process. This tree can be mitigated as per the City of Victoria tree ordinance. All municipally owned trees must be protected and preserved.



Michael Butcher  
 SouthShore Forest Consultants  
 BS Forestry  
 ISA - ON - 0583AM  
 CTRA #1401

### Arborist Disclosure Statement:

Arborist are tree specialists who use their education, training and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risks.  
 Arborist cannot detect every condition that could possibly lead to structural failure of a tree.  
 Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below the ground.  
 Arborist cannot guarantee that the tree will be healthy and safe under all circumstances, or for a specific period of time.  
 Remedial treatments cannot be guaranteed.  
 Trees can be managed, but they cannot be controlled. The only way to eliminate all risk is to eliminate all trees.



20 January 2014

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

Attention: Mayor and Council

Re: 1521 Elford Street, Victoria British Columbia

Your Worship Mayor Fortin and Council,

We have received a copy of the staff report for the Planning and Land Use Committee. As we are not aware if we will have the opportunity to speak to our application at the meeting we wish to provide some additional information for your deliberations.

- The subject site is zoned R3-2 and allows for multiple dwellings
- We are only 29 square metres shy of the minimum lot area for the R3-2 zone
- The R3-2 zone allows for a 6 storey building
- Our initial design for a 6 storey building had less site coverage, more open space and larger setbacks, but we were encouraged by staff to reduce the height of the building to four storeys with the top floor set back
- The neighbouring property to the north has a boarded up house that is larger than our site and will be redeveloped in the future.
- After trying to purchase the adjacent property for over a year, our client has optioned the site and would like to redevelop the site as phase two of this project.
- The north elevation of this project will become a firewall for phase two of the project when it is developed. The relationship of our wall to the adjacent house will no longer be an issue.
- The buildings surrounding our site are 6 storeys and 4 storeys in height and are much more massive. Our south elevation will be narrow compared to the surrounding streetscape.
- Our proposed project is within 200 metres of the Large Urban Village at Stadacona Centre and is located on a secondary arterial road.
- The traditional residential Urban Place Designation on this property contradicts the present zoning for this site and does not advance the objectives in the OCP.

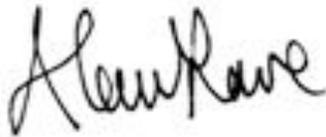
We do not feel the concerns that staff may have with respect to a transition from the proposed building to the houses along Elford are a concern. The adjacent house is boarded up and the property will most likely be redeveloped in the future as it is within 200 metres of a large urban village. We need to look forward and not try to design a building that will transition down to a boarded up house on a large lot that has the potential to be another multiple dwelling in accordance with the newly adopted OCP.

Our building is also being built on the west side of Stadacona Park. We are stepping the top floor back to reduce the mass of the building. With the existing high hedge along the park side, our building will be even less noticeable.

We feel this project meets and advances the objectives of the OCP to create more residential near large urban villages and along secondary arterials. We trust that you will support Option 2 of the report and allowing our client to proceed with the plans as presented.

Should you have any further questions, please feel free to contact us at 360-2888.

Yours truly,

A handwritten signature in black ink that reads "Alan Lowe". The signature is written in a cursive, flowing style.

Alan Lowe  
Alan Lowe Architect Inc.

cc. Client



## Planning and Land Use Committee Report

---

**Date:** December 2, 2013      **From:** Murray G. Miller, Senior Planner - Urban Design

**Subject:** **Development Permit Application #000330 for 645 Dunedin Street**  
Application to construct a two-storey service garage with mezzanine and second storey for offices

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### Executive Summary

The purpose of this report is to present Council with information, analysis and recommendations regarding a Development Permit Application for the property located at 645 Dunedin Street.

The proposal is to construct a three-bay service garage with a storefront office area at street level with a mezzanine/staff lounge above the office/retail space and accessory office space/storage extending over the entire ground floor footprint at the second floor level. Loading and garbage collection will be located along the east property boundary. Exterior materials include a combination of corrugated vertical metal siding and painted concrete block wall.

The following points were considered in assessing this application:

- The subject property is within the DPA 16, General Form and Character, which seeks to achieve more liveable environments through addressing considerations for human-scaled design, quality of open spaces, minimizing privacy impacts, safety and accessibility.
- The proposal is generally consistent with the *Design Guidelines for Multi-Unit Residential, Commercial and Industrial Development (2012)*; however, refinements to the landscape screening of the two parking stalls and the loading zone along the eastern property boundary and mitigation of the blank west wall are warranted.

Staff support this application subject to the applicant providing landscape screening and effective mitigation of the blank west wall.

### Recommendations

That Council authorize Development Permit #000330, subject to:

1. The applicant providing landscape screening to the satisfaction of the Director of Sustainable Planning and Community Development.

- 2. The applicant mitigating the effect of the west blank wall to the satisfaction of the Director of Sustainable Planning and Community Development.

Respectfully submitted,

 → 

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



Deb Day  
Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:

  
Jocelyn Jenkyns

MGM/ljm

S:\TEMPEST\_ATTACHMENTS\PROSPERO\PL\DP\DP000330\PLUSC PLANNING REPORT TEMPLATE DP & DVP3.DOC

**1.0 Purpose**

The purpose of this report is to present Council with information, analysis and recommendations regarding a Development Permit Application for the property located at 645 Dunedin Street.

**2.0 Background**

**2.1 Description of Proposal**

The proposal is to construct a three-bay service garage with a storefront office area at street level with a mezzanine/staff lounge above the office/retail space and accessory office space/storage extending over the entire ground floor footprint at the second floor. The total floor area of the proposed development will be 367.33 m<sup>2</sup>.

The proposed building would be built to the property boundaries on all sides and retaining walls will be constructed along more than 50% of those boundaries. Eight parking stalls would be provided at the rear of the subject property although only four parking stalls are needed in order to meet requirements of the *Zoning Regulation Bylaw*. A row of cedars near the west property boundary would be removed in order to construct six of the parking stalls. The required bicycle parking will be provided near the entrance to the office.

The exterior materials include a combination of corrugated vertical metal siding predominantly located on the east and north elevations with horizontal metal siding predominantly located on the south elevation. The west elevation consists of a concrete block wall, which will be painted. Overhead garage doors will be constructed of metal panel with glazed sections and windows will be aluminum.

A cherry tree will be removed from the existing boulevard to accommodate the construction of a new driveway crossing at the east end of the property. Loading and garbage collection will be located along the east property boundary.

**2.2 Data Table**

The following data table compares the proposal with the existing M2-D Zone, Dunedin Light Industrial District. The application is consistent with all aspects of the M2-D Zone.

Zoning Criteria	Proposal	M2-D Zone Standard
Site area (m <sup>2</sup> ) - min.	626.9	n/a
Total floor area (m <sup>2</sup> ) - max.	367.33	n/a
Density (Floor Space Ratio) - max.	0.58:1	3:1
Lot width (m) - min.	15.27	n/a
Height (m) - max.	8.68	15

Setbacks (m) - min.		
Front yard (North)	Nil	n/a
Rear yard (South)	18.51	Nil or 3
Side yard (East)	Nil	Nil or 3
Side yard (West)	7.3	Nil or 3
Parking - min.	8	4
Bicycle parking (Class 1) - min.	1	1
Bicycle parking (Class 2) - min.	1	1
Loading (stalls min.)	1	1

**2.3 Land Use Context**

The subject property:

- fronts on to Dunedin Street and is flanked to the west by properties that are zoned M2-1, Douglas-Blanshard Industrial District, where light industrial uses including manufacturing, processing, assembly, service commercial and limited retail uses are permitted
- is flanked to the east by the Arbutus Inn and National Car Rental at 653 Dunedin Street, which is zoned T-1, Limited Transient Accommodation District
- is immediately across Dunedin Street from properties that are zoned R1-B, Single Family Dwelling District to the northwest
- is immediately across Dunedin Street from properties that are zoned C1-N, Neighbourhood Shopping District and C-1, Limited Commercial District, to the northeast
- abuts the through-parcel on two sides located at 650 Dunedin, which is zoned M2-1, Douglas-Blanshard Industrial District.

**2.4 Legal Description**

Lot 17, Block 5, Section 5, Victoria District, Plan 282.

**2.5 Consistency with City Policy**

**2.5.1 Official Community Plan (OCP)**

a) Burnside Strategic Directions

The OCP outlines the Burnside Strategic Directions on Map 19. Strategic Direction 21.2.8 refers to the enhancement of community services and facilities with improved linkages to the rest of the City.

b) Urban Place Designation

- The subject property is designated General Employment where the Urban Place Guidelines anticipate large floor-plate commercial and light industrial built forms ranging from one to approximately four storeys in height.
- The Place Character Features anticipated for the subject property includes ground-oriented buildings that are set close to the sidewalk; off-street parking to the rear or side-yard; and landscape screening for service and parking areas.
- The Uses anticipated for the subject property include commercial, office, retail and light industrial.

c) Development Permit Area (DPA) 16

The property located at 645 Dunedin Street is covered by Development Permit Area 16, General Form and Character. The proposed development has therefore been assessed against the *Design Guidelines for Multi-Unit Residential, Commercial and Industrial Development (2012)* in relation to its exterior design and landscaping.

The subject property is visible from the high-traffic Douglas Street Corridor to the east and from the established residential neighbourhood to the northwest, which merits special attention to the form and character of the east and west streetscapes. The subject property shares an interface with Traditional Residential area to the northwest that requires consideration for sensitive transition.

d) Design Guidelines for Multi-Unit Residential, Commercial and Industrial Development

The following are the key guidelines that relate to the proposal:

**Area-wide context and transition between areas**

*Where new development is directly abutting lands in a different OCP Urban Place Designation, or it directly abuts a different Development Permit Area, the design should provide a transition between areas in ways that respond to established form and character, and that anticipate any future development.*

**Streetscape, relationship to the street and orientation**

*Industrial or industrial mixed-use buildings with frontages visual to the street are encouraged to include offices or showrooms at street level, and decorative design elements.*

**Exterior Finishes**

Higher quality materials used on the principal façade should be continued around any building corner or edge which is visible from the public realm.

*Exposed party walls and blank side elevations, where necessary, should incorporate features such as texture, reveals, colours, plantings or other treatments to provide visual interest.*

**Parking**

*When surface parking is unavoidable, it should be located at the rear of buildings. Landscape elements should be provided, such as planting or fencing, to visually break up and screen parking from public streets and adjacent properties, to improve natural drainage and to enhance pedestrian amenity.*

*The use of alternative modes of transportation should be promoted in site design (e.g. prominent bicycle racks for convenience and security; transit-supportive design features; building entrances oriented to pedestrian areas).*

**Loading and service areas, ancillary mechanism and unenclosed storage**

*Access to on-site loading and service areas for all uses should be as unobtrusive from the public realm as possible, appropriately shielded and protected from public streets.*

**2.5.2 Burnside Neighbourhood Plan (BNP) (Revised 2012)**

A key goal of the Plan is: *to support the role of business and industrial community, which has an essential role in the city economy. This requires an affirmation of the industrial and commercial uses which exist in the neighbourhood.* The proposal is consistent with this goal.

The proposal is not entirely consistent with the *Design Guidelines for Multi-Unit Residential, Commercial and Industrial Development* in relation to exterior finishes and the landscape screening of the parking and loading areas.

**3.0 Issues**

The key issues associated with this application are:

- landscape screening
- treatment of the west elevation.

**4.0 Analysis**

**4.1 Landscape Screening**

The proposed development extends across the entire width and depth of the property, which results in a deficiency for landscaping and in particular, landscape screening of the two parking stalls along the eastern property boundary and the loading zone, which would also be prominently visible from Douglas Street.

From the east, on Dunedin Street, the proposed development would be visible from the Douglas/Burnside intersection, to a depth of approximately 11 m, along the eastern boundary. Within these 11 m, there would be no screening to the proposed loading zone.

The proposed development is therefore not completely consistent with the Place Character Features as they relate to screening because of a lack of landscape screening for the loading zone and the side-yard parking.

#### **4.2 Treatment of the West Elevation**

The objectives that justify the DP 16 designation includes the integration of commercial and industrial buildings into a neighbourhood: enhancing the place character of established areas and their streetscapes through high quality architecture, landscape and urban design that responds to each distinctive setting through sensitive and innovative interventions.

The proposed development provides an appropriate relationship and orientation to Dunedin Street, particularly with the office and degree of window openings at street level. The proposed development is also visible from the high-traffic Douglas Street Corridor to the east and from the established residential neighbourhood to the northwest. The degree of visibility of the proposed development merits special attention in the design of the east and west elevations.

