



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

Page

CALL TO ORDER

APPROVAL OF AGENDA

CONSENT AGENDA

ADOPTION OF MINUTES

1. Minutes from the Meeting held December 5, 2013

DECISION REQUEST

2. Rezoning Application #00423 and Development Permit for 1580 Hillside Avenue 3 - 66
--D. Day, Director of Sustainable Planning and Community Development

Neighbourhood: Oaklands Recommendation: Proceed to Public Hearing
3. Rezoning Application #00411 and Development Permit for 97 Cook Street 67 - 97
--D. Day, Director of Sustainable Planning and Community Development

Neighbourhood: Fairfield Recommendation: Proceed to Public Hearing
4. Rezoning Application #00403 for 542 Langford Street 99 - 114
--D. Day, Director of Sustainable Planning and Community Development

Neighbourhood: Victoria West Recommendation: Proceed to Public Hearing
5. Development Permit #000331 for 769 Pandora Avenue 115 - 135
--D. Day, Director of Sustainable Planning and Community Development

Neighbourhood: Downtown Recommendation: Authorize DP

6. Development Permit #000293 with Variances for 1032 North Park Street 137 - 174

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

Neighbourhood: North Park Recommendation: Proceed to Public Hearing

7. A. Heritage Designation #000132 for 804 Foul Bay Road 175 - 199

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

Neighbourhood: Gonzales Recommendation: Proceed to Public Hearing

B. Heritage Alteration Permit #00177 for 804 Foul Bay Road

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

Neighbourhood: Gonzales Recommendation: Proceed to Public Hearing

8. Amendment to Master Development Agreement for 1701 Douglas Street (The Hudson) 201 - 207

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

Neighbourhood: Downtown Recommendation: Authorize Amendment to MDA

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

9. Illegal Use and Work Without Permit - 737 Princess Avenue 209 - 217

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

10. Work Without Permit - 1124 Empress Avenue 219 - 224

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

11. Work Without Permit - 1128 Empress Avenue 225 - 230

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

ADJOURNMENT

Planning and Land Use Committee Report

Date: December 5, 2013 **From:** Lucina Baryluk, Senior Process Planner
Subject: **Rezoning Application #00423 and Development Permit #000335 for 1580 Hillside Avenue** – Application to rezone to allow a liquor retail store within Hillside Centre

Executive Summary

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application and a Development Permit Application for Hillside Centre. The proposal is to locate a liquor retail store on the Hillside Avenue frontage of Hillside Centre. The store will occupy a total floor area of 785 m², with 489 m² of the total floor area devoted to retail. This report also addresses the Development Permit requirements.

The applicant has provided a rationale for inclusion of a liquor retail store within the mall, along with supporting material on security provisions. The Oaklands Community Association held a community meeting on October 1, 2013. In compliance with the *Licensee Retail Stores Rezoning Policy*, the School District and Police Department have been consulted and have provided no comments on the proposal. In addition, the applicant has submitted a number of petitions.

The following points were taken into consideration in assessing this application:

- The *Official Community Plan 2012* designates Hillside Centre as a Town Centre. This designation anticipates a full range of commercial and destination-retail uses.
- The *Oaklands Neighbourhood Plan* views the Hillside Centre as a major asset in the Oaklands neighbourhood, providing the residents with access to a full range of commercial facilities.
- The broader context of land uses in the general area along Hillside Avenue is commercial in nature (retail use, office and food outlets). The location within the mall does not directly impact established residential neighbourhoods.
- There are no variances associated with this application. The liquor retail store will occupy space previously occupied by a retail use and the parking requirements remain the same. The mall has not reached its full density permitted under the existing C1-RC Zone, Regional Shopping Centre.
- The proposal is generally in keeping with the City's *Licensee Retail Stores Rezoning Policy*, with the exception of store size. The policy recommends a maximum store size of 200 m². A liquor store in a mall setting would merit a larger size.

Staff recommends that this application be approved.

Recommendations

1. That Rezoning Application #000423 for 1580 Hillside Avenue proceed for consideration at a Public Hearing and that staff prepare the necessary *Zoning Regulation Bylaw* amendments to allow a Liquor Retail Store as a permitted use within the Hillside Mall Centre, limited to a location along Hillside Avenue and further limited to a maximum total floor area of 785 m².
2. Following consideration of Rezoning Application #000423, that Council authorize the issuance of Development Permit Application #000335 in accordance with:
 - a) Plans date stamped October 29, 2013;
 - b) Development meeting all *Zoning Regulation Bylaw* requirements;
 - c) Final plans to be in accordance with the plans identified above, to the satisfaction of the Director of Sustainable Planning and Community Development.

Respectfully submitted,

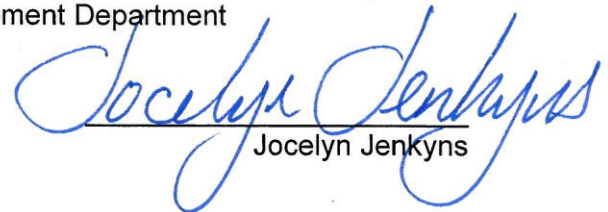


Lucina Baryluk
Senior Process Planner
Development Services Division



Deb Day, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:


Jocelyn Jenkyns

LB:aw

S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\REZ\REZ00423\HILLSIDE MALL .JPG.DOC

1.0 Purpose

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application and a Development Permit Application at Hillside Centre. The proposal is to locate a liquor retail store on the Hillside Avenue frontage of the centre. The store will occupy a total floor area of 785 m², with 489 m² of the floor area devoted to retail. This report also addresses the Development Permit requirements.

2.0 Background

2.1 Relevant History

Hillside Centre has been undergoing extensive renovations and addition of new floor area. The new floor area will accommodate new major commercial tenants. The current work on the mall has required Development Permits only, as the density and uses have been in compliance with the existing C1-RC Zone, Regional Shopping Centre. A number of changes to the transportation network serving the mall, including bike lanes and signalized intersections, have been completed. The main outstanding item is the completion of the landscaping, as this cannot be finalized until the exterior construction is finished. The City holds landscaping securities to ensure this work is completed in compliance with the approved Development Permits.

To allow liquor retail store as a permitted use requires a rezoning, which is further explained in this report.

2.2 Development Proposal

The proposal is to locate a liquor retail store on the Hillside Avenue frontage of Hillside Centre. The space was formerly occupied by Shoppers Drug Mart, which has been relocated within the mall. The store is adjacent to an internal loading area, which can be used by the liquor store without impeding mall circulation.

There are minor changes to the mall façade from the existing approved Development Permit. The location and style of door openings would be revised to suit the tenant requirements, still achieving the design concept of storefronts facing the exterior of the mall.

2.3 Land Use Context

The proposed location is within the mall complex. The broader context of Hillside Avenue in the general area is commercial in nature (retail use, office and food outlets). The location does not directly impact established residential neighbourhoods.

2.4 Community Consultation

In compliance with the Rezoning Application process, the Oaklands Community Association held a Community Meeting on October 1, 2013. A record of this meeting is attached to this report.

In compliance with the *Licensee Retail Stores Rezoning Policy*, the School District and Police Department have been consulted and have provided no comments on the proposal.

In addition, the *Licensee Retail Stores Rezoning Policy* requires that the applicant poll the residents and owners of neighbouring lots. A number of petitions collected by the applicant are attached to this report as further information for Council.

3.0 City Regulations and Policies

3.1 Official Community Plan 2012 and Oaklands Neighbourhood Plan

The *Official Community Plan 2012* designates Hillside Centre as a Town Centre. This designation anticipates a full range of commercial and destination-retail uses. The *Oaklands Neighbourhood Plan* views the Hillside Centre as a major asset of the Oaklands neighbourhood, providing the residents with access to a full range of commercial facilities.

3.2 Zoning Regulation Bylaw

On March 27, 2003, City Council determined that any new liquor retail stores (including relocations) would require a rezoning. The issue at that time was a response to changing policies by the Liquor Control and Licensing Branch, which was requiring liquor license holders with the right to liquor sales to link the license to any retail store location.

Since the establishment of Council's policy in 2003, Council has dealt with approximately 10 liquor retail store Rezoning Applications. A liquor retail store is distinct from a brewery type of operation, which can only sell the product produced on the premises. This brewery type of retail outlet also requires a rezoning.

In specific reference to the *Zoning Regulation Bylaw*, there are no variances associated with this application. The liquor retail store will occupy space previously occupied by a retail use and the parking standards remain the same. The mall has not reached its full density permitted under the existing C1-RC Zone.

3.3 Licensee Retail Stores Rezoning Policy

In order to guide Council on liquor retail store Rezoning Applications, a *Licensee Retail Stores Rezoning Policy* was endorsed by Council in 2003. The policy outlines parameters regarding location, facility size and distance from other liquor retail stores and schools.

3.4 Development Permit Guidelines

The *Official Community Plan 2012* places this property within Development Permit Area 4, Town Centres, for the purposes of revitalization of an area in which commercial use is permitted. This Development Permit Area requires Council approval of the general form and character of the commercial development.

As Hillside Centre has been through an extensive development permit review process and the proposed changes to the façade to accommodate the liquor retail store are minor, no further analysis of this application with respect to the Development Permit guidelines is deemed necessary.

4.0 Issues

The main issue associated with this application is the consistency with the intent of the *Licensee Retail Stores Rezoning Policy*.

5.0 Analysis

The *Official Community Plan* provides guidance regarding the general location and use, as Hillside Centre has been identified as a Town Centre. This designation anticipates a full range of commercial and destination-retail uses. The liquor retail store will add a diversity of retail products offered by the mall. The location of the proposed store will add customer and pedestrian activity to the retail frontage.

The location within the mall will also minimize the impact on established residential neighbourhoods in terms of noise and traffic impacts.

In terms of proximity to other liquor retail stores, the closest store is located in Saanich at the northeast corner of Shelbourne Street and North Dairy Road. In a straight-line distance, this store is approximately 340 m from the proposed new store. Therefore, the locational factor of 200 m between liquor retail stores that is specified in the *Licensee Retail Stores Rezoning Policy* is satisfied. In addition, the Policy anticipates that in commercial areas, reduced distance may be warranted.

The closest school is Lansdowne Middle School, which is approximately 450 m away (straight-line distance). Oaklands Elementary School is more than 500 m away from the proposed location.

The policy recommends a maximum total floor area of 200 m². The proposed liquor retail store will have a total floor area of 785 m² (296 m² dedicated to warehouse and 489 m² for retail sales). However, the internal organization of the store is ultimately left to the store operator.

In terms of size, most private liquor stores comply with the 200 m² limit, with the Harris Green Liquor Merchants being the notable exception with a 260 m² store size. However, the BC Liquor Stores located in Victoria all exceed the recommended total floor area.

BC Liquor Stores	Total Floor Area (m ²)
Blanshard Square, 787 Hillside Avenue	669
Fairfield Plaza	486
James Bay Plaza	442
Fort Street and Foul Bay Avenue, 1960 Foul Bay Road	697
Proposed Hillside Mall Centre	785

The larger size is acceptable as the store is within a mall setting and will be provided with the potential to carry a full range of products.

6.0 Resource Impacts

There are no resource impacts anticipated.

7.0 Options

Option 1 (Recommended)

1. That Rezoning Application #000423 for 1580 Hillside Avenue proceed for consideration at a Public Hearing and that staff prepare the necessary *Zoning Regulation Bylaw* amendments to allow a Liquor Retail Store as a permitted use within the Hillside Mall Centre, limited to a location along Hillside Avenue and limited to a maximum total floor area of 785 m².
2. Following consideration of Rezoning Application #000423, that Council authorize the issuance of Development Permit Application #000335 in accordance with:
 - a) Plans date stamped October 29, 2013;
 - b) Development meeting all *Zoning Regulation Bylaw* requirements;
 - c) Final plans to be in accordance with the plans identified above, to the satisfaction of the Director of Sustainable Planning and Community Development.

Option 2

That Rezoning Application #00423 for 1580 Hillside Avenue be declined.

8.0 Conclusions

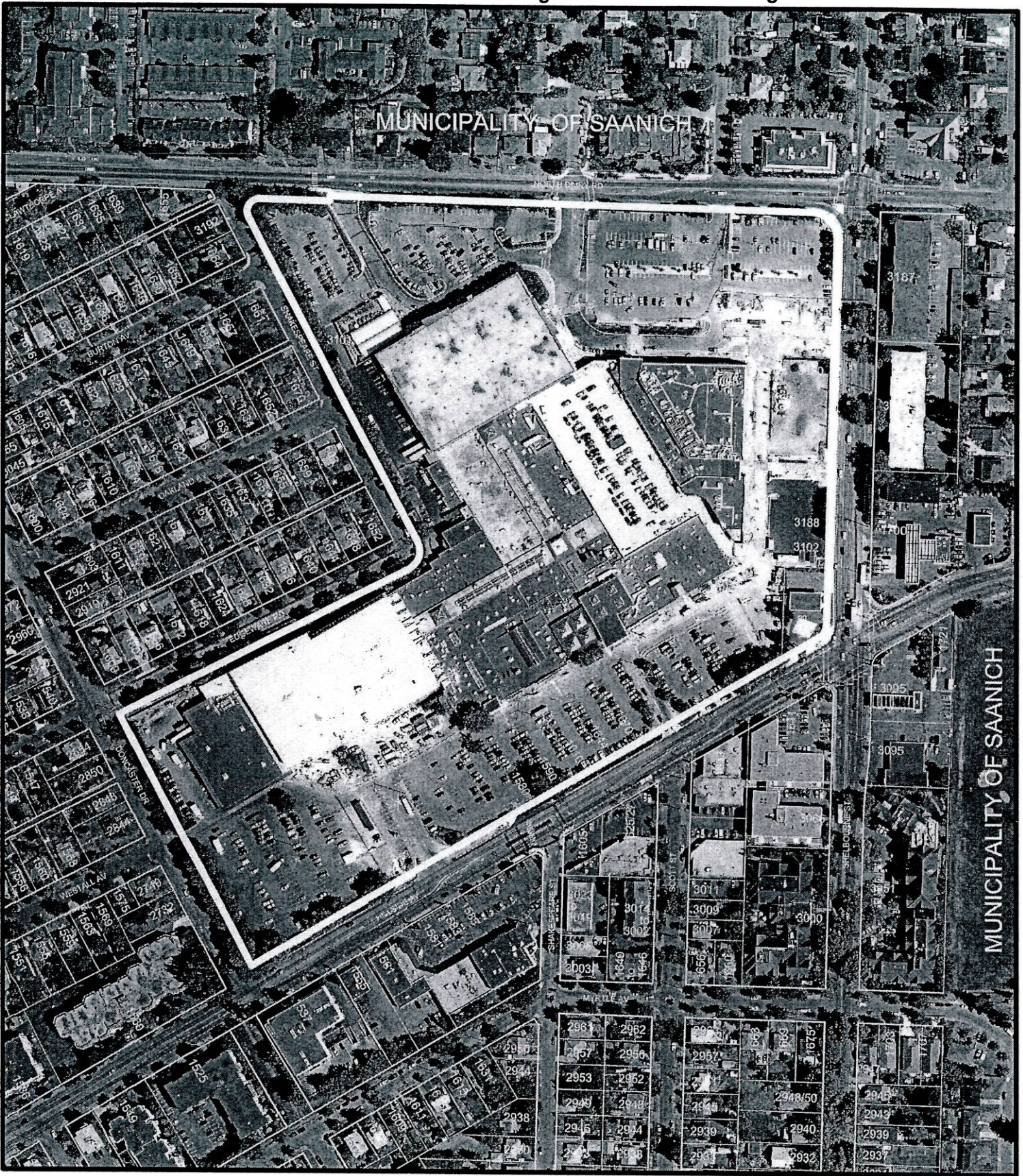
The application for a new BC Government Liquor store within Hillside Centre merits consideration under the *Official Community Plan* and the *Licensee Retail Stores Rezoning Policy*. As an established commercial centre and designated Town Centre, the size and location of the proposed liquor retail store are supportable.

9.0 Recommendations

1. That Rezoning Application #000423 for 1580 Hillside Avenue proceed for consideration at a Public Hearing and that staff prepare the necessary *Zoning Regulation Bylaw* amendments to allow a Liquor Retail Store as a permitted use within the Hillside Mall Centre, limited to a location along Hillside Avenue and limited to a maximum total floor area of 785 m².
2. Following consideration of Rezoning Application #000423, that Council authorize the issuance of Development Permit Application #000335 in accordance with:
 - a) Plans date stamped October 29, 2013;
 - b) Development meeting all *Zoning Regulation Bylaw* requirements;
 - c) Final plans to be in accordance with the plans identified above, to the satisfaction of the Director of Sustainable Planning and Community Development.

10.0 List of Attachments

- Location map and air photo
- City of Victoria's *Licensee Retail Stores Rezoning Policy*
- Applicant's letters to Mayor and Council
- Submission drawings dated October 29, 2013
- Petitions
- Oaklands Community Association Land Use Committee Record of Meeting



1580 Hillside Avenue
Rezoning #00423
Bylaw #



LICENSEE RETAIL STORES REZONING POLICY

GENERAL CHARACTERISTICS

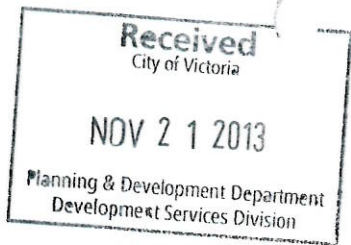
- An application for a Licensee Retail Store must be accompanied by a letter of preliminary approval from the Province of BC.
- The store should be in an established or planned retail location to minimize nuisance to nearby neighbours. This may be within a primary or district centre as identified in the *Official Community Plan*, within a commercial area identified in a neighbourhood plan or in a location zoned for other retail use.
- Entrance to the store should be from an existing street frontage or from within an existing shopping centre.
- Required parking may range from one space per 37.5 m² of gross floor area in suburban malls to nil in highly walkable locations, e.g. Downtown or a corner store.
- The store should be at least 200 m from an elementary or secondary school.
- The City wishes to avoid concentrations of this use, e.g. in the same block or at the same intersection. Generally, the store should be at least 200 m from an existing Licensee Retail Store, BC Liquor Store, wine or beer store. A reduced distance may be warranted in locations such as neighbourhood or district centres.

Note that provincial regulations may require a higher distance between stores. The most restrictive regulation shall apply.

- For applications with street frontage, the applicant should refer to the City's *Crime Prevention Through Environmental Design (CPTED)* guidelines and indicate, as part of the application, how the guidelines will be observed.
- Facility size is limited to a total floor area of 200 m².
- Revitalization of a heritage building and/or improved shop frontage on a street is encouraged.

APPROVAL PROCESS

- Recognizing the impact of this type of application, all residents and owners of neighbouring lots must be polled by the applicant as to the acceptability of the application, with the results submitted as part of the site plan information.
- The application will be referred to School District #61 and Victoria City Police for up to 30 days to ensure that their comments are considered in Council's decision.
- In addition to the policies for Licensee Retail Stores, the applicant must undertake the processes required for a rezoning application. This will include participation in a community meeting (CALUC) prior to the submission of the application.



220 Bay Street, Suite 1500
PO Box 23
Toronto, Ontario M5J 2W4
416-800-0850
www.originmerchant.com

November 21, 2013

Mayor and Members of Council,

Our application before you for consideration is to include a retail Liquor Store as a permitted use within Hillside Centre.

As you know, Hillside Centre is currently the subject of a Development Permit application for the redevelopment of the mall and common areas, which is nearing completion. Our application results from tenant interest received from a liquor store operator for this particular space. In response, we have made our way through the community consultation process including the local resident survey. The community meeting, organized by the Oaklands Community Association, was attended by ~ 20 residents. Those that had concerns were primarily based on questioning whether the market was already adequately served (market competition) and whether the use itself is appropriate for Hillside. The discussion focused on a number of the property attributes (access, servicing, security) and how the property is positioned to accommodate a liquor store use and ensure the appropriate environment for the community.

Resident surveys were available at the meeting for those in attendance who wished to document their position. Four surveys were completed. Hillside's on-site management office then engaged in a door to door approach to all residents within the required boundaries to survey resident views. 41 surveys were returned with 15 having concerns with the application, and the balance (26) in support. Of the 15 with concerns, almost all related to competition with existing liquor outlets. A copy of the neighborhood submission, including the resident survey, conducted door to door by the management office is attached to this letter.

From an operational standpoint, Hillside is a functional and suitable location for a liquor store use, given the advantages and amenities which are described following.

The proposed liquor store is situated at the part of the mall fronting the intersection at Hillside and Shelbourne. This location is well positioned within the Centre, being furthest away from the stable residential neighborhoods surrounding Hillside. The proposed retail unit is serviced by a large and convenient parking lot immediately in front of the external entrance to the unit. A controlled intersection at Hillside and Shakespear will ensure easy access and egress. A plan of the Centre and proposed location is attached.

The retail unit is of sufficient size to allow the tenant to retail a full range of products and services. The physical configuration, and relationship to back of house and loading facilities works well for the perspective tenant. It is strategically and conveniently located immediately adjacent to the enclosed loading facility for the Centre, such that all deliveries will occur internal to the Centre, and will not be visible by the public. Further, the unit is serviced from the enclosed



loading facility via an internal corridor to the rear of the retail unit, again away from any public areas.

Hillside Centre, as a major shopping centre, has a full service on site administration office with Centre dedicated personnel. Hillside benefits from extensive 24 hour contract security services across the full property to ensure an appropriate environment for the neighborhood and shoppers it serves. The environment is carefully controlled with ample available on property security personnel to address any concerns that arise. I have attached a letter from Hillside management which sets out the current security coverage and procedures for the Centre.

The proposed liquor store will benefit from its integration within the fabric of Hillside, specifically in locating adjacent to complementary shops and services within the context of a larger shopping centre environment.

We'd be pleased to address any questions you may have as you consider the merits of the application.

A handwritten signature in black ink, appearing to read "W. Glenn Shyba".

W. Glenn Shyba

CC: Jim Aalders, Lucina Baryluk and Kerry Shular

Origin Merchant Partners
416-800-0892
glenn.shyba@originmerchant.com



HILLSIDE CENTRE – SECURITY

Currently, Security is on site at Hillside 24 hours a day, 7 days a week. The primary purpose of having Security in the shopping centre is to provide our merchants and customers with a sense of security in the common areas of the shopping centre, assist merchants and customers with safety or security related issues such as safe walks in the evening or assisting a merchant with an unruly patron and providing emergency response for medical or life safety situations.

Hillside is continuously monitored throughout the day and evening by an average of two security guards patrolling the property both inside the building and in the parking areas. During peak hours this service is augmented by a bike patrol which allows our security personnel to cover the parking lot faster and more often. When bike patrols are not present, our guards patrol the exterior of the building at least once per hour.

In addition to security patrols, Hillside Centre will be, monitored (to be installed as part of redevelopment but not yet complete) with a closed circuit television system.

Standard Policies and Procedures currently in place ensure that Security team members are trained, prepared and equipped to;

- Protect Life
- Protect the Property
- Protect all Information
- Protect Organizational Assets
- Assist in the Prevent Illegal Activity
- Promote a Safe and Secure Environment



VANCOUVER
T: 604-687-1898 F: 604-682-5398
500 - 1500 West Georgia Street
Vancouver, BC V6G 2Z6

VICTORIA
T: 250-388-5588 F: 250-361-9418
202 - 655 Tyee Road
Victoria, BC V9A 6X5

KELOWNA
T: 250-861-1887 F: 250-861-1810
100 - 1060 Manhattan Drive
Kelowna, BC V1Y 9X9



19 November 2013

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

RE: Retail Liquor Store at Hillside Centre
Rezoning #00423 and Development Permit Application #000335 for 1580 Hillside

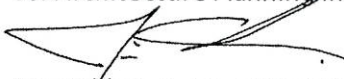
Dear Mayor and Members of Council;

This rezoning application is to permit the use of Liquor Sales within the Hillside Shopping Centre. The recent redevelopment and expansion of Hillside Centre strongly facilitates this new use within the existing Development Permit. There are no design revisions or alterations required to support a Liquor Store; the design intent to develop a 'high street' shopping experience with exterior store access will remain, with the opportunity for future development within the parking fields to create a 2-sided shopping street. The storefront and display windows of the Liquor Store will be similar to the retailers throughout the center without the use of security bars. The recently upgraded lighting scheme focuses on highlighting storefront and product while providing a safe pedestrian environment. In addition, LED-illuminated channel lettering will support the high-end signage approach the mall has developed.

There is ample parking at Hillside Centre to support this use; the recently redeveloped shopping centre and parking field now facilitates over 2000 parking stalls, which exceeds the Zoning Bylaw requirements by 5%. The recent improvements for both vehicle and pedestrian access, along with the ample parking, make Hillside Centre a good location for a liquor store. A liquor store will have positive synergies with existing uses at Hillside Centre and in the neighbour, including the Thrifty Foods located on the west side of the same façade.

We appreciate your consideration on this matter and are available to provide further clarification on the application if required.

Yours very truly,
cei Architecture Planning Interiors


Jim Aalders Architect AIBC RAIC LEED ap
Partner

IMPORTANT INFORMATION

TO: Oaklands Neighborhood Residents
FROM: Kerry Shular, General Manager
Hillside Centre

As many of you may already know, Hillside Centre is in the process of applying to the City of Victoria for a change to the shopping centre's current zoning to accommodate a liquor store use. A public information meeting was held at the Oaklands Neighborhood House on October 1, 2013 to present the plan to our neighbors and solicit feedback. For those of you who could not attend the presentation, we have attached a questionnaire asking for your opinions or comments. Completed questionnaires will be provided to the City of Victoria before any final decision is made on the re-zoning application.

The following is a brief overview of the reasons for the change in zoning request.

1. Hillside Centre has been redeveloped to accommodate a better mix of family and mid market retailers catering to everyday needs as well as special occasions.
2. Hillside was approached months ago by a liquor supplier who is proposing to building a new full service liquor outlet. This retailer has completed their own market research and have determined that Hillside is the right location for their business.
3. Liquor retailers typically want to locate in shopping areas such as Hillside to gain access to parking, security and the synergies associated with a grocery store.
4. The store will face Hillside Avenue in roughly the same area that the old Shoppers Drugmart occupied. The store is planned to be about 8,500 square feet. Loading and garbage facilities that will service the store will be immediately beside it. These facilities have a full height garage door and face Hillside Avenue.
5. There will be no direct customer access to the inside of the mall. The store will be accessed from the outside only.

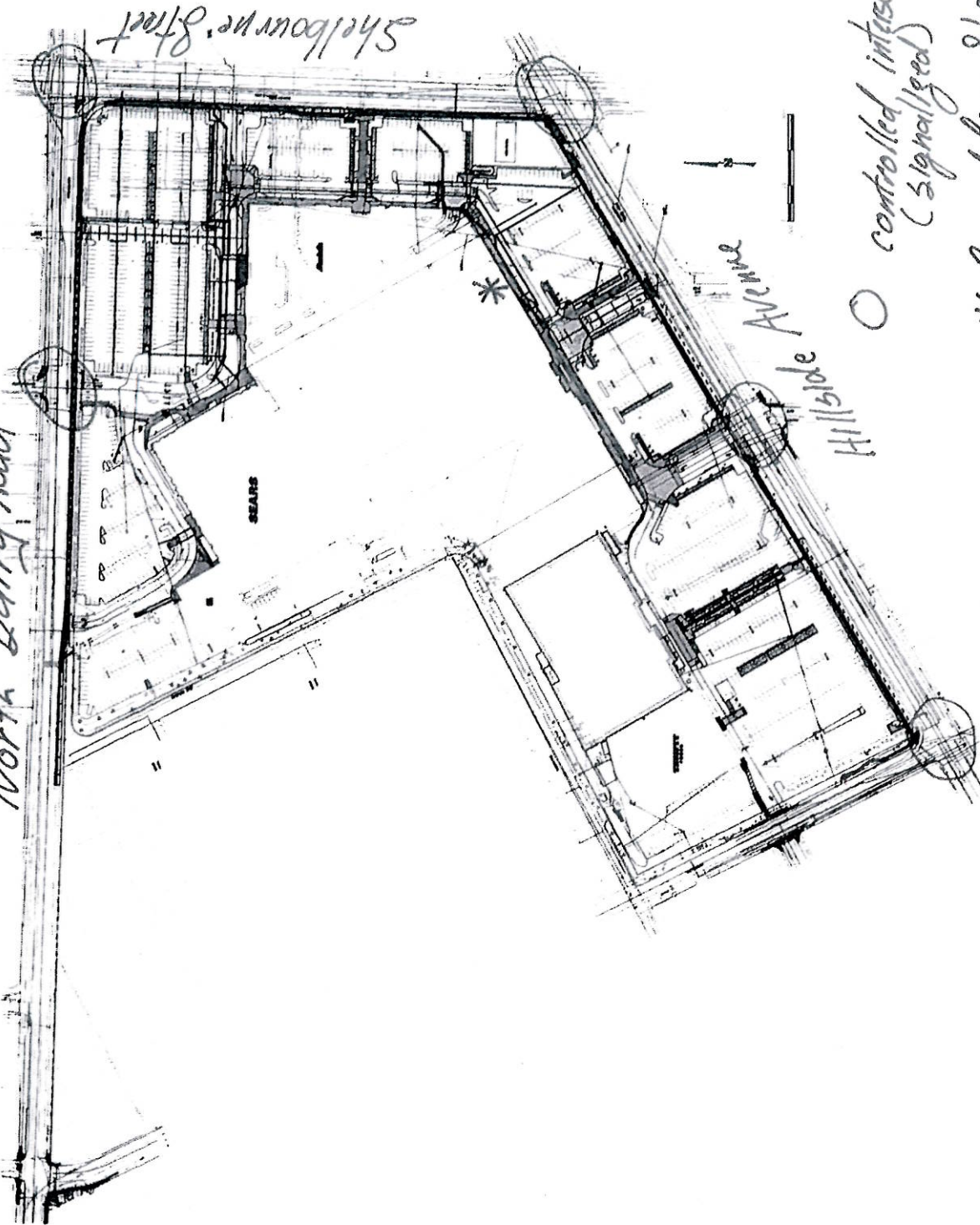
We have attached a plan of the area and renderings of what the outside might look like.

In order to ensure that your comments are provided to the City of Victoria before the rezoning decision is made, the enclosure questionnaire must be returned to Hillside Centre by not later than Wednesday October 16, 2013. Forms can be returned to the Hillside Customer Service desk in the middle of the mall, faxed to us at 250-595-2100, emailed to us at hillsideinfo@triovest.com or mailed to the following address:

#21 1644 Hillside Avenue
Victoria, B.C. V8T 2C5

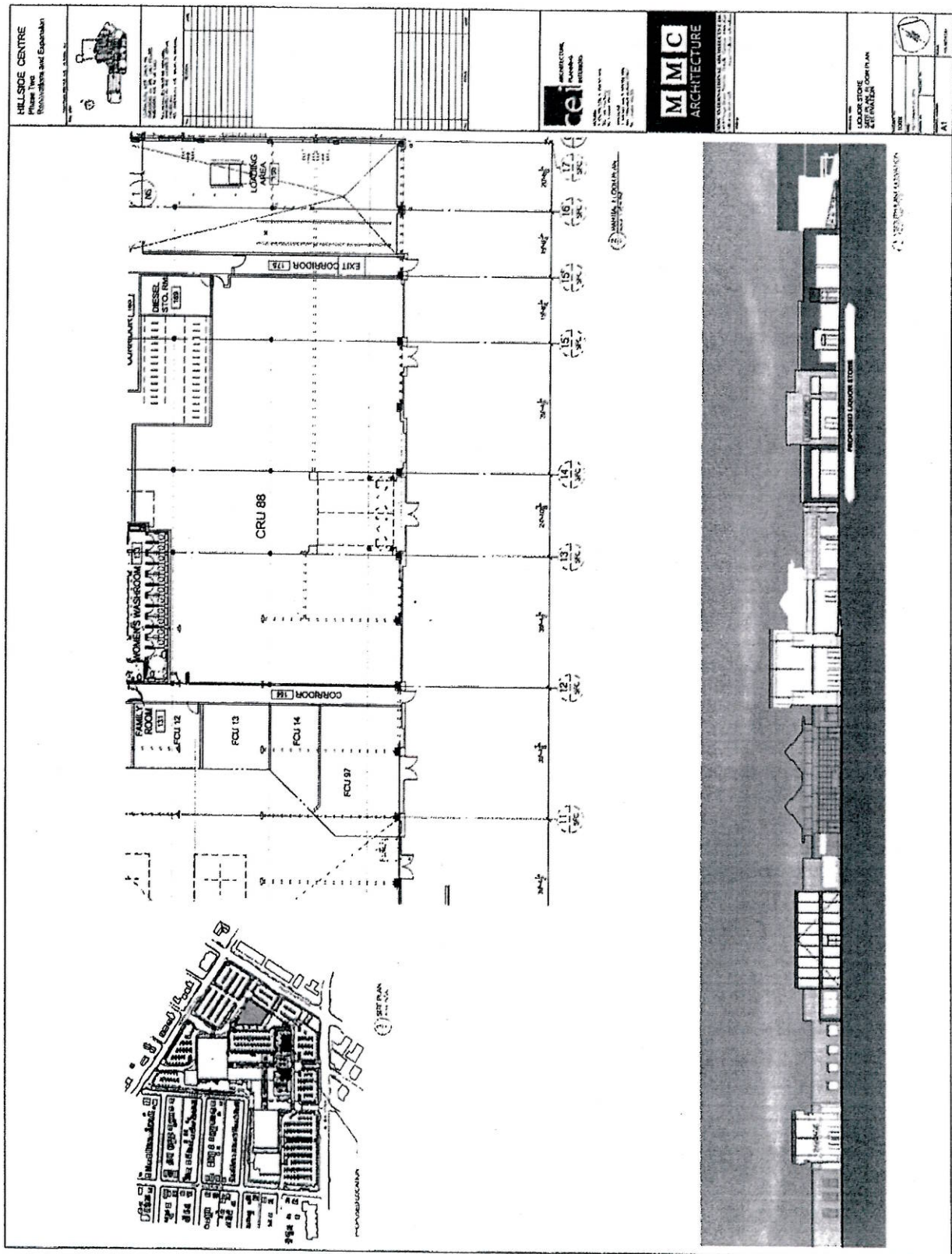
Hillside Site Plan

North Dairy Road



○ controlled intersection
(signalized)

* Proposed liquor store location



Rem Kirby

From: [REDACTED]
Sent: October-14-13 12:43 PM
To: Hillside Centre
Subject: liquor store poll

I support the application.
Mary McColl
115-3051 Shelbourne St.
Victoria BC V8R 6T2

LICENSEE RETAIL STORES REZONING POLICY

LICENSEE RETAIL STORE REZONING PETITION

I, Hillside Center Holdings Inc. have applied to the City of Victoria for rezoning of property, located at 1580 Hillside Avenue to permit a retail liquor store.