From the western approach to Douglas Street, on Dunedin Street, the proposed development would be visible particularly from the north side of Dunedin Street, where there are mainly single-family dwellings. A two-storey structure in this proposed location would be visible above the existing adjacent warehouse, which only extends 2.1 m above grade. In addition, the commercial structures located between Sumas Street and the subject property are predominantly single-storey, with several of these structures being set back from the Dunedin Street property boundary.

The subject property shares an interface with the Traditional Residential area to the northwest that requires consideration for sensitive transition in relation to design and exterior finishes. For example, the higher quality materials used on the Dunedin Street elevation could be continued around the western building corner, above the adjacent warehouse, to a depth that corresponds to a 45 degree southeast splay from the northeast corner of the nearest two-storey structure between 666 and 650 Dunedin Street that would be visible from the public realm. Additionally, the exposed blank west elevation could be improved with the incorporation of features such as surface modulation that would accommodate the vertical and horizontal metal cladding as a continuation of the materials and features that are presently proposed for the immediately abutting materials of the Dunedin Street elevation. This is because the adjacent light industrial/commercial properties to the west are predominantly single storey and they are set back from the front property boundary appreciably. The staff recommendation includes details to advance these design refinements.

#### **5.0 Resource Impacts**

There are no resource impacts anticipated.

**6.0 Options**

Option One (Recommended)

That Council authorize Development Permit #000330, subject to:

1. The applicant providing landscape screening to the satisfaction of the Director of Sustainable Planning and Community Development.
2. The applicant mitigating the effect of the west blank wall to the satisfaction of the Director of Sustainable Planning and Community Development.

Option Two

That Council authorize Development Permit #00330 without requiring any further design revisions.

Option Three

That Council declines the application.

**7.0 Conclusions**

Overall, the proposal is consistent with the relevant design guidelines; however, staff are recommending two design refinements to improve the building's fit within the local neighbourhood context. Staff support this application subject to the applicant providing landscape screening and effective mitigation of the blank west wall.

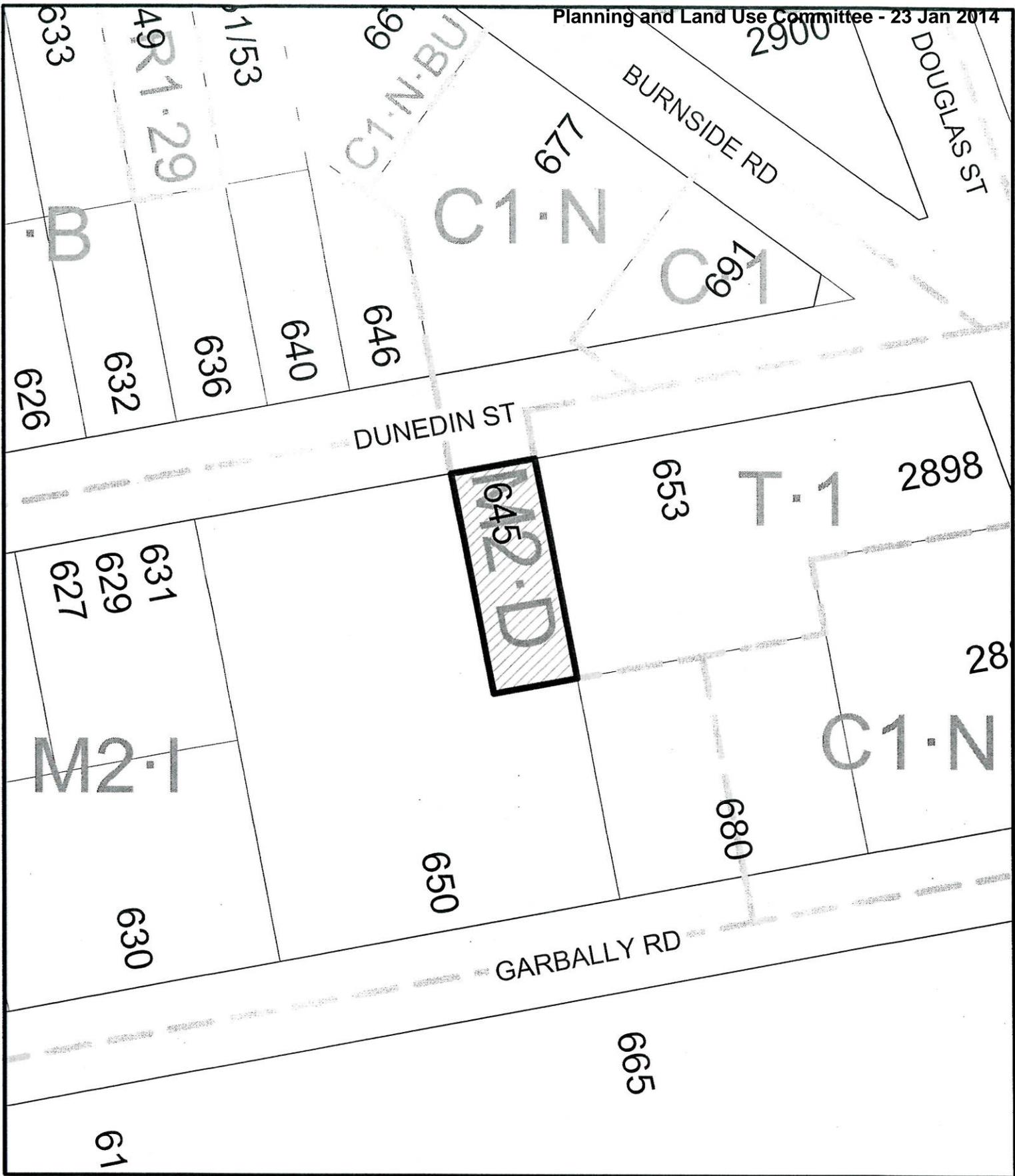
**8.0 Recommendation**

That Council authorize Development Permit #000330, subject to:

1. The applicant providing landscape screening, to the satisfaction of the Director of Sustainable Planning and Community Development.
2. The applicant mitigating the effect of the west blank wall to the satisfaction of the Director of Sustainable Planning and Community Development.

**9.0 List of Attachments**

- Zoning map
- Aerial map
- Letter from applicant received November 28, 2013
- Revised plans dated November 28, 2013.



645 Dunedin Street  
 Development Permit #000330





645 Dunedin Street  
 Development Permit #000330



Development Permit Application # 000330 for 645 Dunedin Stre...



alan **lowe** architect inc.



07 October 2013 ( Revised 27 November 2013 )

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

Attention: Mayor and Council

Re: 645 Dunedin Street, Victoria British Columbia

Your Worship Mayor Fortin and Council,

We are pleased to submit this development permit application on behalf of our client. Our client recently purchased this vacant lot in the Burnside Gorge Neighbourhood to build his own service garage and to operate his business in this location. The property is zoned M2-D Dunedin Light Industrial and under the new Official Community Plan, falls within Development Permit #16.

Our client proposes to build a three bay service garage with a mezzanine and a second storey for offices. The property is located on Dunedin near Burnside Road and Douglas Street. The property to the west is the former BC Transit garage. The building is built to the property line on all sides. The Arbutus Inn is located to the west of this property. A National Car Rental company also operates out of the Arbutus Inn. Across Dunedin, we have some small neighbourhood commercial buildings to the northeast and R1-B Single Family Residential units to the northwest.

The site is narrow and in order to create a service garage that is functional, we have designed the building so one wall of the building is on the west property line next to the existing building to the west. We have created a storefront office area on the street level and have designed our off street parking spaces at the rear of the site. The building will use aluminum windows and a combination of corrugated metal siding and horizontal metal siding. The party wall will be a two hour rated concrete block wall.

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

tel. 250.360.2888

Although the west wall is higher than the neighbouring warehouse, the wall will not be very visible as there are many boulevard trees along the south side of Dunedin that would block the visibility of this wall. We have also changed the concrete block for the first 20 feet of the building to a 8"x8" scored block.

The loading zone as shown on the drawings will not be used by the Owner. It is merely shown as a requirement of the zoning bylaw. Screening of this loading area will not be necessary as no large trucks will be using this area for loading and unloading. The majority of deliveries to this building will be with smaller vans or trucks.

We trust that this proposal is in keeping with the neighbourhood. We believe that this modest building on this small lot will be an asset to the neighbourhood and meets your development permit guidelines for form and character for this light industrial use. We meet all of the zoning requirements for the M2-D zone and trust that our proposal receives your favourable recommendation. Should you have any questions, please feel free to contact us at 250-360-2888.

Yours truly,

A handwritten signature in black ink, appearing to read "Alan Lowe". The signature is written in a cursive, flowing style.

Alan Lowe  
Alan Lowe Architect Inc.

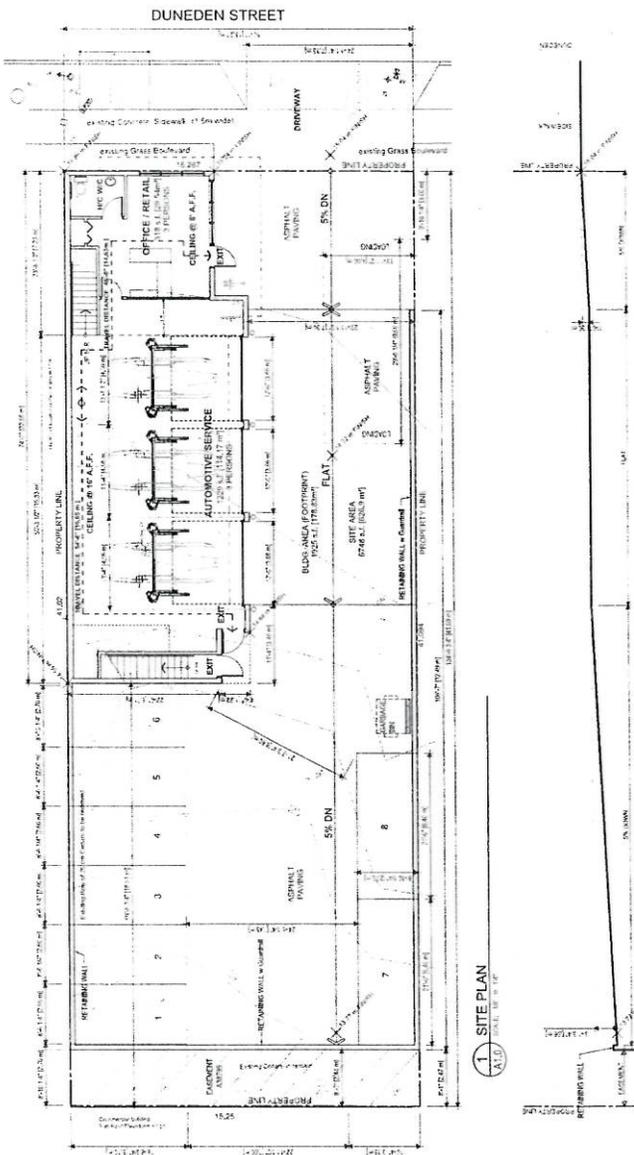
cc. Client

**PROJECT INFORMATION**

LEGAL ADDRESS: LOT 17, BLOCK 6, SECTION 6,  
VICTORIA DISTRICT, PLAN 282  
CIVIC ADDRESS: 645 DUNEDIN STREET,  
VICTORIA DISTRICT, CANTONBURY

**ZONING DATA**

ZONING: M500  
SITE AREA: 6783.51 (6783.51 m<sup>2</sup>)  
MAIN FLOOR AREA (GROUP P-2 SERVICE STATION): 1670 S.I. (1555.14 m<sup>2</sup>)  
MAIN FLOOR MEZZANINE AREA: 504 S.I. (468.87 m<sup>2</sup>)  
SECOND FLOOR AREA: 504 S.I. (468.87 m<sup>2</sup>)  
TOTAL FLOOR AREA: 3678 S.I. (3423.31 m<sup>2</sup>)  
BLDG. AREA: 1024 S.I. (1743.74 m<sup>2</sup>)  
TOTAL SITE COVERAGE: 28.5%  
BUILDING HEIGHT: 31'0" (9.50m)  
NUMBER OF STOREYS: 2  
SERVICE STATIONS: 1 per 186m<sup>2</sup> of floor area = 4 STALLS  
PARKING STALLS REQUIRED: 7  
OFFICE: 1 per 65m<sup>2</sup> of floor area = 3 STALLS  
TOTAL STALLS REQUIRED: 7  
PARKING STALLS PROVIDED: 6  
TOTAL BICYCLE PARKING: 6  
COMMERCIAL: 1 BIKE PER 200 m<sup>2</sup> = 1  
INDUSTRIAL: 1 BIKE PER 1000 m<sup>2</sup> = 1  
TOTAL BICYCLE PARKING: 2 (CLASS 1 (50%) CLASS 2 (50%))  
OCCUPANT LOAD: 24  
UNIVERSAL WC PROVIDED: 1  
MAJOR OCCUPANCIES: GROUP P-2 SERVICE GARAGE  
GROUP P-2 SERVICE GARAGE



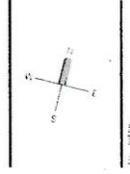
**elplan lows architect inc.**  
203-1110 Dunedin St  
Dunedin, New Zealand  
Phone: 03 478 2000  
Fax: 03 478 2001  
www.elplanlows.com

**AUTOMOTIVE SERVICE CENTRE**  
645 DUNEDIN STREET  
SITE PLAN

Project No.	100307
Date	20/01/2014
Scale	1:100
Author	EL
Check	EL
Drawn	EL
Client	EL

**A1.0**

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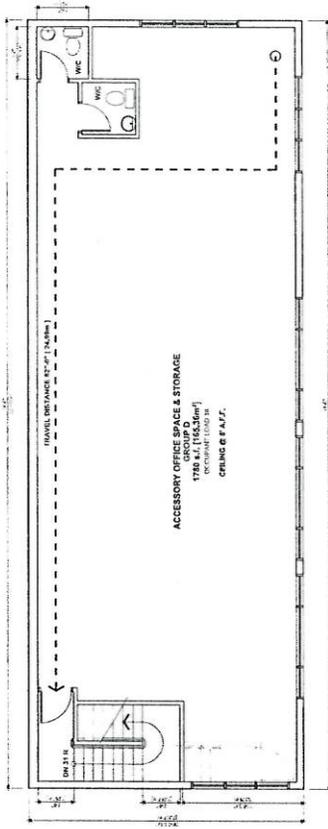


alan **lowe** architect ltd.  
 275 - 277 St. George's Street, Dunedin, New Zealand  
 Tel: 03 478 2222 Fax: 03 478 2223  
 Email: alan@alowe.co.nz  
 www.alowe.co.nz

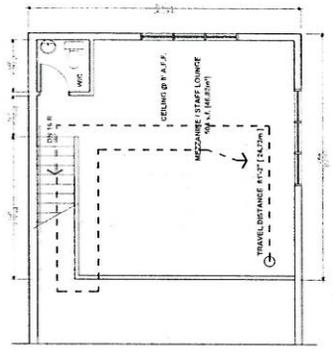
**AUTOMOTIVE SERVICE CENTRE**  
 645 DUNEDIN STREET  
 PLAN - GROUND FLOOR  
 - MEZZANINE  
 - SECOND FLOOR

Project No:	150306
Date:	15/01/14
Scale:	1:100
Author:	AL
Check:	AL
Drawn:	AL

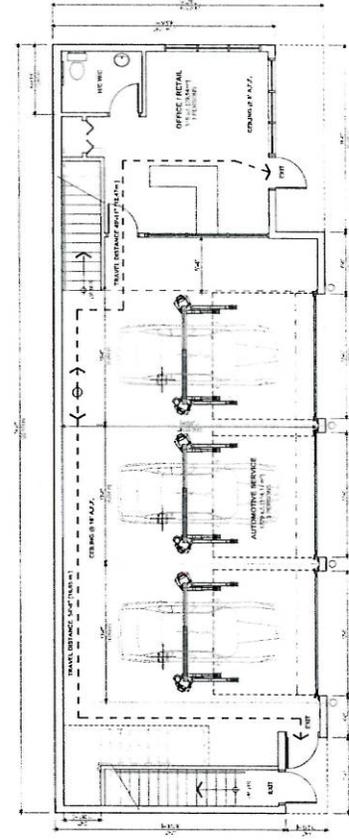
**A2.0**



3 PLAN - SECOND FLOOR  
 1:100 (A2.0)

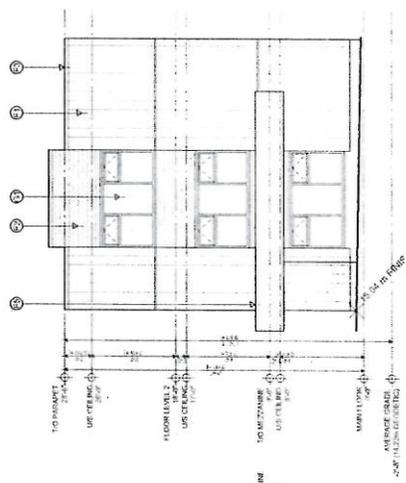


2 PLAN - MEZZANINE  
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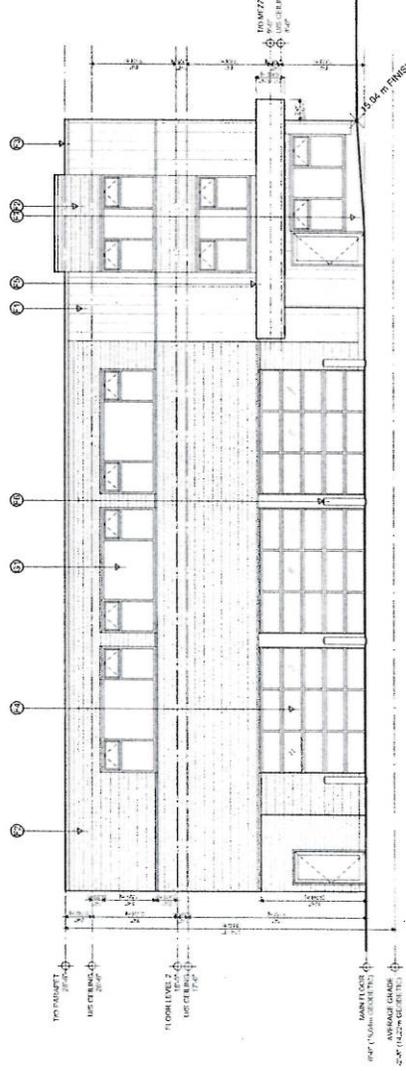


1 PLAN - GROUND FLOOR  
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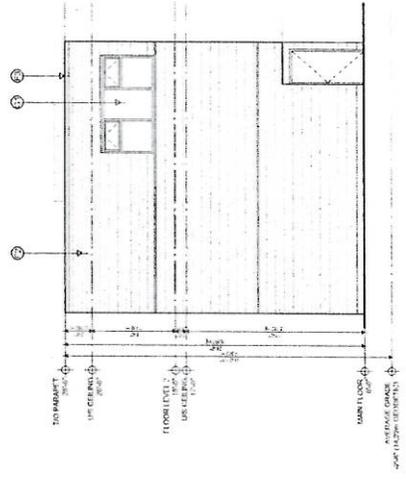
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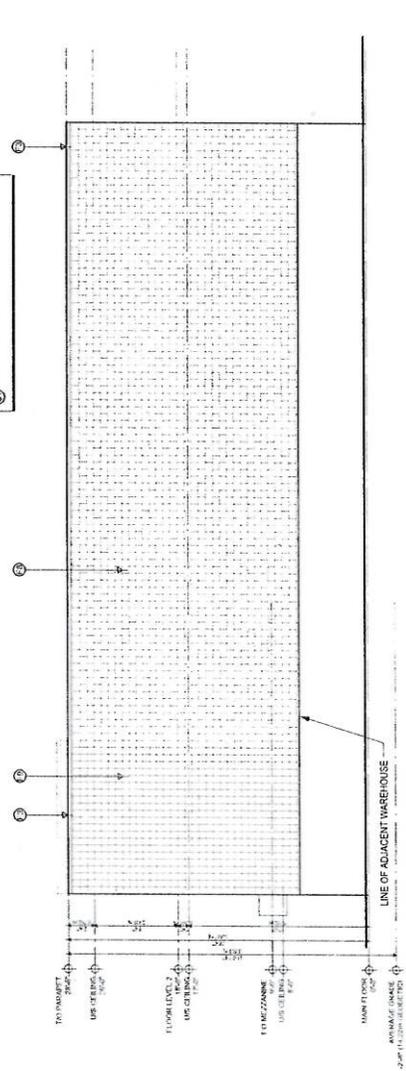
1 EAST ELEVATION  
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**EXTERIOR FINISHES & NOTES :**

- (1) VERTICAL LINE FINISH
- (2) HORIZONTAL LINE FINISH
- (3) PRESIDENTIAL FINISH
- (4) QUARTZ ANTI-MATERIAL FINISH
- (5) ANTRACITE
- (6) POLYART
- (7) CONCRETE
- (8) FINISH CONCRETE BLOCK
- (9) FINISH CONCRETE BLOCK
- (10) CLEAR DOUBLE GLAZING



4 SOUTH ELEVATION  
SCALE: 1:50



3 WEST ELEVATION  
SCALE: 1:50

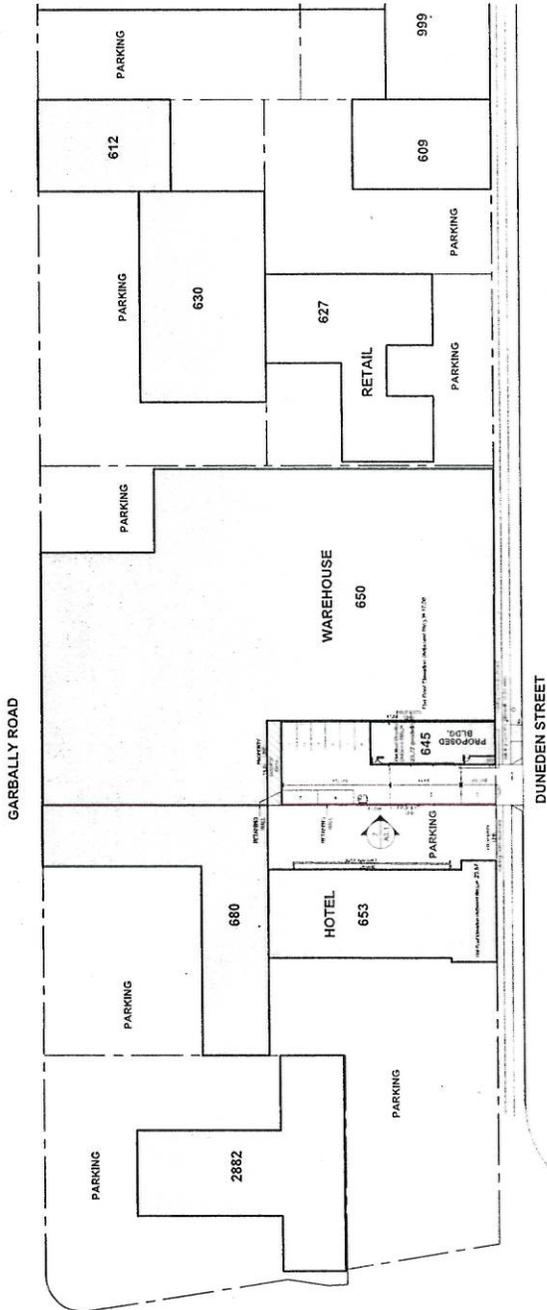
alan lowe architect inc.  
2075 - 118th Street, Unit 101, Richmond BC  
V6V 2G6  
Tel: 604-273-1188  
Fax: 604-273-1189  
www.alanlowe.com

**AUTOMOTIVE SERVICE CENTRE**  
645 DUNEDIN STREET  
ELEVATIONS

Project No: 100000  
Date: 20-10-2013  
Scale: 1:50  
Sheet: 100000-01

**A3.0**

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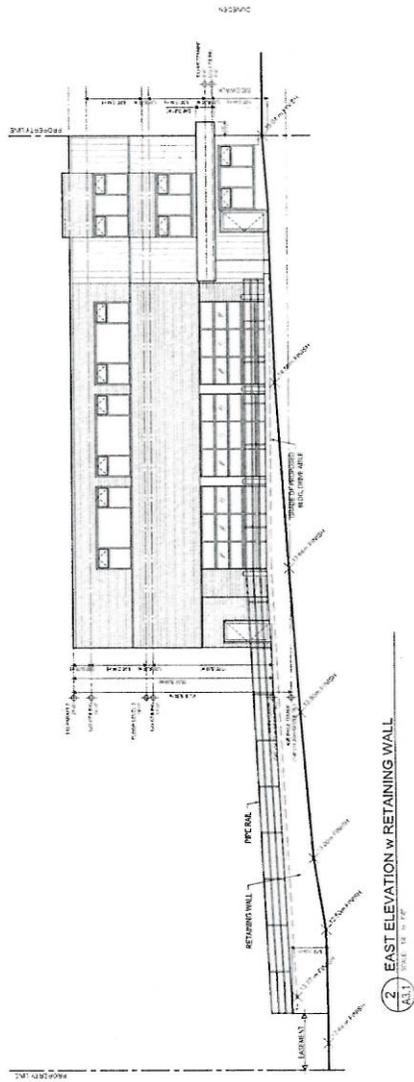
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 Email: info@alanelowearchitects.co.nz