The City of Victoria requires that all residents and owners of neighbouring lots be polled to determine the acceptability of the proposal.

Please review the plans and indicate the following:

NAME: (please print) ROBERT PATERSON

ADDRESS: 1652 EDGEWARE RD

Are you the registered owner? Yes ☒ No ☐



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

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

Comments:

We have a private liquor store on the corner of North Dairy & Shelbourne that services the community. I am concerned that direct access to the mall will be granted at some point in the future & that more vagrants will be attracted to the Oaklands neighbourhood because of a government liquor store

Oct. 11, 2013
Date

RJPaterson
Signature

CITY OF VICTORIA

LICENSEE RETAIL STORES REZONING POLICY

LICENSEE RETAIL STORE REZONING PETITION

I, Hillside Center Holdings Inc. have applied to the City of Victoria for rezoning of property, located at 1580 Hillside Avenue to permit a retail liquor store.

The City of Victoria requires that all residents and owners of neighbouring lots be polled to determine the acceptability of the proposal.

Please review the plans and indicate the following:

NAME: (please print) LAURIE BOBROSKE
 ADDRESS: 1525 HILLSIDE AVE

Are you the registered owner? Yes ☒ No ☐

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

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

Comments:

SHOULD NOT PASS, AND THE 'LIQUOR SUPPLIER'
BE ALLOWED TO MOVE INTO THE MALL,
IT WILL PROBABLY DESTROY THE BUSINESS
OF HILLSIDE LIQUOR STORE LOCATED @
3201 SHELBOURNE ST.

I SUPPORT INDIVIDUAL BUSINESSES WHEN
I CAN.

OCT. 11th/13.

Date

[Signature]

Signature

CITY OF VICTORIA

LICENSEE RETAIL STORES REZONING POLICY

LICENSEE RETAIL STORE REZONING PETITION



I, Hillside Center Holdings Inc. have applied to the City of Victoria for rezoning of property, located at 1580 Hillside Avenue to permit a retail liquor store.

The City of Victoria requires that all residents and owners of neighbouring lots be polled to determine the acceptability of the proposal.

Please review the plans and indicate the following:

NAME: (please print) Laurie J. Morgan & Bridget Morrison Morgan
 ADDRESS: 1636 Furlton Ave.

Are you the registered owner? Yes ☒ No ☐

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

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

Comments:

There is already one private liquor store immediately adjacent to the Hillside Centre (Hillside Liquor Store) and a government liquor store at the Shelburne Plaza no more than 1 km. down Shelburne. The local private liquor store would likely suffer from a second private liquor located in the mall and we do not see the point in potentially putting them out of business. There is clearly no need for yet another point of sale in such a small area. Please do not approve this application!!

2013.10.15
 Date

Laurie J. Morgan & Bridget Morrison Morgan
 Signature

CITY OF VICTORIA

LICENSEE RETAIL STORES REZONING POLICY

LICENSEE RETAIL STORE REZONING PETITION

I, Hillside Center Holdings Inc. have applied to the City of Victoria for rezoning of property, located at 1580 Hillside Avenue to permit a retail liquor store.

The City of Victoria requires that all residents and owners of neighbouring lots be polled to determine the acceptability of the proposal.

Please review the plans and indicate the following:

NAME: (please print) Mike & Tracey Fraser

ADDRESS: 1644 Myrtle 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. - both - depends on who is the vendor!
☐ I am opposed to the application.

Comments:

I currently support the Hillside liquor
store, and would hate to see
them suffer as a result! I do not
mind another liquor store in
Hillside mall, but depends who
the vendor is!

Oct 12/13
 Date

Fraser Mike
 Signature

CITY OF VICTORIA

CITY OF VICTORIA

LICENSEE RETAIL STORE REZONING PETITION

I, Hillside Center Holdings Inc. have applied to the City of Victoria for rezoning of property, located at 1580 Hillside Avenue to permit a retail liquor store.

The City of Victoria requires that all residents and owners of neighbouring lots be polled to determine the acceptability of the proposal.

Please review the plans and indicate the following:

NAME: (please print) D Smilie

ADDRESS: 1655 Oakland Ave

Are you the registered owner? Yes ☒ No ☐

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

☒ I support the application.

☐ I am opposed to the application.

Comments:

We would be happier to see a
local "pub" type restaurant!

Oct 9/13
Date

D Smilie
Signature

CITY OF VICTORIA

LICENSEE RETAIL STORES REZONING POLICY

LICENSEE RETAIL STORE REZONING PETITION

I, Hillside Center Holdings Inc. have applied to the City of Victoria for rezoning of property, located at 1580 Hillside Avenue to permit a retail liquor store.

The City of Victoria requires that all residents and owners of neighbouring lots be polled to determine the acceptability of the proposal.

Please review the plans and indicate the following:

NAME: (please print) VIRGINIA BLACK AND ALEXANDER BLACK
ADDRESS: 1560 HILLSIDE AVE UNIT 404

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:

GREAT IDEA - SO CONVENIENT,
"ONE STOP SHOPPING" IS GREAT!

10/10/13
Date

V. Black Alex Black
Signature

CITY OF VICTORIA

LICENSEE RETAIL STORES REZONING POLICY

LICENSEE RETAIL STORE REZONING PETITION

I, Hillside Center Holdings Inc. have applied to the City of Victoria for rezoning of property, located at 1580 Hillside Avenue to permit a retail liquor store.

The City of Victoria requires that all residents and owners of neighbouring lots be polled to determine the acceptability of the proposal.

Please review the plans and indicate the following:

NAME: (please print) VEGGY ROBERTSON

ADDRESS: #106-1560 HILLSIDE AVE, VICTORIA

Are you the registered owner? Yes ☒ No ☐

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

☒ I support the application.

☐ I am opposed to the application.

Comments:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Oct. 10, 2013
Date

Peggy Robertson
Signature

CITY OF VICTORIA

Page 28 of 230

LICENSEE RETAIL STORES REZONING POLICY

LICENSEE RETAIL STORE REZONING PETITION

I, Hillside Center Holdings Inc. have applied to the City of Victoria for rezoning of property, located at 1580 Hillside Avenue to permit a retail liquor store.

The City of Victoria requires that all residents and owners of neighbouring lots be polled to determine the acceptability of the proposal.

Please review the plans and indicate the following:

NAME: (please print) Letitia Johnson
 ADDRESS: 1532 Edgeware Rd

Are you the registered owner? Yes ☒ No ☐

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

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

Comments:

Because of its proposed location,
which will not impact any residents,
I am in full support of the
rezoning application providing
Hillside mall does not change its
(retail liquor store) location!

Oct 9, 2013 [Signature]
 Date Signature

CITY OF VICTORIA

LICENSEE RETAIL STORES REZONING POLICY

LICENSEE RETAIL STORE REZONING PETITION

I, Hillside Center Holdings Inc. have applied to the City of Victoria for rezoning of property, located at 1580 Hillside Avenue to permit a retail liquor store.

The City of Victoria requires that all residents and owners of neighbouring lots be polled to determine the acceptability of the proposal.

Please review the plans and indicate the following:

NAME: (please print) FRANK LOBIANCO
 ADDRESS: 1652 OAKLAND AVE

Are you the registered owner? Yes ☒ No ☐

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

☒ I support the application.

☐ I am opposed to the application.

Comments:

My only complaint ABOUT the ENTIRE
development is that the transformers
behind Sears are ~~just~~ noisy. Would
you consider constructing A sound barrier
so when the transformers come on it does
NOT disturb us residents who live directly
behind Sears.

Oct 10 2013
 Date

Frank Lobianco
 Signature

CITY OF VICTORIA

Page 31 of 230

LICENSEE RETAIL STORES REZONING POLICY

LICENSEE RETAIL STORE REZONING PETITION

I, Hillside Center Holdings Inc. have applied to the City of Victoria for rezoning of property, located at 1580 Hillside Avenue to permit a retail liquor store.

The City of Victoria requires that all residents and owners of neighbouring lots be polled to determine the acceptability of the proposal.

Please review the plans and indicate the following:

NAME: (please print) NELLY GERDA SMIDDERS

ADDRESS: 2850 Doncaster Drive

Are you the registered owner? Yes ☒ No ☐

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

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

Comments:

I would prefer a government liquor store.

Oct 13th 2013
 Date

[Signature]
 Signature

CITY OF VICTORIA

LICENSEE RETAIL STORES REZONING POLICY

LICENSEE RETAIL STORE REZONING PETITION

I, Hillside Center Holdings Inc. have applied to the City of Victoria for rezoning of property, located at 1580 Hillside Avenue to permit a retail liquor store.

The City of Victoria requires that all residents and owners of neighbouring lots be polled to determine the acceptability of the proposal.

Please review the plans and indicate the following:

NAME: (please print) Irene Harrison

ADDRESS: #216 - 1525 Hillside Ave.

Are you the registered owner? Yes ☒ No ☐

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

☒ I support the application.

☐ I am opposed to the application.

Comments:

I think it is a very good idea to
have as much diversity at the mall
as possible and a liquor store would
be a great addition!

Oct. 12, 2013
Date

Irene Harrison
Signature

CITY OF VICTORIA

CITY OF VICTORIA

CITY OF VICTORIA

LICENSEE RETAIL STORES REZONING POLICY

LICENSEE RETAIL STORE REZONING PETITION

I, Hillside Center Holdings Inc. have applied to the City of Victoria for rezoning of property, located at 1580 Hillside Avenue to permit a retail liquor store.

The City of Victoria requires that all residents and owners of neighbouring lots be polled to determine the acceptability of the proposal.

Please review the plans and indicate the following:

NAME: (please print) LOUISE GOSSELIN
 ADDRESS: 1560 Hillside Ave ~~#~~ 403

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:

For ten years I was
 hoping to have a
 liquor store closer to our
 home. When friends come
 to visit, I can get a
 bottle of wine for them.

12 Oct 2013 Louise Gosselin
 Date Signature

CITY OF VICTORIA

LICENSEE RETAIL STORES REZONING POLICY

LICENSEE RETAIL STORE REZONING PETITION

I, Hillside Center Holdings Inc. have applied to the City of Victoria for rezoning of property, located at 1580 Hillside Avenue to permit a retail liquor store.

The City of Victoria requires that all residents and owners of neighbouring lots be polled to determine the acceptability of the proposal.

Please review the plans and indicate the following:

NAME: (please print) DENIS BOSSEWIN

ADDRESS: 403-1580 Hillside Ave

Are you the registered owner? Yes ☒ No ☐

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

☒ I support the application.

☐ I am opposed to the application.

Comments:

THE FULL SERVICE OUTLET
WILL BE VERY CONVENIENT
NOT FAR FROM GROCERY STORE
FOR PEOPLE WITHOUT TRANSPORT

10-10-13
Date

Denis Bossewin
Signature

CITY OF VICTORIA

LICENSEE RETAIL STORES REZONING POLICY

LICENSEE RETAIL STORE REZONING PETITION

I, Hillside Center Holdings Inc. have applied to the City of Victoria for rezoning of property, located at 1580 Hillside Avenue to permit a retail liquor store.

The City of Victoria requires that all residents and owners of neighbouring lots be polled to determine the acceptability of the proposal.

Please review the plans and indicate the following:

NAME: (please print) IRENE TAYLOR

ADDRESS: 1661 BURTON AVE, 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:

DON'T CARE - MAKES NO DIFFERENCE TO
ME DUE TO MY AGE & LIFE STYLE

OCT 16, 2013
 Date

I. Taylor
 Signature

CITY OF VICTORIA

LICENSEE RETAIL STORES REZONING POLICY

LICENSEE RETAIL STORE REZONING PETITION

I, Hillside Center Holdings Inc. have applied to the City of Victoria for rezoning of property, located at 1580 Hillside Avenue to permit a retail liquor store.

The City of Victoria requires that all residents and owners of neighbouring lots be polled to determine the acceptability of the proposal.

Please review the plans and indicate the following:

NAME: (please print) KEITH J. YOW

ADDRESS: 216-1525 HILLSIDE AVE. VICTORIA, BC.

Are you the registered owner? Yes ☒ No ☐ My WIFE & I.

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

☒ I support the application.

☐ I am opposed to the application.

Comments:

WE ALREADY HAVE A PRIVATE LIQUOR OUTLET
ACROSS THE STREET! IF THIS IS A BCLCB OUTLET,
MUCH BETTER (ESPECIALLY IF IT IS A SIGNATURE
OUTLET)

16 OCT. 2013
Date

KAY
Signature

CITY OF VICTORIA

LICENSEE RETAIL STORES REZONING POLICY

LICENSEE RETAIL STORE REZONING PETITION

I, Hillside Center Holdings Inc. have applied to the City of Victoria for rezoning of property, located at 1580 Hillside Avenue to permit a retail liquor store.

The City of Victoria requires that all residents and owners of neighbouring lots be polled to determine the acceptability of the proposal.

Please review the plans and indicate the following:

NAME: (please print) Richard David Lebrun

ADDRESS: #111-3159 Shelbourne Street, Victoria, BC, V8T 3A5

Are you the registered owner? Yes ☒ No ☐

(Question was a bit confusing. Yes, I am the tenant of Apt. 111, but no, I am not the owner of the building 3159 Shelbourne.)
I have reviewed the plans of the applicant and have the following comments: (And, no, I am not the owner of Hillside Mall or the proposed store.)

☒ I support the application.

☐ I am opposed to the application.

Comments:

I am always in favor of competition. There is currently only one liquor store in my area, on the corner of Shelbourne Street and North Dairy Road. It will be interesting to see how the new store on Hillside competes with the existing store on North Dairy Road.
On a side note, I think they are all doing a fantastic job over at Hillside Mall. It's nice to see Thrifty Foods (which I was fired from in 2010) competing with Shoppers Drug Mart's grocery section, and eventually, Target's grocery section. Also the Scotiabank wing and the new food court and the new floors look fabulous!

Wed Oct 9 2013

Date

Richard Lebrun

Signature

CITY OF VICTORIA

Date Oct 11/13

Signature

Page 43 of 230

Signature _____

Page 44 of 230

Page 45 of 230

Page 46 of 230

LICENSEE RETAIL STORES REZONING POLICY

LICENSEE RETAIL STORE REZONING PETITION

I, Hillside Center Holdings Inc. have applied to the City of Victoria for rezoning of property, located at 1580 Hillside Avenue to permit a retail liquor store.

The City of Victoria requires that all residents and owners of neighbouring lots be polled to determine the acceptability of the proposal.

Please review the plans and indicate the following:

NAME: (please print) BRUCE MACKAY

ADDRESS: 245-3066 Shelbourne St.

Are you the registered owner? Yes ☒ No ☐

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

☒ I support the application.

☐ I am opposed to the application.

Comments:

I see no reason to oppose and anything
that will make Hillside shall more
successful & vibrant will benefit the
surrounding businesses and community.
Thumbs Up! Good Luck!!

Oct 17, 2013
 Date

Bruce Mackay BSc PT
 Signature

CITY OF VICTORIA

LICENSEE RETAIL STORES REZONING POLICY

LICENSEE RETAIL STORE REZONING PETITION

I, Hillside Center Holdings Inc. have applied to the City of Victoria for rezoning of property, located at 1580 Hillside Avenue to permit a retail liquor store.

The City of Victoria requires that all residents and owners of neighbouring lots be polled to determine the acceptability of the proposal.

Please review the plans and indicate the following:

NAME: (please print) N. J. STEWART

ADDRESS: 311 - 3051 Shelbourne 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:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or printed text on the paper.

Oct. 11, 2013
Date


Signature

CITY OF VICTORIA

LICENSEE RETAIL STORE REZONING PETITION

I, Hillside Center Holdings Inc. have applied to the City of Victoria for rezoning of property, located at 1580 Hillside Avenue to permit a retail liquor store.

The City of Victoria requires that all residents and owners of neighbouring lots be polled to determine the acceptability of the proposal.

Please review the plans and indicate the following:

NAME: (please print) GENE + JETTE DENLUCK

ADDRESS: 1530 EDGEWARE ROAD

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:

There is no need for "another" liquor store
in Beer Area. We have the ones at:

1. NORTH Dairy + Shelburne - 2. STICK BOURN + Cedar Hill + Kel
3. Fort + Foul Bay 4. Hillside + Orvedon
5. Hillside + Blanshard 6. Park of Immigration Hotel.

What we need is a Yarn Shop -
Fabric Shop - Hobby + Craft Store !!

We've lived here since 1969 - I used to work in the mall.
There is nothing for those of us that like to keep our

Date 11/13

J Denluck
 Signature

hands + minds Busy, other than Bolen Books.
Thank Goodness for Bolen Books.

CITY OF VICTORIA

Clothes, jewellery, shoes, Cel phones, for Cods Sake,
How many do we need ??

cc. jo

LICENSEE RETAIL STORES REZONING POLICY

LICENSEE RETAIL STORE REZONING PETITION

I, Hillside Center Holdings Inc. have applied to the City of Victoria for rezoning of property, located at 1580 Hillside Avenue to permit a retail liquor store.

The City of Victoria requires that all residents and owners of neighbouring lots be polled to determine the acceptability of the proposal.

Please review the plans and indicate the following:

NAME: (please print) KAREN BROCK.

ADDRESS: #315 1525 HILLSIDE

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:

THERE ARE 2 LIQUOR STORES
CLOSE BY, ONE AT SHELBORNE & MORT DAIRY.
THE OTHER (A SPECIALTY LIQUOR STORE AS
WELL) AT HILLSIDE & QUADRA IN FAIRWAYS
PLAZA. THE CURRENT STORES COULD BE
PUT OUT OF BUSINESS.

(MY FAMILY WILL NOT ATTEND
THE HILLSIDE ONE.)

Oct 14/13.
Date

K. L. Brock.
Signature

CITY OF VICTORIA

Page 51 of 230

LICENSEE RETAIL STORES REZONING POLICY

LICENSEE RETAIL STORE REZONING PETITION

I, Hillside Center Holdings Inc. have applied to the City of Victoria for rezoning of property, located at 1580 Hillside Avenue to permit a retail liquor store.

The City of Victoria requires that all residents and owners of neighbouring lots be polled to determine the acceptability of the proposal.

Please review the plans and indicate the following:

NAME: (please print) Elaine Vingvist

ADDRESS: #316-1525-Hillside Ave, Victoria, B.C.
V8T 2C1

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 well established ^{Local} and much liked "Hillside Liquor Store", (Located on the convenient corner of N. Dairy + Shelbourne St.) would be greatly harmed by this proposal, (financially and otherwise -

The Mall doesn't have to have everything!!

12 Oct. 2013
Date

Elaine Vingvist
Signature

CITY OF VICTORIA

LICENSEE RETAIL STORES REZONING POLICY

LICENSEE RETAIL STORE REZONING PETITION

I, Hillside Center Holdings Inc. have applied to the City of Victoria for rezoning of property, located at 1580 Hillside Avenue to permit a retail liquor store.

The City of Victoria requires that all residents and owners of neighbouring lots be polled to determine the acceptability of the proposal.

Please review the plans and indicate the following:

NAME: (please print) Fred Curvelo

ADDRESS: 1624 Edgeware

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:

There is already a liquor store located
at Shelbourne & North Dairy

Oct 10, 2013
Date

Fred Curvelo
Signature

CITY OF VICTORIA

LICENSEE RETAIL STORES REZONING POLICY

LICENSEE RETAIL STORE REZONING PETITION

I, Hillside Center Holdings Inc. have applied to the City of Victoria for rezoning of property, located at 1580 Hillside Avenue to permit a retail liquor store.

The City of Victoria requires that all residents and owners of neighbouring lots be polled to determine the acceptability of the proposal.

Please review the plans and indicate the following:

NAME: (please print) Audrey C Price

ADDRESS: 419-3150 Shelbourne St

Are you the registered owner? Yes ☐ No ☒

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

☐ I support the application.

☒ I am opposed to the application.

Comments:

I see no reason for another Liquor Outlet in the area, as there is one on the corner of Shelbourne St + North Dickey Rd. A retail location would bring more traffic onto an already crowded area.

13-10-2013

Date

A C Price

Signature

CITY OF VICTORIA

LICENSEE RETAIL STORES REZONING POLICY

LICENSEE RETAIL STORE REZONING PETITION

I, Hillside Center Holdings Inc. have applied to the City of Victoria for rezoning of property, located at 1580 Hillside Avenue to permit a retail liquor store.

The City of Victoria requires that all residents and owners of neighbouring lots be polled to determine the acceptability of the proposal.

Please review the plans and indicate the following:

NAME: (please print) JILL & SAMAN JAHANSEZDI

ADDRESS: 1615 CLAWTHORPE Ave vic. Bc v8T 2R9

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:

1) we were not informed about the information meeting that was held at Oakland Community Centre first Oct. 2013

2) we have already a liquor store at the corner of Selbourne and North-Dairy Rd.

3) adding another liquor store would be undesirable and could attract rowdiness and unruly behaviour.

4) This mall by its present expansion has gone beyond the needs of its neighbourhood and its surrounding.

Please note: we are already disgusted by its expansion and the inconvenience, noise, traffic jams and all for what? This is an ugly monstrosity that has damaged our neighbourhood.

Date
9th Oct. 2013

[Signature]
Signature

CITY OF VICTORIA

LICENSEE RETAIL STORES REZONING POLICY

LICENSEE RETAIL STORE REZONING PETITION

I, Hillside Center Holdings Inc. have applied to the City of Victoria for rezoning of property, located at 1580 Hillside Avenue to permit a retail liquor store.

The City of Victoria requires that all residents and owners of neighbouring lots be polled to determine the acceptability of the proposal.

Please review the plans and indicate the following:

NAME: (please print) RON HAWATSON

ADDRESS: 1653 BURTON AVENUE

Are you the registered owner? Yes ☒ No ☐

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

☐ I support the application.

☒ I am opposed to the application.

Comments:

THERE IS A WONDERFUL LIQUOR STORE AT THE
CORNER OF NORTH DAIRY & SIBLEY AVE. & I
THINK ANOTHER ONE SO CLOSE WOULD BE REDUNDANT

Oct 10, 2013

Date

[Signature]

Signature

CITY OF VICTORIA

LICENSEE RETAIL STORES REZONING POLICY

LICENSEE RETAIL STORE REZONING PETITION

I, Hillside Center Holdings Inc. have applied to the City of Victoria for rezoning of property, located at 1580 Hillside Avenue to permit a retail liquor store.

The City of Victoria requires that all residents and owners of neighbouring lots be polled to determine the acceptability of the proposal.

Please review the plans and indicate the following:

NAME: (please print) Mike Wardell
 ADDRESS: #16 - 1537 Hillside Ave.

Are you the registered owner? Yes ☐ No ☒

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

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

Comments:

There is already a full service
liquor store on the adjacent property
(Shelbourne & North Dairy) and
a government liquor store 2 minutes
away from the mall. There is
absolutely no need for this development
and if the application is granted
it will definitely down grade the
clientele at the mall. Hardly

This is hardly a family friendly
establishment and would not be
a positive addition to Hillside mall.

Oct 10 / 13
 Date

M.M.C. Wardell
 Signature

CITY OF VICTORIA

LICENSEE RETAIL STORES REZONING POLICY

LICENSEE RETAIL STORE REZONING PETITION

I, Hillside Center Holdings Inc. have applied to the City of Victoria for rezoning of property, located at 1580 Hillside Avenue to permit a retail liquor store.

The City of Victoria requires that all residents and owners of neighbouring lots be polled to determine the acceptability of the proposal.

Please review the plans and indicate the following:

NAME: (please print) LAURIE BOBKOSKE

ADDRESS: 1575 HILLSIDE AVE

Are you the registered owner? Yes ☒ No ☐

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

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

Comments:

SHOULD THIS PASS, THIS THE 'LIQUOR SUPPLIER'
BE ALLOWED TO MOVE INTO THE AREA,
IT WILL PROBABLY DESTROY THE BUSINESS
OF HILLSIDE LIQUOR STORE LOCATED @
3201 SHELBOURNE ST.

I SUPPORT INDIVIDUAL BUSINESSES WHEN
I CAN.

OCT. 11th/13.

Date

[Signature]

Signature

CITY OF VICTORIA

LICENSEE RETAIL STORES REZONING POLICY

LICENSEE RETAIL STORE REZONING PETITION

I, Hillside Center Holdings Inc. have applied to the City of Victoria for rezoning of property, located at 1580 Hillside Avenue to permit a retail liquor store.

The City of Victoria requires that all residents and owners of neighbouring lots be polled to determine the acceptability of the proposal.

Please review the plans and indicate the following:

NAME: (please print) Sara Hearst

ADDRESS: 1580 Hillside Ave - Unit E

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:

This city does not need any more liquor stores
It will be a hang out for homeless and vagrants
will frequent this area more often.
There are many schools in this area, and this
this will have no good impact on the community.

Oct 16/13
Date

[Signature]
Signature

CITY OF VICTORIA

LICENSEE RETAIL STORES REZONING POLICY

LICENSEE RETAIL STORE REZONING PETITION

I, Hillside Center Holdings Inc. have applied to the City of Victoria for rezoning of property, located at 1580 Hillside Avenue to permit a retail liquor store.

The City of Victoria requires that all residents and owners of neighbouring lots be polled to determine the acceptability of the proposal.

Please review the plans and indicate the following:

NAME: (please print) DEVON CROSBY / Shelley Xu
ADDRESS: 1563 WESTALL AVE

Are you the registered owner? Yes ☒ No ☐

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

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

Comments:

OF NO BENEFIT TO COMMUNITY.

Oct 1, 2013
Date

[Signature]
Signature

CITY OF VICTORIA

LICENSEE RETAIL STORES REZONING POLICY

LICENSEE RETAIL STORE REZONING PETITION

I, Hillside Center Holdings Inc. have applied to the City of Victoria for rezoning of property, located at 1580 Hillside Avenue to permit a retail liquor store.

The City of Victoria requires that all residents and owners of neighbouring lots be polled to determine the acceptability of the proposal.

Please review the plans and indicate the following:

NAME: (please print) Joe Bonafant

ADDRESS: 1035 PROSPERITY ST

Are you the registered owner? Yes ☐ No ☒

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

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

Comments:

I AM very opposed to this application. The
area is already well served in the area of liquor
availability. This does not make me want any better. In
fact I see it affecting local business adversely.

Oct 1 / 15
 Date

[Signature]
 Signature

CITY OF VICTORIA

LICENSEE RETAIL STORES REZONING POLICY

LICENSEE RETAIL STORE REZONING PETITION

I, Hillside Center Holdings Inc. have applied to the City of Victoria for rezoning of property, located at 1580 Hillside Avenue to permit a retail liquor store.

The City of Victoria requires that all residents and owners of neighbouring lots be polled to determine the acceptability of the proposal.

Please review the plans and indicate the following:

NAME: (please print) Sandra Brown

ADDRESS: 2396 Florence 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:

There is zero need for a liquor store
in this area as there is one on every
second intersection within this area +
surrounding neighbourhoods.

Oct 31/13
Date

Sandra Brown
Signature

CITY OF VICTORIA

LICENSEE RETAIL STORES REZONING POLICY

LICENSEE RETAIL STORE REZONING PETITION

I, Hillside Center Holdings Inc. have applied to the City of Victoria for rezoning of property, located at 1580 Hillside Avenue to permit a retail liquor store.

The City of Victoria requires that all residents and owners of neighbouring lots be polled to determine the acceptability of the proposal.

Please review the plans and indicate the following:

NAME: (please print) ERIC ECKDAHL

ADDRESS: 2843 SHAKESPEARE 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:

WE DON'T NEED ANOTHER LIQUOR STORE
INSIDE OF A 500 YARD DISTANCE OF EACH
OTHER. THE PEOPLE WHO WANT IT WOULDN'T
EVEN IDENTIFY THEMSELVES.

OCT 1 / 13
Date

Eric Eckdahl
Signature

CITY OF VICTORIA

Oaklands Community Association Land Use Committee
October 1, 2013
2629 Victor Street.

In attendance: Jeff Lougheed, Land Use Chair, Clair Campbell Director
By Invitation: Melissa Ollsin, Property owner
21 Community Members attended

The Chair welcomed everyone and introduced the role of the committee, advising that this committee facilitates the meeting and introduces the proponent to the community in order to work together and exchange ideas on the proposed project. The Chair then called the meeting to order and requested that Melissa Ollsin make her presentation regarding the garden suite.

Jim Aalder and Gleen Shyba

Made introductory remarks.

Jim Aalder, discussed process and new regulations which drives the site specific rezoning. He also discussed proposed location (in old shoppers drug mart). Further he discussed the process to rezoning. What is required in the process, he also discussed design and look of the store location.

Glen Shyba

Provided details on the location and size of the proposed location for the store, suggest the store would be 8,400 sq.ft. location, half of current shoppers drug mart He also discussed the parking and suggested that a there is a Significant parking field located in front of the store location. Access of main corridors and controlled intersection which is soon to be accessible.

He suggest that the location is positioned so as to be removed from neighbourhood.

The store has enclosed loading dock to help with views and look of the mall with interior corridor for additional cover for loading and unloading

He talked about how the center has 24 hour security, which isn't typically found in smaller local stores.

Questions regarding the location of existing liquor store.

Is there a bylaw for proximity to other liquor stores?

No there is not a regulation.

Who is the user: Not able to speak to the specifics of tenant.

Who are you acting for.

Where are you from?

Glen gave explication of who the owner. Canadian Pension fund, managed by TriOvest

Provide a scale for the size of the store.

How does the process work to identify who and what type of user goes into locations?

Tenant in this case approached the landlord but this is not always the case. This tenant approached us two years ago.

Does the rezoning apply to the entire zoning?

The location as identified could change the zoning applies to the entire mall and not just the proposed location.

Comments regarding the proximity to Schools and how that is going to be regulated.

How is this pitch helping the community?

Has a hard time evaluation, tenant makes the determination as to where they want to go. Can't respond to how they make that decision.

Attendant wanted to know how Oaklands is going to get identity and suggested that this is not contributing to identity. (More a comment than a real question) but wanted to get out how this is going to contribute to overall community vision.

Can you go over the new traffic flow of the Mall and how car traffic is going to be addressed?

New access located at the end of Shankspear, to allow for traffic flow. New location makes significant improvements to traffic flow in the area.

Additional parking located on the second floor of the mall, 200 cars.
Bus flow and traffic circulation are being improved.

How does this benefit the community?

Again, it is the decision of the operator.

Comments regarding the community benefit. Some attendants wanted to know if the center could be more family or community minded.

Attendance generally comment that the center is already family orientated due to the tenant mix, its location within the neighbourhood and how the proximity to rec centers provides another option for families. Suggested that the community is very family friendly.

Has there been discussion with regards to the liquor process and how new BC Government regulations are prosessed to be changed.

Is the liquor license a new license of is it an existing one?

Does not know if the license is current or is new.

From the centers point of view, is this a tenant that you want?

General answer, yes the Landlord is interested and yes the Liq store is a use that they would like. Typically liquor stores want to be in large scale centers.

Follow up questions: at what point does the tenant have to tell them who they are?

When they are ready, it is up to the tenant to disclose who they are when they feel the time is correct.

Meeting closed.

Planning and Land Use Committee Report

Date: December 19, 2013 **From:** Helen Cain, Senior Planner

Subject: **Rezoning Application #00411 and Development Permit for 97 Cook Street**
Application to rezone to permit the retention of an existing house on a new lot and construction of small-lot house

Executive Summary

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application and a Development Permit Application for the property located at 97 Cook Street. The application is to rezone the property at 97 Cook Street from the R1-B Zone (Single Family Dwelling District) to permit the retention of a Heritage-Registered house on a subdivided lot and the construction of a new small-lot single-family dwelling. Because this heritage house has greater total floor area than allowable under its current zoning, it will require a new custom zone.

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 the 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.
- The applicant has completed the Small Lot House Petition with an acceptable level of support (80%) from the adjacent residents and property owners.
- The owners have applied to designate the Heritage-Registered house should Council approve this Rezoning Application.

Given the proposal is consistent with the OCP policy and design guidelines, staff are recommending that these applications proceed for consideration at a Public Hearing, subject to referral to Heritage Advisory Panel.

Recommendations

1. That Rezoning Application #00411 for 97 Cook Street proceed for consideration at a Public Hearing, subject to:
 - a. preparation of the necessary *Zoning Regulation Bylaw* amendments for the existing single family dwelling and a new small-lot house;
 - b. referral of the owners' Heritage Designation Application to Heritage Advisory Panel.

2. Subject to adoption of the *Zoning Regulation Bylaw* amendments, that Council authorize:
- a. heritage designation of the Heritage-Registered house located at 97 Cook Street;
 - b. issuance of a Development Permit, in accordance with:
 - i. plans date stamped October 29, 2013,
 - ii. development meeting all *Zoning Regulation Bylaw* requirements,
 - iii. final plans to be in accordance with plans identified above.

Respectfully submitted,



Helen Cain
Senior Planner
Development Services Division

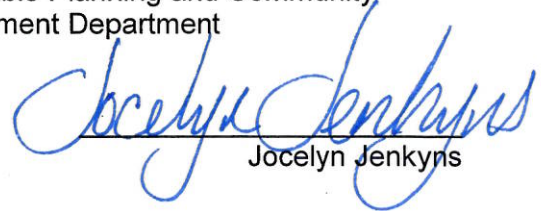




Deb Day, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

HC:aw


Jocelyn Jenkyns

S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\REZ\REZ00411\PLUSC REPORT_REZ_97 COOKSTREET_NOV14_2013.DOC

1.0 Purpose

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application and a Development Permit Application for the property at 97 Cook Street.

2.0 Background

2.1 Heritage Property

The existing house is listed on the City of Victoria's Heritage Register and the owner has applied for heritage designation concurrent with this Rezoning Application. Should Council wish to proceed to a Public Hearing with the current proposal, staff will bring forward a report on the owners' request for heritage designation for consideration by the Heritage Advisory Panel.

2.2 Description of Proposal

The subject site is a corner lot at the intersection of Cook Street and Faithful Street. The applicant proposes to rezone the property located at 97 Cook Street from the R1-B Zone (Single Family Dwelling District) to permit subdivision with retention of the heritage house on Lot 1 ("Heritage House Lot") and construction of a small-lot house on Lot 2 ("Lot 2 House"). The latter will comply with all the criteria in the R1-S2 Zone (Restricted Small Lot Two Storey District). However, the heritage house has existing conditions that are legally non-conforming for the R1-B Zone. This single family dwelling with a secondary suite has a total floor area of 400.76 m², whereas the maximum permitted is 300m², and is three storeys, but the maximum allowed is two storeys. In addition, the new Heritage House Lot has a proposed rear setback of 5.65 m, whereas the R1-B Zone requires 8.39 m. A new custom zone for the Heritage House Lot will be necessary because the total floor area of the single family dwelling will exceed the R1-B Zone.

The proposed site plan, design and landscaping for the garden suite include:

- siding and details: fibre-cement shingles (painted beige) on the bottom and upper façade with HardiePlank (painted beige) portions on the second storey.
- windows and entrances: vinyl windows (white) with wood trim at the building's baseline, fascia, three gable elements in the roofline and above the main entrance and a recessed built-in garage with wood door (painted beige).
- driveway, paths and patios: the driveway to the existing house will be retained in its current location, crossing over Faithful Street, with the surface treatments of concrete and landscaping strip. For the proposed small-lot house, there will be a new crossing on Faithful Street and a driveway with a permeable surface treatment leading to a garage built into the front elevation of this new dwelling. In addition, the latter will have a rear patio, surfaced in concrete.
- trees and plantings: existing shrubs on the Heritage House Lot will be retained and a new tree and shrubs planted behind the driveway, where an accessory building will be demolished. A number of trees will be removed from Lot 2 for construction of the small-lot house, which will have new plantings along its front and rear elevations and a non-grassed area in the southwest corner of the rear yard.
- fence: a new wood fence is proposed to separate the existing and new houses.

2.3 Land Use Context

The subject property is located at the corner of Faithful Street and Cook Street. Along Faithful Street, the place character is predominantly single-family dwellings and Cook Street is similar but has a park setting, given its location directly across from the east edge of Beacon Hill Park. Three blocks to the north is Cook Street Village with a cluster of community and commercial services. New infill that is low-density, low-scale residential development in ground-oriented housing forms is well-suited to this context in south Fairfield.

The immediate land use context includes:

- on the 1100-block of Faithful Street, 12 parcels are in the R1-B Zone, Single Family Dwelling District, one parcel is in the R1-S Zone, Single Family Dwelling Small Lot District, and one parcel is in the R1-21 Zone, Faithful Bed and Breakfast District
- on the east side of Cook Street, three parcels are in the R1-B Zone, Single Family Dwelling District and Beacon Hill Park is located on the west side of that street.

2.4 Community Consultation

The applicant consulted with the Fairfield Gonzales Community Association on July 15, 2013. Correspondence from their Land Use Committee is attached to this staff report.

With respect to the Small Lot Housing Rezoning Policy petition, the required poll of neighbours (attached) was conducted in 2013 and yielded 80% support.

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 ²) – minimum	710.42	460	260.1	260
Lot width (m) – minimum	21.15	15	12.3	10.00
Total floor area (m ²) – maximum	400.76**	300	130.81	190
Density (Floor Space Ratio) – maximum	0.56:1	n/a	0.5:1	0.6:1
Height (m) – maximum	6.95	7.60	7.39	7.50
Storeys – maximum	3**	2	2	2
Site coverage (%) – maximum	27.2	40	31.4	40
Setbacks (m) – minimum				
Front	9.87 (building) 5.69** (stairs)	7.50	6.00 6.00	6.00
Rear	5.65*	8.39	1.50	6.00
Side	6.39 (south)	2.12	1.50	1.50
Side	3.89 (building) 3.45** (stairs)	3.50		1.50

Combined side yards	9.84	4.5	3	n/a
Vehicle Parking – minimum	1 space	1 space	1 space	1 space

2.7 Legal Description

Lot 20, 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 97 Cook 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 97 Cook Street is consistent with DPA 15A objectives to achieve infill that is a high-quality design and that respects the established place 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 site is a corner lot with a heritage house that has a front yard on Cook Street and a rear yard on Faithful Street in the eastern portion of the land parcel, where a new small-lot house is proposed on a subdivided lot. This new dwelling ("Lot 2 House") will front onto Faithful Street with a south rear yard and side yard setbacks separating the small-lot house from the neighbouring property to the east and from the heritage house on Lot 1 ("Heritage House Lot"). While these side yards are both landscape strips of 1.5 m, the east elevation will have only one small upper-storey window and no windows are proposed on the western elevation, which will protect the privacy of the adjacent neighbours.

2.8.2 Architectural Envelope

No exterior changes to the heritage house are proposed. With respect to the small-lot house, the form and massing will be compatible with the block of Faithful Street between Cook Street and Cambridge Street where houses range in scale, size, and character. The heritage house is a Craftsman style which will complement the proposed house design. Generally, the new small-lot house is influenced by Arts and Crafts architectural styles as seen in features such as the gable roof elements with broad eaves, wood brackets and trim detail, and shingled siding.

2.8.3 Openings

The main entrance of the small-lot house will be a prominent feature of the Faithful Street elevation, centrally sited in the front façade with a gable roof. While this frontage will also have a built-in garage, the entrance will be set back from the building face and painted in a colour that blends with the lower façade. On the rear (south) elevation, there will be patio doors opening to the outdoor amenity space with landscaping for private enjoyment. While the rear of the house has five proposed windows that face the rear yard of the adjacent house to the south, the depth of the back yard (6.4 m) and a new tree planted near the common east and south property lines will contribute to the protection of the privacy of adjacent residents.

2.8.4 Texture and Detail

The colour palette for the small-lot house will be neutral with a mix of materials and textures such as beige fibre-cement shingles and HardiePlank horizontal siding, white vinyl windows, a wood garage in beige and a wood front door, bracket details and window trim.

2.8.5 Landscaping

No new landscape design is proposed for the Heritage House Lot. A number of trees will be removed from Lot 2 with new shrubs and groundcover along the building face of the front and rear elevations of the small-lot house. All setbacks are grassed with concrete hard surfaces for the driveway, pedestrian path along the east side of the house and back patio. In the rear yard, both a new maple tree and non-grassed garden area are proposed.

3.0 Issues

The issues related to this application are:

- Lot 1 conditions
- heritage retention.

4.0 Analysis

4.1 Lot 1 Conditions

The proposed Lot 1 will not match some criteria of the R1-B Zone (Single Family Dwelling District). The total floor area (400.76 m²) of the heritage house is greater than standard (300 m²) and the house is three storeys in height, whereas the maximum allowed is two storeys. The north and west setbacks from the front stairs (5.69 m) and side steps (3.45 m) are more narrow than standardly required, and the newly created rear (east) setback (5.6 m) will be substandard. These are all supportable given that most are existing, legal non-conforming conditions. The east setback, which is the only new variance, will be mitigated by the existing driveway location and a new tree separating the Heritage House Lot from the small-lot house on Lot 2.

4.2 Heritage Retention

Retention of the existing house on Lot 1 is consistent with the Small Lot House Policy, which does not support the demolition of single family dwellings, and OCP objectives and policies to conserve built heritage, which is integral to place character.

5.0 Resource Impacts

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

Options

Option One (Recommended)

1. That Rezoning Application #00411 for 97 Cook Street proceed for consideration at a Public Hearing, subject to:
 - a. preparation of the necessary *Zoning Regulation Bylaw* amendments for the existing single family and a new small-lot house;
 - b. referral of the owners' Heritage Designation Application to Heritage Advisory Panel.
2. Subject to adoption of the *Zoning Regulation Bylaw* amendments, that Council authorize:
 - a. heritage designation of the Heritage-Registered house located at 97 Cook Street;
 - b. issuance of a Development Permit, in accordance with:
 - i. plans date stamped October 29, 2013,
 - ii. development meeting all *Zoning Regulation Bylaw* requirements,
 - iii. final plans to be in accordance with plans identified above.

Option Two (Decline Application)

That Council decline Rezoning Application #410 and the issuance of a Development Permit.

7.0 Conclusions

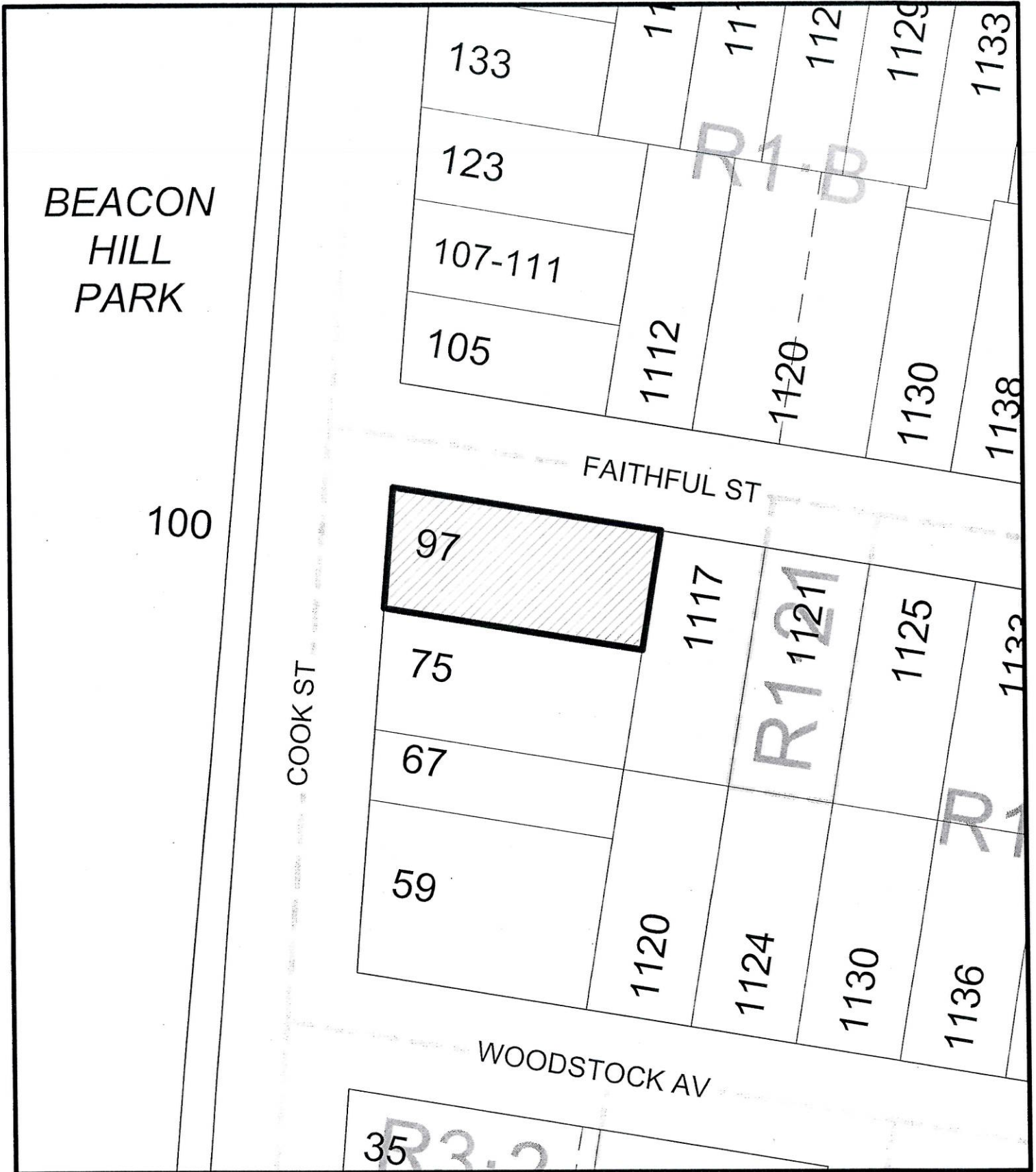
This proposal is consistent with the OCP objectives and guidelines for sensitive infill in the form of a small-lot house development in residential areas with established place character. While the new lot with the heritage house will be substandard in relation to relevant zoning standards, the proposal is supportable because the impacts on the privacy of adjacent residents will be limited. Additionally, the voluntary designation of the Heritage-Registered house is a community benefit.

8.0 Recommendation

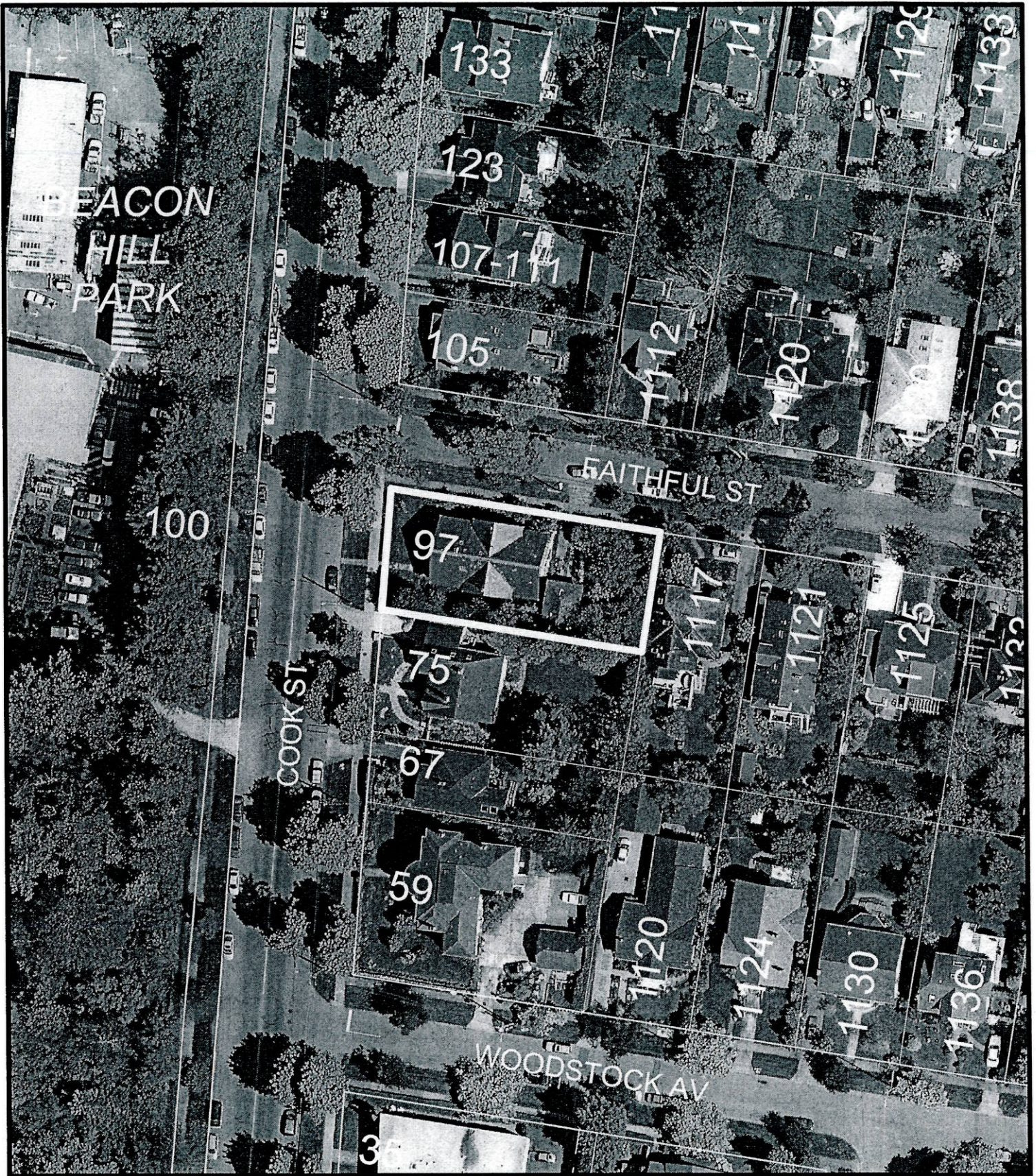
1. That Rezoning Application #00411 for 97 Cook Street proceed for consideration at a Public Hearing, subject to:
 - a. preparation of the necessary *Zoning Regulation Bylaw* amendments for the existing single family and a new small-lot house;
 - b. referral of the owners' Heritage Designation Application to Heritage Advisory Panel.
2. Subject to adoption of the *Zoning Regulation Bylaw* amendments, that Council authorize:
 - a. Heritage designation of the Heritage-Registered house located at 97 Cook Street
 - b. Issuance of a Development Permit, in accordance with:
 - i. plans date stamped October 29, 2013,
 - ii. development meeting all *Zoning Regulation Bylaw* requirements,
 - iii. final plans to be in accordance with plans identified above.

9.0 List of Attachments

- Zoning map
- Aerial photo
- Letter from Heather Andrews and William Curran, stamped September 19, 2013
- Plans for Rezoning Application #00410, stamped September 19, 2013
- Summary and Responses to Small Lot House Rezoning Petition
- Fairfield Gonzales Community Association correspondence dated July 15, 2013, and July 22, 2013.



97 Cook Street
Rezoning #00411
Bylaw #



97 Cook Street
Rezoning #00411
Bylaw #



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 RI-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.

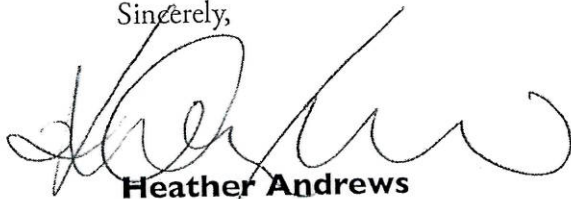
The present zoning would allow for 2 new residences without any public input but with the potential loss to our heritage streetscape. There is clearly adequate public infrastructure in place and the Victoria engineering department has stated that there will be no need to widen either Cook or Faithful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

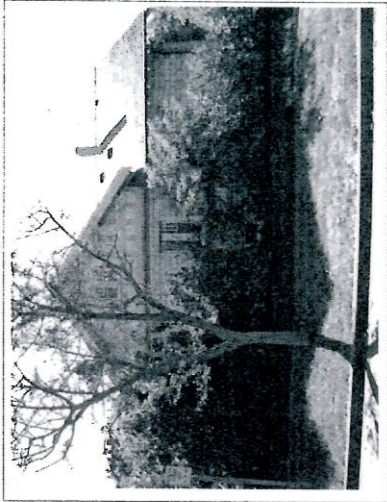
Sincerely,

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

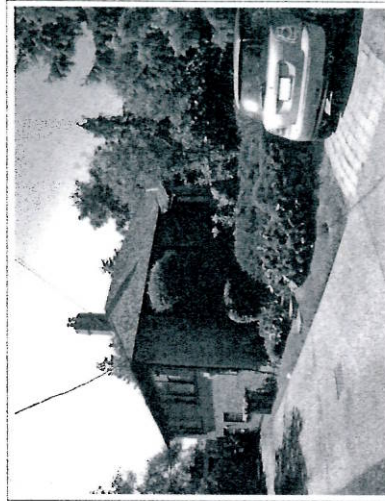
Heather Andrews

97 Cook Street, Victoria BC

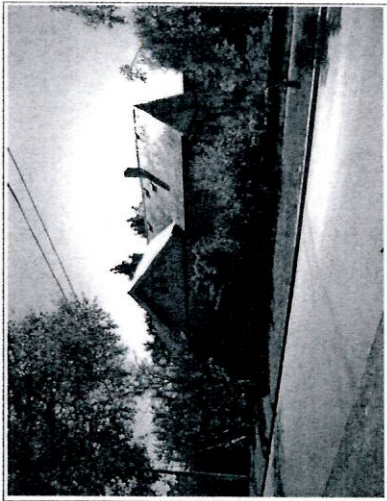
<p>Gerry Troesch Residential Design</p> <p>1000 West 10th Street, Suite 100 Anchorage, Alaska 99501</p> <p>Phone 907.562.1000 Fax 907.562.1001</p>	<p>Drawn By: G. THROSCHE</p> <p>Dated: September 12, 2003</p> <p>Scale: AS SHOWN</p> <p>Project: Proposed Renaming of Cent Street Victalia, AK</p>	<p>Drawing Site Plan</p>	<p>Revisions:</p>	<p>Sheet 1 of 6</p>	<p>Plan No.</p>
---	--	------------------------------	-------------------	---------------------	-----------------



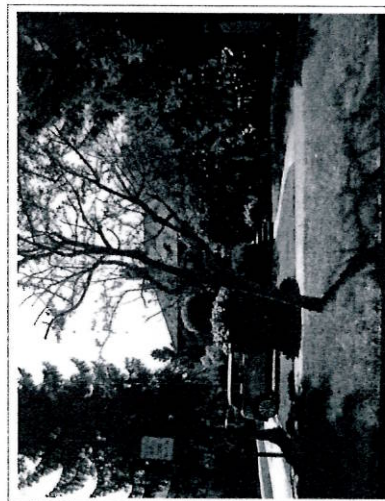
Existing House from Faithful Street



House to the East of Subject Property - 1117 Faithful Street



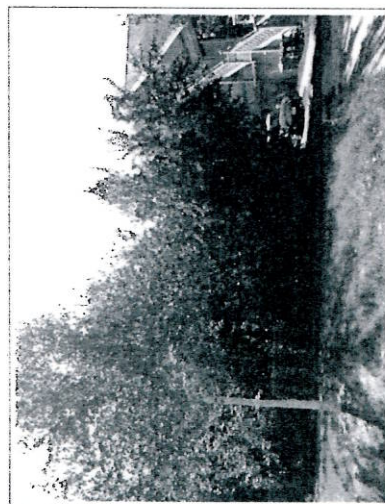
Subject Property from Faithful Street



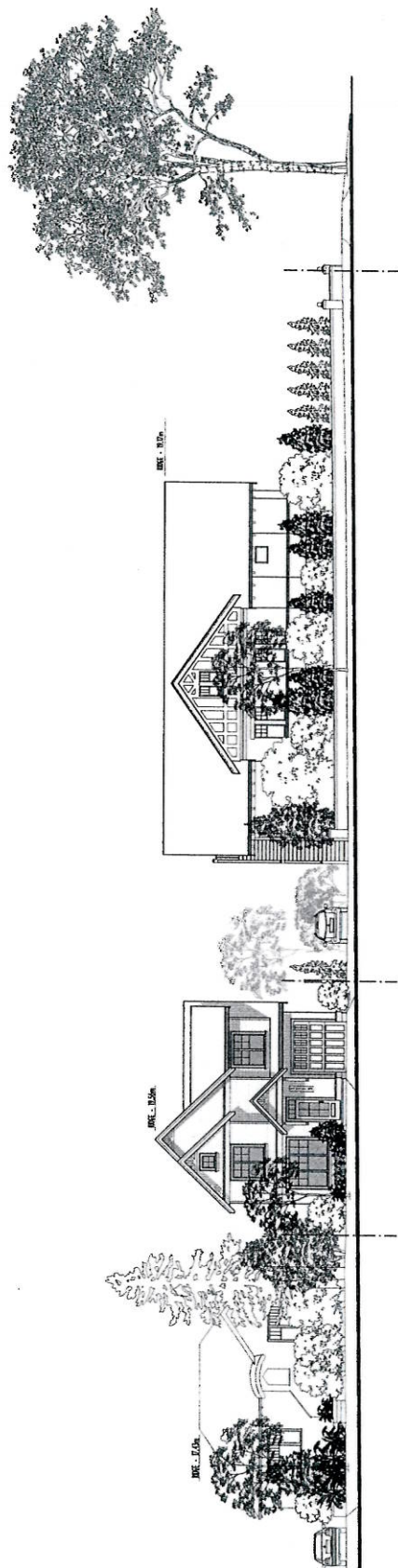
House to the East of Subject Property - 1117 Faithful Street



Subject Property from Cook Street

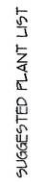







Location of New Lot & House

[illegible]

Street scape

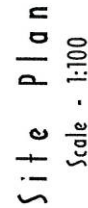
Scale - 1:100

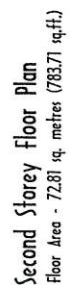
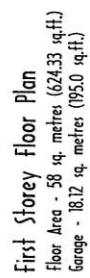
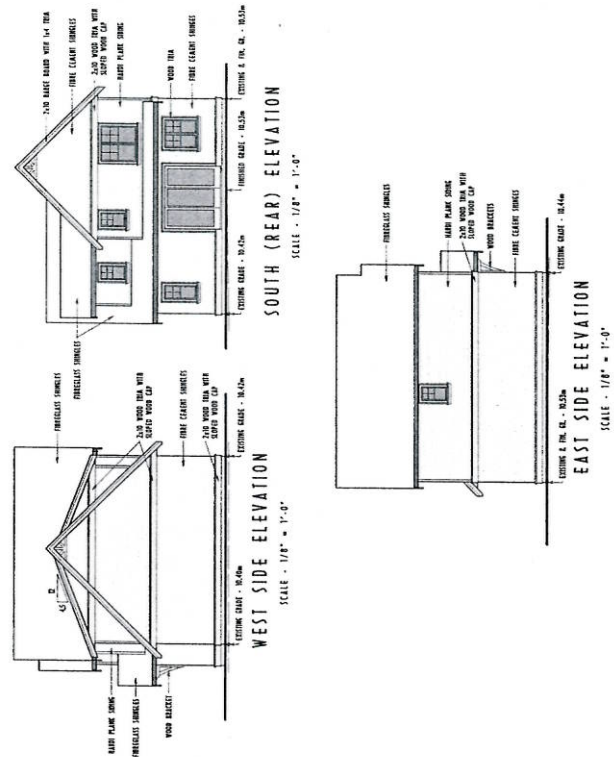


EXOTIC TREE	AS NOTED	GARDEN NAME	LATIN NAME	SIZE
 TREE	SPANISH MAPLE SPANISH OLEANDER SPANISH PINK SPANISH PINK ALM	SPANISH MAPLE SPANISH OLEANDER SPANISH PINK SPANISH PINK ALM	SPANISH MAPLE SPANISH OLEANDER SPANISH PINK SPANISH PINK ALM	10' x 10' 10' x 10' 10' x 10' 10' x 10'
 LARGE SHED	SPANISH MAPLE SPANISH OLEANDER SPANISH PINK SPANISH PINK ALM	SPANISH MAPLE SPANISH OLEANDER SPANISH PINK SPANISH PINK ALM	SPANISH MAPLE SPANISH OLEANDER SPANISH PINK SPANISH PINK ALM	10' x 10' 10' x 10' 10' x 10' 10' x 10'
 MEDIUM SHED	SPANISH MAPLE SPANISH OLEANDER SPANISH PINK SPANISH PINK ALM	SPANISH MAPLE SPANISH OLEANDER SPANISH PINK SPANISH PINK ALM	SPANISH MAPLE SPANISH OLEANDER SPANISH PINK SPANISH PINK ALM	10' x 10' 10' x 10' 10' x 10' 10' x 10'
 SMALL SHED	SPANISH MAPLE SPANISH OLEANDER SPANISH PINK SPANISH PINK ALM	SPANISH MAPLE SPANISH OLEANDER SPANISH PINK SPANISH PINK ALM	SPANISH MAPLE SPANISH OLEANDER SPANISH PINK SPANISH PINK ALM	10' x 10' 10' x 10' 10' x 10' 10' x 10'
 PLANT PLANTED	SPANISH MAPLE SPANISH OLEANDER SPANISH PINK SPANISH PINK ALM	SPANISH MAPLE SPANISH OLEANDER SPANISH PINK SPANISH PINK ALM	SPANISH MAPLE SPANISH OLEANDER SPANISH PINK SPANISH PINK ALM	10' x 10' 10' x 10' 10' x 10' 10' x 10'

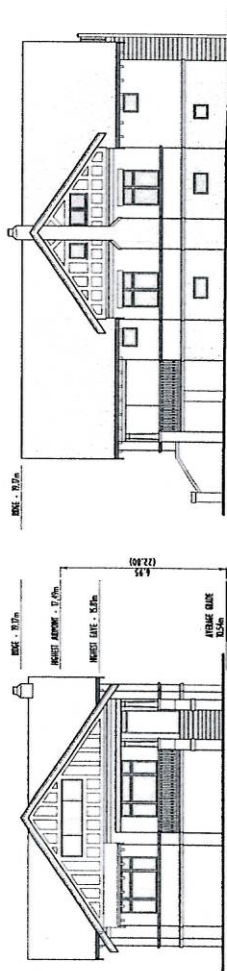
ENTER ALL LABORATORY WORK TO CORRESPOND WITH BCLNLA AND BCLNLA STANDARDS INTERPRETATIONS
IN ALL AREAS TO BE PROVIDED WITH AN AUTOMATIC LABORATORY SYSTEM

Scale - 1:100

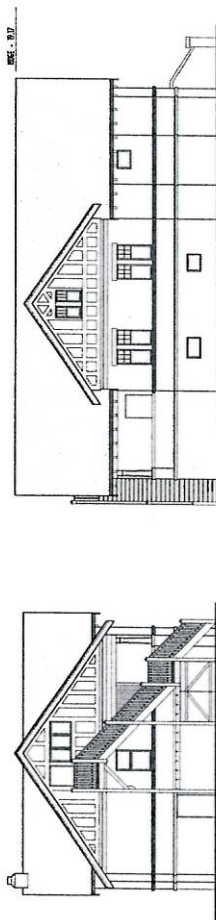
[illegible][illegible]



Gerry Troesch Residential Design 11000 15th Avenue, Suite 100 Golden, CO 80401 Tel: 303.440.1100 Fax: 303.440.1101 Email: gerry@gerrytroesch.com	Drawn By: G. Troesch Date: September 20, 2013 Scale: AS SHOWN Project: Proposed Remodel 97 Cook Street Victoria, BC	Existing: Base Finish: Plaster & Gypsum Existing:	Sheet 6 of 5 Plan No.
---	--	--	--------------------------

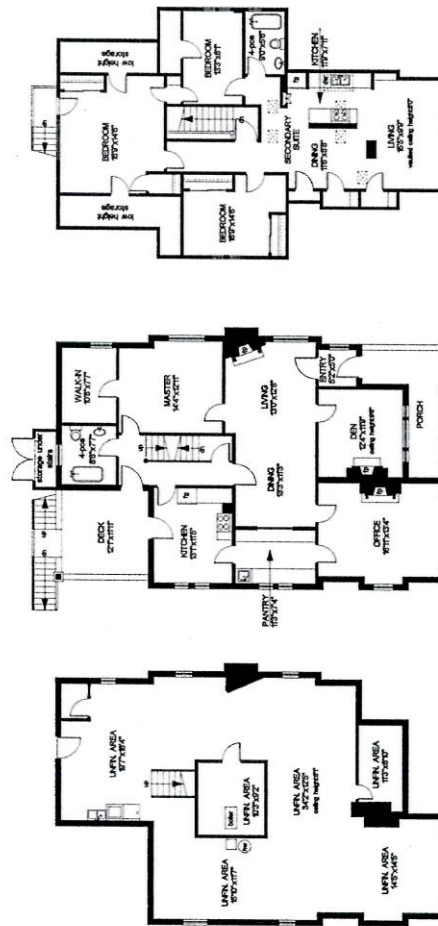


WEST (COOK STREET) ELEVATION



EAST (REAR) ELEVATION

NORTH (FAITHFUL STREET) ELEVATION



First Storey Floor Plan

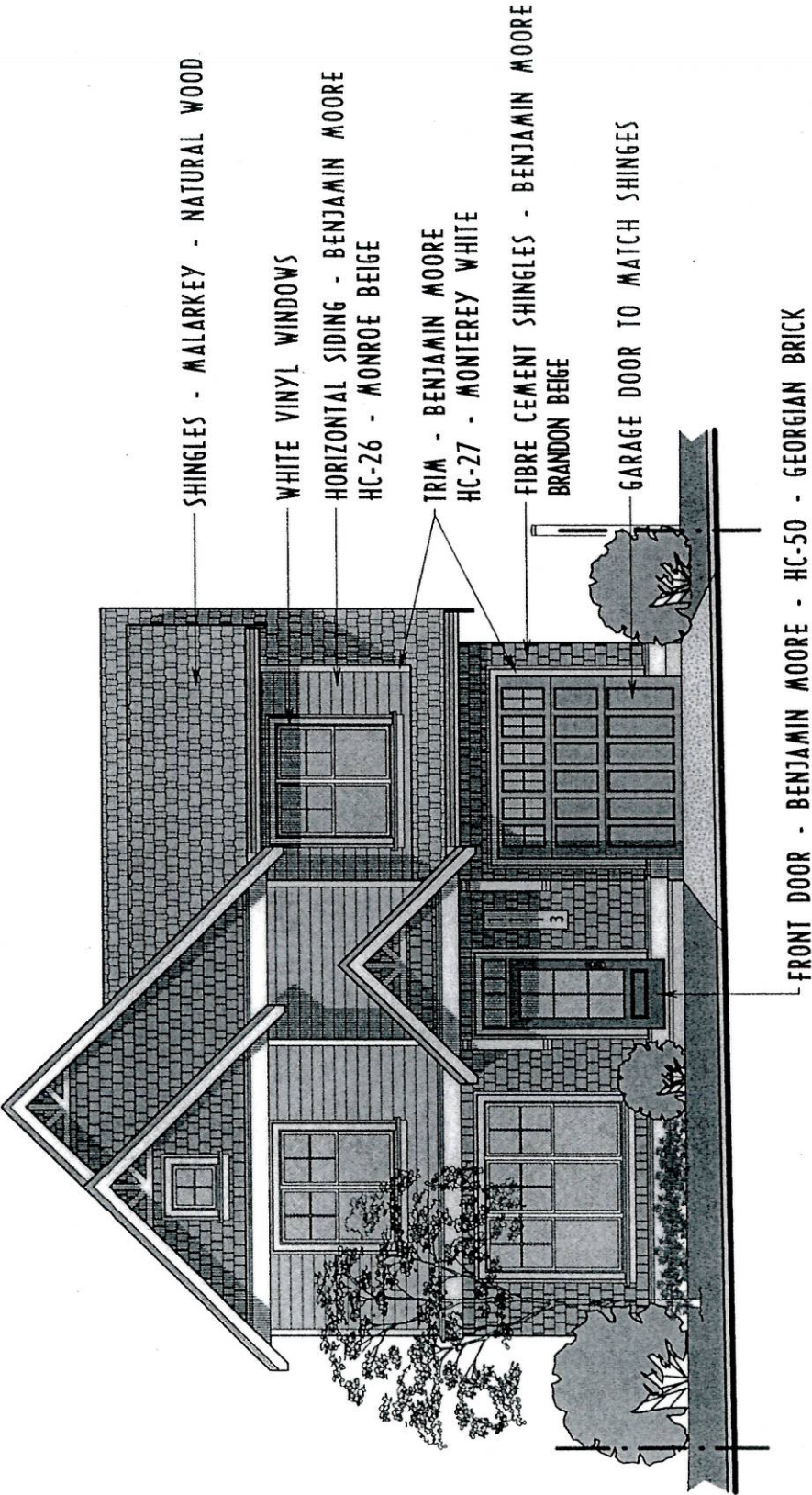
Floor Area - 136.78 sq. metres (1472.3 sq.ft.)

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	-----

Second Floor Elevators

Third Storey (Secondary Suite) Floor Plan

Floor Area - 127.2 sq. metres (1369.2 sq.ft.)