**AUTOMOTIVE SERVICE CENTRE**  
 645 DUNEDIN STREET  
 SITE CONTEXT  
 ELEVATION AT ADJACENT  
 PROPERTY

Project No.: 13-2087  
 Date: 2013/01/14  
 Scale: 1:100  
 Drawing No.: 13-2087-06  
 Date: 2013/01/14

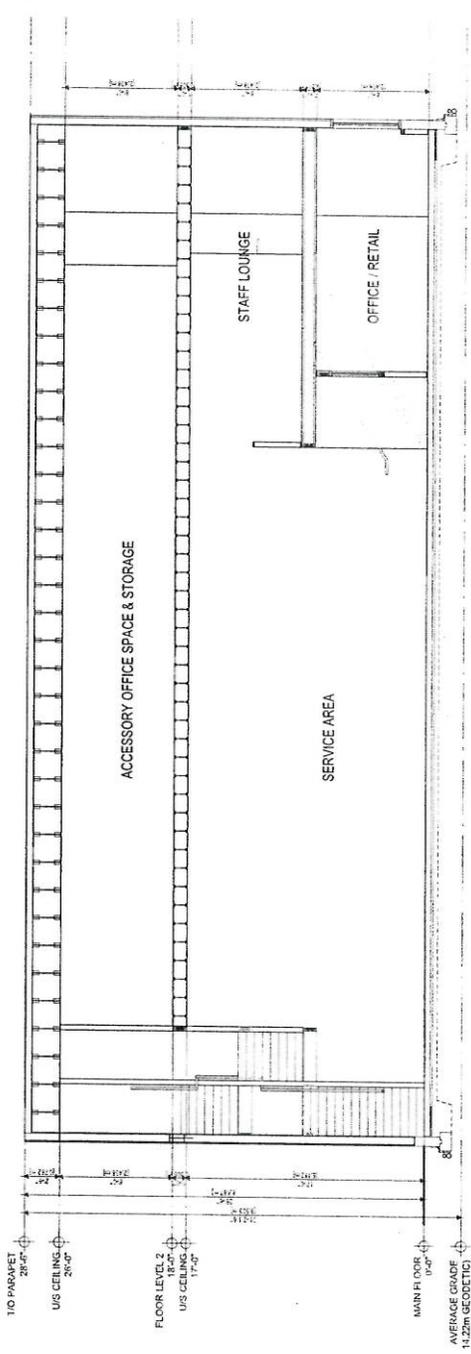
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1 SITE CONTEXT  
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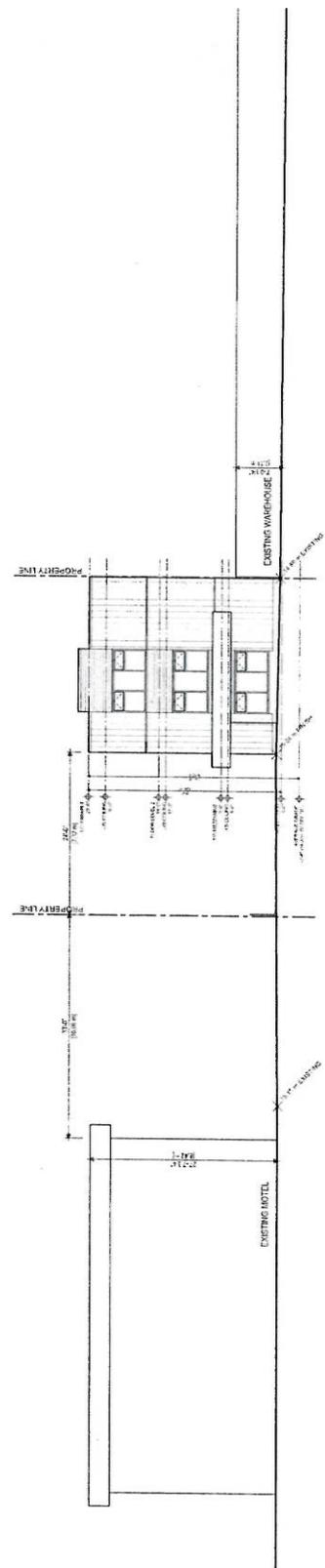


2 EAST ELEVATION WITH RETAINING WALL  
 A3.1 SCALE 1:100

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1 SECTION  
 1/4" = 1'-0"



2 SITE CONTEXT  
 1/4" = 1'-0"

alan lowe architect inc.  
 202 - 110 Government St.  
 Dunedin, New Zealand

AUTOMOTIVE SERVICE CENTRE  
 645 DUNEDIN STREET

Project No.	130001
Client	ASAPRTE
Location	645 DUNEDIN STREET
Date	13/01/14
Scale	1/4" = 1'-0"

A4.0





## Planning and Land Use Committee Report

---

**Date:** January 14, 2014                      **From:** Steve Barber, Senior Heritage Planner

**Subject:** **97 Cook Street**  
**Heritage Designation Application #000136**  
Owner Request for Heritage Designation  
Zoned: R1-B - Single Family Dwelling  
Within DPA 16 - General Form and Character

---

### Executive Summary

This is a Heritage Designation of an existing house which the owner has agreed to as part of Rezoning Application #00411 to permit a new small lot house in the existing rear yard. The house is an existing Craftsman Bungalow style, one-and-a-half storey house in the Fairfield neighbourhood, constructed of artificial stone. The house was built in 1911 and is located in the eastern part of the neighbourhood on Cook Street, just south of the Cook Street Village.

The application was reviewed by the Heritage Advisory Panel at its January 9, 2014 meeting and was recommended for approval.

### Recommendations

That Heritage Designation Application #000136 for 97 Cook Street proceed for consideration at a Public Hearing in conjunction with Rezoning Application #00411 and that City staff prepare the Heritage Designation Bylaw to designate the property as a Municipal Heritage Site.

Respectfully submitted,

Handwritten signature of Steve Barber in blue ink.

Steve Barber  
Senior Heritage Planner  
Community Planning Division

Handwritten signature of Deb Day in black ink.

Deb Day  
Director  
Sustainable Planning and Community Development

Report accepted and recommended by the City Manager:

Handwritten signature of Jocelyn Jenkyns in black ink.  
Jocelyn Jenkyns

SB/ljm

S:\TEMPEST\_ATTACHMENTS\PROSPERO\PLHD\HD000136\PLUC REPORT-HD.DOC

## 1. Purpose

The purpose of this report is to describe the heritage significance of the house at 97 Cook Street which the owner has requested be considered for Heritage Designation as a Municipal Heritage Site. This report fulfills the requirements of Section 968(5) of the *Local Government Act*.

## 2. Background

The owner agreed to the Heritage Designation as part of Rezoning Application #00411 to permit a new small lot house in the existing rear yard.

The application was reviewed by the Heritage Advisory Panel at its January 9, 2014 meeting and was recommended for approval.

## 3. Issues

The issue is the voluntary heritage protection of a heritage house on the Heritage Register.

## 4. Analysis

### Statement of Significance

#### Description

The building at 97 Cook Street is a one-and-a-half storey Craftsman Bungalow style house located in the southern part of the Fairfield neighbourhood, just south of the Cook Street Village, in Victoria, BC.

#### Heritage Value

This large house is of value for its unusual architectural style and its association with the rapid growth of Victoria's middle class neighbourhoods during the building boom of 1908-1913. Built in 1911 for designer/builder John Avery, the Craftsman Bungalow design is of value for its unusual use of concrete block. This type of construction for houses in Victoria was very rare at the time.

The first owners of the house, Captain William Logan and his wife Elizabeth, illustrate the important role of maritime industry in the historical development of Victoria. Captain Logan served in the British navy and later, as an agent for the London Salvage Association, supervised the salvage of shipwrecks on the Pacific coast.

#### Character-defining Elements

All elements characteristic of the Craftsman Bungalow style including, but not limited to:

- Front and side facing gable roofs with exposed rafter tails under the eaves
- Original wood sash windows
- Original exterior finishes of artificial stone of varying textures
- Second storey exterior finishes of rough-cast stucco and wood half-timbering
- Inset porch with stone piers, wood columns, wood porch balustrade, and artificial stone stair balustrade.

- Stone fence along Cook Street and Faithful Street
- Stone and brick chimneys
- Slate roof.

### **Official Community Plan and Neighbourhood Plan**

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

#### Streetscapes and Open Space

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

8.54 *Continue to work with senior government, community and business partners to identify, protect and conserve property of heritage value.*

The preservation of this building is consistent with the *Consolidated Land Use Policies and Guidelines for the Fairfield Neighbourhood* whose policies state:

- Conserve heritage buildings and traditional streetscapes.

### **Zoning/Land Use**

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

### **Condition/Economic Viability**

The building appears to be in good condition.

### **Need for Financial Support**

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

#### **4.a. Options**

Council can approve or decline the request for heritage designation.

#### **4.b. Resource Impacts**

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

#### **4.c. Conclusion**

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

### **5. Recommendations**

That Heritage Designation Application #000136 for 97 Cook Street proceed for consideration at a Public Hearing in conjunction with Rezoning Application #00411 and that City staff prepare the Heritage Designation Bylaw to designate the property as a Municipal Heritage Site.

### **6. List of Attachments**

- Map of subject property
- Photos
- Description from *This Old House, Volume 4: Fairfield, Gonzales & Jubilee*, 2009
- Letter from the owner dated September 19, 2013.

BEACON  
HILL  
PARK

100

COOK ST

FAITHFUL ST

133

123

107-111

105

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1120

1130

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59

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1125

1120

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1130

1136

WOODSTOCK AV

35

97 Cook Street

Heritage Designation #000136



■ Designated      ■ Registered

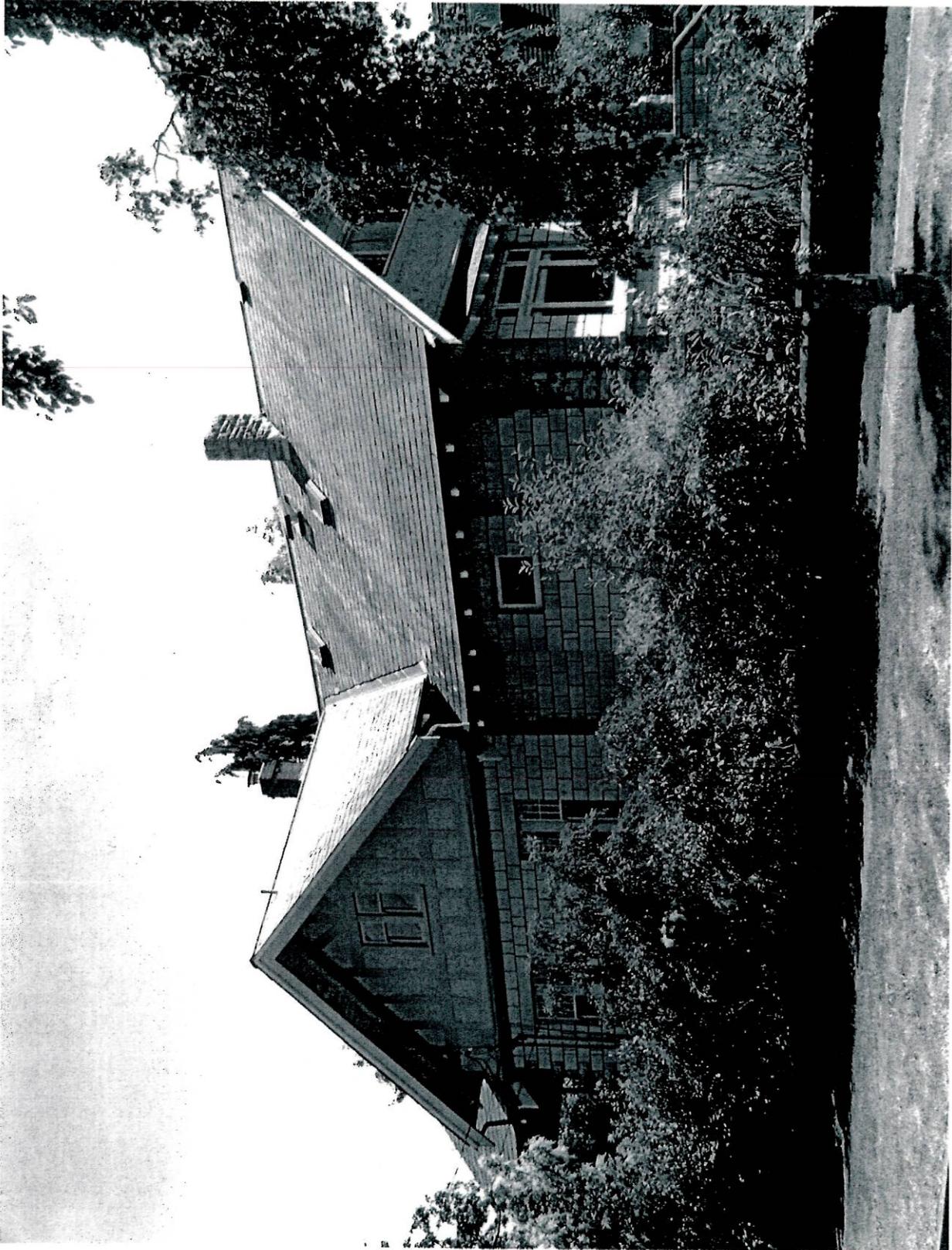




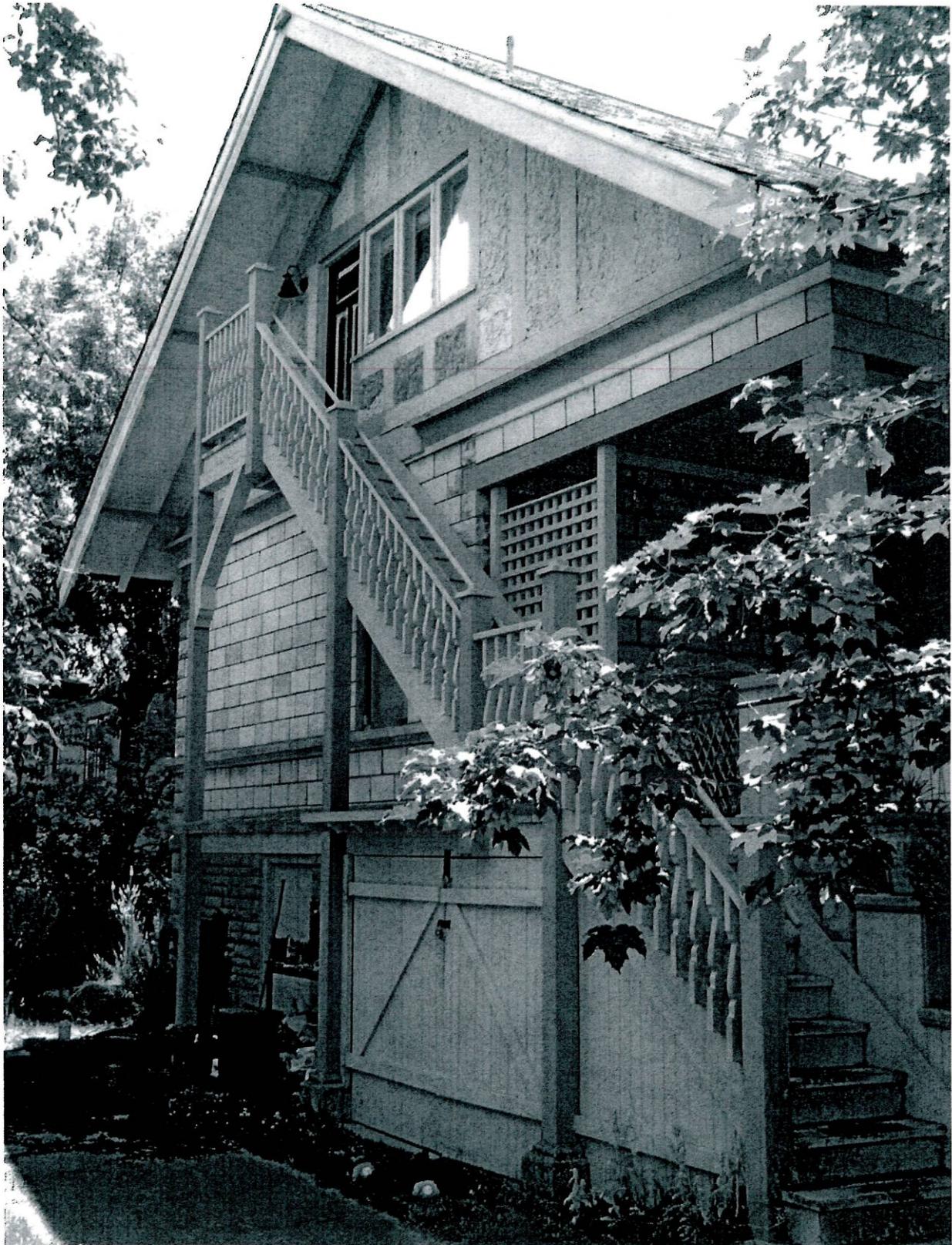
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97 Cook Street



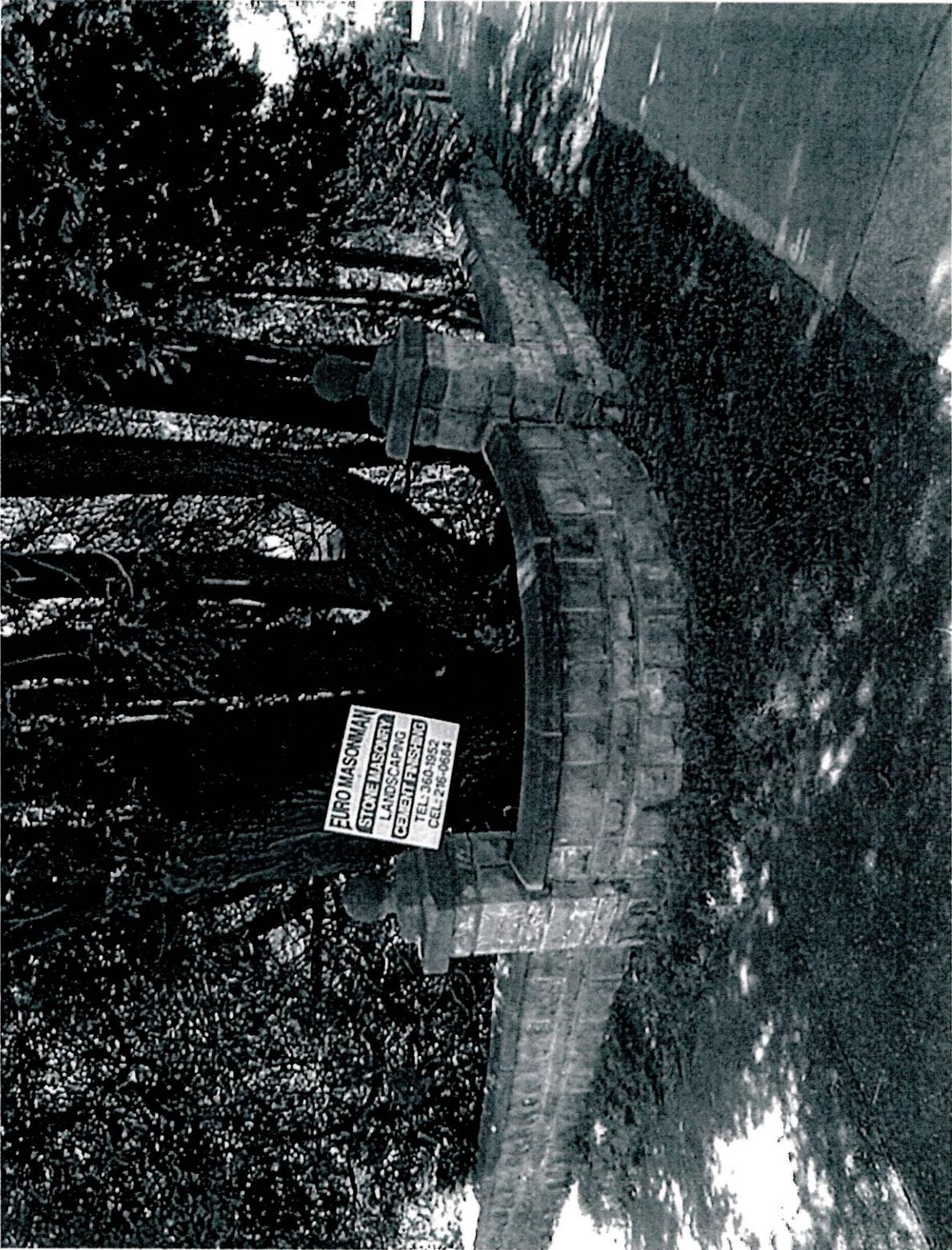
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97 Cook Street



97 Cook Street



97 Cook Street

97 Cook St 1911

John Avery

Designer / Builder: John Avery

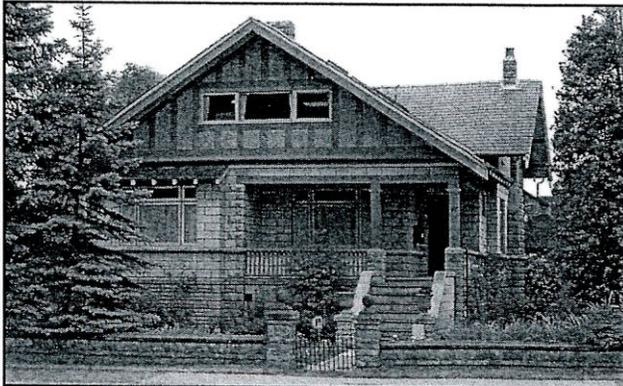
This house is a fitting mate to its more elaborate neighbour, 139 Cook. As Craftsman Bungalows are usually of wood construction, and any artificial stone or concrete block house is rare in Victoria, it is doubly uncommon to find an artificial stone Craftsman Bungalow such as this one. Concrete block was an innovative building material in 1911. This 1½-storey, front-gabled house has shallow

cross-gabled bays on either side. A stone staircase leads up to an inset entry porch on



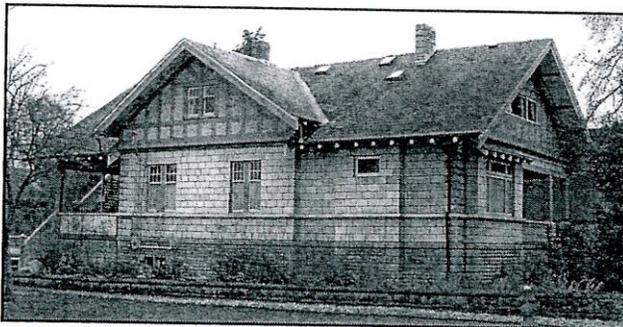
97 Cook St, wall, 2002 VHF / Derek Trachsel

the right corner with two chamfered square columns on artificial stone piers and a wooden balustrade. A shallow 1-storey rectangular bay with a shed roof on the left balances the entry porch. (There is an inset left corner rear entry porch.) The front gable window has been replaced with a wider modern sash. The second storey is clad in rough-cast and half-timbering. The remainder of the building is artificial stone of several textures: the basement level is



97 Cook St, W front, 2001

VHF / Derek Trachsel



97 Cook St, N side, Faithful St, 2002

VHF / Derek Trachsel

laid in irregular courses, while the first floor is composed of regular-coursed smooth masonry resembling limestone with rough corner quoins simulating granite. The roof has the characteristic Craftsman exposed raftertails under the eaves and projecting beam-ends in the gables, and is covered with what looks like slate. A boundary wall at the front of the property is also of artificial stone.

John Avery paid the assessments on this property from 1910-12, then sold to Capt William Henry (1861-1927) and Elizabeth Martha (Bury, 1864-1945) Logan. Capt Logan was born to Scottish parents in Liverpool, England. He began his career on sailing ships, then served in the British Navy. The Logans immigrated to BC c.1908. From then until his death, Logan, as agent for the London Salvage Association, superintended the salvaging of shipwrecks (if the vessel was underwritten by LSA) on the Pacific Coast from Panama to Alaska. One of the outstanding points of his career was the refloating of the steamer *Sesostris*, which had been stranded on the shore of Guatemala, "lifted high and dry by tidal convulsion."

Logan designed the Pacific Salvage steamer *Salvage King*, and it was this vessel that conveyed his remains home to Victoria after his death in Vancouver in 1927. According to the *Victoria Daily Times* of March 7, "The casket, which was carried on the deck, was covered with wreaths and floral offerings from shipping firms and friends in Vancouver, and was carried down the gangplank by eight members of the crew to the waiting hearse, while the silent watchers stood bareheaded." One who accompanied the body to Victoria and served as a pallbearer was Andrew Wallace, head of Burrard Drydock Co. Others were shipping men from Seattle, Portland, and BC.

Elizabeth Logan lived in this house until her death.