PROPOSED EXTERIOR COLOURS - 97 COOK STREET

80%

SUMMARY
SMALL LOT HOUSE REZONING PETITION

I, WAYNE NELSON, have petitioned the adjacent neighbours* in compliance with
(applicant)

the *Small Lot House Rezoning Policies* for a small lot house to be located at 97 Cook Street
(location of proposed house)

and the petitions submitted are those collected by 15/18/09/2013**
(date)

Address	In Favour	Opposed	Neutral (30-day time expired)
75 COOK STREET	✓	✓	✓
105 COOK STREET		✓	
112 FAITHFUL ST.	✓		
117 FAITHFUL ST.	✓		
1120 FAITHFUL ST	✓		
1121 FAITHFUL ST			✓

SUMMARY	Number	%
IN FAVOUR	4	80
OPPOSED	1	20
TOTAL RESPONSES	5	100%

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

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



CITY OF VICTORIA

SMALL LOT HOUSE REZONING PETITION

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

_____, am conducting the petition requirements for the
(print name)

property located at 97 Cook Street, Victoria BC, V8V 3W7

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) _____ (see note above)

ADDRESS: 105 COOK 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~~ ^{We are} opposed to the application. Proposal will create an absolute minimum-size small lot permitted under R1S2 zone, and 'join' a 2 storey residence on the small lot - an outcome that is inconsistent with, and inappropriate in, this neighbourhood.

- Comments:
- absolute minimum sized lot created under R1S2 zone and require a variance to rear-yard setback of adjoining parcel to achieve
 - absolute minimum front, rear and side yard setbacks.
 - east side yard setback is minimum 1.5 metres even though east side of proposed residence contains a window
 - maximum roof height exceeds maximum permitted under R1S2 zone creating greater mass to the house
 - all mature vegetation will be removed from the small lot.

SEPT 20 2013
Date


Signature

In addition, proposed information available with this petition does not provide assurance that the proposed residence will be the one eventually built on the small lot if created nor assurance that heritage designation of 97 Cook St will occur prior to, or concurrent with, the subdivision of property.

REQUIRED

SMALL LOT HOUSE REZONING PETITION

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

WAYNE HOLCOMB
(print name), am conducting the petition requirements for the

property located at 97 Cook Street, Victoria BC, V8V 3W7

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) ROSS KUPP / JOANNE (see note above)

ADDRESS: 1121 FAITHFUL

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:

NEUTRAL

Sept 18/13
Date

[Signature]
Signature

REQUIRED

SMALL LOT HOUSE REZONING PETITION

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

_____, am conducting the petition requirements for the
(print name)

property located at 97 Cook Street, Victoria BC, V8V 3W7

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) Alex & Kelly Galtzins (see note above)

ADDRESS: 75 Cook 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:

15/9/2013
Date

therussjand@shaw.ca
[Signature]
Signature

REQUIRED

SMALL LOT HOUSE REZONING PETITION

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

_____, am conducting the petition requirements for the

(print name)

property located at 97 Cook Street, Victoria BC, V8V 3W7

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) Renate Karis (see note above)

ADDRESS: 1112 Fairford 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:

Sept. 15, 2013
Date

Renate Karis
Signature

REQUIRED

SMALL LOT HOUSE REZONING PETITION

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

_____, am conducting the petition requirements for the
(print name)

property located at 97 Cook Street, Victoria BC, V8V 3W7

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) NOEL SCHACTER (see note above)

ADDRESS: 1117 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.

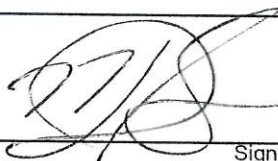
☐ I am opposed to the application.

Comments:

RELUCTANT SUPPORT

SEPT 15/13

Date



Signature

REQUIRED

SMALL LOT HOUSE REZONING PETITION

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

INDRINE HOLLOMAN, am conducting the petition requirements for the
(print name)

property located at 97 Cook Street, Victoria BC, V8V 3W7

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) KEVIN JENSEN (see note above)

ADDRESS: 1120 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:

I SUPPORT PROTECTION OF HERITAGE HOUSES
+ PRO. OR POSITIVE DEVELOPMENT IN
FAIRFIELD.

SEPT 18 2013
Date

[Signature]
Signature

Community Meeting input for FCGA July 15th, 2013

97 Cook Street

In this neighbourhood's history, homes lining Cook Street between May and Dallas were less optimally maintained, few owners on site, multiple boarding rooms and transient flop homes. Since those days, the neighbourhood has seen new homeowners take great care in restoring heritage homes, improving older homes with upgraded systems and gardens that are now joyous for visitors to pass. We now have our neighbourhood group - the Cook Street Circle includes Block Watch and Emergency Preparedness. Although you may see single-family homes, we are a diverse neighbourhood of owners with renters who love heritage and the natural environment.

Designating the Heritage Home: The house was built 1909 by John Avery, a renowned architect builder who pioneered the use of concrete block. He sold to Captain W. H. Logan who lived in the house until his death 1927. He served in the British Navy, and then became agent for the London Salvage Association from Panama Canal to Alaska.

Contribute towards our Heritage Conservation Area – requested by the Cook Street Circle 2002 (neighbourhood group) and approved by city council in the new OCP 2012 pages 142-3.

http://www.victoria.ca/assets/Departments/Planning~Development/Community~Planning/Documents/OCP/OCP_Section-21_Neighbourhood-Directions.pdf By starting the process, any redevelopment in our neighbourhood will enhance the heritage character which in turn increases property values in this stable neighbourhood. Good for everyone! We want this type of planning rather than spot rezoning causing upsets, future property speculations, and redevelopment that may not sympathetically fit in the neighbourhood.

I would like the house sold as single-family home with a secondary suite OR as a strata titled home. I have done the same with my 1912 home and although I did not strip it to provide "first home warranty", those who bought understood it was a renovated OLD home under today's building codes. In fact, the first buyer has just resold one unit which wouldn't have qualified for "first home warranty" even if we had stripped it down. I would be happy with a rentable "garden suite" in the garage – and this goes for any property in our HCA study area. Many yards in Fairfield are becoming useless because there is little space for kitchen gardens, fruit trees or backyard chickens – I would like to retain the yards in our HCA for this reason, giving it a heritage context and providing future owners the joys of having such a yard.

This neighbourhood has seen change – change for the better! And it has been a supportive neighbourhood that accepted my preschool without complaint for fourteen years, supported renters, seniors, families and students. We have supported garage sales, artist's open house, block parties, special events, etc. Some of us volunteer to restore Natural Areas in the parkland across the street. We want the city works with us on establishing HCA for future change. We do not want threats of removing homes for sub dividable lots or variances for small lots that are small enough without variances. I would encourage the realtor to find a happy buyer like he did to our current neighbours at 97 Cook Street.

Representative-Cook Street Circle: Cornelia Lange, 25 Cook St/250-382-2525/kacy@islandnet.com

**CALUC Community Meeting
Fairfield Gonzales Community Association
July 15, 2013**



In Attendance: three members of FGCA Planning and Zoning Committee (Paul Brown, George Zador and Jim Masterton)

Proposed Garden Suite 152 Moss Street

Present: 11 attendees signed in

The principle and dominant concern expressed by those attending is the additional pressure this garden suite will put on an existing parking problem in the area. Residents are concerned that the subject property that presently houses five individual residents (not a family) will now expand to up to 7 residents, potentially all with vehicles. Add on to this, an empty office building, if and when leased, will add additional stress to the parking situation.

There was much discussion on how the parking situation could be resolved however no option raised seemed to be practical.

A concern was also expressed by one resident (adjacent property) that their view could be impacted by the garden suite. This could not be determined to be the case until sight lines and building placement could be visualized.

The presenter was questioned regarding the garden suite meeting city standards and assurance was given that all such standards were met by what was being proposed.

Proposed Subdivide 97 Cook Street

Present: 7 attendees signed in

The property is presently listed for sale with a conditional offer in place.

The property was presented as being unlikely to remain in its present form, with two most likely options both not to the liking of some of those attending the meeting: the existing house torn down and replaced with a newer home or potentially two if subdivided; retaining the existing dwelling by having it designated as heritage in return for subdivision of the property to allow for a small lot and subsequent dwelling.

Some attendees questioned whether these were the most likely options/outcomes and that other outcomes were plausible.

There was discussion as to whether the City could and would designate the property heritage on its own initiative – possible though not high probability was the consensus. Other discussion around whether the legal suite that is presently part of the existing dwelling might be given up in return for the subdivision of the property.

A significant concern expressed was that subdividing the lot would detract from the larger lots most prevalent in Fairfield and the nature of the community.

General consensus was for neighbours to further discuss the situation and provide their comments to the Community Association prior to this report being submitted to the City (one week timeline). They expressed the analogy of being between a rock and a hard place.

Included as part of this report are two letters received from residents clarifying and confirming their comments and concerns.

Paul Brown
Land Use Committee
Fairfield Gonzales Community Association



RE: Rezoning, Subdivision and Heritage Designation Proposal for 97 Cook Street

Thank you for hosting the community information meeting on July 15th to allow neighbours to gain a better understanding of the proposal for 97 Cook Street that would, if approved, result in rezoning and subdividing the current parcel (Lot 20) to create an additional small lot under the R1-S2 zone, and designate the existing home on the heritage registry to preserve its heritage character. We also appreciate your willingness to briefly delay submission of the Fairfield Gonzales Community Association (FGCA) comments to allow affected neighbours to absorb what was learned at the meeting and provide comments for consideration by your Land Use Committee. We understand that this information meeting was the first step for the 97 Cook Street proposal and a formal application for rezoning, subdivision, and heritage designation has not been submitted to the City of Victoria.

The 97 Cook Street proposal as we understand it, based on the realtor's overview and responses to questions posed by community members, is to:

- Designate the home on the heritage registry in exchange for approval to rezone and subdivide the rear portion of the lot into a R1-S2 zoned small lot;
- Create the minimum-sized small lot allowed under the R1-S2 zone (260 m², 2799 ft²) that is only possible if a variance is provided on the rear yard set back (reduce from the required 25 feet to 18 feet) for the existing home on the parent parcel; and
- Remove the coach house/garage/studio to allow for future construction of a 2-storey home with a total size of approximately 1800 ft²; the R1-S2 zoning could also allow an additional basement storey.

There are obvious impacts of the proposed rezoning and subdivision on the neighbours. Most acutely, this will be felt by the immediately adjoining properties at 1117 Faithful and 93 Cook Street. These homeowners will be directly impacted by the new minimal-sized small lot and future 2-storey home as they will suffer from a dramatic loss of privacy and green space with a material effect on their quality of life and property value. In addition, all of the neighbours surrounding 97 Cook Street will be affected by the loss of mature landscaping that will accompany the development of the new lot as well as the traffic and parking issues that will inevitably result from increasing the existing 2 dwelling units (home and secondary suite) to 3 dwelling units.

However equally, and possibly more important, is the impact of this proposal on the future of the Fairfield neighbourhood. It is difficult to argue against preserving heritage values such as the home at 97 Cook Street as those values are integral to the highly desirable quality of living so valued by both current residents and those who aspire to live in this special part of Victoria. But larger lots, mature landscaping, diversity of home styles, and proximity to natural areas and social amenities are, to many, arguably more important than heritage attributes in defining the Fairfield quality of living.

Approving the small lot rezoning and subdivision for 97 Cook Street, including set back variance to create a minimum lot size, establishes a new precedent and baseline for producing new housing stock in Fairfield. Inserting minimal lot sizes and smaller set backs to adjoining properties will, over time, change the character of the neighbourhood

and diminish the unique and highly desired Fairfield attributes. Land values will drive this development pressure as Fairfield home prices support the business case for creating small lots among the larger lots, and building new homes.

The current owners of 97 Cook Street have not acted to designate their home on the heritage registry prior to sale. Instead, the proposal is to extract a favourable zoning and subdivision decision from the City in exchange for a commitment to secure heritage designation for the home in order to maximize the sale price for their property. During the July 15th community meeting the realtor was unable to explain how this heritage designation commitment would be secured during the transfer of 97 Cook Street from the current owners to future owners.

The proposal represents a difficult choice for those who live in proximity to 97 Cook Street. Our preferred outcome for 97 Cook Street would be to retain the current situation – a heritage structure with a secondary suite situated on a character lot with mature landscaping that maintains the quality of the streetscape and the heritage attributes. Those people interested in the listing for 97 Cook Street are reportedly examining the development potential of the 10,300 ft² parcel that will allow subdivision into two lots under existing R1B zoning once improvements are removed. This development interest may, to some degree, be a result of the current pricing of 97 Cook Street as it reflects the parcel's development potential.

After considerable reflection, while we would prefer to see the heritage values conserved, we cannot support the proposed small lot rezoning and subdivision for 97 Cook Street given the precedent it creates for the future of our neighbourhood.

Again, thank you for providing the opportunity to better understand the proposal and considering these comments in preparing the FGCA's submission to the City of Victoria regarding 97 Cook Street.

Sincerely,

Val and Ken Baker
105 Cook Street

Renate Varwig
1112 Faithful Street

Johanna Smith
109 Cook Street

Noel Schacter & Elizabeth Simpson
1117 Faithful Street

Planning and Land Use Committee Report

Date: December 6, 2013 **From:** Mike Wilson, Senior Planner – Urban Design
Subject: **Rezoning Application #000403 for 542 Langford Street** - Application to rezone from the R1-S2 and R1-B Zones, to a modified R1-B Zone, Single Family Dwelling District, to permit a single family dwelling with a secondary suite.

Executive Summary

The purpose of this report is to provide Council with information, analysis and recommendations for an application to rezone the property located at 542 Langford Street. The proposal is to rezone a split-zoned lot from the R1-S2 Zone, Restricted Small Lot (Two Storey) District, and R1-B Zone, Single Family Dwelling District, to a new zone that will permit a single family dwelling with a secondary suite.

The following points were considered in assessing this application:

- The proposal is generally consistent with the *Official Community Plan* Traditional Residential land use designation.
- The proposal is consistent with the *Victoria West Neighbourhood Plan*.
- The proposal includes several existing non-conformities and relaxations of the R1-B Zone. These include lot width, parking, side yard setbacks, combined side yards, front yard setback and number of storeys.

The applicant has met with the Victoria West Community Association Land Use Committee.

Staff support this application.

Recommendation

That Council direct staff to prepare the necessary *Zoning Regulation Bylaw* amendments for Rezoning Application #00403 and advance the application for consideration at a Public Hearing.

Respectfully submitted,



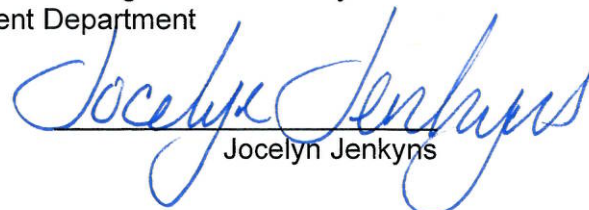
Mike Wilson
Senior Planner – Urban Design
Development Services Division



Deb Day, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

MW:aw



Jocelyn Jenkyns

S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\REZ\REZ00403\PLUSC PLANNING REPORT TEMPLATE REZ2.DOC

1.0 Purpose

The purpose of this report is to provide Council with information, analysis and recommendations regarding an application to rezone the property located at 542 Langford Street. The proposal is to rezone a split-zoned lot from the R1-S2 Zone and R1-B Zone to a new zone that will permit a single family dwelling with a secondary suite.

2.0 Background

2.1 Relevant History

The subject property is located in the Victoria West Neighbourhood, on the south side of Langford Street. The property currently encompasses two zones. The south half (rear yard) is located in the R1-B Zone while the north half (existing dwelling) is located in the R1-S2 Zone. This is an unusual circumstance and is a result of a previous Rezoning Application which granted permission to construct a new single family dwelling in the rear yard of the subject lands and the adjoining property at 891 Fullerton Avenue. It is the understanding of staff that this development opportunity did not materialize due to the high cost of infrastructure upgrades required on Fullerton Avenue to service a potential new single family dwelling. If Council approves this Rezoning Application, the potential for creating a new single family dwelling in the R1-B Zone on a new lot at the rear of both properties would be extinguished.

2.2 Description of Proposal

The current proposal involves the construction of a new third storey and roof structure which will accommodate a secondary suite. The existing dwelling is located within the R1-S2 Zone, which does not allow secondary suites. As a result, the owner has submitted this Rezoning Application.

The applicant is proposing to formalize a number of existing non-conformities, as a result a site-specific zone is proposed. The existing non-conformities are as follows:

- reduction in lot width from 15 m to 13.18 m (existing non-conformity)
- reduction in parking from 1 stall to 0 stalls (existing non-conformity)
- reduction in east side yard setback from 1.5 m to 1.0 m (deck) (existing non-conformity).

The applicant is also proposing several relaxations of the R1-B Zone that are to be incorporated into the new zone. They are as follows:

- increase in number of storeys from 2 to 3 storeys
- reduction of front yard setback from 7.5 m to 5.85 m
- reduction of the west side yard setback from 3 m to 1.79 m
- reduction of combined side yards from 4.5 m to 2.79 m.

The applicant proposes a new secondary suite on the upper floor, with an area of 31.6 m². Therefore, the applicant is proposing the following relaxation from Schedule J, Secondary Suite Regulations of the *Zoning Regulation Bylaw*:

- Section 2(a): Addition of a secondary suite that is over 20 m² of new enclosed floor area.

2.3 Existing Site Development and Development Potential

As stated, the existing dwelling is located in the R1-S2 Zone, Restricted Small Lot (Two Storey) District. A new small-lot single family dwelling with a maximum floor area of 190 m² could be constructed on the site.

Given that the rear yard is located in the R1-B Zone, Single Family Dwelling District, it could be consolidated with the rear yard of the neighbouring property to the west to create a new single family dwelling with a secondary suite.

2.4 Data Table

The following data table compares the proposal with the R1-B Zone. An asterisk (*) is used to identify where the proposal is less stringent than the comparative zone. A double asterisk (**) is used to identify where the proposal has existing non-conforming siting.

Zoning Criteria	Proposal	Zone Standard R1-B
Site area (m ²) – minimum	685	460
Lot width (m) – minimum	13.18**	15
1 st and 2 nd storey floor area (m ²) – maximum	220	280
Density (Floor Space Ratio) – maximum	0.47	n/a
Storeys – maximum	3*	2
Height (m) – maximum	7.6	7.6
Site coverage (%) – maximum	22.93	40
Parking – minimum	0**	1
Setbacks (m) – minimum		
Front	5.85*	7.5
Rear	29.03	13
Side (East)	2.2- building 1.0 – deck**	1.5
Side (West)	1.79*	3
Combined side yards – minimum	2.79*	4.50
Secondary Suite		
Added floor area (m ²) – maximum	31.6	20
Added building height (m ²) – maximum	0.54	0.6
Suite floor area (m ²) – maximum	78	90
Suite/ floor area ratio (%) – maximum	26.2	40

2.5 Land Use Context

To the east is a single family dwelling in the R1-S Zone, Single Family Dwelling (Small Lot) District. To the west is a single family dwelling that is in a split zone. The existing dwelling is in the R1-S2 Zone, Restricted Small Lot (Two Storey) District, and the rear yard of this property is in R1-B Zone, Single Family Dwelling District. To the south are the playing fields of Victoria West School which are located in the R1-B Zone, Single Family Dwelling District. To the north is a single family dwelling in the R1-B Zone, Single Family Dwelling District.

2.6 Legal Description

Lot 2, Block 4, Section 31, Esquimalt District, Plan 833.

2.7 Consistency with City Policy**2.7.1 Official Community Plan (2012)**

The subject lands are located within the Traditional Residential land use designation. This designation supports the development of single family dwellings with secondary suites. This designation further envisions ground-oriented buildings up to two storeys. Staff are satisfied that the application is generally consistent with the *Official Community Plan* and have provided further analysis with respect to the proposed increase in building height in the Analysis section of the report.

2.7.2 Victoria West Neighbourhood Plan

The Neighbourhood Plan designates the subject lands for single family dwellings, duplex dwellings, house conversions and townhouses. The Plan encourages the retention of existing dwellings. The application is consistent with the *Victoria West Neighbourhood Plan*.

2.8 Secondary Suite Design Guidelines

The purpose of these Guidelines is to ensure that secondary suites are seen as a discreet yet valued addition to Victoria's neighbourhoods. As the property is not designated within a Development Permit Area, the Guidelines are advisory only and meant to be used in conjunction with the *Zoning Regulation Bylaw* and for consideration of variances.

This proposal is consistent with the following Guidelines:

- If the entrance to the secondary suite can only be on the front of the house, design it in such a way that it is similar to the existing front façade by using similar or complementary materials.
- When adding windows and/or doors, match or complement the design and style of the existing windows and doors.

This proposal is inconsistent with the following Guideline:

- Minimize exterior changes to the front façade.

2.9 Community Consultation

In compliance with the *Community Association Land Use Committee Procedures for Processing Rezoning Applications*, the applicant met with the Victoria West Neighbourhood Association. Comments from the CALUC were not received at the time of writing this report. Comments from the Victoria West Neighbourhood Association will be forwarded to Council for consideration prior to the Public Hearing, if received. This application requires notification, sign posting and a hearing.

3.0 Issues

The following issues were identified in evaluating this proposal:

- consistency with Secondary Suite Design Guidelines
- relaxations from the R1-B Zone
- addition of over 20 m² of development to accommodate a secondary suite

4.0 Analysis

4.1 Consistency with Secondary Suite Design Guidelines

The Guidelines state that exterior changes to the front façade should be minimized. However, the proposal includes significant changes to the exterior of the building, primarily the addition of a new upper storey to accommodate the secondary suite. The proposed addition is in keeping with the character of the neighbourhood and a significant improvement to the design of the existing house. The building's new upper storey includes new windows that are oriented toward the front and rear yards to minimize privacy impacts on neighbouring dwellings. Staff are supportive of the proposed changes to the exterior of the building.

4.2 Relaxations from the R1-B Zone

The *Zoning Regulation Bylaw* defines height by number of storeys and height measured in metres from average grade. The proposed dwelling is considered a three-storey structure due to the amount that the basement protrudes above grade. As a result, the basement is counted as a storey, triggering the change to total number of storeys. The proposed height of the building is 7.6 m which is consistent with the R1-B Zone. Given that the height of the basement is an existing non-conformity and that the overall height of the building, as measured in metres, is consistent with the R1-B Zone, staff support this variance.

The applicant proposes reductions in the front yard setback, side yard setback (west) and combined side yards. The dwelling is remaining *in situ*, however, given the proposed addition of a new upper-storey, the existing setbacks lose their non-conforming status and are considered less stringent than the comparative R1-B Zone. Again, the fact that these are existing setbacks and that the height of the building, as measured in metres, is consistent with the R1-B Zone, staff are supportive of the proposal as the dwelling provides a good relationship with the street and also provides for an adequate front yard setback. Moreover, the new upper storey provides windows that are positioned in a north-south orientation which eliminates possible privacy impacts on the adjoining neighbours to the east and west.

4.3 Addition of Over 20 m² to Accommodate a Secondary Suite

The secondary suite will be 78 m² in size which is below the 90 m² maximum suite floor area. However, a relaxation request is triggered as Schedule J requires that exterior changes cannot create more than 20 m² of new enclosed floor area. Staff have no objections to this variance as the additional floor area will be located within a well-designed upper-storey of the building with no anticipated privacy impacts on adjacent neighbours.

5.0 Resource Impacts

There are no resource impacts anticipated.

6.0 Options

1. That Council direct staff to prepare the necessary *Zoning Regulation Bylaw* amendments for Rezoning Application #00403 and advance the application for consideration at a Public Hearing.
2. That Council decline the application.

7.0 Conclusions

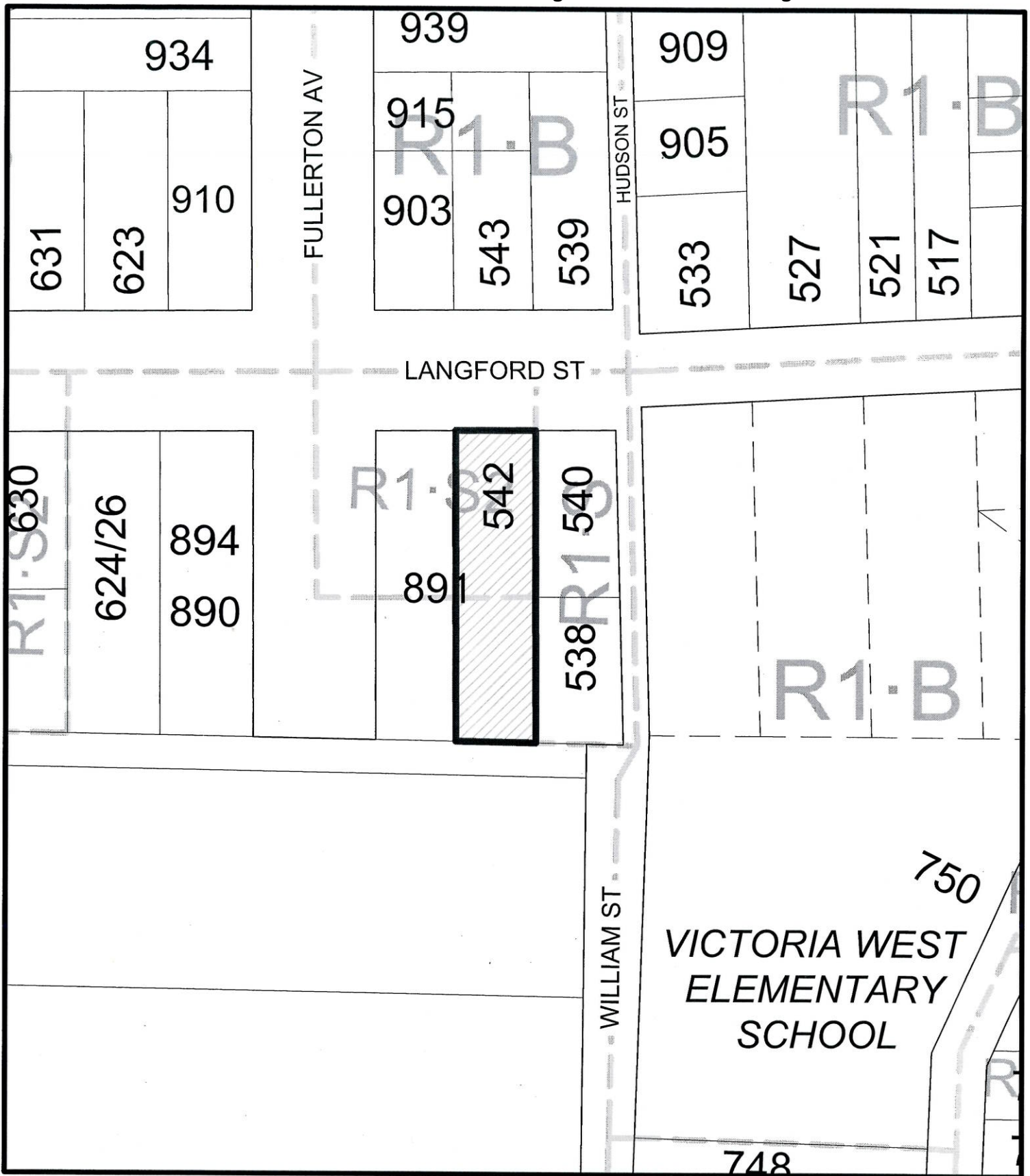
The proposal is generally consistent with the *Official Community Plan* Traditional Residential land-use designation and with the *Victoria West Neighbourhood Plan*. The additional upper storey is well designed and will add an additional rental suite in the City. Staff support this application.

8.0 Recommendation

That Council direct staff to prepare the necessary *Zoning Regulation Bylaw* amendments for Rezoning Application #00403 and advance the application for consideration at a Public Hearing.

9.0 List of Attachments

- Zoning map
- Aerial map
- Letter from applicant dated November 5, 2013
- Plans dated June 26, 2013.



542 Langford Street
Rezoning #00403
Bylaw #





542 Langford Street
Rezoning #00403
Bylaw #





11/05/13

To: Mayor and Council
 From: Maureen Williams and Ralph Garrison
 RE: Application for Rezone

Dear Mayor and Council,

This letter accompanies our application for rezoning of our property at 542 Langford Street.

We have requested a zoning change because our lot, which was originally zoned R1-B, was divided into two zones by a previous owner: the house now sits on the half of the lot that was rezoned R1-S2; the other half of the lot was zoned R1-B, presumably for development purpose. We are interested in improving the existing house, including adding a secondary suite, rather than developing the back of the lot, so we are requesting that the entire lot be returned to a single zone that would permit all of the uses in the R1-B zone and accommodate the ways in which our house does not and will not comply with R1-B zone requirements, as outlined below.

Although our lot was historically zoned R1-B, there are several ways that our house, built circa 1908, has never complied with the zone requirements. In addition, the work we hope to do to create the suite will create one new issue of non-conformity. Each of the non-conforming aspects of the current and hoped-for house plans is addressed below.

Legal existing non-conformities to be permitted in the new zone

The following items are existing legal non-conformities to the bylaw:

1. *Lot width:* The R1-B zone requires a minimum lot width of 15 metres; our lot width is 13.18 metres.
2. *Parking:* The R1-B zone requires one parking spot, however, there is no room on either side of the house to create an off-street parking spot, and the back of the lot is not accessible by road.

Variances from the R1-B Zone to be permitted in the new zone

1. *Setbacks:* There are several existing setback issues with the house, even though it was originally placed in the R1-B zone. Since we are not changing the footprint of the house, we are asking for variances for these setbacks.

We understand that the proposed increase in house height (56 cm, which is still within the allowable height in the zone and is addressed below under "*Number of stories*") affects consideration of setbacks. Our neighbors on both sides (east and west) have houses that are oriented, like ours, to take advantage of the south sun's warmth and light, as well as the views of the park and distant mountains, so the change in height we are proposing will have minimal impact on them. Our neighbors across the street (north) can see little of our house because a fruit tree in the boulevard in front of our house blocks their view. It

is worth noting, in addition, that all of our neighbors are well aware of our proposed changes and have all expressed their support.

The setbacks we are requesting variances for are as follows:

- a. *Front yard setback*: Our house is situated close to the road in the front of the lot; therefore, it is well within compliance in the back, but not in the front.
 - b. *Side Yard Setback*: The lot is narrow, and the existing east and west side yard setbacks are closer than the zone permits.
 - c. *Combined Side Yards*: The existing combined side yard setbacks are not in compliance with the zone.
2. *Number of stories*: In keeping with the fashion at the time it was built, our house has grand ten-foot ceilings on the main floor, but ceilings too low for comfortable living space in the basement and attic. There is a lot of room in these low-ceilinged places, and the people who owned the house before us used them to full capacity. According to neighbors and previous tenants, at times there were as many as 14 people living here on all three stories. Our plan was more modest, as we hoped to create a nice, legal, one-bedroom suite in one of the two spaces, while the three of us would live on the main floor.

We considered creating the suite in the basement at first, but quickly realized that lifting the house or digging out the foundation to create the extra headspace needed for a legal suite was a more extensive job than we could undertake. Our plans shifted to the attic, which, although small, is a brighter and more attractive space. A building inspector indicated that the roof is not properly ventilated or insulated, so our plans include addressing this issue while at the same time changing the roofline from a hip to a gable roof. This adds attractiveness, is in keeping with other houses in the neighborhood, and creates more space for the secondary suite. The change in roofline will add 56 centimetres to the height of the building, but continues to comply with R1-B zoning rules.

Creating a suite in the attic presents the issue of having three stories in a zone that permits only two. The basement is considered a story because of the height of its ceiling above the grade of the surrounding land, not its height above its floor, which in legal and practical terms makes it too low for reasonable living (6'1"). With permission for variance, we intend to use the basement as storage and workshop space, and would consider the main floor and the redesigned attic as two stories for living.

3. *Adding a secondary suite that includes more than 20 square meters of enclosed floor area*. Although we are not changing the footprint of the house or adding appreciably to the actual floor area, turning the attic into livable space for the purpose of creating a secondary suite will increase the countable enclosed floor area of the house by more than 20 square meters.

Compliance with Secondary Suite Regulations

1. *Floor area of house:* At 324.85 m², the floor area of our house is more the minimum required 150 m².
2. *Exterior changes:* There have been no changes to the exterior of the house in the previous five years.
3. *Floor area of suite:* At 81.25 m², the proposed suite will be under the maximum allowed 90 m², and represents 25% of the house floor area of the entire house, which is well within the maximum allowed 40%.

Consideration of Design Guidelines

1. *Overall design of the house:* The porch, main floor front windows, and bay window on the main floor will remain where they are. The existing metal siding will either be painted, removed to expose the original siding, or replaced with cedar shingles, which are in keeping with the historic architecture of the house. Because of the change in roofline, the second floor window will change from a small dormer window to a window in the main wall that is consistent with the windows on the main floor. Because of the desire to maximize passive solar gain on the south (back) side of the house, and the narrow passages on both sides of the house, the entry door to the suite is planned for the porch. These doors to the main floor and the secondary suite will be side by side and matching. As mentioned, we have opted to use the upper rather than lower space to convert into a secondary suite because of costs, and because this particular house has a south-facing aspect and we are interested in optimizing the use of solar warming and light. The south side overlooks a public park and has views of the straits. The upstairs suite will take advantage of all of these features and creates a bright, warm living space.
2. *Landscaping and parking:* As previously mentioned, the lot does not accommodate a parking space, but Langford Street has ample on-street parking and the sum total of parking space we will use for ourselves plus a tenant will be an overall reduction from the amount of on-street parking used by the former owners and tenants of our house.
3. *Private outdoor space:* The secondary suite communicates directly with the front yard, which will be for the use of the tenant.
4. *Design of Secondary Suite Entrance:* As mentioned above, the entry door will be on the front porch and will match the entry door to the main level. The porch provides a covered entry, will have adequate lighting, and is approached by a walkway that is already lit by streetlights.
5. *Livability:* The tenant will have access to a portion of the basement for storage. Unfortunately, the suite will not be handicapped-accessible.

We have never wavered from our hope to contribute to the betterment of our house and our neighborhood. The house renovation design includes intensive attention to energy efficiency as well as aesthetic beauty, and we have converted our large south-facing back yard from a household landfill into a very productive fruit and vegetable garden. This is our home, and our values are reflected in the work we have done and the changes we are planning.

Please know that we believe our intentions are consistent with the stated intentions of the city's zoning policies. It seems important for us to tell you that, in spite of what seem to be our common goals, the process of gathering legal permission from the city to work on our house has

been arduous, time-consuming, frustrating, and expensive. Ralph is a highly experienced builder and is doing most of the work himself. This is his first time building in the city of Victoria, and the obstacles presented by the city's many layers of bureaucracy have been surprising in nature, scope, and size. While we understand the need for regulation and control of development, we hope you will think about how highly cumbersome policies may drive people with good intentions to work under the legal radar when you reshape your plans and policies in the future.