Widow Florence E. McIlroy lived here in 1946. Hugh Baldwin (1890-1970) and Mona Patricia (Weston, 1920-1979) Pratt bought this house in the late 1940s and lived here until 1951. Hugh was a Canadian Government accountant and Mona, an aide at St. Joseph's Hospital.

Heather Andrews and William Curran  
 97 Cook Street, Victoria, BC, V8V 3W7

September 5, 2013



Dear Mayor and Council:

**Re: proposed RI-S2 small lot subdivision plan for 97 Cook Street**

In March of 2005, my husband, William Curran, and I purchased 97 Cook Street. Our employment situation enabled us to move to Victoria and we were drawn to this beautiful craftsman bungalow at the corner of Cook and Faithful after selling our character Vancouver residence. The rather plain artificial stone exterior belies the beautiful interior woodwork which we have maintained in its original pristine condition. We learned that to power wash our home to brighten up the exterior appearance would actually ruin the patina of the exterior cement block construction. We have maintained the original slate roof and repaired where necessary rather than construct a new roof. We have installed a perimeter drain system that has kept our basement dry in heavy rains. We were not inclined to heritage designate our property in the past as we understood that additions and exterior changes would be more difficult for a future owner.

As it so befalls we are now moving back to Vancouver. My husband is already working in Vancouver and we put our home on the real estate market May 24. When we purchased this house, we did not understand that this wonderful heritage registry home was situated on an unusually large Fairfield lot that exceeds 10,000 square feet. Consequently it came to our attention that buyers were interested in the RI-B zoned property to build two new homes rather than to purchase the house at 97 Cook Street. We received one written offer to purchase our home but the buyer did not clarify whether the home would be saved.

Knowing the precarious situation we met with the local area planner, Helen Cain, and the heritage planner, Steve Barber, at 2:00 PM on Wednesday, June 26 to put forward our RI-S2 small lot subdivision plan which would enable the heritage designation of 97 Cook Street. We were met with a positive reaction and so we moved forward to present to the Fairfield Community Association our plan for 97 Cook Street at a July 15, 2013, neighbourhood meeting. Our intention was to end our plan if we met with any significant opposition and simply sell our home to the highest bidder.

The neighbours were not overly enthusiastic (Councillor Pam Madoff was present) to our concept of creating a small RI-S2 lot for a new craftsman home to be built in the rear yard of our property on Faithful street and the consequent heritage designation of 97 Cook Street. But there was no absolute opposition as neighbours weighed the possibility of 2 new homes replacing the 1911 landmark corner residence. Consequently the neighbours asked for a week to consider the proposition and we received a letter from the only two contiguous neighbours

approving the proposal. Hence we are before you today and request that if our proposal finds merit in your eyes that you move the process forward briskly in order that my husband and I may be back together hopefully by Christmas or the early new year.

We believe that our proposal meets with the Official Community Plan and our current Neighbourhood/Precinct Plan. We mention that 1146 Faithful is a R1-S2 (2985 square foot lot) residence which is located on our block of Faithful street. We are attempting to create the smallest lot possible within the zoning regulations and will expect our neighbours to put in their input as to the design of the new home.

The most significant project benefit will ensure that the craftsman bungalow at 97 Cook Street and its heritage features will be maintained for future generations. The other significant benefit will be to create another residence, built to the highest possible green standards, in the much desired Fairfield neighbourhood that will increase our tax base and reduce commuting time.

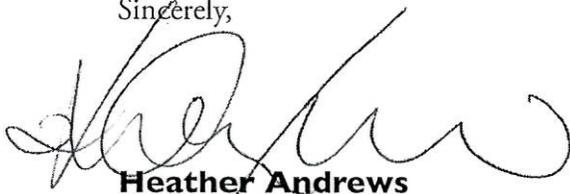
The present zoning would allow for 2 new residences without any public input but with the potential loss to our heritage streetscape. There is clearly adequate public infrastructure in place and the Victoria engineering department has stated that there will be no need to widen either Cook or Faithful streets, consequently impacting as little as possible nearby neighbours.

We believe saving this heritage registry residence is of significant neighbourhood benefit and in a larger sense significant to the Victoria heritage streetscape. There would be no loss of any significant trees. The existing driveway will service 97 Cook Street and one new driveway would access the new home. There will be no negative parking impact as such a small home will contribute one more car to the neighbourhood but 2 new larger homes with legal additional suites would have had a much greater impact.

We believe that the Faithful streetscape will not be negatively affected, much like the additional R1-S2 residence that was added in 1985 at 1146 Faithful street. In fact, there is an area to the east of 97 Cook Street's present driveway, where the new house would be situated, that seems a most appropriate site for a new home that would fit into the Faithful streetscape.

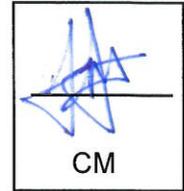
We feel that our proposal will benefit our neighbourhood and city in an environmentally green manner maintaining our heritage home at 97 Cook Street in keeping with the charm and character that is Victoria. We ask for your support in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Heather Andrews', written over a printed name.

**Heather Andrews**

97 Cook Street, Victoria BC



## Planning and Land Use Standing Committee Report

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**Date:** November 14, 2013

**From:** Robert Woodland  
Director, Legislative & Regulatory Services

**Subject:** Illegal use and work without permit – 724 Craigflower Rd. / Bylaw File #26642

---

### Executive Summary

The purpose of this report is to recommend the filing of a Notice on Title in respect to work completed without permit to construct a basement suite in a single family dwelling; and for the placement of an accessory building; both, in contravention of the Zoning Regulation Bylaw. The owner has repeatedly failed to comply with any direction given and has made no effort to bring the property into compliance.

### Recommendation

The Building Inspector recommends:

- That the Committee direct the Corporate Administrator to file a notice on title in the Land Title Office in relation to the property located at 724 Craigflower Road, legally described as LOT 4, SECTION 10, ESQUIMALT, PLAN 288, indicating that a resolution relating to this property had been made under the authority delegated pursuant to Section 57(3) of the *Community Charter* and the provisions of the Property Maintenance Delegation Bylaw and advise that further information regarding this resolution may be inspected at the Legislative and Regulatory Services Department in Victoria City Hall.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mia Frankl".

Mia Frankl  
Bylaw Officer  
Bylaw & Licensing Services

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

Robert Woodland  
Director  
Legislative & Regulatory Services

A handwritten signature in black ink, appearing to read "Mark Hayden".

Mark Hayden  
Building Inspector, Manager  
Bylaw & Licensing Services

**List of Attachments**

Appendix A – Letter to owner dated July 17, 2012

Appendix B – Photos of Zoning set back violation dated January 22, 2013

Appendix C – Letter to owner dated Feb 7, 2013

Appendix D – Letter to owner dated June 19, 2013

Appendix E – Legal survey of property line for 724 Craigflower and 720 Craigflower

Appendix F – Photo of the shed with property line survey stake

## Purpose

The purpose of this report is to advise the Planning & Land Use Committee about the conditions and illegal use of the property at 724 Craigflower Road and of the enforcement action that has been taken in order to secure voluntary compliance with Section 2.2(1) of the Building Bylaw and Schedule F of the Zoning Regulation Bylaw. This report sets forth a recommendation to the Committee that under Section 57(3) of the *Community Charter* and the provisions of the Property Maintenance Delegation Bylaw, that a notice be filed in the Land Title Office in respect to the existence of a self-contained dwelling unit on the ground floor and failing to meet the setback requirements for an accessory building in the backyard.

## Background

Section 57 of the *Community Charter* allows the City to file notice on title of any property where the Building Inspector:

- a) Observes a contravention of a municipal bylaw, provincial building regulation or another enactment that relates to the construction or safety of buildings or other structures; or
- b) Discovers that something was done without a permit or inspection.

Before notice may be filed under Section 57 of the *Community Charter*, Council must give the Building Inspector and property owner an opportunity to be heard.

For the purpose of filing notices under Section 57(1)(b) of the *Community Charter* the Manager of Bylaw & Licensing Services is a Building Inspector under the Building Bylaw. Under the provisions of the Property Maintenance Delegation Bylaw, Council has delegated the authority to hold hearings and make decision under Section 57 of the *Community Charter* to the Planning and Land Use Committee.

Section 2.2 (1) of the Building Bylaw states that a person must not:

- a) Construct or;
- b) Change the occupancy of a building unless the building's owner has obtained a building permit from the Building Inspector.

The Building Bylaw defines "occupancy" as the use or intended use of a building or part of a building for shelter or support of persons, animals or property according to the occupancy classifications for buildings set out in the Building Code.

## Issues & Analysis

The property at 724 Craigflower Road is located in the Victoria West neighborhood in a R1-B, Single Family Dwelling District. The approved use of the property per the approved building plans is Single Family Dwelling. The actual use is a single family dwelling with a self-contained basement suite. This suite was installed without City permits and violates the Zoning Regulation

Bylaw, Building Bylaw, Plumbing Bylaw and Electrical Bylaw for illegal use and work without permit.

Further, there is an accessory building in the backyard which violates the Zoning Regulation Bylaw setback requirements for accessory buildings. Schedule F of the Zoning Regulation Bylaw requires a 60 cm setback from each property line. A legal survey was provided to the City in June 2013 and confirms the accessory building to be in violation of the setback for the southern property line by 22 cm. The property owner has been contacted multiple times to address these bylaw violations and to date has failed to take any remediation action to bring his property into compliance. He failed to attend and/or have a representative attend an inspection of the basement suite despite proper notification. In addition, the owner has failed to move the shed despite months of time to address the situation.

### **Options and Impacts**

The filing of a notice on title is part of a graduated enforcement strategy intended to bring a property into compliance with the applicable bylaws and regulations. A notice on title provides incentive to the property owner to resolve the outstanding issues as it serves to warn lenders or prospective purchasers that work has been completed without a permit. Filing a notice on title under Section 57 of the *Community Charter* is therefore intended to ensure that a potential purchaser is aware of bylaw violations in respect to the self-contained dwelling unit in the basement and the accessory building in the yard. The notice can be easily removed once the property has been brought into compliance.

### **Official Community Plan Consistency Statement**

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

### **Financial and Staff Capacity Assessment**

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

### **Public Engagement and Consultation**

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

## Conclusion

Despite ongoing extensions to bring the property into compliance, the property owner has repeatedly failed to take the action required to bring the property into compliance. As a result this Officer has determined that the appropriate course of action at this time is to proceed with filing a notice on title. Doing so will provide incentive to the owner to bring the property into compliance.

## Recommendation

The Building Inspector recommends:

- That the Committee direct the Corporate Administrator to file a notice on title in the Land Title Office in relation to the property located at 724 Craigflower Road, legally described as **LOT 4, SECTION 10, ESQUIMALT, PLAN 288** indicating that a resolution relating to this property has been made under the authority delegated pursuant to Section 57(3) of the *Community Charter* and the provisions of the Property Maintenance Delegation Bylaw, and advise that further information regarding this resolution may be inspected at the Legislative and Regulatory Services Department in Victoria City Hall.



July 17, 2012

Mr. William Inrig  
724 Craigflower Rd.  
Victoria, BC  
V9A 2W5

Re: 724 Craigflower Rd. / Bylaw File #25371

Dear Sir,

This letter is to advise you that the City of Victoria has received a formal complaint from an area resident regarding the placement of an accessory building (and/or shed) on your property in relation to the property lines. Specifically the complaints relates to the amount of space and/or "setback" between the shed and the property line. I attended the property today to investigate and measured the distance between the shed and the neighbouring property as being approximately 60cm. In addition, I measured the distance between the shed and the property to the rear of yours to be approximately 38cm.

Be advised that your property is currently zoned R1-B Single Family Dwelling District. The regulations pertaining to accessory buildings are contained within Schedule F of the City's *Zoning Regulation Bylaw*. Schedule F (see attached) requires that accessory buildings have a minimum setback of 0.6m (or 60cm) from the property line. Placing an accessory building within 0.6m of the property line is considered a "use contrary to the bylaw" as per Section 16(1) of the City's *Zoning Regulation Bylaw*. This is an offence for which the prescribed penalty is a fine of \$350 per day for each day that the offence continues.

While, it would appear that the setback with the neighbouring property currently meets the requirements I have been told that the position of the existing fence does not accurately represent the location of the property line. If so it would appear that the shed has been placed in violation of both the side and rear yard setbacks. As a result, I have no option but to direct that the accessory building be moved so as to ensure that the minimum 0.6m setback requirement is met. Failure to comply as directed by October 15, 2012 may result in the issuance of fine(s) and/or further legal action including the placing of a *Notice on Title*.

If you have any questions or concerns about the impending enforcement action, please don't hesitate to contact me directly by telephone at 250.361.0578 or by email at [adolan@victoria.ca](mailto:adolan@victoria.ca)

---

To Contact

Telephone: 250.361.0215

Fax: 250.361.0205

E-Mail: [bylawenforcement@victoria.ca](mailto:bylawenforcement@victoria.ca)

Web: [www.victoria.ca](http://www.victoria.ca)

City of Victoria acknowledges the Songhees and Esquimalt Nations in whose traditional territories we live and work  
"Hay swx qa"

Legislative and  
Regulatory Services  
Department

Bylaw and Licensing  
Services Division

1 Centennial Square  
Victoria BC V8W 1P6

Regards,

A handwritten signature in black ink, appearing to read 'Andrew Dolan', with a long horizontal line extending to the right.

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

Cc: Duane Blewett, Senior Planning Technician  
Bylaw File #25371  
Complainant(s)

01/22/2013 14:06





01/22/2013 14:07



February 7, 2013

Legislative and  
Regulatory Services  
Department

Mr. William Inrig  
724 Craigflower Rd.  
Victoria, BC  
V9A 2W5

Bylaw and Licensing  
Services Division

Re: 724 Craigflower Rd. / Bylaw File #25371

1 Centennial Square  
Victoria BC V8W 1P6

Dear Sir,

This letter is a follow-up to my letter dated July 17, 2012 (enclosed) in which you were advised of a complaint regarding the placement of an accessory building (and/or shed) on your property in relation to the property lines. You were advised that accessory buildings require a minimum setback of 0.6m (or 60cm) from the property line and that placing an accessory building within 0.6m of the property line is an offence. As a result, you were directed to move the shed so as to ensure that it is placed a minimum of 60cm from both the side and rear property lines.

I re-attended your property recently and observed that despite having more than 6 months within which to comply and move the shed you have failed to do so. The enclosed photograph shows that the shed is only 37cm from the rear property line and therefore still in violation of Schedule F of the *Zoning Regulation Bylaw*. As previously stated this is an offence for which the penalty is a fine of \$350 per day for each day that the offence continues. While I am willing to grant you a final 14 days to move the shed, I am prepared to start issuing you fines if you don't complete the task.

This is your final opportunity to comply voluntarily. Unless the shed is moved so as to comply with the required setbacks by February 28, 2013 you will be ticketed and I will begin the process of placing a *Notice on Title*. The filing of a notice on land title is part of a graduated enforcement strategy intended to warn lenders and/or prospective purchasers that a bylaw violation exists. If you have any questions or concerns about the impending enforcement action, please don't hesitate to contact me directly by telephone at 250.361.0578 or by email at [adolan@victoria.ca](mailto:adolan@victoria.ca)

Regards,

A handwritten signature in black ink, appearing to read "Andrew Dolan", with a long horizontal line extending to the right.

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

Cc: Bylaw File #25371  
Complainant(s)

---

To Contact

Telephone: 250.361.0215  
E-Mail: [bylawenforcement@victoria.ca](mailto:bylawenforcement@victoria.ca)

Fax: 250.361.0205  
Web: [www.victoria.ca](http://www.victoria.ca)



Legislative &  
Regulatory  
Services  
Department

June 19, 2013

William Enrig  
724 Craigflower Road  
Victoria, B.C.  
V9A 2W5

Bylaw & Licensing  
Services Division

#1 Centennial Square  
Victoria

British Columbia  
V8W 1P6

Tel (250) 361-0215  
Fax (250) 361-0205

[www.victoria.ca](http://www.victoria.ca)

## NOTICE OF INSPECTION

### 724 Craigflower Road

Dear Sir,

The City of Victoria has received reliable information that a secondary suite has been installed in your home without permit. Due to the potential contraventions of provincial and City regulations an investigation has commenced. As a result, this is formal notice of the City of Victoria's intention to conduct a safety and compliance inspection of your property at 724 Craigflower on **June 25, 2013 at 10:00 am**. Authority to conduct such an inspection is contained in Section 16(6) of the *Community Charter*.

The inspection will be conducted by a City Bylaw Enforcement Officer. The purpose of this inspection is to confirm that the property and the activities conducted within this property are in compliance with all of the applicable city bylaws and various other regional and provincial regulations. This is an important matter and your attendance is required in order to ensure that all areas of the property are accessible and available for inspection at this time.

Be advised that failure to comply with this *Notice of Inspection* will result in the City of Victoria obtaining a *Warrant of Entry* in the B.C. Provincial Court. This inspection should take approximately thirty (30) minutes. Thank you in advance for your cooperation. If you have questions or concerns regarding this inspection please do not hesitate to contact me at 250-361-0540 or by email at [mfrankl@victoria.ca](mailto:mfrankl@victoria.ca) prior to the aforementioned date and time.

Regards,



Mia Frankl  
Bylaw Officer



Legislative and  
Regulatory  
Services  
Department

January 6, 2014

William Inrig  
724 Craigflower Road  
Victoria, BC V9A 2W3

Dear Mr. Inrig:

**Re: Illegal Use and Work without Permit – 724 Craigflower Road**

Please be advised that City of Victoria staff is recommending to the Planning and Land Use Committee that the Corporate Administrator file a Notice in the Land Title Office regarding illegal use and work without permit for 724 Craigflower Road. A copy of the report is attached for your records.

A hearing will be held before the Planning and Land Use Committee to grant the applicant an opportunity to address this matter. Therefore, the registered owner is hereby requested to attend the Planning and Land Use Committee meeting on **Thursday, January 23, 2014, at 10:30 a.m.**, in the Council Chambers, at Victoria City Hall, #1 Centennial Square (corner of Douglas and Pandora) to be heard by the Committee.

Further information respecting this matter may be obtained from the offices of the City of Victoria, Legislative & Regulatory Services, #1 Centennial Square, Victoria, BC between the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday.

The agenda for this meeting will be produced on the Monday prior to the meeting and available from this office. Please advise Christine Havelka, Committee Secretary, at (250) 361-0571 local 2306, if you have any written materials you wish added to the agenda, by Thursday, January 16, 2014.

Yours truly,

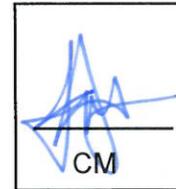
Robert G. Woodland  
Corporate Administrator  
:ch

Enclosure (1)

- c. M. Frankl, Bylaw Officer
- M. Hayden, Manager, Bylaw & Licensing Services







## Planning and Land Use Standing Committee Report

---

**Date:** Nov. 22, 2013                      **From:** Robert Woodland, Director  
**Subject:** Work without permit – 2315 Forbes Street. / Bylaw File #32430

---

### Executive Summary

The purpose of this report is to recommend the filing of a notice on title in respect to work that has been done without permit to expand the livable space of this rental duplex by converting the basements into suites, making a rental fourplex. The owner was directed to make application for building, plumbing, or electrical permits to return the property to an approved configuration and to date has not complied.

### Recommendation

The Building Inspector recommends:

1. That the Committee direct the Corporate Administrator to file a notice in the Land Title Office in relation to the property located at 2315 Forbes Street, legally described as Lot A Plan 1239 Section 75 Victoria (DD 14081W), indicating that a resolution relating to this property has been made under the authority delegated pursuant to Section 57(3) of the *Community Charter* and the provisions of the *Property Maintenance Delegation Bylaw*, and advise that further information regarding this resolution may be inspected at the Legislative & Regulatory Services Department in Victoria City Hall.

Respectfully submitted,

Earl Garner  
 Senior Bylaw Officer  
 Bylaw & Licensing Services

Mark Hayden  
 Manager  
 Bylaw & Licensing Services

Rob Woodland  
 Director  
 Legislative & Regulatory Services

**List of Attachments**

Appendix A – Two (2) exterior photographs of the subject property taken November 22, 2013

## Purpose

The purpose of this report is to advise the Planning and Land Use Standing Committee about the illegal occupancy and unpermitted work at 2315 Forbes Street, and to recommend to the Committee that under Section 57(3) of the *Community Charter* and the provisions of the *Property Maintenance Delegation Bylaw*, that a notice be filed in the Land Title Office in respect to this property to warn prospective purchasers and lenders of bylaw violations in respect to the work that has been done without permit to expand the livable space of this rental duplex by converting the basements to finished suites.

## Background

Section 57 of the *Community Charter* allows the City to file notice on title of any property where the Building Inspector:

- a) observes a contravention of a municipal bylaw, provincial building regulation, or another enactment that relates to the construction or safety of buildings or other structures; or
- b) discovers that something was done without a permit or inspection.

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

For the purpose of filing notices under Sec. 57(1)(b) of the *Community Charter*, the Manager of Bylaw & Licensing Services is a Building Inspector under the *Building Bylaw*.

Under the provisions of the *Property Maintenance Delegation Bylaw*, Council has delegated the authority to hold hearings and make decisions under Sec. 57 of the *Community Charter* to the Planning & Land Use Standing Committee.

Section 2.2(1) of the *Building Bylaw* states that a person must not:

- a) construct; or
- b) change the occupancy of a building unless the building's owner has obtained a building permit from the Building Inspector.

The *Building Bylaw* defines "occupancy" as the use or intended use of a building or part of a building for the shelter or support of persons, animals or property, according to the occupancy classifications for buildings set out in the *Building Code*.

## Issues and Analysis

The property at 2315 Forbes Street is located in the Fernwood neighbourhood in an R-2, Two Family Dwelling District. The approved use of the property per the approved building plans is a Duplex. The property was inspected on May 22<sup>nd</sup>, 2013 and it was discovered that there were additional suites located in the basements of both sides of this duplex with address's of 2315 & 2317 Forbes Street..

## Options and Impacts

The filing of a notice on land title is part of a graduated enforcement strategy intended to bring a property into compliance with the applicable bylaws and regulations. A notice on title provides incentive to the property owner to resolve the outstanding issues as it serves to warn lenders or prospective purchasers that work has been done without a permit. Filing a notice on title under Sec. 57 of the *Community Charter* is therefore intended to ensure that a potential purchaser is aware of bylaw violations in respect to the work that has been done without permit to expand the livable space of this rental duplex by converting the basement to a finished suite. The notice can be easily removed once the property has been brought into compliance.

## Official Community Plan Consistency Statement

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

## Financial and Staff Capacity Assessment

Staff have spent approximately 3 hours working on this file in order to obtain compliance. Filing of a Notice on Title (as recommended) will cost the City \$47.50.

## Public Engagement and Consultation

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

## Conclusion

The registered owner has made no attempt to address the current occupancy of this location and made no applications for permits to bring the property into compliance as per the registered legal use of Duplex. This Officer has determined that the appropriate course of action at this time is to proceed with filing a notice on title. Doing so will ensure that full disclosure is made to prospective purchasers and/or lenders in the event that this property be listed for sale prior to the outstanding issues being satisfactorily resolved.

## Recommendation

The Building Inspector recommends:

1. That the Committee direct the Corporate Administrator to file a notice in the Land Title Office in relation to the property located at 2315 Forbes Street, legally described as Lot A Plan 1239 Sec. 75 Victoria (DD 14081W), indicating that a resolution relating to this property has been made under the authority delegated pursuant to Section 57(3) of the *Community Charter* and the provisions of the *Property Maintenance Delegation Bylaw*, and advise that further information regarding this resolution may be inspected at the Legislative & Regulatory Services Department in Victoria City Hall.



May 22, 2013

Legislative and  
Regulatory Services  
Department

Francisco Medeiros  
Emily Medeiros  
[REDACTED]  
Victoria, BC V8N 6K3

Bylaw and Licensing  
Services Division

1 Centennial Square  
Victoria BC V8W 1P6

**Re: Lot A Plan 1239 Section 75 Victoria(DD 14081W)(2315/17 Forbes Street)**

Dear Francisco & Emily Medeiros,

This letter is a follow up to the site inspection that was conducted on your property, at 10:00 am May 22<sup>nd</sup>, 2013.

I would like to take this opportunity to say that I appreciate the welcome we received by you during this inspection. Your cooperation during the inspection process ensured a continued working relationship for the future.

As per our conversation, and a review of the registered building card within the City of Victoria, it was apparent that construction had been completed without permits being registered with the City of Victoria.

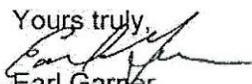
The current registered legal use is "Duplex", however the building is being rented as a fourplex.

At this time you are directed to attend the Permits & Inspections Division within 150 days from the date of this letter, to make application for a change of use permit. The Permits & Inspection Division is located on the second floor, City Hall, #1 Centennial Square.

Please be advised failure to comply with this direction, will result in regulatory action being taken by the city concerning this matter.

If you require further information on this matter, please contact the Permits & Inspections Division.

Again thank you for your attention to this matter.