Thank you so much for taking the time to fully consider our applications for zoning change.

Yours sincerely,
Maureen Williams and Ralph Garrison

Maureen Williams
Ralph Garrison



LANGFORD STREET

FULLERTON AVENUE

WILLIAM STREET

BLOCK
PLAN

PLAN

3

4

B

47946

DD 7141

Williams/Garrison
542 Langford St.
REZONE

SITE PLAN

RALPH GARRISON

LOT 2, BLOCK 4,
SECTION 31, ESQUIMALT
DISTRICT, PLAN 833

ADDRESS : 542 Langford St.

PROJECT SURVEYOR : RPH

DRAWN BY : RPH

DATE : March 1/13

OUR FILE : 27916

REVISION : 1st



J.E. ANDERSON
& ASSOCIATES
SURVEYORS - ENGINEERS

4212 GLANFORD AVE, VICTORIA, B.C. V8Z 4B7
TEL: 250-727-2214 FAX: 250-727-3395
E-MAIL: info@jeanderson.com
VICTORIA - NANAIMO - PARKSVILLE

Elevations are geodetic based on
control monument 23-45

Dimensions are in metres and are derived from field survey.

This sketch does not constitute a redefinition of the legal boundaries
hereon described and is not to be used in any matter which would assume same.

© Copyright 2013 J.E. Anderson & Associates. All rights reserved. No person may copy, reproduce, transmit or
alter this document in whole or in part without the consent of the signatory.

Offsets shown are to concrete foundation

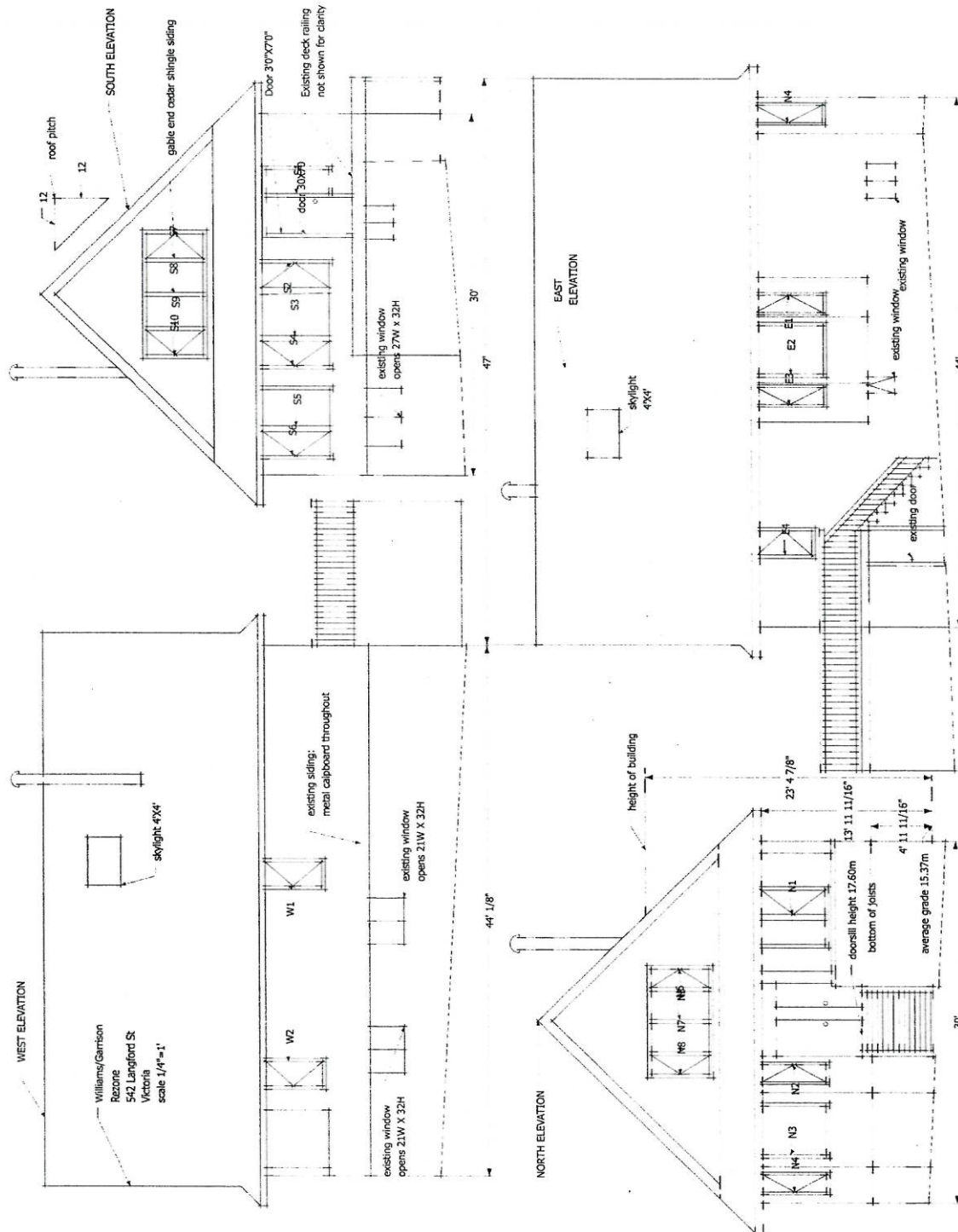


The intended plot size of this plan is 4.92m in width by 56.0m in depth.

Certified correct this 1st day of March, 2013

Page 111 of 230

Ryan P. Hourston, BCLS



Note:
The roof pitch has been changed since the
City of Victoria's 1:2000 scale drawing. It is now
4:6 degrees.

Planning and Land Use Committee Report

Date: December 12, 2013 **From:** Mike Wilson, Senior Planner – Urban Design
Subject: Development Permit Application #000331 for 769 Pandora Avenue

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 769 Pandora Avenue. The application is to permit the construction of a new one-storey with mezzanine building to house a new climbing gym facility. The application is consistent with the existing CA-4 Zone, Central Area Commercial Office District.

The applicant has designed a building that relates well to the street in establishing a strong street wall presence and an easily identifiable building entrance for pedestrians. The primary entrance and building base are defined by an angular canopy and a significant amount of glazing. The applicant has revised the building design based on feedback from staff and the Advisory Design Panel (ADP). The application is generally consistent with the design guidelines as described in the *Downtown Core Area Plan*, 2011.

Staff support this application.

Recommendation

That Council authorize the issuance of Development Permit #000331.

Respectfully submitted,



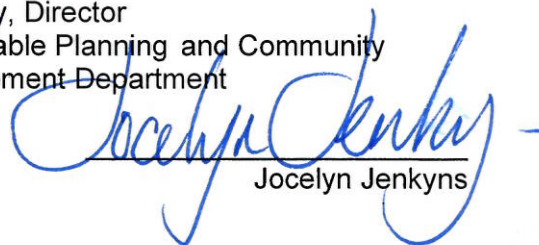
Mike Wilson
Senior Planner – Urban Design
Development Services



Deb Day, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

MW:aw



Jocelyn Jenkyns

S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\DP\DP000331\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 769 Pandora Avenue.

2.0 Background

The existing building on site is a two-storey commercial building. According to the City's permit records, it was constructed as a three-storey building in 1895. It has been heavily modified over the years, including the removal of an upper-floor level, stucco over the original exterior brick finish and removal of the original windows. The building is neither on the City's Heritage Register nor is it Heritage-designated.

2.1 Description of Proposal

The applicant proposes to demolish the existing two-storey structure on the site and construct a new one-storey with mezzanine building to house a new climbing gym facility. The proposed building is 15 m in height and complies with the existing CA-4 Zone, Central Area Commercial Office District. No parking stalls are proposed; however, four on-street bicycle spaces and four on-site spaces are included in the application.

Exterior materials include:

- precast exposed concrete with reveals
- light green glazing in a black aluminum frame
- perforated metal decorative panels
- glazed brick.

2.2 Existing Site Development and Development Potential

The site contains a two-storey commercial building with driveway access to surface parking in the rear. The site is located in the CA-4 Zone, Central Area Commercial Office District. This Zone permits a floor space ratio of 3:1 and a building height of 15 m.

2.3 Data Table

The following data table compares the proposal with the existing CA-4 Zone, Central Area Commercial Office District. The application is consistent with all aspects of the CA-4 Zone.

Zoning Criteria	Proposal	Zone Standard
Site area (m ²)	667.4	n/a
Floor area (m ²) (maximum)	823.4	2002.2
Floor space ratio (maximum)	1.23	3
Lot width (m) (minimum)	17.98	n/a

Height (m) (maximum)	15	15
Site coverage (%) (maximum)	94.7	n/a
Open site space (%) (minimum)	0	n/a
Setbacks (m) (minimum)		
Front	0.42 main floor 1.11 upper floor	0 - below 10 m 1 - @ 15 m in height
Rear – south	0	0
Side – east	0.25	0
Side - west	0.05	0
Parking (minimum)	0	0
Bicycle storage (minimum)	3	2
Bicycle rack (minimum)	4 – on site 4 – on street	2

2.4 Land Use Context

The subject property is located on the south side of the 700-block of Pandora Avenue. The adjacent property to the south is a City-owned parking structure which fronts onto Johnson Street. To the east of the site is a one-storey retail building and to the west of the site is a four-storey mixed-use building. All of these properties are in the CA-4 Zone. Across Pandora Avenue to the north is a three-storey office building in the CA-41 Zone.

2.5 Legal Description

Lot 151, Victoria City.

2.6 Relevant History

The application was presented to the Advisory Design Panel (ADP) on November 27, 2013. The ADP recommended that Council approve the Development Permit Application subject to minor revisions. The minutes of the ADP meeting are attached to this report.

2.7 Consistency with Design Guidelines

The property is located within Development Permit Area 2 (Heritage Conservation): Core Business as identified in the *Official Community Plan, 2012*. The objectives of this designation are:

- to revitalize a central-business district through high-rise commercial buildings and low-to-medium rise residential mixed-use buildings, with the greatest heights along Douglas Street, Blanshard Street and Yates Street, balanced with protection of the views from public vantage points of heritage-landmark buildings on Pandora Avenue, Blanshard Street, Broughton Street and Humboldt Street
- to conserve and enhance the heritage value, special character and significant historic buildings, features and characteristics of this area

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

The Guidelines to be considered and applied to Development Permits in this location are:

- *Buildings, Signs and Awnings Advisory Design Guidelines (1981)*
- *Downtown Core Area Plan (2011).*

The applicant has designed a building with a prominent street wall presence and an easily identifiable entrance to the building for pedestrians. The primary entrance and building base are defined by an angular canopy and significant amount of glazing. Visual interest is provided through the use of angled perforated metal panels. The application is generally consistent with the design guidelines as described in the *Downtown Core Area Plan, 2011*.

2.9 Community Consultation

In accordance with Council's Community Association Land Use Committee Procedures for Processing Development Applications, this Development Permit Application contains no variances and, therefore, no community consultation is required.

3.0 Issues

The key issues related to this application are the revisions based on feedback from staff and the Advisory Design Panel

4.0 Analysis

4.1 Revisions based on feedback from staff and the Advisory Design Panel

One of the key design principles established in the *Downtown Core Area Plan (2011)* is the contextual relationship of new buildings within the existing context. The Plan recommends that applicants consider the street walls, façade rhythm, horizontal cornice lines and other building elements from prominent or character-defining buildings.

The applicant has designed a building that relates well to the street in establishing a strong street wall presence and an easily identifiable entrance to the building. The primary entrance and building base are defined by an angular canopy and significant amount of glazing. The applicant has revised the height of the main canopy such that it is consistent with the height of the retail frontage to the east. The applicant has also reconsidered the use of horizontal cedar siding adjacent to the public right-of-way. This material choice was a concern to both staff and the ADP due to its perceived lack of durability. The applicant has replaced the material with glazed brick. The use of brick masonry in this location provides for a more durable streetscape while also improving the fit of this contemporary building within the surrounding heritage context. Staff are supportive of this change. Based on feedback from staff and the ADP, the applicant has revised the cornice line of the building in order to strengthen its horizontal expression. This was recommended in order to increase the building's consistency in design with other notable heritage buildings in this Heritage Conservation Area.

In evaluating the proposal, staff noted that the applicant has proposed a heavily-glazed street frontage that is broken up with precast-concrete panels and decorative perforated-metal panels. The south side of the 700-block of Pandora Avenue includes several buildings on the Heritage Register, including the hostel at the corner of Blanshard Street and Pandora Avenue. Some of the buildings on the block feature a punched-window expression and brick-masonry finishes. Staff invited the ADP to provide feedback as to the relevancy of the proposed contemporary architectural expression within the context of this Heritage Conservation Area. The ADP did not raise any concerns with respect to the introduction of a contemporary building within this context.

5.0 Resource Impacts

There are no resource impacts anticipated.

6.0 Options

1. That Council authorize the issuance of Development Permit #000331.
2. That Council decline Development Permit #000331.

7.0 Conclusions

The applicant has designed a building that relates well to the street in establishing a strong street-wall presence and an easily identifiable entrance to the building for pedestrians. The primary entrance and building base are defined by an angular canopy and significant amount of glazing. The applicant has revised the building based on feedback from staff and the ADP. The application is generally consistent with the design guidelines as described in the *Downtown Core Area Plan*, 2011.

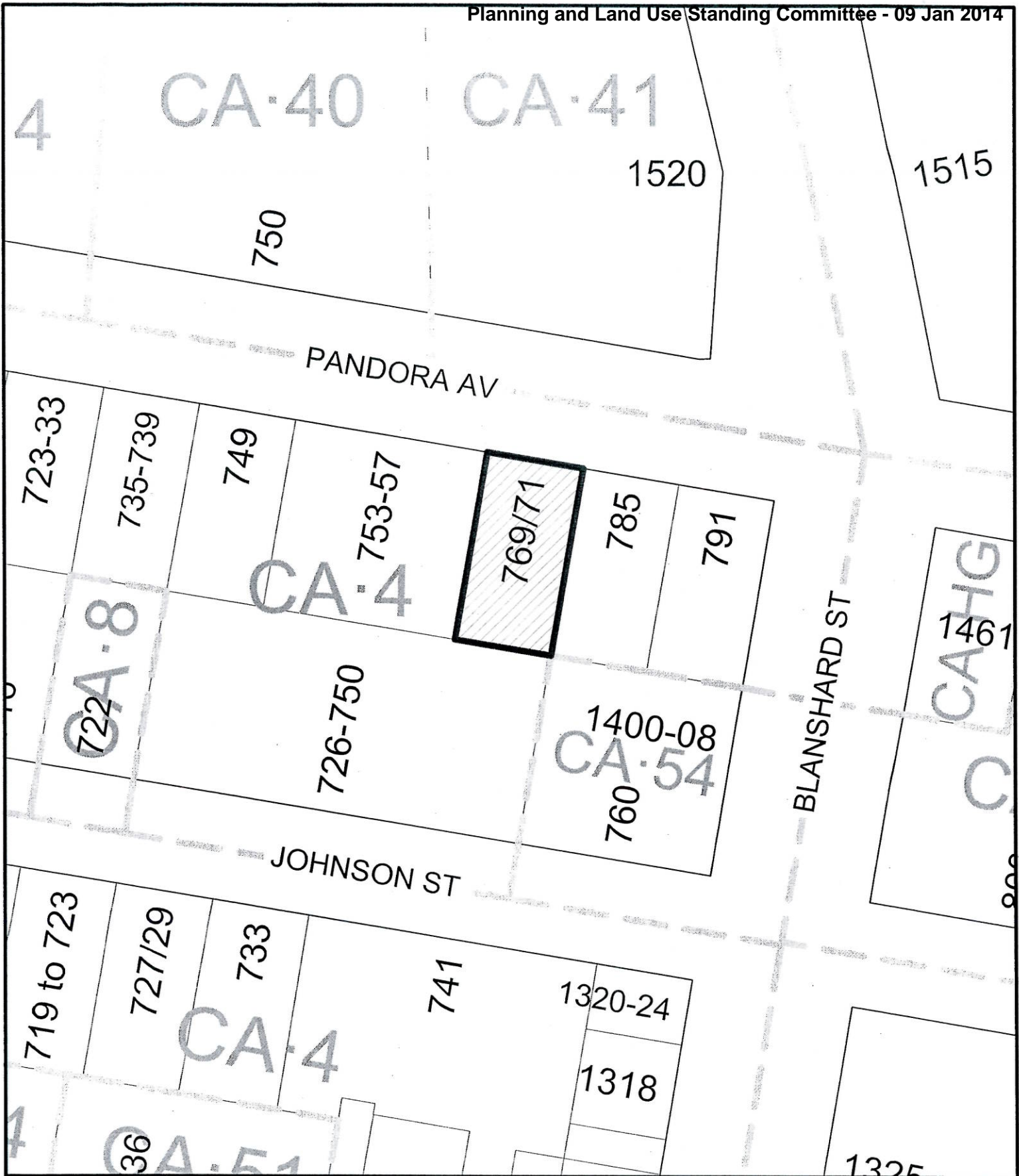
Staff support this application.

8.0 Recommendation

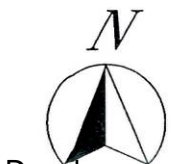
That Council authorize the issuance of Development Permit #000331.

9.0 List of Attachments

- Zoning map
- Aerial map
- Letter from applicant dated October 24, 2013, and December 10, 2013
- Plans dated December 12, 2013
- Draft Minutes of the Advisory Design Panel Meeting of November 27, 2013.



769 Pandora Avenue
Development Permit #000331



Development Permit #000331 for 769 Pandora Avenue--D. Day, D...



769 Pandora Avenue
Development Permit #000331

Development Permit #000331 for 769 Pandora Avenue--D. Day, D...



Chandler Associates
Architecture Inc.

The Station
270 – 601 W. Cordova St.
Vancouver BC
V6B 1G1
Tel 604 687 3390
Fax 604 687 3325
office@caa-architecture.com
www.caa-architecture.com

PRINCIPALS

Sheldon H. Chandler
B ARCH, Architect AIBC, AAA, SAA, OAA, MRAIC
Christopher Block
M ARCH, LEED® AP BD+C, Architect AIBC, AAA, SAA, OAA

ASSOCIATES

Augustine Hii
BID, B ARCH, Architect AIBC
Curtis Brock
Andre Belliveau
DIP ARCH TECH, LEED® GREEN ASSOCIATE
Dan Diaconu
MARCH



October 24, 2013

Att: Mayor Dean Fortin and Council
City of Victoria
Planning and Development Department
1 Centennial Square
Victoria BC V8W 1P6

Re: CRAG X Climbing Gym – 769 Pandora Avenue, Victoria, BC

Design Rationale

1.0 Project Overview:

This development permit submission proposes an urban infill development at 769 Pandora Avenue, Victoria, BC, relocating the existing CRAG X Climbing Gym, to this new location.

Located in the Central Business District outlined in the Downtown Core Area Plan, the design follows the guidelines and creates an exciting and inviting environment serving the surrounding community.

The following objectives have been addressed:

- Land use - accommodation of commercial employment uses
- Economic resiliency – locating a new service activity oriented business in the CBD
- High density development - maintaining compact building footprints
- Pedestrian-oriented environment – creating a pedestrian active commercial street-level use and well-designed public realm improvement services and amenities to support commercial
- Connectivity – enhancing the established pedestrian and cycling networks along Pandora
- Parking – increase the provision of publicly accessible bicycle parking

2.0 Project Description:

The property, located at 769 Pandora Avenue, faces Pandora Avenue to the north and is approx. 667.4 sq.m.

The site is surrounded on the east side by a 4 storey mixed use development, on the west side by a commercial warehouse store and on the south by a multi level parkade.

The proposed building is comprised of one commercial storey with a mezzanine integrated into the space.

The building will accommodate people of all ages that want to keep in shape and develop a healthy lifestyle, will add a number of daily workers into the area and will be a vital component in establishing a vibrant street presence and a sustainable neighborhood.

The ground floor consists of a reception area, a ~56 sq.m. separate activity space, changing rooms and washrooms, storage and spaces for mechanical and electrical rooms. The main area is occupied by the high climbing / boulder areas along the vertical walls. The mezzanine space is divided into a bouldering area, a medium wall climbing area and beginners' lesson climbing area.

Chandler Associates

The exterior space in front of the building consists of a saw cut concrete patterned sidewalk conforming to the existing Pandora Avenue Guidelines, and acts as a social space that welcomes pedestrians and bicycle riders to the area providing entry to the gym and access to bicycle parking.

The bicycle parking is divided into two areas. One is comprised of 8 required Class2 bike stalls and is located along the building frontage by a concrete angled pony wall. The 3 Class 1 provided bike storage is accommodated in the building's storage area.

The second area provides an additional 10 Class 2 bike stalls. This bike parking area has been created in coordination with the City's engineers and consists of a curb bump out, a boulevard street tree and a light standard that will connect this site to the existing revitalized corridor.

Garbage and recycling has been provided on the premises. The pickup/collection area is located on-site, adjacent to the emergency exit, and will be serviced by a private company.

3.0 Architectural Character:

The commercial presence is strongly expressed along Pandora Avenue and consists of a mix of traditional materials and modern shapes.

The front elevation façade provides an articulated base along the street level and is divided into portions of concrete wall and glass storefront. The glazing is divided by vertical mullions and is punctuated by metal screens acting as brise-soleil panels. The lower surface is penetrated by the cedar wood covered shape of the activity room that protrudes towards the street. The angled canopy above the main entrance is designed to complement the overall building design and the public realm, providing protection and safety lighting.

The green tinted glazing evokes the outdoor nature of the life style promoted by the business itself.

The extension of the roofline along Pandora incorporates a series of lighting fixtures that add a light wash over the height of the elevation. The flat roof will have a number of skylights centrally positioned to provide additional natural lighting to the space.

4.0 Form and Massing:

The rectangular form of the building follows from the shape of the site and occupies ~95% of the site.

The building height is limited to 15m (50') height and the proposed FSR for the development is 1.24 and complies with the Downtown Core Area Plan guidelines.

The oblique modern lines of the front façade add a dynamic component reflecting the intrinsic of the service provided. The façade has been setback from the front property line by 1.57m to accommodate the proposed building height and the protruding concrete element and the activity room both terminate below the 10m mark as per the Downtown Core Area Plan guidelines.

5.0 Materials:

The building incorporates rich and varied architectural materials including:

- high efficiency insulated precast panels exterior walls
- metal structure
- storefront glazing set in black aluminum mullions
- cedar wood siding
- exterior exposed concrete and painted concrete
- black metal canopy
- perforated metal brise-soleil panels

6.0 Colours:

The building colour palette will be muted, with shades of light gray to natural wood tones and pale green to accents of black: natural exposed concrete, white painted concrete, natural cedar, black painted metal canopy, mullions and fascia, green tinted glass and silver metal brise-soleil panels.

7.0 Tenant Identification:

Individual tenant signage will be displayed through a combination of internally illuminated translucent faced signs and halo lit 3D logo over the front door entrance. The scale of the signage will be in keeping with the pedestrian scale.

8.0 Landscaping:

Sidewalk treatment will conform to the City's standard pattern treatment and will incorporate an additional boulevard street tree complete with a tree grate positioned 2m away from the existing fire hydrant. The tree is selected from the City of Victoria Parks List of Recommended Boulevard Street Trees and will be the native *Cornus nuttallii* - Pacific Dogwood, with a height ~ 7m.

Development Summary

Address:	769 Pandora Avenue, Victoria, BC
Legal Description:	Lot 151, Victoria City, Parcel Identifier:009-365-109
Site Area:	667,4 square meters (7,183.8 square feet)
Site Coverage:	94.7 %
(FSR) Floor Space Area:	1.24
Building Height Allowed:	43m (141.08')
Building Height Proposed:	15m (49.20')
Building Area – Ground Floor:	588.71 sm (6,336.8 sf)
Building Area – Mezz. Floor:	234.69 sm (2,526.2 sf)
Total:	823.40 sm (8,863.0 sf)
Bike Stalls Required:	20% Class 1 + 80% Class 2 = 10.3
Bike Stalls Proposed:	3 Class 1 + 8 Class 2 = 11
Additional Bike Stalls Provided:	10 Class 1 stalls on street bump out

9.0 Sustainability Strategy

Green building design principles are inherently incorporated in the project design, balancing environmental responsiveness, resource efficiency and community sensitivity.

The proposed commercial use project follows the principles of sustainable development as outlined below:

Economic Considerations:

- Direct benefits in the form of employment opportunities through the design and construction of the project and post-construction employment
- Diversification and creative use of an underutilized site.
- New commercial businesses along Pandora Avenue will broaden the range of products & services available, making the retail corridor more desirable to shoppers.

Environmental Considerations:**Site Planning:**

- Site and building lighting is designed to reduce light pollution to neighboring sites.
- Recycling facilities are located on-site and are disposed of by a private company.

- The project is located adjacent to three transit routes (3, 27, 28), minimizing dependence on cars.
- Ample bicycle parking is provided - promoting the use of green alternatives

Water Efficiency:

- Dual flush toilets and low flow faucets and showerheads will be provided

Energy and Atmosphere:

- The majority of spaces are designed to have direct access to daylight and views and a series of skylights have been provided for additional natural light.
- No CFC refrigerants will be used in HVAC equipment.

Materials and Resources:

- A construction waste management plan will be implemented to divert construction and demolition debris from landfill sites.
- Reclaimed cedar siding will be incorporated into part of the exterior finish of the new development
- Locally sourced and manufactured building products and materials will be incorporated into the building (high efficiency insulated precast panels, glass, perforated metal etc).
- Use of high quality, durable & long-lasting materials.

Indoor Environmental Quality:

- Low emitting materials and finishes will be specified where possible.
- Exposure to indoor chemicals and pollutant sources will be minimized.
- Energy efficiency, monitored by high level of controllability for temperature, ventilation and lighting, will be incorporated into the building design.

10.0 Crime Prevention Through Environmental Design (CPTED):

Recognized CPTED principles have been incorporated as an integral design element in the planning of this development, and include the following:

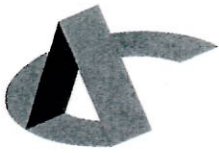
- Exterior materials will be impact resistant and come with graffiti resistant finishes (texturing and coating).
- Lighting (decorative and service) is incorporated under the canopies
- Exterior service doors will swing outward and be provided with "no-pull" hardware and astragals.
- Significant glazing in elevation will provide opportunities for visual surveillance of the surrounding area.

Very truly yours,

CHANDLER ASSOCIATES ARCHITECTURE INC.

Dan Diaconu
M ARCH
Associate





Chandler Associates
Architecture Inc.

The Station
270 – 601 W. Cordova St.
Vancouver BC
V6B 1G1
Tel 604 687 3390
Fax 604 687 3325
office@caa-architecture.com
www.caa-architecture.com

PRINCIPALS

Sheldon H. Chandler
B ARCH, MAIBC, MAAA, MRAIC

Christopher Block
M ARCH, LEED® AP BD+C, MAIBC

ASSOCIATES

Augustine Hii
BID, B ARCH, MAIBC

Curtis Brock

Andre Belliveau
DIP ARCH TECH, LEED® GREEN ASSOCIATE

Dan Diaconu
M ARCH

John Saliken
BFA, M ARCH, ARB(UK), IA, AIBC

December 10, 2013

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



Attention: **Mike Wilson, MCIP, RPP**
Senior Planner - Urban Design
Development Services Division
Planning and Development Department

Re: **ADP Meeting Report – Nov. 27 2013 Meeting**
769 Pandora Avenue - Commercial Development
Victoria, BC
DP # 000331

Our File No.: 12063

Dear Mike,

Please find herewith our response to **Nov. 27 2013 ADP Meeting** Report received Dec 3rd 2013..

We have structured our letter with the comments in plain text and our response in bold, italic text

Excerpted from Victoria Advisory Design Panel Meeting Report of November 27, 2013 – DP #000331

6.0 Recommendation

1. That the Advisory Design Panel recommend to Council that Development Permit Application #000331 for 769 Pandora Avenue be approved subject to design refinements including:

- (a) provision of a more continuous cornice band

The horizontal expression of the cornice has been enhanced by the continuation of the painted treatment across the length of the cornice.

- (b) consideration of the use of a more durable, weather resistant material, in place of horizontal cedar siding, immediately adjacent to sidewalk

Glazed brick masonry replaced the use of cedar and consideration has been given to the concrete base through an 8" concrete base under the brick and a +/- 2' base under the glazing.

Chandler Associates

769 Pandora Avenue
Commercial Development
Victoria BC

Dec 10, 2013

Page 2

(c) reconsideration of the height of the angular canopy in order to complement the existing retail frontage to the east.

The height of the canopy has been raised and is consistent with the Eastern side retail, providing a consistent experience along the street.

Additionally, cedar siding has been introduced to the underside of the canopy, enriching the character of the building.

We thank you for your continued assistance with this project and look forward to your further support. If you have any questions, or require any further clarification, please call me directly.

Thank you.

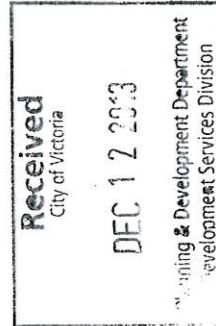
CHANDLER ASSOCIATES ARCHITECTURE INC.

Chris Block, MAIBC



DRAWING LIST

- A-0.0 COVER PAGE
- A-1.1 SURVEY & CONTEXT PLAN,
EXISTING SITE PHOTOGRAPHS
- A-2.1 SITE PLAN / GROUND LEVEL /
MEZZANINE LEVEL
- A-3.1 ELEVATIONS
- A-3.2 SECTIONS AND ELEVATION
- A-4.1 PERSPECTIVES



REISSUED FOR PRIOR TO CONDITIONS DECEMBER 11, 2013

COVER PAGE

DECEMBER 11, 2013
NTS
12063

A-0.0

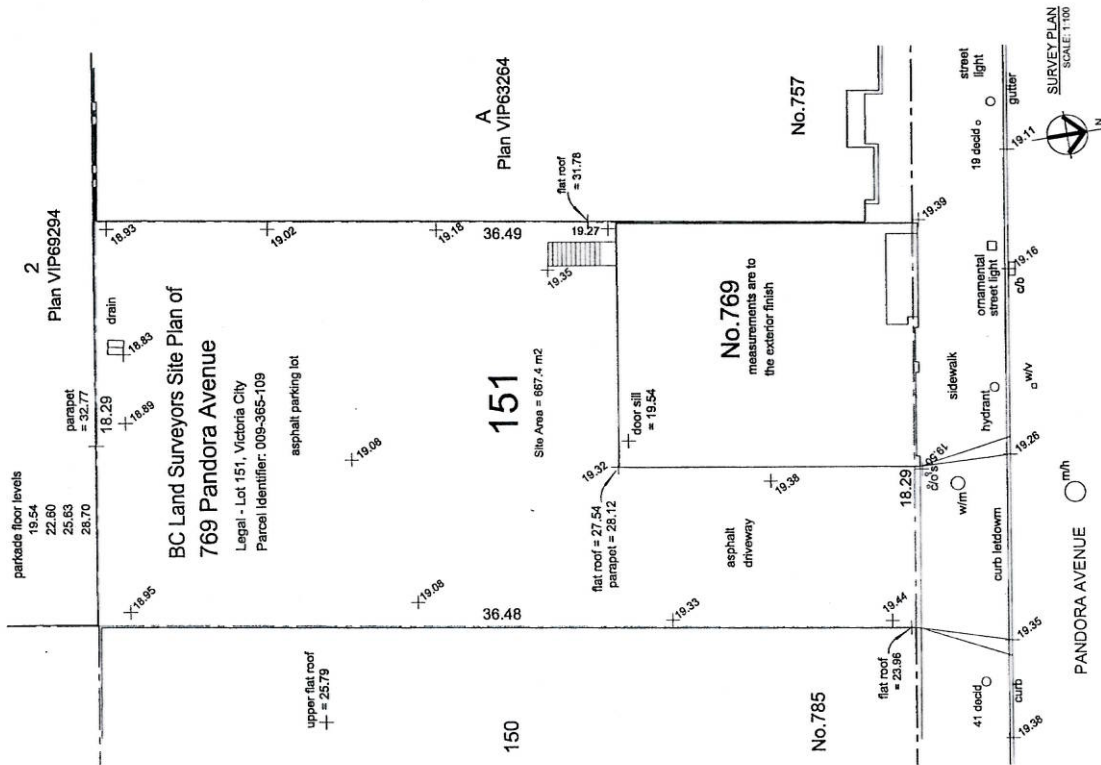
Crag X Climbing Gym
769 Pandora Avenue, Victoria, BC



CONTEXT PLAN
SCALE: 1:1000



EXISTING SITE CONDITIONS LOOKING SOUTH
SCALE: NTS



ADDRESS:
769 PANDORA AVENUE, VICTORIA, BC

LEGAL DESCRIPTION:
LOT 151, VICTORIA CITY
PARCEL IDENTIFIER: 009-365-109

SITE INFO:
ZONING: CA-4
SITE AREA: 667.4 m² 7,183.8 ft²
FLOOR SPACE RATIO (FSR): 1.24
SITE COVERAGE: 94.7%

BUILDING HEIGHT:
ALLOWED: 43.0 m (141.08')
PROPOSED: 15.0 m (49.20')

BUILDING AREA:
(AS PER ZONING BYLAW)
GROUND LEVEL: 588.71 m² 6,336.8 ft²
MEZZANINE: 234.69 m² 2,526.2 ft² (28.5%)
TOTAL: 823.40 m² 8,863.0 ft²