Yours truly,  
  
Earl Garner  
Senior Bylaw Officer  
City of Victoria

To Contact

Telephone: 250.361.0215  
E-Mail: [bylawenforcement@victoria.ca](mailto:bylawenforcement@victoria.ca)

Fax: 250.361.0205  
Web: [www.victoria.ca](http://www.victoria.ca)

**List of Attachments**

Appendix A – Two (2) exterior photographs of the subject property taken November 22, 2013  
Directional letter dated May 22, 2013



Legislative and  
Regulatory  
Services  
Department

Legislative Services

#1 Centennial Square

Victoria

British Columbia

V8W 1P6

Tel (250) 361-0571

Fax (250) 361-0348

www.victoria.ca

January 6, 2014

Francisco Medeiros

Emily Medeiros

Victoria, BC V8N 6K3

Dear Francisco and Emily Medeiros:

**Re: Work without Permit – 2315 Forbes Street**

Please be advised that City of Victoria staff is recommending to the Planning and Land Use Committee that the Corporate Administrator file a Notice in the Land Title Office regarding work without permit for 2315 Forbes Street. A copy of the report is attached for your records.

A hearing will be held before the Planning and Land Use Committee to grant the applicant an opportunity to address this matter. Therefore, the registered owner is hereby requested to attend the Planning and Land Use Committee meeting on **Thursday, January 23, 2014, at 10:30 a.m.**, in the Council Chambers, at Victoria City Hall, #1 Centennial Square (corner of Douglas and Pandora) to be heard by the Committee.

Further information respecting this matter may be obtained from the offices of the City of Victoria, Legislative & Regulatory Services, #1 Centennial Square, Victoria, BC between the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday.

The agenda for this meeting will be produced on the Monday prior to the meeting and available from this office. Please advise Christine Havelka, Committee Secretary, at (250) 361-0571 local 2306, if you have any written materials you wish added to the agenda, by Thursday, January 16, 2014.

Yours truly,

Robert G. Woodland  
Corporate Administrator

:ch

Enclosure (1)

- c. E. Garner, Senior Bylaw Officer
- M. Hayden, Manager, Bylaw & Licensing Services

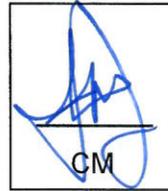


11/22/2013 10:44



11/22/2013 10:45





**Planning and Land Use Standing Committee Report**

---

**Date:** December 5, 2013      **From:** Robert Woodland  
 Director, Legislative & Regulatory  
 Services  
**Subject:** Illegal accessory building – 732 Front Street / Bylaw File 33965

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**Executive Summary**

The purpose of this report is to recommend the filing of a Notice on Title in respect to work completed without permit for the construction of an accessory building at 732 Front Street. The owner recognizes that this work was completed without permit and has stated that the process to bring the structure into compliance with City bylaws is too onerous for her to complete.

**Recommendation**

The Building Inspector recommends:

- That the Committee direct the Corporate Administrator to file a notice on title in the Land Title Office in relation to the property located at 732 Front Street, legally described as LOT 3, SECTION 31, VICTORIA, PLAN 2344 indicating that a resolution relating to this property has been made under the authority delegated pursuant to Section 57(3) of the *Community Charter* and the provisions of the Property Maintenance Delegation Bylaw and advise that further information regarding this resolution may be inspected at the Legislative and Regulatory Services Department in Victoria City Hall.

Respectfully submitted,

  
 Mia Frankl  
 Bylaw Officer  
 Bylaw & Licensing Services

  
 Mark Hayden,  
 Building Inspector, Manager  
 Bylaw & Licensing Services

  
 Robert Woodland  
 Director  
 Legislative & Regulatory Services

**List of Attachments**

Appendix A – Letter to owner dated July 29, 2013

Appendix B – Photos of the accessory building taken on October 16, 2013

Appendix C – Email from Building Inspector Berkeley with list of deficiencies dated November 19, 2013

## Purpose

The purpose of this report is to advise the Planning & Land Use Committee about the construction of an accessory building without permit at 732 Front Street and of the enforcement action that has been taken in order to secure voluntary compliance with Section 2.2(1) of the Building Bylaw and Schedule F of the Zoning Regulation Bylaw. This report sets forth a recommendation to the Committee that under Section 57(3) of the *Community Charter* and the provisions of the Property Maintenance Delegation Bylaw, a notice be filed in the Land Title Office in respect to the illegal accessory building in the backyard.

## Background

Section 57 of the *Community Charter* allows the City to file notice on title of any property where the Building Inspector:

- a) Observes a contravention of a municipal bylaw, provincial building regulation or another enactment that relates to the construction or safety of buildings or other structures; or
- b) Discovers that something was done without a permit or inspection.

Before notice may be filed under Section 57 of the *Community Charter*, Council must give the Building Inspector and property owner an opportunity to be heard.

For the purpose of filing notices under Section 57(1)(b) of the *Community Charter* the Manager of Bylaw & Licensing Services is a Building Inspector under the Building Bylaw. Under the provisions of the Property Maintenance Delegation Bylaw, Council has delegated the authority to hold hearings and make decision under Section 57 of the *Community Charter* to the Planning and Land Use Committee.

Section 2.2 (1) of the Building Bylaw states that a person must not:

- a) Construct or;
- b) Change the occupancy of a building unless the building's owner has obtained a building permit from the Building Inspector.

The Building Bylaw defines "occupancy" as the use or intended use of a building or part of a building for shelter or support of persons, animals or property according to the occupancy classifications for buildings set out in the Building Code.

## Issues and Analysis

The property at 732 Front Street is located in the Victoria West neighborhood in a R1-B, Single Family Dwelling District. The approved use of the property per the approved building plans is Single Family Dwelling and the residence conforms to this zoning regulation. However, there is an accessory building in the backyard which was built without permit and as a result violates the Zoning Regulation Bylaw and the Building Bylaw.

The owner was advised that the construction of the accessory building did in fact require a Building Permit from the City. A letter was sent to the owner on July 29, 2013 directing her to apply for a Building Permit. Upon receipt of the letter the owner and the investigating Bylaw Officer entered into a dialogue of the process involved to comply with the City's Bylaws. A Building Inspector attended on November 19, 2013 and was able to provide a list of the deficiencies under the British Columbia Building Code. Upon notifying the owner of the list of deficiencies, she stated she is unwilling to undertake the necessary steps to make the building comply with the Zoning Regulation Bylaw and the Building Bylaw as it is too much work and expense.

## Options and Impacts

The filing of a notice on title is part of a graduated enforcement strategy intended to bring a property into compliance with the applicable bylaws and regulations. A notice on title provides incentive to the property owner to resolve the outstanding issues as it serves to warn lenders or prospective purchasers that work has been completed without a permit. Filing a notice on title under Section 57 of the *Community Charter* is therefore intended to ensure that a potential purchaser is aware of bylaw violation in respect to the accessory building in the yard. The notice can be easily removed once the property has been brought into compliance.

## Official Community Plan Consistency Statement

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

## Financial and Staff Capacity Assessment

Staff has spent approximately 7 hours working on this file to obtain compliance. Filing a Notice on Title (as recommended) will cost the City \$47.30.

## Public Engagement and Consultation

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

## Conclusion

Given the extensive list of deficiencies with the accessory building, the owner has indicated that she is not interested in pursuing the necessary steps to bring the building into compliance. As a result this Officer has determined that the appropriate course of action at this time is to proceed with filing a notice on title. Doing so will provide incentive to the owner to bring the property into compliance.

## Recommendation

The Building Inspector recommends:

- That the Committee direct the Corporate Administrator to file a notice on title in the Land Title Office in relation to the property located at 732 Front Street, legally described as **LOT 3, SECTION 31, VICTORIA, PLAN 2344** indicating that a resolution relating to this property has been made under the authority delegated pursuant to Section 57(3) of the *Community Charter* and the provisions of the Property Maintenance Delegation Bylaw, and advise that further information regarding this resolution may be inspected at the Legislative and Regulatory Services Department in Victoria City Hall.



Legislative &  
Regulatory  
Services  
Department

July 29, 2013

Tricia Holden  
732 Front Street  
Victoria, B.C.  
V9A 3Y4

Bylaw & Licensing  
Services Division

#1 Centennial Square

Victoria

British Columbia

V8W 1P6

Tel (250) 361-0215

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[www.victoria.ca](http://www.victoria.ca)

**Re: 732 Front Street , Victoria BC/ Bylaw File # 33965**

Dear Madam,

The purpose of this letter is to advise you that the City of Victoria Bylaw & Licensing Services Division has received a formal complaint regarding the rebuilding of a structure in your back yard at 732 Front Street.

My investigation has included a review of building permits for said work and none were found as confirmed by you on our telephone conversation of July 24, 2013. You are hereby directed to contact the City's Permits and Inspections Department at 250-361-0344 to apply for a building permit.

Be advised that work without permit is in contravention of the City's Building Bylaw for which may result in the laying of charges for violating section 2.2(1) of the Bylaw, for which under the Ticket Bylaw a fine of \$400.00 per day can be assessed.

Regards,

A handwritten signature in black ink, appearing to read "Mia Frankl", written over a horizontal line.

Mia Frankl  
Bylaw Officer  
[mfrankl@victoria.ca](mailto:mfrankl@victoria.ca)  
250-361-0540

**Mia Frankl**

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**From:** Ray Berkeley  
**Sent:** Tuesday, Nov 19, 2013 2:19 PM  
**To:** Mia Frankl  
**Subject:** RE: re: 732 Front St summary

Hi Mia,

Please see the items below.

Regards  
Ray

732 Front Street  
November 07, 2013

Upon a walkthrough of the rear yard of the above noted address are requested by the Bylaw Department I noted the below observations.

The Chicken coup is of the size that would not require a building permit as it is under the size that is required to comply with the building code.

The larger accessory building is of the size that a building permit is required. The below may not be a complete list but this is what I was able to observe from a walk through.

1. No foundation as per BCBC.
2. The exterior landing are not compliant with BCBC.
3. Windows do not appear to be A44o approved.
4. Bearing of the roof joists not as per BCBC. The roof framing has no purlins as per BCBC. This will make the roof ventilation difficult to meet the BCBC.
5. There is no light as per 9.34. of the BCBC.
6. The Cladding is not yet in place.
7. The floor framing is not able to be seen as the floor sheathing is in place and there is no crawl space access under the building.
8. The skylight is currently leaking and might not conform to the A44o standard as per BCBC.
9. There is a wall built over another wall with no floor system between. This is not compliant with 9.3. of the BCBC.
10. There is a litle over the window that is likely over span and the location and number of the cripples does not comply with 9.23. of the BCBC.
11. The roof sheathing is not blocked and has no H clips. I could not see the thickness of the sheathing but it is possible that it is not as per the BCBC for the spacing of the joist and the thickness of the sheathing.
12. The owner does not have a BCLS so it I am unsure the setback from the PL to ensure compliance with the BCBC.
13. It may be prudent to discuss the required setbacks with the Zoning Department.

Ray Berkeley, RBO  
Building Inspector  
Permits & Inspections Division  
Sustainable Planning and Community Development Department  
City of Victoria  
1 Centennial Square, Victoria, BC V8W 1P6  
t: 250.361.0344 E 3 e: [rberkeley@victoria.ca](mailto:rberkeley@victoria.ca)



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Legislative Services

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January 7, 2014

Patricia Anne Holden  
732 Front Street  
Victoria, BC  
V9A 3Y4

Dear Ms. Holden:

**Re: Work without Permit – 732 Front Street**

Please be advised that City of Victoria staff is recommending to the Planning and Land Use Committee that the Corporate Administrator file a Notice in the Land Title Office regarding work without permit for 732 Front Street. A copy of the report is attached for your records.

A hearing will be held before the Planning and Land Use Committee to grant the applicant an opportunity to address this matter. Therefore, the registered owner is hereby requested to attend the Planning and Land Use Committee meeting on **Thursday, January 23, 2014, at 10:30 a.m.**, in the Council Chambers, at Victoria City Hall, #1 Centennial Square (corner of Douglas and Pandora) to be heard by the Committee.

Further information respecting this matter may be obtained from the offices of the City of Victoria, Legislative & Regulatory Services, #1 Centennial Square, Victoria, BC between the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday.

The agenda for this meeting will be produced on the Monday prior to the meeting and available from this office. Please advise Christine Havelka, Committee Secretary, at (250) 361-0571 local 2306, if you have any written materials you wish added to the agenda, by Thursday, January 16, 2014.

Yours truly,

Robert G. Woodland  
Corporate Administrator  
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Enclosure (1)

c. M. Frankl, Bylaw Officer  
M. Hayden, Manager, Bylaw & Licensing Services

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10/16/2013 13:30



10/16/2013 13:31