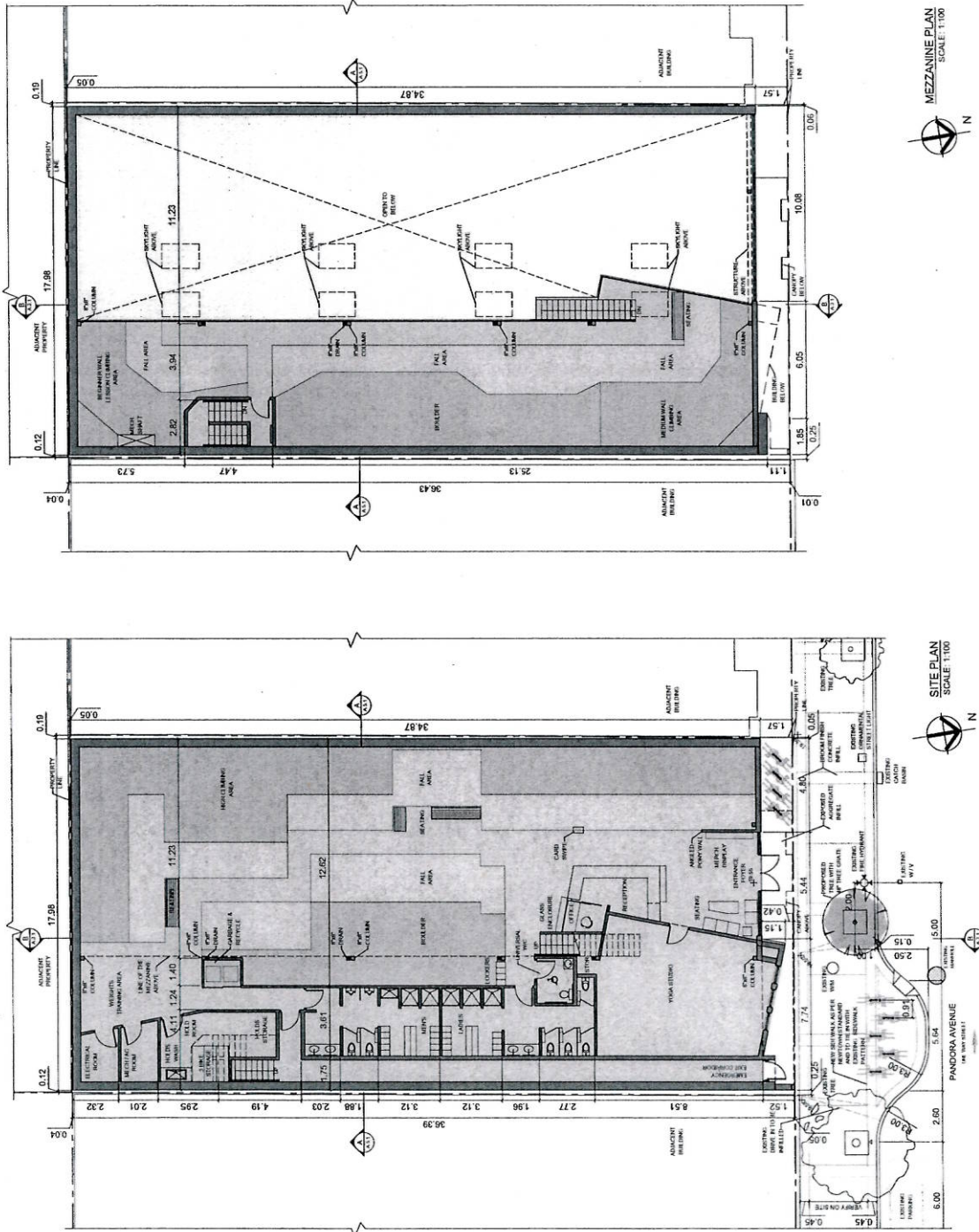
GROSS BUILDING AREA:
(EXTERIOR WALLS INCLUDED)
GROUND LEVEL: 631.62 m² 6,798.7 ft²
MEZZANINE: 256.48 m² 2,760.7 ft²
TOTAL: 888.10 m² 9,559.4 ft²

CAR PARKING - NOT REQUIRED

BICYCLE PARKING:
REQUIRED: 1 PER 80m² OF ASSEMBLY AREA
CLASS 1: 20%
CLASS 2: 80%
TOTAL REQUIRED: 823.40m² / 80m² = 10.3 STALLS

PROVIDED:
WITHIN THE PROPERTY
CLASS 1: 3 STALLS
CLASS 2: 8 STALLS
TOTAL: 11 STALLS

ADDITIONAL BICYCLE PARKING PROVIDED:
CLASS 2: 10 STALLS



REISSUED FOR PRIOR TO CONDITIONS DECEMBER 11, 2013

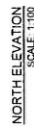
A-2.1

SITE PLAN / GROUND LEVEL & MEZZANINE LEVEL
DECEMBER 11, 2013
1:100
12003

Received
City of Victoria
DEC 12 2013
Planning & Development Department
Development Services Division

Crag X Climbing Gym
769 PANDORA AVENUE, VICTORIA, BC

Chandler Associates
Architects Inc.
270-1111 1st Avenue S.E.
Victoria, BC V8T 1C1
Tel: 250-382-2392
Fax: 250-382-2393
www.chandlerassociates.com



**Chandler Associates
Architecture Inc.**
The Station
270-671 W. Corbino St.
Vancouver BC V6B 1S1
Tel 604 587 3390
Fax 604 587 3375
email off@chandlerarchitecture.com

DEC 12 2013

Planning & Development Department
Development Services Division

DECEMBER 11, 2013
1:100
12063

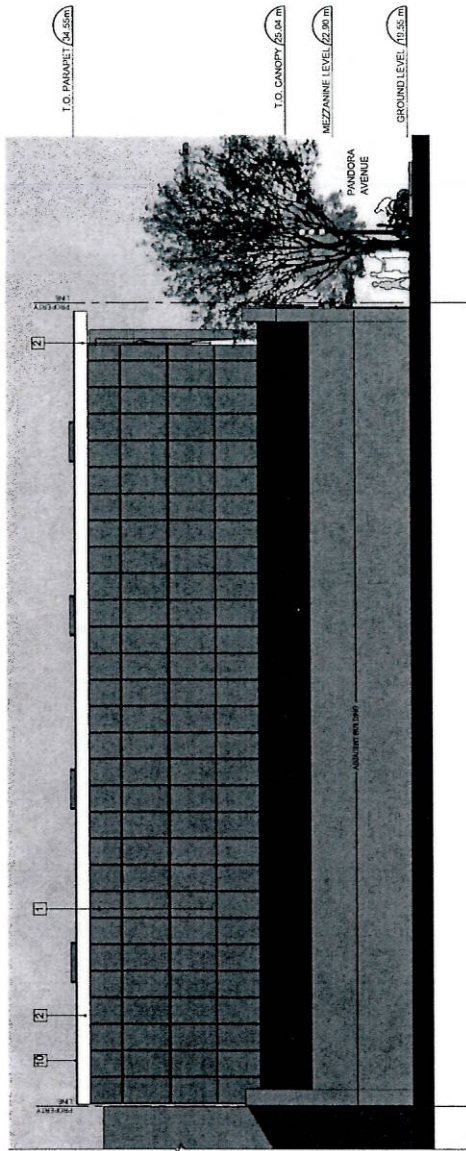
REISSUED FOR PRIOR TO CONDITIONS DECEMBER 11, 2013

A-3.1



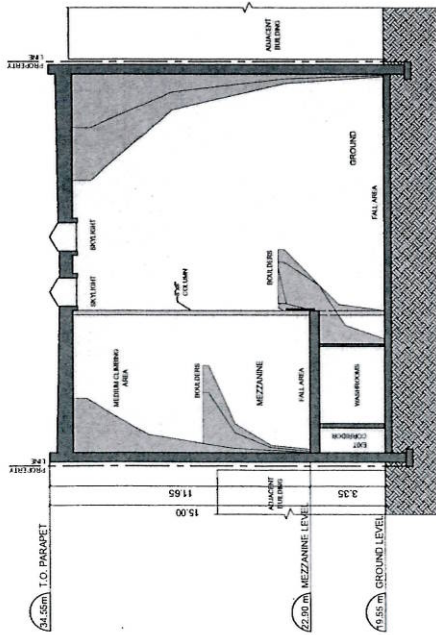
FINISH LEGEND AND COLOUR SCHEDULE:

- | | | | |
|---|--|----|---|
| 1 | PRECAST EXPOSED CONCRETE WITH REVEALS | 6 | PERFORATED METAL DECORATIVE PANELS COLOUR TO MATCH: SILVER METALLIC |
| 2 | PRECAST PAINTED CONCRETE COLOUR TO MATCH: BM CC-10 ULTRA WHITE | 7 | METAL DOOR COLOUR TO MATCH: BM CC-10 ULTRA WHITE |
| 3 | STOREFRONT LIGHT GREEN TINTED GLAZING IN BLACK ALUMINUM FRAME | 8 | TENANT SIGNAGE |
| 4 | METAL CANOPY: COLOUR TO MATCH: BM 2118-10 UNIVERSAL BLACK | 9 | SPANDREL GLAZING COLOUR TO MATCH: BM HC-129 SOUTHFIELD GREEN |
| 5 | GLAZED BRICK | 10 | METAL FLASHING COLOUR TO MATCH: QQ1820UR POLAR WHITE |

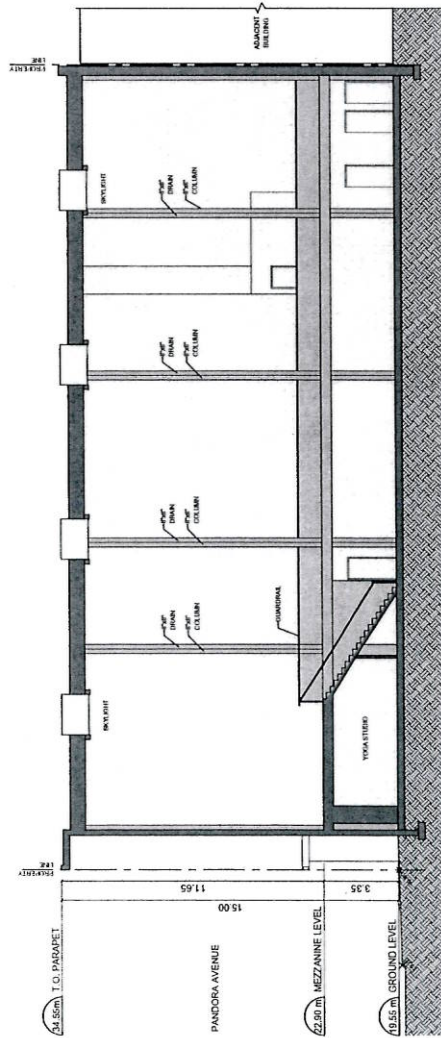


EAST ELEVATION
SCALE: 1:100

- FINISH LEGEND AND COLOUR SCHEDULE:**
- | | | | |
|---|---|----|---|
| 1 | PRECAST EXPOSED CONCRETE WITH REVEALS | 6 | PERFORATED METAL DECORATIVE PANELS COLOUR TO MATCH: SILVER METALLIC |
| 2 | PRECAST PAINTED CONCRETE COLOUR TO MATCH BM CC-10 ULTRA WHITE | 7 | METAL DOOR COLOUR TO MATCH BM CC-10 ULTRA WHITE |
| 3 | STOREFRONT LIGHT GREEN TINTED GLAZING IN BLACK ALUMINUM FRAME | 8 | TENANT SIGNAGE |
| 4 | METAL CANOPY, COLOUR TO MATCH BM 2118-10 UNIVERSAL BLACK | 9 | SPANDREL GLAZING COLOUR TO MATCH BM HC-129 SOUTHFIELD GREEN |
| 5 | GLAZED BRICK | 10 | METAL FLASHING COLOUR TO MATCH CC1820-R POLAR WHITE |



SECTION A-A WITH APPROX. INTERIOR
SCALE: 1:100



SECTION B-B WITHOUT INTERIOR
SCALE: 1:100

CRAG X CLIMBING GYM
769 PANDORA AVENUE, VICTORIA, BC

Chandler Associates
Chandler Associates Inc.
270-6511 W. Columbia St.
The Station
Victoria, BC V8T 1C2
Tel: 250-487-2390
Fax: 250-487-2391
www.chandlerassociates.com

Received
City of Victoria
DEC 12 2013
Planning & Development Department
Development Services Division

SECTIONS &
EAST ELEVATION

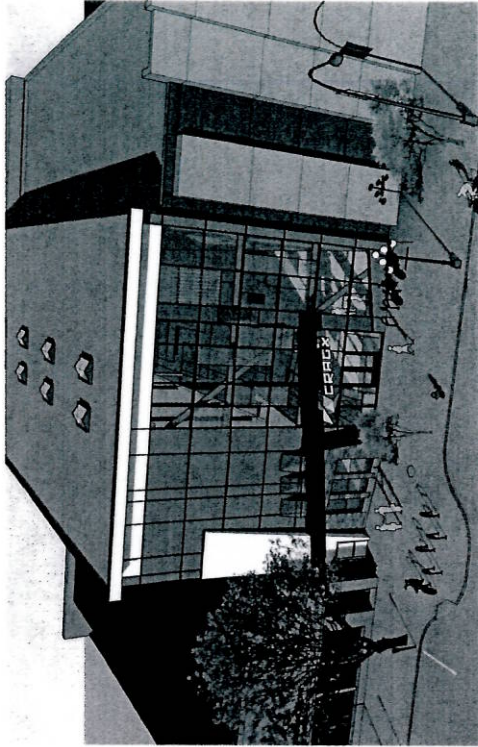
DECEMBER 11, 2013
1:100
12063

A-3.2

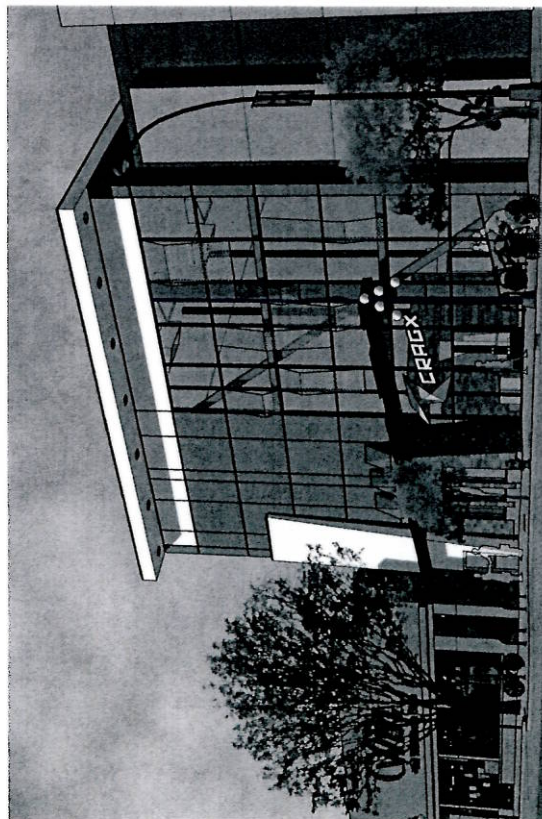
REISSUED FOR PRIOR TO CONDITIONS DECEMBER 11, 2013



PERSPECTIVE 1



PERSPECTIVE 2



PERSPECTIVE 3



Chandler Associates
The Planning & Design Group
1000 West 10th Avenue, Suite 101
Vancouver, BC V6H 1C1
Tel: 604.681.1111
Fax: 604.681.1112
Email: info@chandlerassociates.com

CRAG X CLIMBING GYM
769 PANDORA AVENUE, VICTORIA, BC

Received
City of Victoria
DEC 12 2013
Planning & Development Department
Development Services Division

PERSPECTIVES

DECEMBER 11, 2013
NTS
12063

A-4.1

REISSUED FOR PRIOR TO CONDITIONS DECEMBER 11, 2013

VICTORIA ADVISORY DESIGN PANEL
MINUTES OF November 27, 2013
COMMITTEE ROOM #1

PRESENT

Suzanne Christensen
Barry Cosgrave
Brad Forth
Karen Hillel
Charles Kierulf
Christine Lintott
Rod Windjack (Chair)

STAFF

Mike Wilson, Senior Planner – Urban Design

REGRETS

Gregory Damant
Shaun McIntyre

CALL TO ORDER

Rod Windjack (Chair): Called the meeting to order at 12:05 p.m. and welcomed meeting participants.

MINUTES

MOVED / SECONDED

That the minutes of the September 25, 2013 meeting be **APPROVED** as circulated.

CARRIED

APPLICATION

769 Pandora Avenue

Development Permit Application #000331

To demolish the existing two-storey structure on site and construct a new one-storey and mezzanine building to house a new climbing gym facility.

Applicant Meeting attendees: Mr. Chris Block, Chandler and Associates Architecture
Mr. Nikolai Galadza, Crag X Climbing Gym

The application was introduced by Mike Wilson, Senior Planner – Urban Design

Mr. Chris Block provided the panel with a presentation of the application including elevations and floor plans.

Recommendation:

MOVED / SECONDED

That the Advisory Design Panel recommend to Council that Development Permit Application #000331 for 769 Pandora Avenue be approved subject to design refinements including:

- (a) consideration of the use of a more durable, weather-resistant material, in place of horizontal cedar siding
- (b) reconsideration of the composition of the exposed joint lines on the exposed east façade
- (c) consideration of further expression of a dynamic tension in the cornice line.

CARRIED UNANIMOUSLY

Meeting adjourned at 1:00 p.m.

DRAFT



Planning and Land Use Committee Report

Date: December 23, 2013 **From:** Murray G. Miller, Senior Planner

Subject: **Development Permit with Variances Application #000293 for 1032 North Park Street**
Application to vary the required parking from fourteen stalls to five stalls to permit the construction of an eleven-unit residential building.

Executive Summary

The purpose of this report is to present Council with information, analysis and recommendations regarding a Development Permit Application with Variances for the property located at 1032 North Park Street. This application is to develop eleven compact apartment units consisting of eight two-bedroom units and three one-bedroom units. The following points were considered in analyzing this application:

- The subject property is within DPA 16, General Form and Character, which seeks to achieve more livable environments through considerations for human-scaled design, quality of open spaces, privacy impacts, safety and accessibility.
- The proposal is inconsistent with a specific aspect of the *Official Community Plan* (OCP), Place Character Features, where primary doorways face the street. The proposal does not adequately address this policy; therefore a recommendation includes provision to address this concern.
- While the proposal advances other objectives of the OCP in relation to the location of residential growth, the parking provision does not meet Schedule C of the *Zoning Regulation Bylaw*. The applicant is requesting a parking variance from 14 to 5 spaces. While the proposed development does not meet the required parking for the proposed use, staff support this application because significant Transportation Demand Management (TDM) measures will be implemented. However, it is relevant to note that one of the key TDM measures (issuance of bus passes to residents) cannot be secured by the City.

Staff support for this application, on balance, recognizes the need for further design revisions in relation to the orientation of the entrance door to Unit 1 and the identification of the main entrance to the building and accepts the reduced level of parking with the TDM measures provided.

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

Recommendation

That Council advance Development Permit Application with Variances #000293 for 1032 North Park Street for consideration at a Public Hearing, subject to the completion of the following prior to the Public Hearing:

- (a) Revisions to the design so as to meet the *Official Community Plan*, Place Character Features objective, ensuring that the orientation of the entrance door to Unit 1 faces North Park Street and that the entrance to the building be clearly identifiable to visitors;
- (b) Plans as revised in relation to the changes noted in condition 1 (a) above;
- (c) Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance from Schedule C:
 - Number of parking spaces relaxed from 14 to 5
- (d) The proposed Transportation Demand Management (TDM) measures are secured by the appropriate agreement between the Victoria Car Share Cooperative and the Developer to the satisfaction of the City Solicitor; and
- (e) Final plans to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

Respectfully submitted,

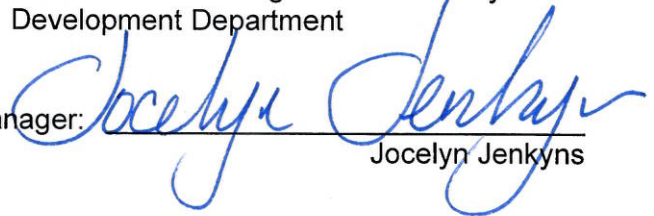


Murray G. Miller
Senior Planner, Urban Design
Development Services Division



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\DP000293\PLUSC PLANNING REPORT TEMPLATE DP & DVP3.DOC

1.0 Purpose

The purpose of this report is to present Council with information, analysis and recommendations regarding a Development Permit Application with Variances for the property located at 1032 North Park Street.

2.0 Background

2.1 Description of Proposal

This application is to develop eleven compact apartment units consisting of eight two-bedroom units and three one-bedroom units with the maximum total floor area of 687 m² permitted in the CR-NP zone.

The building would be four storeys with a modulated exterior flat roof. The exterior materials include fibre cement panels, sections of mahogany cedar siding, manufactured thinstone and exposed concrete retaining walls. Driveways are finished in a mix of hard and permeable landscaping.

Based on the *Zoning Bylaw Regulation*, 14 parking spaces are required for this development, one of which would be visitor parking. The applicant requests parking and visitor parking variances that would allow five (5) spaces in total to be provided on site.

2.2 Existing Site Development and Development Potential

2.3 Data Table

The following data table compares the proposal with the existing CR-NP Zone. An asterisk (*) is used to identify where the proposal does not meet the requirements of the existing zone.

Zoning Criteria	Proposal	CR-NP Zone Standard
Site area (m ²) – min.	458	n/a
Total floor area (m ²) – max.	687	687
Density (Floor Space Ratio) – max.	1.5:1	1.5:1
Lot width (m).	10.79	n/a
Height (m) – max.	12	12
Site coverage (%) – max.	65	n/a
Storeys – max.	4	4
Setbacks (m) – min.		
North	10.3	6
South (North Park)	0.2	0
East	0	0
West	0	0

Unit size – min.	34.2	33
Parking – min.	5*	14
Visitor parking – min.	1	1
Bicycle storage (class 1) – min.	16	11
Bicycle rack (class 2) – min.	6	6

2.4 Land Use Context

The subject property:

- fronts on to North Park Street and is flanked to the west by 1030 North Park Street, which is zoned CR-NP, North Park Commercial Residential District, and consists of a single family dwelling that was constructed in 1899 and converted to office use in 2006
- is flanked to the east by 1040 North Park Street, which is zoned CR-NP, North Park Commercial Residential District, and consists of a three-suite apartment with retail/commercial on the ground floor that was constructed in 1912
- is flanked to the north by 1039 Caledonia Street, which is zoned R-17, Caledonia Multiple Dwelling District, and consists of a twelve-unit strata building that was constructed in 1990
- is situated in the Urban Residential district of North Park, between the Core Residential district to the west and North Park Village to the east, a key transition area linking higher density Downtown and Harris Green with lower density general residential areas north of Princess Street and east of Cook Street.

2.5 Legal Description

PID 009-325-557, the easterly 35 feet of Lot 22, Suburban Lot 13, Victoria City, Plan 26

2.6 Relevant History

The Planning and Land Use Standing Committee considered a report dated February 19, 2010, from the Planning and Development Department with respect to Development Variance Permit # 00071 for 1032, 1040 and 1046 North Park Street. The application sought variances to the CR-NP Zone, North Park Commercial Residential District, for the development of 34 residential units.

On March 4, 2010, the Planning and Land Use Standing Committee recommended that Council authorize the issuance of a Development Variance Permit for the proposal subject to the development meeting all requirements of the *Zoning Regulation Bylaw* except for specified variances and related conditions. The applicant never advanced the application to a Public Hearing for final Council consideration. The file was closed on March 1, 2012, due to inactivity.

2.7 Consistency with City Policy

The following sections provide an analysis of the proposal's consistency with applicable City policy.

2.7.1 Official Community Plan (OCP), 2012

(i) Land Management and Development

Goals

6(A) Victoria has compact development patterns that use land efficiently.

The proposed development expresses a compact built form that reflects site constraints.

(ii) Urban Place Designations

The subject property is within an area that is designated Urban Residential, which consists of multi-unit residential uses in a wide range of detached and attached building forms having a density generally up to 1.2:1.

The OCP anticipates:

- Built form consisting of attached and detached buildings up to three storeys
- Place Character Features having variable yard setbacks with primary doorways facing the street
- Variable front yard landscaping, boulevard and street tree planting
- On-street parking and collective driveway access to rear yard or underground parking.

The proposed development responds to the built form objectives of the OCP where the lower floor level is partially set below grade. A collective driveway from North Park Street provides access to partially inset parking. In relation to Place Character Features, the proposed development emphasizes a single family dwelling appearance from the street; however, the primary doorway associated with this residential unit does not face the street. It is considered that the hierarchy of doorways as expressed through the design diminishes the strength of the connection between the primary doorway associated with Unit 1 and North Park Street. In addition, the identification of the main entrance to the building is unclear.

(iii) Placemaking - Urban Design and Heritage

8 (a) That urban design at every scale from sites to local areas is responsive to Victoria's geographic context and existing pattern of development, achieves excellence, and creates memorable places.

(iv) Neighbourhood Directions

North Park Strategic Directions include:

- *accommodate new population and housing growth within walking distance of the North Park Village that abuts North Park Street at Cook Street.*

The subject property that proposes the new accommodation is located across North Park Street and to the immediate northwest of the North Park Village and within a half block of that portion of the neighbourhood designated as Core Residential.

Development Permit Area 16 - General Form and Character

Design Guidelines for Multi-Unit Residential, Commercial and Industrial Development (2012)

(2.4) Residential use at street level should have strong entry features and building designs that encourage interaction with the street.

It is considered that the strongest entry feature is associated with the vehicular access to the parking area and that the weakest entry feature is associated with the main entrance of the residential unit that would preferably express the strongest connection to the street. The identification of the main entrance to the building is also unclear.

(i) Human Scale, Massing, Height and Architectural Features

(3.1.3) Building facades should be designed so that entrances for pedestrians are legible and prominent, and that vehicular entrances and doors are subordinate features.

The proposed development is designed so that the only direct residential entrance along the North Park Street façade is not clearly legible and prominent as compared to the various other doorways because of its location and orientation. In addition, the design of the vehicular entrance and pedestrian exit door results in a greater visual prominence of these doors in comparison to the main entrance of the street-accessible residential unit. This does not reflect the hierarchy recommended in the Design Guidelines, but rather would effectively reverse it.

(3.3.2) Roof forms should complement the character of buildings in the immediate context.

(ii) Exterior Finishes

(4.1) Exterior building materials should be high quality, durable and capable of weathering gracefully.

The utilization of cement fibre panels as the predominant exterior finish is understood to respond to the need for durable finishes that are capable of weathering gracefully.

(4.3) 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.

The extent to which blank side elevations may be visible will depend on the viewing point and other visual encumbrances. For example, the proposed east and west elevations contain the largest areas of blank walls; however, the extent to which these walls may be visible will depend on the massing and location of any new development that may occur to the immediate east or west of the proposed development. At the time of writing this report, the extent of blank wall that may be exposed to the east-west traffic on North Park Street would be in relation to the existing structures to the east and west of the proposed development. As depicted on drawing

number A3, it is considered that the extent of blank wall exposed to the east and west ranges of North Park Street will be mitigated by the scale, design and location of the existing structures.

(iii) Universal Accessible Design and Safety

(7.2) The following factors should be taken into account to design environments that people feel safe to use:

- *Entrapment spots (avoid small areas shielded on three sides)*

It is considered that the design of the exit route from the residential units may create an entrapment spot between the exterior stairs located at the east side of the proposed development and the exit door since it would be shielded on three sides by solid enclosures. Since the exit door would likely be locked, it is considered that it would act as though it were an enclosure from the outside. This condition could be resolved as part of the design solution aimed at improving the orientation of the front entrance to Unit 1.

2.8 Community Consultation

The applicant met with the immediate neighbours to the subject property as well as with the North Park Neighbourhood Association on February 6, 2013. In accordance with the Community Association Land Use Procedures for Processing Variance Applications, this application was referred to the North Park CALUC for a 30-day review period. A letter prepared by the North Park Neighbourhood Association is attached for reference.

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

2.9 Issues

The key issues associated with this application are:

- orientation of the entrance door to Unit 1 to the street and identification of the entrance to the building
- parking.

3.0 Analysis

3.1 Orientation of the entrance door to Unit 1 to the street and identification of the entrance to the building

The proposed design depicts three doorways that are highly visible from North Park Street:

1. the vehicular overhead door
2. the pedestrian door to access bicycle parking and the elevator
3. the pedestrian east exit door.

There is no clear entrance to the residential units that is visible from the street, which will likely present difficulties for visitors attempting to access the building. In order to respond adequately to the Design Guidelines for Multi-Unit Residential, Commercial and Industrial Development, there is a need to strengthen the readability/identity of the primary residential entrance. It is important that the orientation and visibility of the entrance to Unit 1 be strengthened to improve the relationship between the primary residential entrance and the street.

The applicant has suggested that the proposed exit door adjacent to Unit 1 produces the same exterior appearance as if it were a main entrance door; however for users and visitors of the building, the appearance of doors on a drawing is different from how one actually identifies, uses and is guided by the clarity of entrances to the building versus an emergency exit from the building. Staff consider that the primary entrance to the building itself is unclear and that the entrance door to Unit 1 does not provide a strong or clear relationship to the street. This is because the entrance to Unit 1 does not face the street and is further concealed by the location of the exit door and associated corridor.

It is relevant to note that the way in which the proposed development would be experienced from the public right-of-way along North Park Street would be different than that which is architecturally expressed in the two-dimensional drawings. Having regard to this difference, it is considered that the entrance to Unit 1 is of a lower hierarchy in relation to all of the other doorways that are highly visible from North Park Street.

3.2 Parking

The impact of the requested variance in relation to parking has been reviewed by the Engineering and Public Works Department. While the parking variance requested is significant (14 stalls required, 5 proposed), the applicant has provided a parking study that was undertaken by Boulevard Transportation Group in October of 2012. The study suggests that a potential shortfall of three parking spaces may result after the implementation of significant TDM measures. It is relevant to note that one of the key TDM measures proposed (issuance of bus passes to residents) cannot be secured by the City. It is considered that any on-site shortfall in parking for residents and their guests will likely have an impact on-street parking availability for residents and businesses of the neighborhood. The City's Engineering and Public Works Department has reviewed the Transportation Demand Management report provided by the applicant and is supportive of the requested variance.

4.0 Options

1. That Council advance the application for consideration at a Public Hearing subject to design revisions (recommended).
2. That Council advance the application for consideration at a Public Hearing without requiring revisions to the design.
3. That Council declines the application.

5.0 Conclusions

The subject property is within Development Permit Area 16: General Form and Character, in which the OCP requires the consideration of Design Guidelines for Multiple-Unit Residential, Commercial and Industrial Development. In this regard, the OCP anticipates, in Place Character Features, that "primary doorways face the street". The proposed design would not satisfy this guideline. However, staff are supportive of the overall proposed development provided that the applicant addresses the function and hierarchy of the primary residential entrance to the building in general and the orientation of the entrance door to Unit 1, to the satisfaction of the Director of Sustainable Planning and Community Development Department.

This Development Permit Application with Variances seeks to vary the number of parking stalls required from 14 to 5. The proposed variance to the number of vehicular parking stalls required by Schedule C would enable the applicant to maximize the number of residential units while contributing to the City's objectives of accommodating at least 20,000 new residents, 40% of

whom are to be in or within close walking distance of Town Centres and Large Urban Villages. The City's Engineering and Public Works Department has reviewed the Transportation Demand Management report provided by the applicant and is supportive of the requested variance.

6.0 Recommendation

That Council advance Development Permit Application with Variances #000293 for 1032 North Park Street for consideration at a Public Hearing, subject to the completion of the following prior to the Public Hearing:

- (a) Revisions to the design so as to meet the *Official Community Plan*, Place Character Features objective, ensuring that the orientation of the entrance door to Unit 1 faces North Park Street and that the entrance to the building be clearly identifiable to visitors;
- (b) Plans as revised in relation to the changes noted in condition 1 (a) above;
- (c) Development meeting all Zoning Regulation Bylaw requirements, except for the following variance from Schedule C:
 - Number of parking spaces relaxed from 14 to 5
- (d) The proposed Transportation Demand Management (TDM) measures are secured by the appropriate agreement between the Victoria Car Share Cooperative and the Developer to the satisfaction of the City Solicitor; and
- (e) Final plans to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

7.0 List of Attachments

- Zoning map
- Aerial map
- Letter from the North Park Neighbourhood Association dated February 15, 2013
- Letter from applicant dated March 13, 2013
- Revised plans dated November 14, 2013.



CITY OF
VICTORIA
Page 146 of 230



Development Permit #000293 with Variances for 1032 North Par...





North Park Neighbourhood Association
P.O. Box 661, #185-911 Yates Street
Victoria, B.C., V8V 4Y9

Date: February 15, 2013.

To the attention to:
Mr. Raj Sahota, c/o Method Built Homes.
4566 Cordova Bay Rd.
Victoria, B.C.

LETTER OF SUPPORT FOR 1032 NORTH PARK DEVELOPMENT PERMIT

CORRESPONDANCE.

The Developer Raj Sahota of Method Built homes has corresponded with the North Park Neighborhood Association's (NPNA) Land Use chair on three accounts to inform the association of his development plans 1032 North Park St. It was requested by NPNA members that Raj present his development at our public meeting on February 6th, 2013 where he informed all on his plans in the presence of City councilors Marianne Alto and Shellie Gudgeon.

NPNA RESPONSE.

Mr. Sahota's development plans were received well by those present with minimal concerns regarding the buildings massing and parking variance concerns. The variance on parking requesting 0.5 parking spaces per resident is planned to be off set by Transportation Demand Management (TDM) strategies which include bus passes, bicycle storage, and car share coop memberships. The NPNA is a strong advocate for TDM's and felt this request was in the right direction in reducing impacts of the private automobile on the community. The NPNA is in support of this development as it strongly reflects the guiding principles for development in the OCP.

NPNA SUGGESTIONS.

For future developments in the North Park neighborhood consultations with representatives from the land use committee in the early stages of design and concept would be an effective way for the community to have their aspirations and goals reflected in new neighborhood developments.

Sincerely,

Timothy John Hewett, MSc. P.MCIP
President of NPNA, and chair of the Land Use Committee

A handwritten signature in black ink, appearing to read "Tim Hewett", is written over a horizontal line.



13 March 2013

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

Dear Mr. Mayor and City Council:

Re: 1032 North Park Street - Development Variance Permit Application - Letter of Support

The Proposed Development

Method Built Homes is a locally owned and family-operated business that has been operating in the Capital Regional District for nearly 30 years (the "Developer"). The Developer is proposing a new, compact, and affordable rental apartment development at 1032 North Park Street (the "Proposed Development"). The Proposed Development consists of twelve compact apartment units consisting of eight two-bedroom units, three one-bedroom units and one studio. Drawings of the Proposed Development are appended hereto at Appendix A.

1

t. 250.858.4869
 f. 250.881.0255
 e. info@methodbuilt.ca
 w. www.methodbuilt.ca

Method Built Homes
 The Garage
 4566 Cordova Bay Road
 Victoria BC V8X3V5 Canada



The Proposed Development is governed by Bylaw #04-58, Part 4.62, the CR-NP North Park Commercial Residential District zone (appended hereto at Appendix B and referred to herein as the "CR-NP Zone").

Additionally, the Proposed Development borders the Residential Mixed-Use District.

The RMD is the largest of all the Downtown Core Area districts and includes the majority of the residential land base for the area, with some under-utilized or vacant parcels still available. Because of the RMD's close proximity and direct connections with the Central Business District, it is today a mixed-use urban community, with a concentration of compact mid to high-density residential, mixed-use and commercial development. The District also contains several institutional, cultural and recreational facilities, including the Provincial law Courts, the royal Theatre, the YMCA and several historic churches.

(Downtown Core Area Plan, September 2011; p.33)

The Proposed Development falls within the prescribed uses contained in section 2(a) of the CR-NP Zone. Additionally, the Proposed Development meets the remaining prescriptive requirements of the CR-NP Zone, namely the prescribed height, floor area,

2

t. 250.858.4869
f. 250.881.0255
e. info@methodbuilt.ca
w. www.methodbuilt.ca

Method Built Homes
The Garage
4566 Cordova Bay Road
Victoria BC V8X3V5 Canada



floor space ratio, siting, set-back and loading area requirements of sections 3-9 of the CR-NP Zone. However, the Proposed Development does not meet the off-street parking requirement of the CR-NP Zone and Schedule C thereto.

As a result the Developer seeks support from the City of Victoria for the Proposed Development and this letter outlines some of the reasons why the Proposed Development ought to receive support from the City of Victoria by way of a Development Variance Permit.

Characteristics of the Proposed Development

The Proposed Development is located in an urban area on North Park Street and is consistent with the Official Community Plan (discussed further below) and local-area land use. As an infill proposal, the Proposed Development would continue to reform the character of the North Park neighbourhood from single-family homes to medium density developments that are scale sensitive.

The Proposed Development is located at walking distance from downtown Victoria, community recreation centres, commercial enterprises, local schools, and public transportation routes, making the Proposed Development ideal for rental units. The

3

t. 250.858.4869
f. 250.881.0255
e. info@methodbuilt.ca
w. www.methodbuilt.ca

Method Built Homes
The Garage
4566 Cordova Bay Road
Victoria BC V8X3V5 Canada



existing neighbourhood is a mix of early century single-family homes and more recent multi-family condominium buildings, town house complexes and commercial buildings.

The Proposed Development features an attractive street presence with a pedestrian friendly frontage, effective spatial articulation of mass, and the use of mixed cladding materials. The exterior cladding materials include fiber cementitious panels in charcoal grey, a contrasting vertical section featuring mahogany cedar siding, manufactured thinstone, cinder block walls and exposed concrete retaining walls. Despite its limited lot frontage and overall lot area, there are six below-grade parking stalls that are concealed from public view. Additionally, the Proposed Development steps back on increasing floors to create a transition between public space (the street) and private space (dwelling units).

The Proposed Development consists of a contemporary design that is three stories above grade and has a ground floor buried approximately three feet below grade. As a result, the Proposed Development is comparable in height to its neighbours and its density follows existing municipal bylaws.

Design Guideline Compatibility



1.6 – Multi-residential:

The Proposed Development provides a transition from both the: (a) neighbouring properties, and (b) front property line, by stepping back the 4th floor.

The North Park neighbourhood is comprised of a mix of building types, density and uses. Single-family, multi-family and commercial buildings built throughout the 20th century are predominant. Single-family homes on small lots are being removed to accommodate multi-residential developments. Pursuant to the OCP the neighbourhood is set to evolve over the coming decades and given the current trends, we are proposing a building in a style that is contemporary and attractive to current and future generations.

The Proposed Development's East wall faces a commercial building; therefore we have proposed the blank wall to be facing the non-residential area. The West wall is articulated and provides a central, open area that will reduce the impact onto the property to the West. Fencing is proposed to be located along the property lines giving privacy to this and adjacent properties.

2.0 Street-Scape:



The Proposed Development is a 4-storey building that for the viewing public appears as a 2.5-storey building. This is because the ground floor is sunk into the ground and the upper floor is setback significantly from the front property line.

The front façade has an interesting articulation of masses and the choice of materials contributes to the enhancement of the geometrical design. The mix of warm finishes such as the cedar cladding combined with the fiber cement panels make a contrast between man made and natural materials. The lower floor utilizes a cedar panel section to link it to the upper floors and enhance the overall street presence. Rock cladding surrounding the garage and entry door contributes to the perception of warmth. Additionally, the proposed primary colour of the Proposed Development is related to the colour of the building to the East.

The ground floor design with its recessed garage door and entry effectively mediates the transition from public to private space and further suggests a building of single-family character. The ground floor unit has its entry at the front of the Proposed Development, further suggesting to the public that this is a single-family building.

The parking for the building is completely concealed from public view and the driveways are treated with a mix of hard and soft landscape.

6

t. 250.858.4869
f. 250.881.0255
e. info@methodbuilt.ca
w. www.methodbuilt.ca

Method Built Homes
The Garage
4566 Cordova Bay Road
Victoria BC V8X3V5 Canada



Parking Study

The Developer engaged the services of Boulevard Transportation Group to prepare and submit a parking study of the Proposed Development (the "Parking Study"). The Parking Study is appended hereto at Appendix C.

The Parking Study "considers the Proposed Development and provides a review of the parking requirement, expected parking demand, on-street parking conditions, alternative parking options, and surrounding services and transportation options" (Parking Study, p.1).

The City of Victoria's Zoning Bylaw, No. 80-159, Schedule C identifies a parking supply requirement of 15.6 parking spaces ~ 16 parking spaces. The Parking Study reviews expected parking demand by analyzing:

- (a) Capital Regional Housing Corporation Sites,
- (b) Market Rental Apartment Sites, and
- (c) Insurance Corporation of British Columbia Vehicle Ownership Data ("ICBC Data").



Additionally, the Parking Study reviews precedents in Greater Victoria for reduced parking supply rates.

As a result of the three-pronged analysis outlined above, the Parking Study concludes that objectively, the parking demand at the Proposed Development will be “between five and seven vehicles”. Additionally, based on the ICBC Data, vehicle ownership at the Proposed Development will be six vehicles with potential demand for two visitor spaces. The Parking Study emphasizes that the analysis referenced above was of developments “with ‘typical’ sized rental units and some... located outside of the downtown core, likely experiencing *higher* parking demand [and ownership] than the subject site” (Parking Study, p.5, emphasis added). The Proposed Development, however, should experience reduced parking demand as it contains *compact* (as referenced in the OCP below) rental units and is located adjacent to the downtown core in the City of Victoria.

Furthermore, the Parking Study reveals that “recent small-unit rental developments in the Capital Region support the reduced parking supply rates” in the Proposed Development (Parking Study, p.5).

The Parking Study reviews off-street public parking lot facilities located close to the Proposed Development that can accommodate potential spillover parking from the

8

t. 250.858.4869
f. 250.881.0255
e. info@methodbuilt.ca
w. www.methodbuilt.ca

Method Built Homes
The Garage
4566 Cordova Bay Road
Victoria BC V8X3V5 Canada



Proposed Development. Moreover, on-street parking conditions are reviewed and it is determined that the Proposed Development “will experience peak demand on weekday evenings and weekends, when adjacent on-street parking will experience low occupancy” because the Proposed Development is located in an “area being largely driven by commercial and industrial land uses that experience parking demand during the daytime” (Parking Demand, p.6).

The Official Community Plan

The City of Victoria Official Community Plan encourages the development of rental housing (Official Community Plan, City of Victoria Planning and Development Department – Community Planning Division, Final adopted OCP bylaw, as amended to August 30, 2012, available at www.victoria.ca) (the “OCP”). The OCP directs considerable attention to the issue of “[h]ousing and homelessness” and commits to ensure “[a]ll residents have access to appropriate, secure, affordable housing” (OCP, pp. 16, 21).

The OCP envisions a “wide range of housing types, tenures and prices” so as to “give residents choices” (OCP, p.21). Additionally, given that “[p]opulation growth is expected to absorb Victoria’s capacity for new ground-oriented housing under existing zoning and

9

t. 250.858.4869
f. 250.881.0255
e. info@methodbuilt.ca
w. www.methodbuilt.ca

Method Built Homes
The Garage
4566 Cordova Bay Road
Victoria BC V8X3V5 Canada



exceed that for apartments. High to medium densities in Victoria's Urban Core, Town Centres and Urban Villages are needed to satisfy widespread demand for housing that is more affordable" (OCP, p.21).

The OCP defines affordable housing as "[h]ousing that falls within the financial means of a household living in either market or non-market dwellings. Total costs for rent or mortgage plus taxes (including a 10% down payment), insurance and utilities should equal 30 percent or less of a household's gross annual income. Housing affordability is influenced by household income, and cost and supply of housing" (OCP, p.251).

The Proposed Development seeks to provide a new, compact and centrally located affordable housing option within the City of Victoria.

The OCP outlines a regional growth strategy to "improve housing affordability" via "three regional goals", one of which is to "increase the supply of more affordable housing" (OCP, p.28).

*As a built-out city with little remaining undeveloped land, and with commitments to accommodate a share of the region's population growth, the outward expansion of Victoria's housing stock is limited, **making it necessary to create more compact built environments.** These compact*

10

t. 250.858.4869
f. 250.881.0255
e. info@methodbuilt.ca
w. www.methodbuilt.ca

Method Built Homes
The Garage
4566 Cordova Bay Road
Victoria BC V8X3V5 Canada



built environments will be focused in the Urban Core, Town Centres and Urban Villages and in close proximity to transit. Victoria is forecast to need an additional 13,500 apartment units and an additional 2,700 ground-oriented housing units over the next 30 years.

(OCP, p.94, emphasis added)

Additionally, the OCP recognizes that “[d]esignating additional housing capacity primarily for apartment units and attached ground-oriented housing is necessary to ensure that developable capacity is sufficient to meet forecast demand and maintain a healthy housing market” (OCP, p.94).

The Proposed Development contains compact apartment units that improve housing affordability. As a result, the Proposed Development increases the supply of more affordable housing and helps to maintain a healthy housing market.

The OCP outlines that “[t]he high cost of rental housing and home ownership makes housing affordability a challenge for many people” and that “[v]ery little purpose-built rental housing is being constructed, vacancy rates are low and much of the rental housing stock was built before 1981 and will need to be updated or replaced within the term of this plan... Victoria must diversify its housing stock to accommodate a growing

11

t. 250.858.4869
f. 250.881.0255
e. info@methodbuilt.ca
w. www.methodbuilt.ca

Method Built Homes
The Garage
4566 Cordova Bay Road
Victoria BC V8X3V5 Canada



and aging population and an expanded workforce” (OCP, p.95). The Proposed Development, as a new, purpose-built apartment building located close to the downtown core, seeks to moderate the high cost of rental housing by offering compact apartment units.

The OCP seeks to address a pressing social need in the City of Victoria. “The high cost of housing, combined with unstable or inadequate income and life circumstances has resulted in some people and households becoming homeless or at-risk-of homelessness.” (OCP, p.95)

*Many of the roles and responsibilities for housing and homelessness lie outside the powers and capacity of municipal governments. As a result, many of the plan’s policies commit the City of Victoria to work in partnership with senior levels of government, the health authority, **the private sector** and community organizations to respond to the city’s breadth of housing issues. The plan takes a comprehensive approach to increasing the supply, affordability and range of housing options, with a focus on land use management policies and practices that enable greater housing affordability across the housing spectrum. The plan supports diversifying the range of housing types available in neighbourhoods and across the city to*

12

t. 250.858.4869
f. 250.881.0255
e. info@methodbuilt.ca
w. www.methodbuilt.ca

Method Built Homes
The Garage
4566 Cordova Bay Road
Victoria BC V8X3V5 Canada



accommodate a greater range of age groups and household needs... Finally, the plan encourages upgrades and regeneration of the housing stock to meet future housing needs."

(OCP, p.95, emphasis added)

The Proposed Development assists the City of Victoria in this broad policy objective by bringing new, compact and affordable apartment units to the market in a central location and to those for whom vehicle ownership and use is neither necessary nor affordable.

The OCP recognizes, as a broad policy objective, "[t]hat the existing supply of rental housing [needs to be] expanded through regeneration" and seeks to "[d]evelop strategies to support the ongoing upgrade and regeneration of the city's rental housing stock" (OCP, pp.97-98). Additionally, the OCP seeks to "[s]upport innovation and reinvestment in community assets that attract investment and support economic activity, and that address barriers to economic performance, including, but not limited to: Victoria's waterfront and its natural and heritage setting, arts, culture and recreation facilities, parks, infrastructure, **housing that is affordable**, schools, adult education opportunities and community and social services" (OCP, p.100, emphasis added).



The Proposed Development is a rare because it is a new, compact, and affordable apartment rental development located adjacent to the downtown core. The Proposed Development heeds the call of the OCP to address the issue of affordable housing in a meaningful way. The economics of the Proposed Development are marginally sustainable; however, with the support of the City of Victoria, the Proposed Development is a vital step towards addressing a serious need.

Compact Units and TDM

The Proposed Development features 12 units, of which eight are two-bedroom units, three are one-bedroom units and one is a studio. The size of the units within the Proposed Development are small relative to those found in comparable apartment buildings in the City of Victoria. As envisioned by the OCP, the compact nature of the units renders them more affordable.

As outlined in the Parking Study, the Proposed Development seeks to integrate as many transportation demand management ("TDM") measures as feasible (Parking Study, pp. 6-8). The Proposed Development itself is seeking to address a societal need within the City of Victoria and the Developer recognizes that TDM measures *complement* the social



need for affordable housing. TDM measures for the Proposed Development will include the following:

1. Promoting walking options to residents;
2. Promoting cycling by installing Type I and Type II bicycle facilities;
3. Providing each unit with a monthly BC Transit bus pass; and
4. Promoting car sharing by supplying each unit with a perpetual Victoria Carshare membership.

Incentives

The OCP envisions providing selective “property tax incentives and bonus density for [a] new development that contributes to the: (a) conservation or provision of an amenity or *affordable* and special needs housing, or (b) entrance into a housing agreement” (OCP, p.104). As currently modeled, the Proposed Development is a marginally economically viable. A tax incentive for several years going forward would assist the Developer in ensuring the economic viability of the Proposed Development.

Neighbours and North Park Neighbourhood Association



The Developer reviewed the Proposed Development in detail with both the: (a) immediate neighbours, and (b) North Park Neighbourhood Association ("NPNA"). In both cases, the Proposed Development was viewed favourably as an improved addition to this neighbourhood. The NPNA has provided the Developer with a letter of support for this project, which is appended hereto at Appendix D.

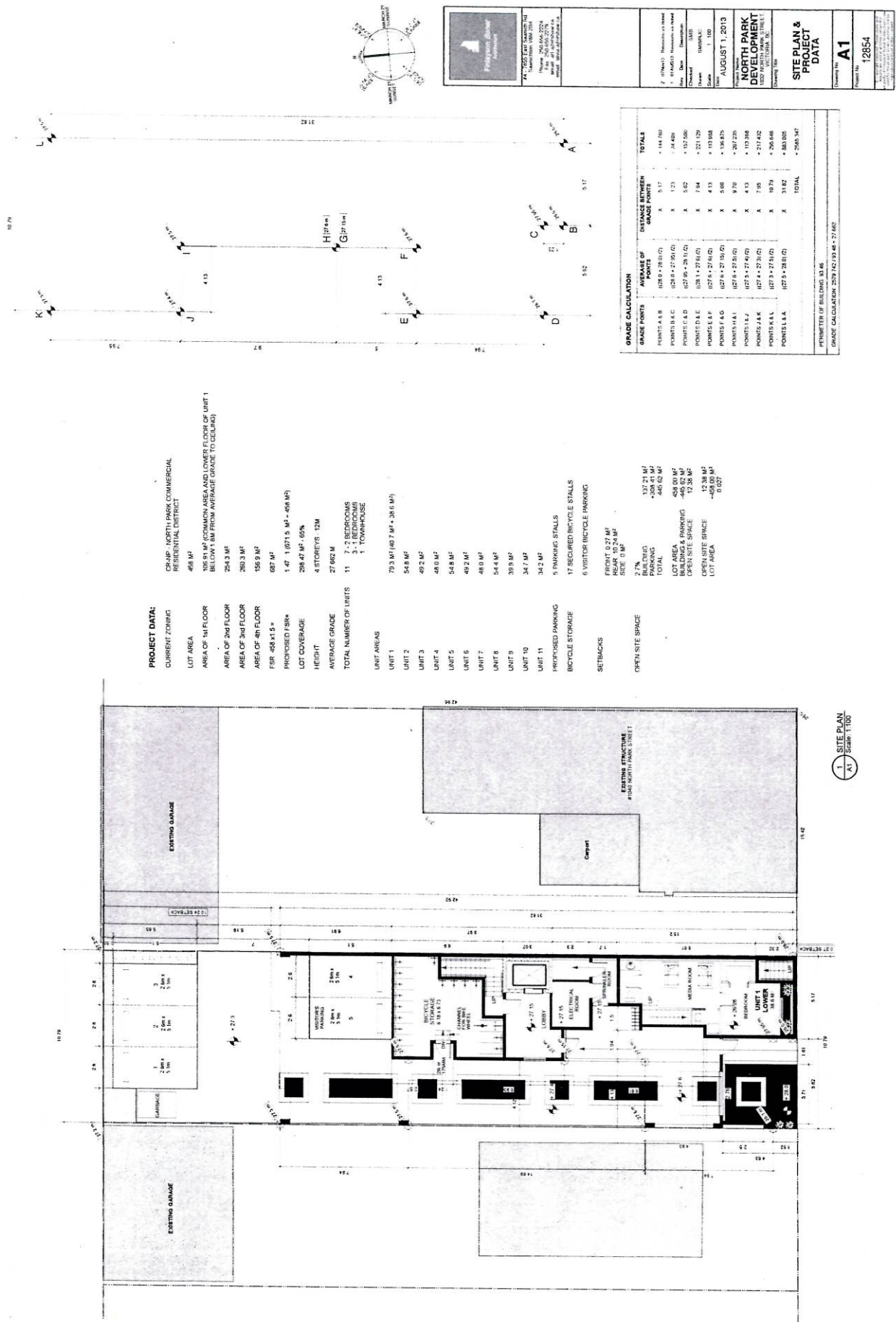
I trust you will find the foregoing acceptable and I look forward to working with you and the staff at the City of Victoria to ensure that the Proposed Development is a positive step forward for the local community. Should you have any questions or concerns, please do not hesitate to contact the undersigned at your convenience.

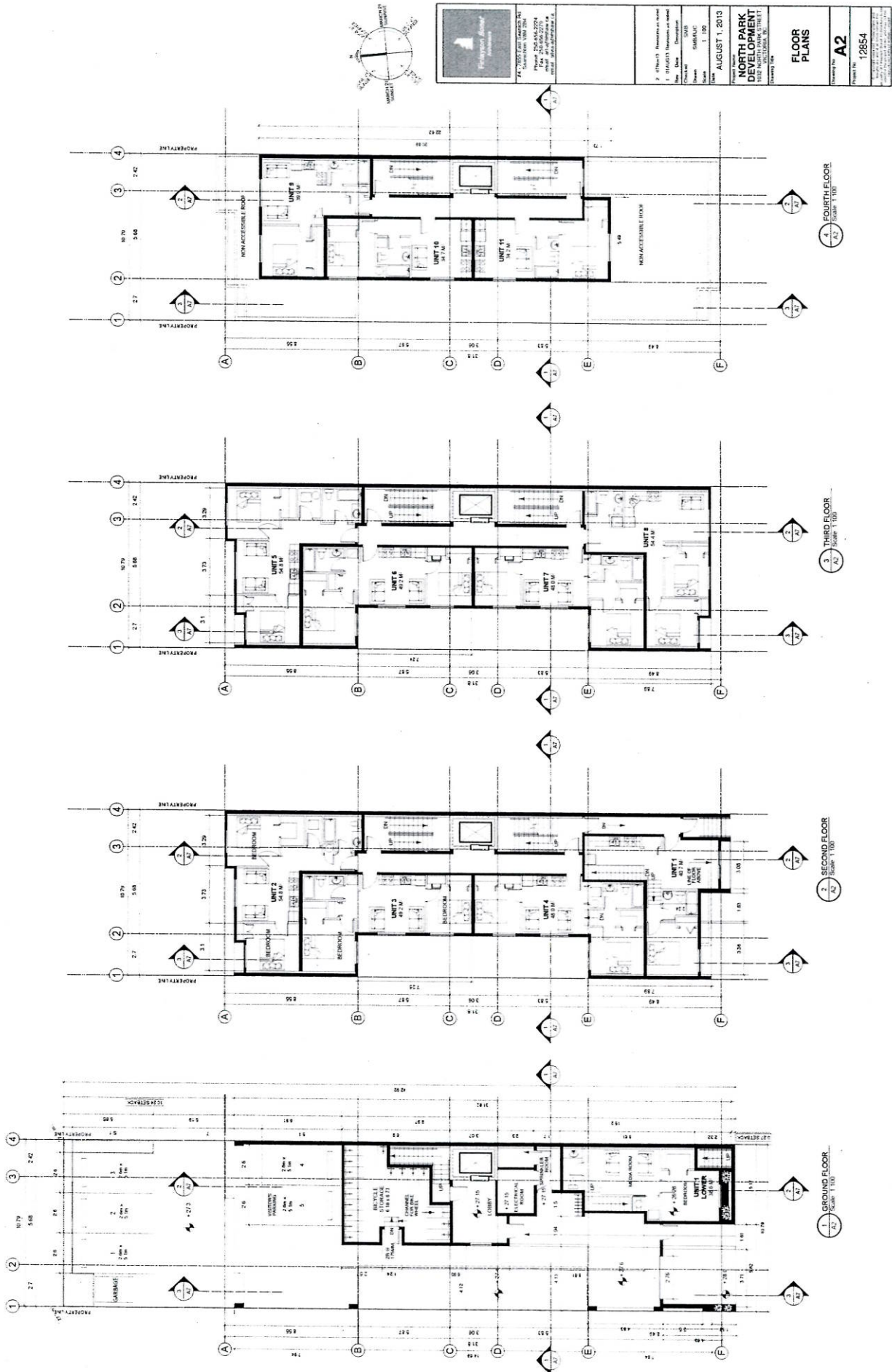
Kind regards,

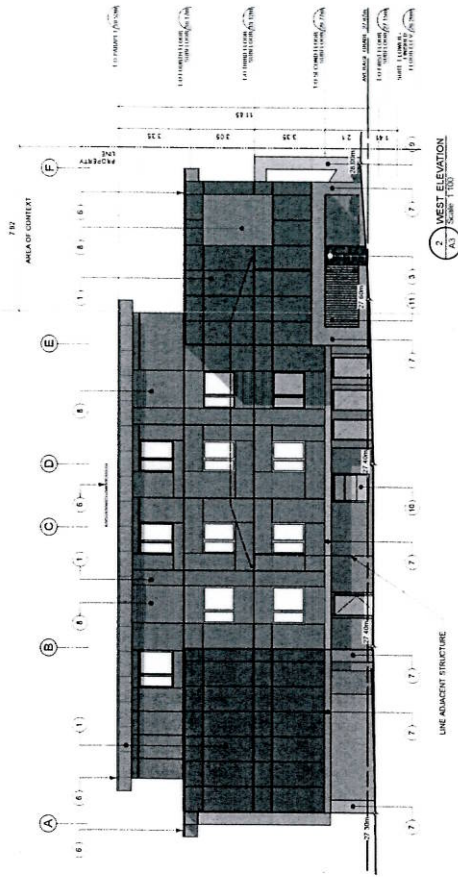
METHOD BUILT HOMES

RSSahota

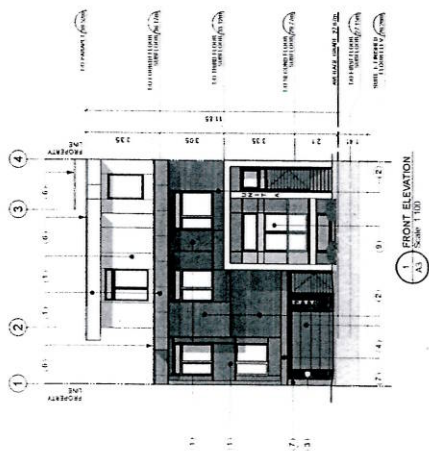
Rajinder S. Sahota
RS/jb
Enc.



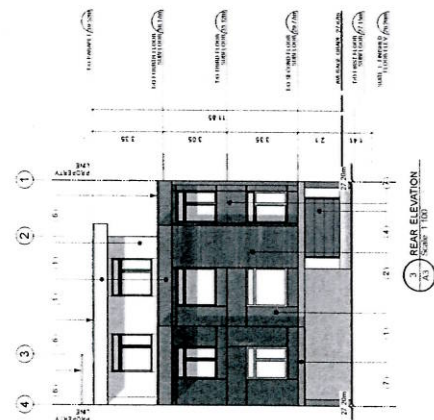
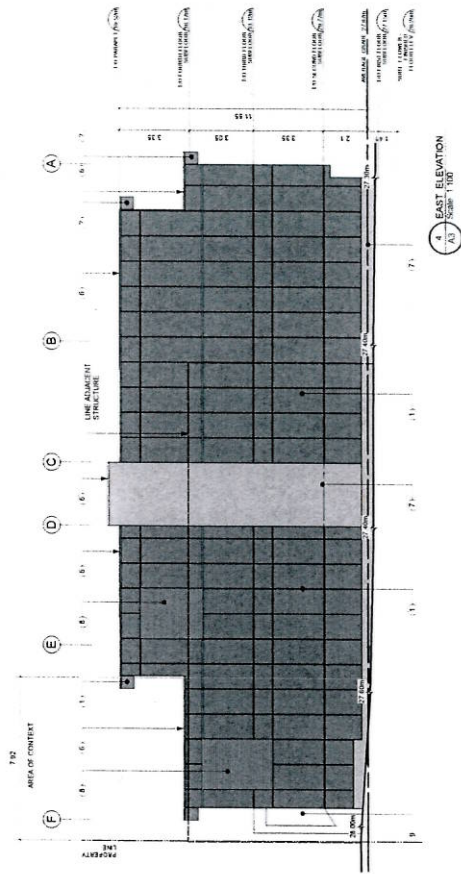


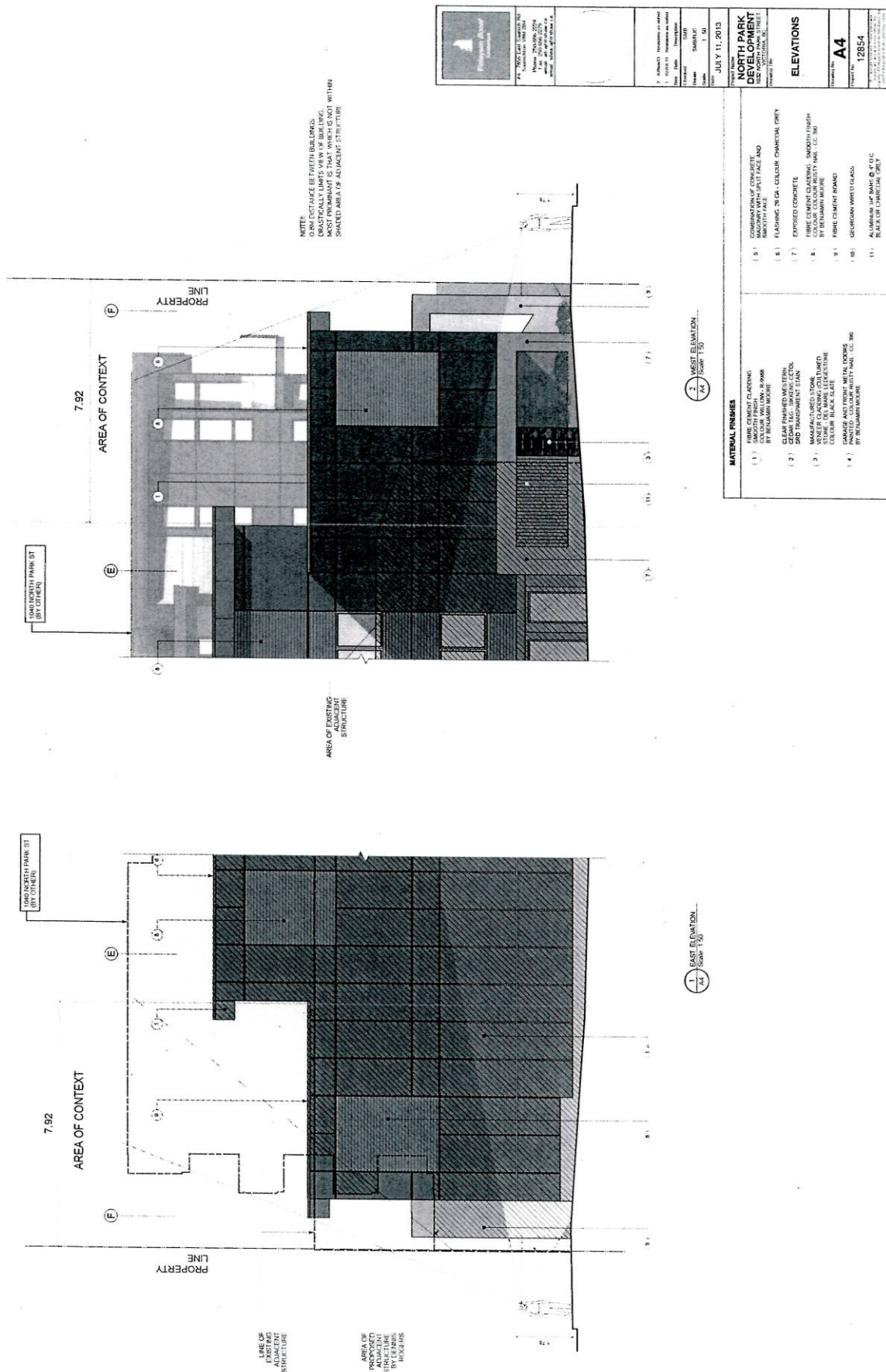


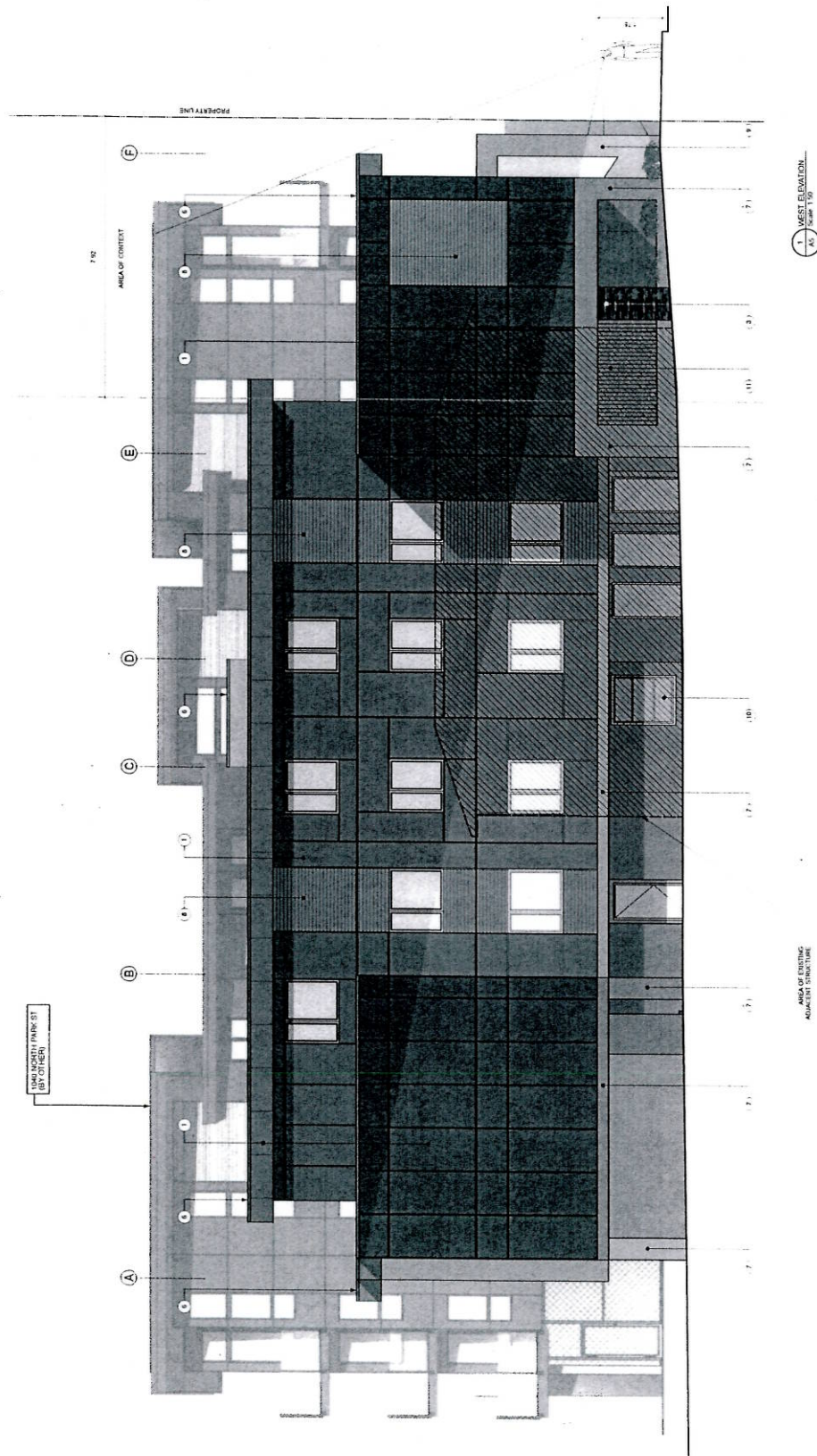
MATERIAL FINISHES	
1.1	FINISH CONCRETE SLABWORK SMOOTH FINISH BY BENJAMIN MOORE
1.2	FLUSHING IN GRAY COLOUR CHARCOAL GREY BY BENJAMIN MOORE
1.3	EXPOSED CONCRETE BY BENJAMIN MOORE
1.4	SMOOTH FINISH BY BENJAMIN MOORE
1.5	SMOOTH FINISH BY BENJAMIN MOORE
1.6	SMOOTH FINISH BY BENJAMIN MOORE
1.7	SMOOTH FINISH BY BENJAMIN MOORE
1.8	SMOOTH FINISH BY BENJAMIN MOORE
1.9	SMOOTH FINISH BY BENJAMIN MOORE
1.10	SMOOTH FINISH BY BENJAMIN MOORE
1.11	SMOOTH FINISH BY BENJAMIN MOORE



Project Information Project Name: NORTH PARK DEVELOPMENT Project Address: 1032 NORTH PARK STREET Project Number: 000293 Project Date: AUGUST 1, 2013 Project Status: DEVELOPMENT	
ELEVATIONS Elevation Number: A3 Elevation Name: WEST ELEVATION Elevation Scale: 1/100	

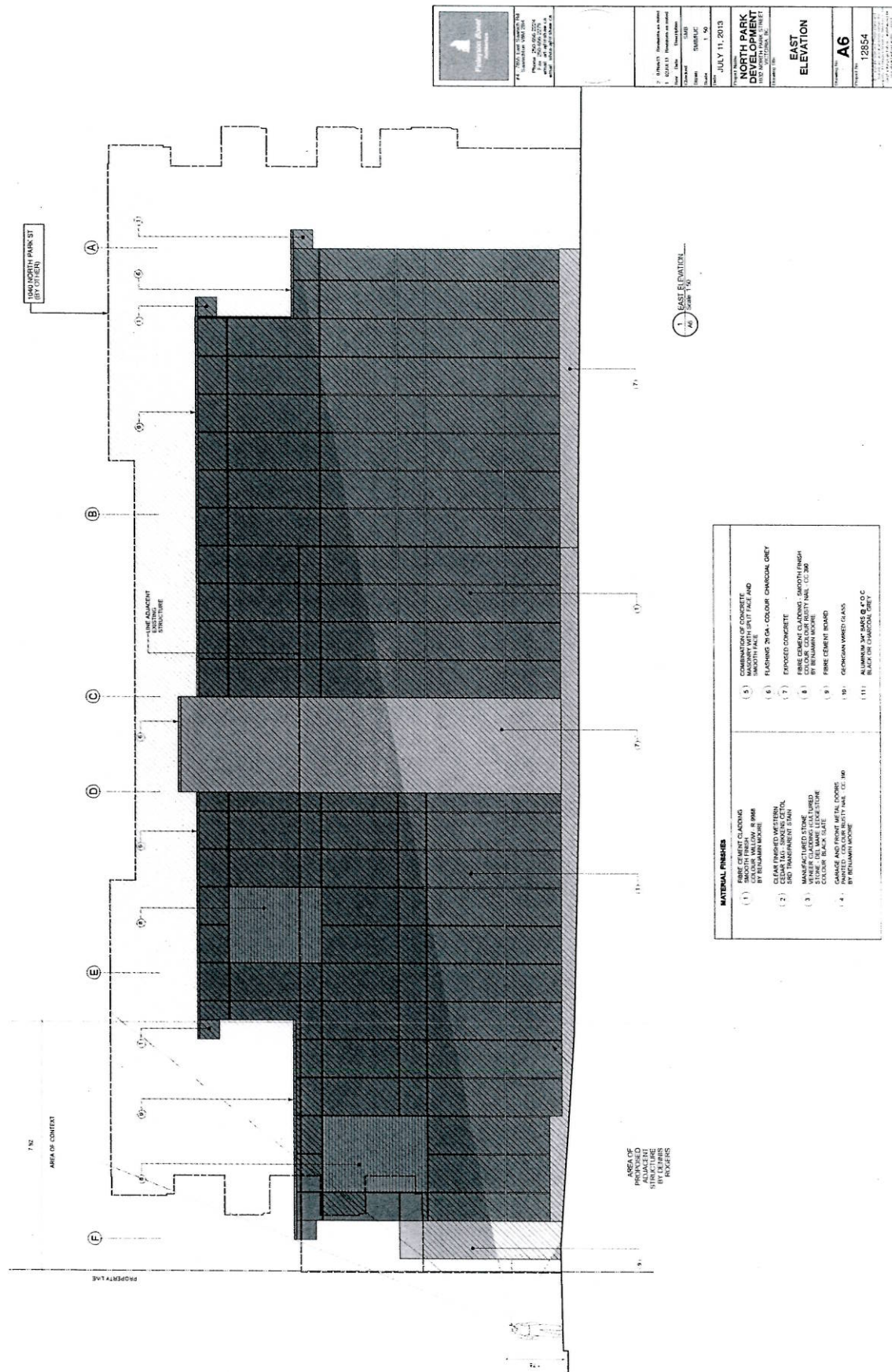


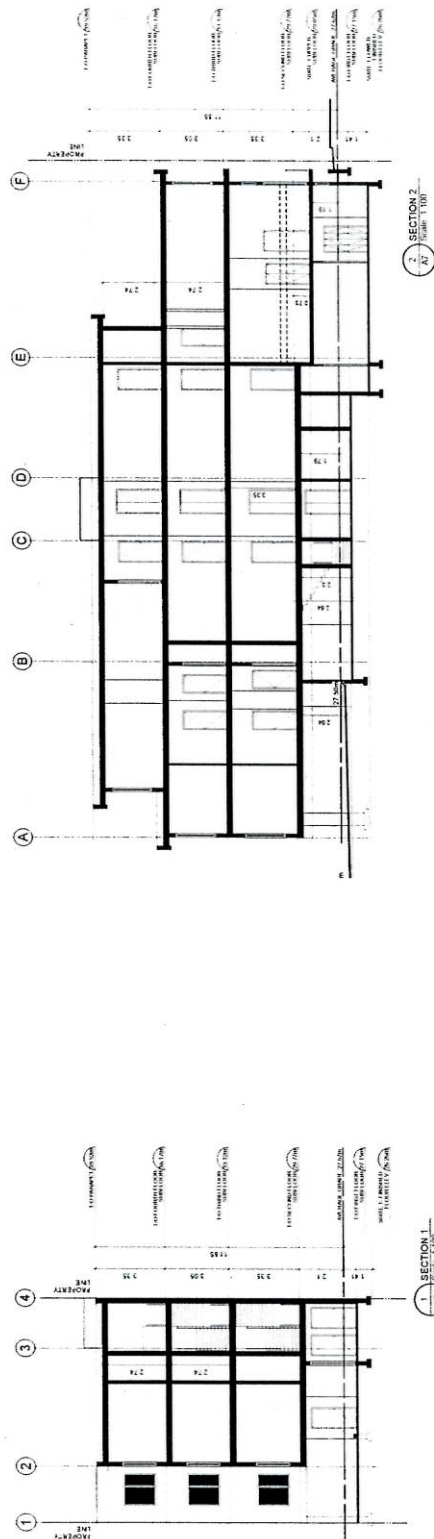




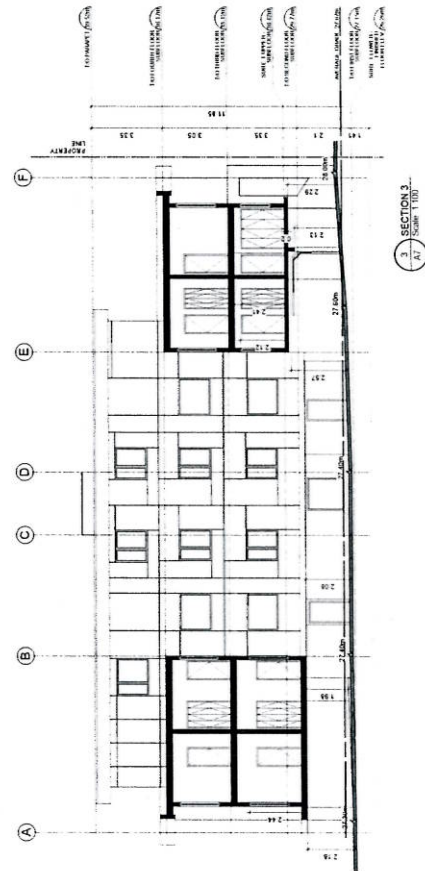
NOTE:
0.8M DISTANCE BETWEEN BUILDINGS
DRASTICALLY LIMITS VIEW OF BUILDINGS.
MOST PROMINANT IS THAT WHICH IS NOT WITHIN
SHADED AREA OF ADJACENT STRUCTURE.

MATERIAL FINISHES	
(1)	FIBRE EMMENT LAMING SMOOTH FINISH BY BETANUM MOORE
(2)	CELANO FINISHED METTER CELANO TAG SHINER CEMENT SIO TRANSPARENT SLAIN
(3)	WETTER CLANDERS COLLOURED CELANO IN LAMING CELANO IN LAMING
(4)	GAMGE AND FRONT METAL DOORS PAINTED: COLOUR BUTY HAIL, CC. 900 BY BETANUM MOORE
(5)	COLOURING OF CONCRETE MASONRY WITH SPIT HAIL AND SMOOTH FACE
(6)	FLAUSING 50-0 COLOUR CHAMICAL GRTY
(7)	EXPOSED CONCRETE
(8)	FIBRE EMMENT GLAZING - SMOOTH FINISH COLOUR COLOUR BUTY HAIL, CC. 900
(9)	FIBRE CEMENT BLAND
(10)	GEORGINA WREED GLAZD
(11)	ALUMINUM TOP PAINT: 60°C BLACK OF CHAMICAL GRTY



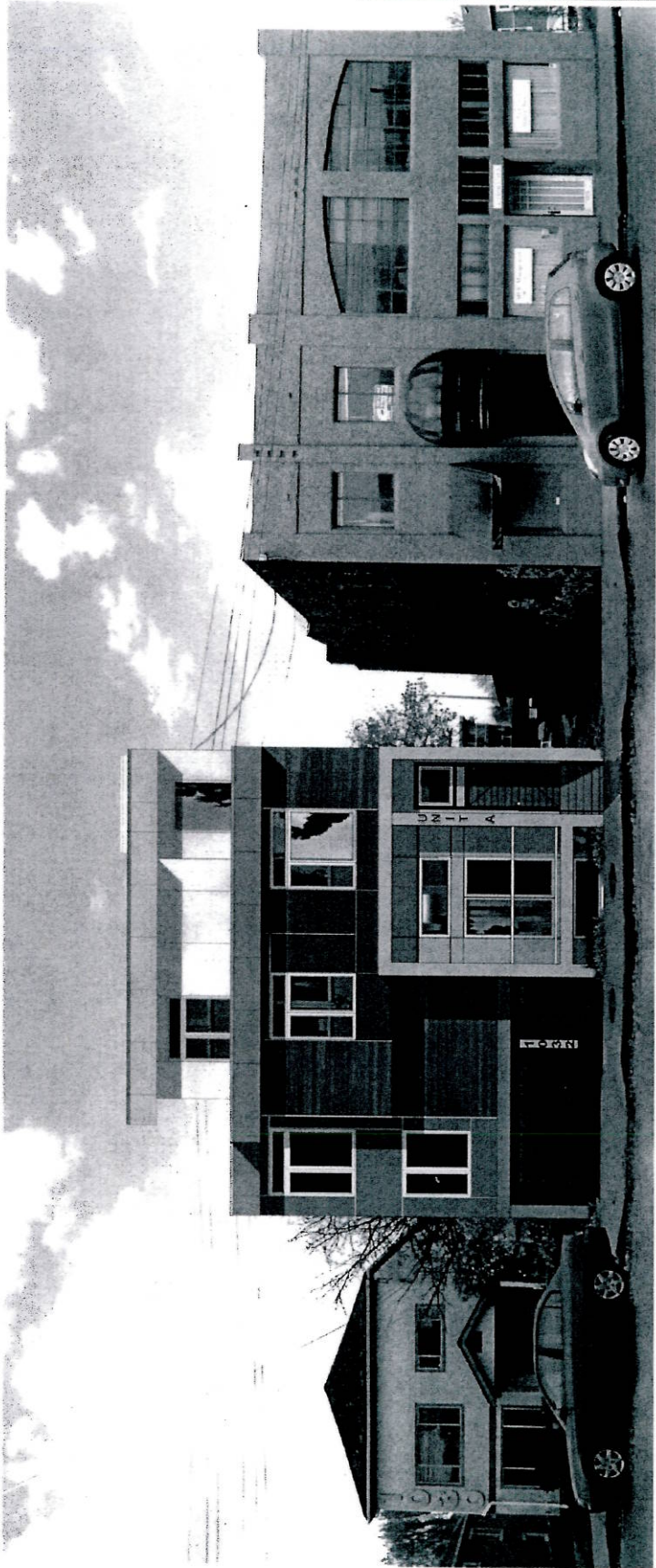


		PROJECT: NORTH PARK DEVELOPMENT DATE: JULY 11, 2013 PROJECT NO.: 12854	
DESIGNER: FITZGERALD GROUP PROJECT NO.: 12854 DATE: JULY 11, 2013		SECTION: A7	



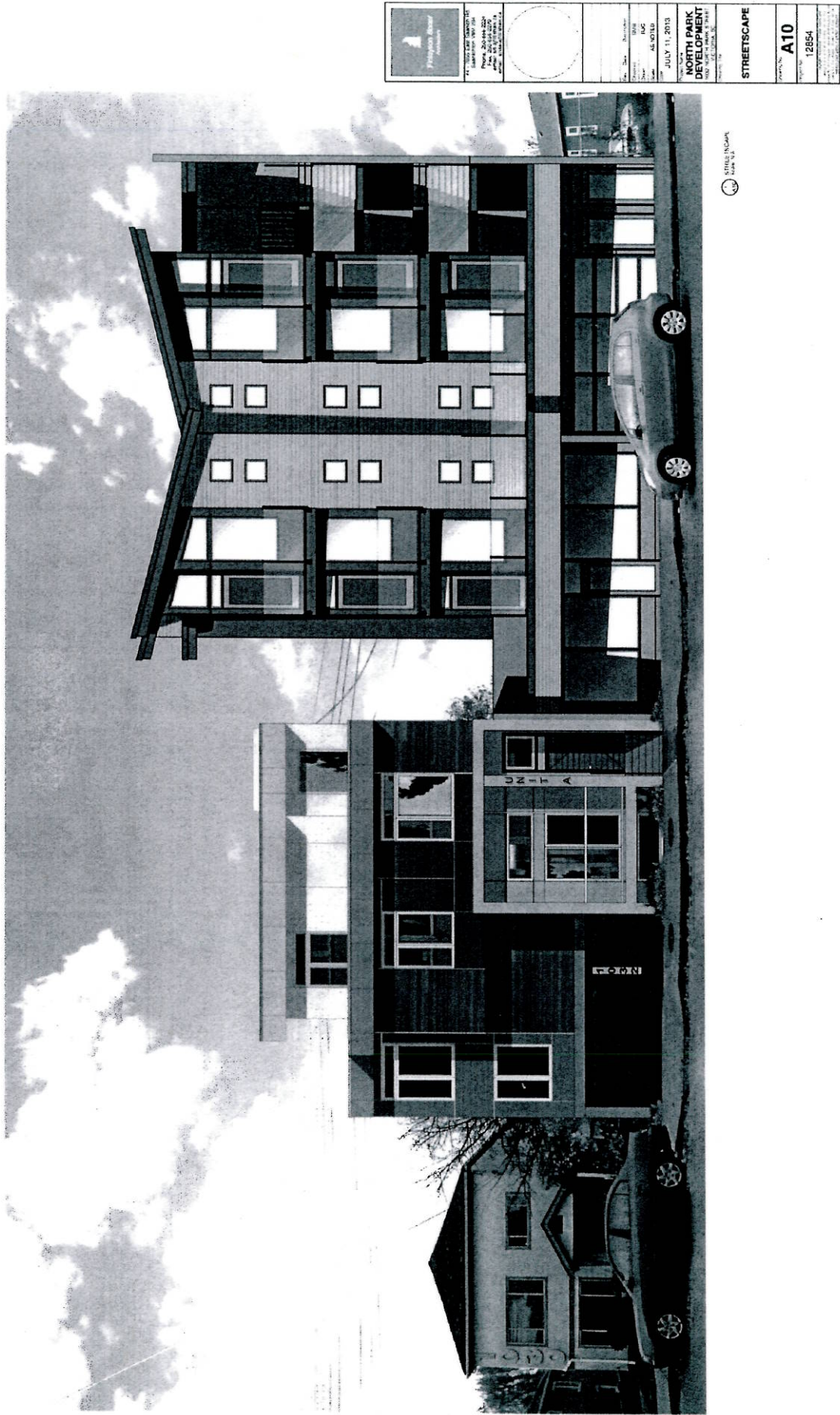


MATERIAL FINISHES	
(1)	FIBRE CEMENT CHAMFING SMOOTH FINISH, RUMBER BY BELLIAMU MOORE
(2)	CLEAR THICKED WESTERN PINE 110, BOKING DETAIL WITH FIBRE CEMENT BOARD
(3)	MANUFACTURED STONE VENETIAN CLADDING (COLURED GALCHER, BLACK SLATE BY BELLIAMU MOORE
(4)	DAMAGE AND FRISKY METAL DOORS BY BELLIAMU MOORE, C.C. 390
(5)	COMBINATION OF CURVED SMOOTH FINISH AND SMOOTH FACE
(6)	FLASHING IN COLOUR CHARCOAL GREY
(7)	FINISHED CONCRETE
(8)	FIBRE CEMENT CHAMFING, SMOOTH FINISH FIBRE CEMENT BUTT JAIL, C.C. 380
(9)	FIBRE CEMENT BOARD
(10)	CERAMIC VASED GLASS
(11)	ALUMINUM SHUTTERS & P.O.C BLACK OR CHARCOAL GREY



Project Name: 1032 North Park Drive	
Project No: 000293	
Date: July 11, 2013	
Project Location: North Park Development	
Project Type: Streetscape	
Scale: A9	
Sheet No: 12854	

STREET SCAPE
Scale A9





Planning and Land Use Committee Report

Date: December 17, 2013

From: Steve Barber, Senior Heritage Planner

Subject: 804 Foul Bay Road

Heritage Designation #000132

Owner Request for Heritage Designation

Current Zone: R1-G - Single Family Dwelling (Gonzales) (rezoning pending)

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 #00414 to permit the relocation of the house to one lot (Lot B) in a four lot subdivision of the property. The house is an existing Swiss Chalet style, two-storey house in the Gonzales neighbourhood. The house was built in 1912 and is located in the eastern part of the neighbourhood on Foul Bay Road.

The application was reviewed by the Heritage Advisory Committee at its December 10, 2013 meeting and was recommended for approval.

Recommendations

That Heritage Designation Application #000132 for 804 Foul Bay Road proceed for consideration at a Public Hearing in conjunction with Rezoning Application #00414 and Heritage Alteration Permit Application #00177 and that City staff prepare the Heritage Designation Bylaw to designate the property as a Municipal Heritage Site.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Steve Barber".

Steve Barber
Senior Heritage Planner
Community Planning

A handwritten signature in blue ink, appearing to read "D.E. Day".

Deb Day
Director
Sustainable Planning and Community Development

Report accepted and recommended by the City Manager:

A large, stylized handwritten signature in blue ink, appearing to read "Jocelyn Jenkyns".

Jocelyn Jenkyns

SB/ljm

S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\HD\HD000132\PLUC REPORT-HD 804 FOUL BAY RD.DOC

1. Purpose

The purpose of this report is to describe the heritage significance of the house at 804 Foul Bay Road which the owner has agreed 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 #00316 to permit the relocation of the house to one lot (Lot B) in a four lot subdivision of the property. The application was reviewed by the Heritage Advisory Committee at its December 10, 2013 meeting and was recommended for approval.

3. Issues

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

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

The building at 804 Foul Bay Road is a one-and-a-half storey Swiss Chalet style house located in the eastern part of the Gonzales neighbourhood 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 eastern middle class neighbourhoods during the building boom of 1908-1913. Built in 1912 for contractor Duncan Alcorn, the Swiss Chalet design is of value for its unusual combination of a curved bow of seven windows on the main floor, with a shallow box bay above. Clad in wood shingles in the Arts and Crafts style, with a granite foundation and front pillars flanking the front steps, the house features a shallow front facing gable roof with heavy wood brackets, and large gable roofs on each side. A large porte cochere on granite piers is located on the south side, providing a sheltered entry for arriving guests. The owners of the house over its history illustrate its appeal to the upper middle class of retired lawyers, stockbrokers, businessmen and doctors, and confirm the value of Foul Bay Road as a desirable location for this level of Victoria society. Many of the houses in the neighbourhood were designed by noted architect Samuel Maclure, the architect of choice for the upper classes. The house at 804 Foul Bay Road complements the character of these grand mansions nearby and exemplifies the type of domestic architecture popular at the time.

Character-defining Elements

All elements characteristic of the chalet and Arts and Crafts styles including, but not limited to:

- Front and side facing gable roofs with exposed wood brackets
- Original wood sash windows

- Original exterior finishes of wood shingles, wood window rim, granite foundation, and granite piers and pillars
- Porte cochere on south elevation
- Front-facing curved bay with diamond shaped leaded glass windows
- Stone fence along Foul Bay Road including stone pillar with "Wynates" engraving.

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 *Gonzales Neighbourhood Plan* whose heritage policies state:

- 8.2.1 *Retain and enhance the neighbourhood's heritage buildings, landscapes, and streetscapes for future generations.*
- 8.3.2 *Encourage the voluntary designation of buildings listed on the Heritage Registry.*

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

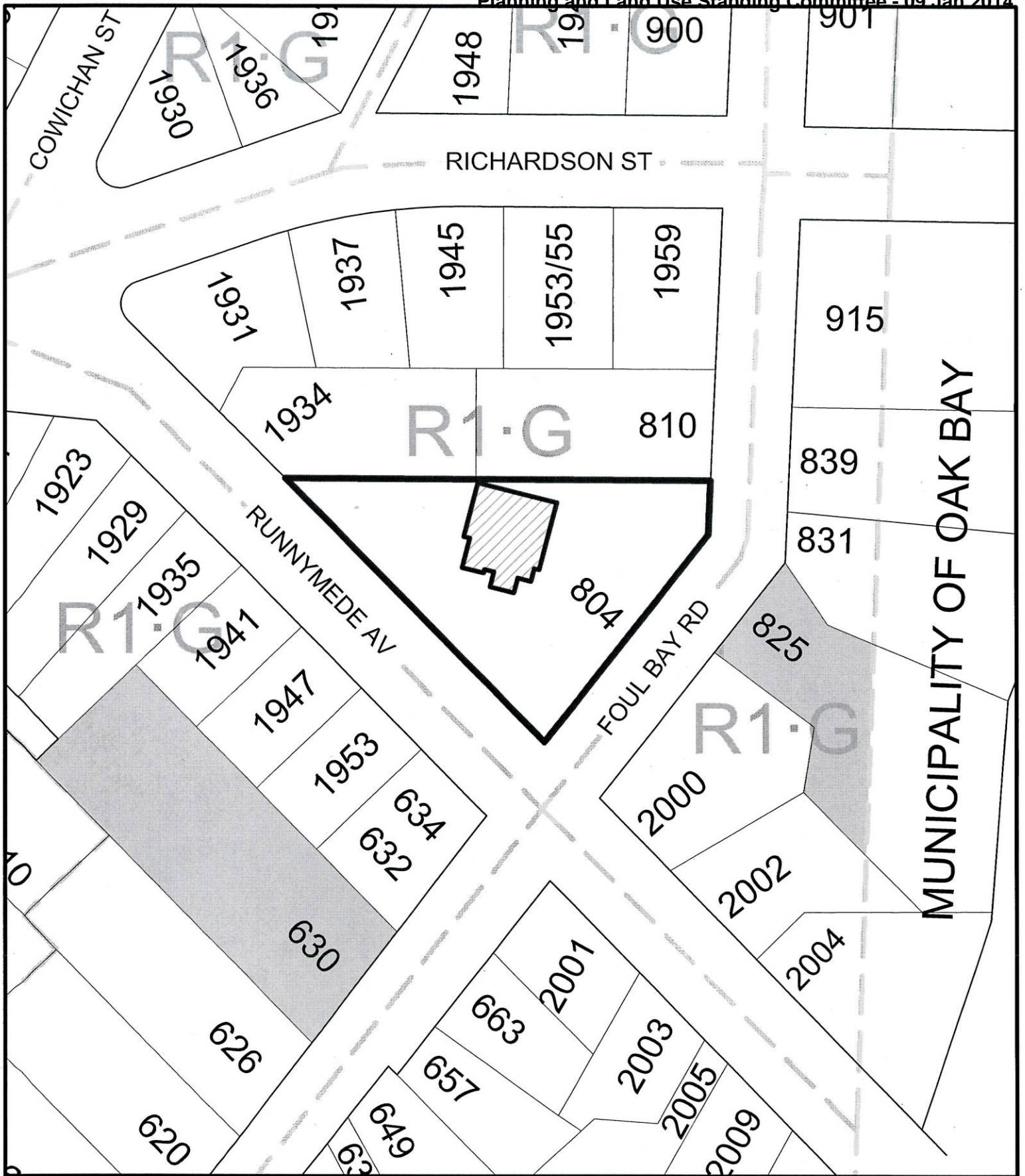
The Heritage Designation of this building is justified in view of the significance of the structure as outlined in the Statement of Significance.

5. Recommendations

That Heritage Designation Application #000132 for 804 Foul Bay Road proceed for consideration at a Public Hearing in conjunction with Rezoning Application #00414 and Heritage Alteration Permit Application #00177 and that City staff prepare the Heritage Designation Bylaw to designate the property as a Municipal Heritage Site.

6. List of Attachments

- Map of subject property
- Photos
- Draft description from *This Old House, Volume 4: Gonzales*
- Letter from designer dated August 22, 2013.



804 Foul Bay Road

Heritage Designation #000132



Designated



Registered

A. Heritage Designation #000132 for 804 Foul Bay Road



CITY OF
VICTORIA



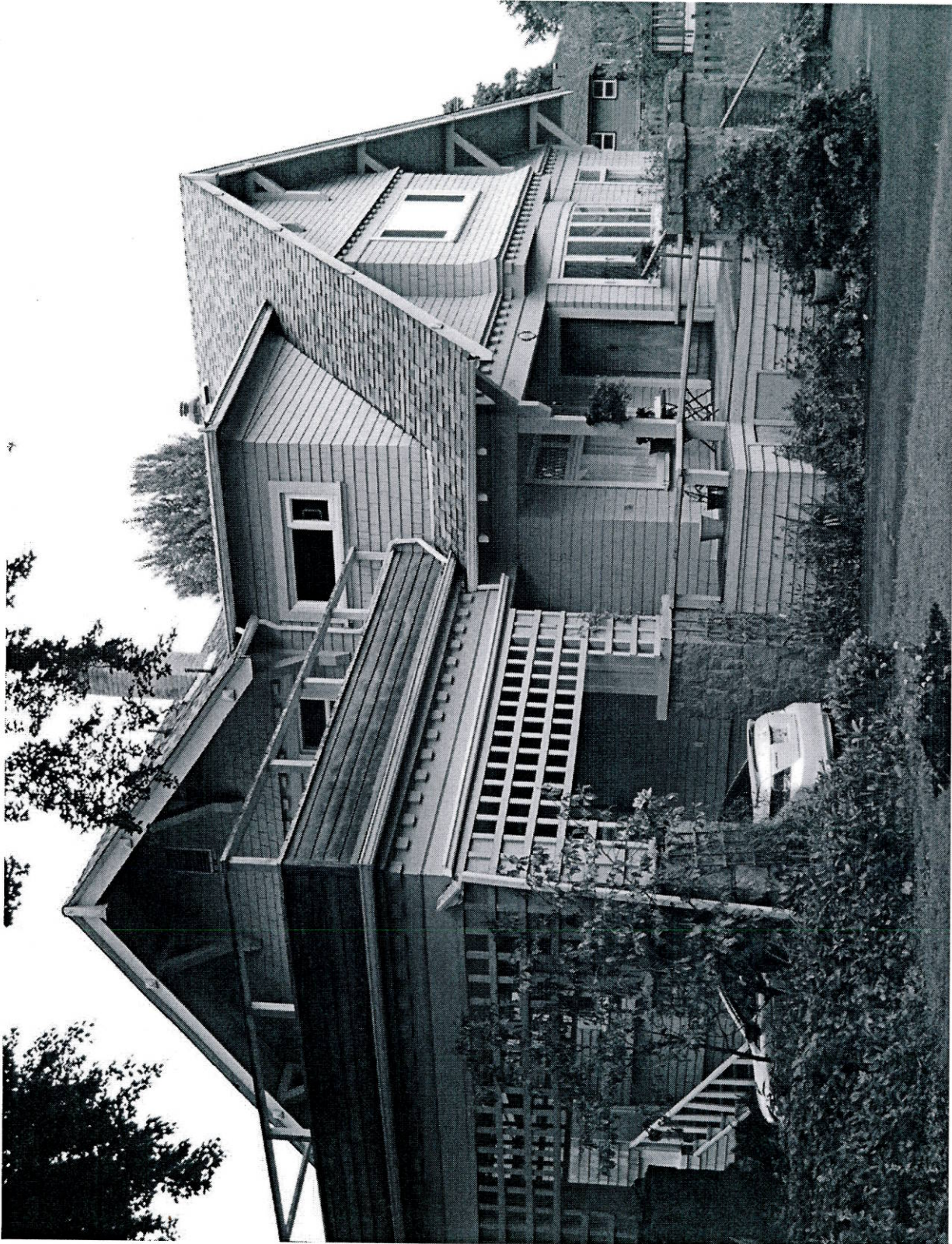
804 Foul Bay Road



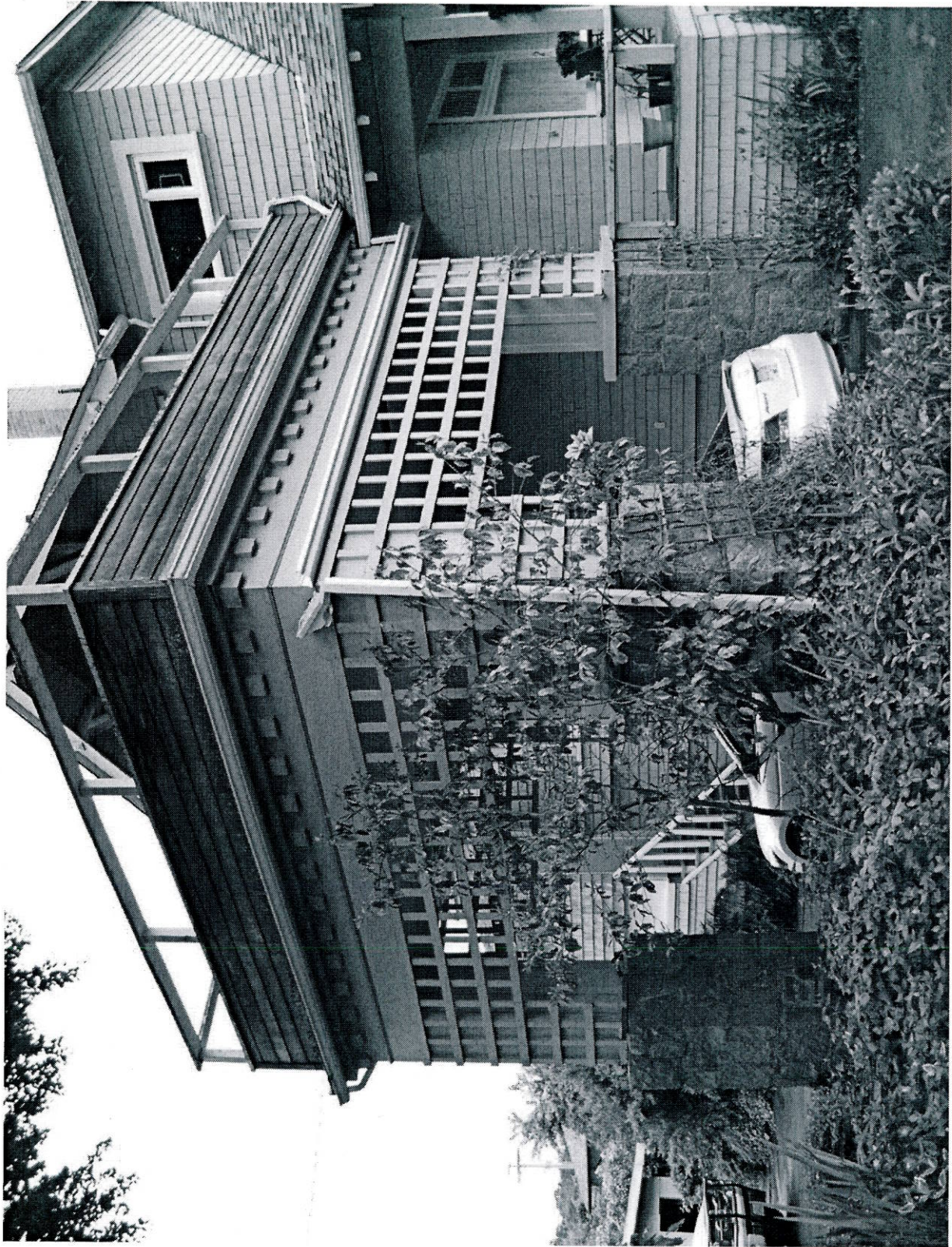
804 Foul Bay Road



804 Foul Bay Road



804 Foul Bay Road



804 Foul Bay Road

804 Foul Bay Road

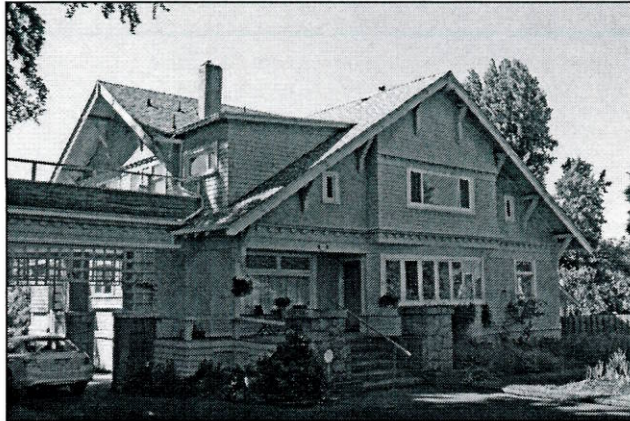


804 Foul Bay Road

For: Duncan R. Alcorn

Designer/Builder: Duncan R. Alcorn

1912



804 Foul Bay Rd, 2013

VHF / Nick Russell

Wynyates is an interestingly eclectic house, designed in the Swiss Chalet style with strong overtones of the Arts & Crafts tradition.

Contractor Duncan Alcorn built the 1½-storey house for himself in 1912, at the climax of the pre-WWI building boom. The building permit for the eight-room house lists the cost at \$4,800.

The house's most distinctive feature is the interplay of horizontal and vertical created by the shallow roof offset by the central two-storey bay, which has a curved bow of seven windows on the main floor and a shallow box bay above. The combination of curved and square bay is most unusual: Another house with a similar configuration can be found nearby: *The Leasowes* (423 Chadwick Pl, Gonzales) was designed and built by George Mesher for Rosanna Todd just two years before *Wynyates*.



804 Foul Bay Rd, 1970s

Hallmark Heritage Society

Arts and Crafts elements include a boulder foundation, and a porte-cochère with chunky stone piers. These piers are matched by two free-standing columns bracketing the entry steps, which lead to the recessed porch and side-facing entry. The bow window comprises diamond-

paned lights. Rafter-tails are visible on the sides; shallow pyramidal blocks are applied to the front bargeboards to imitate beam-ends.

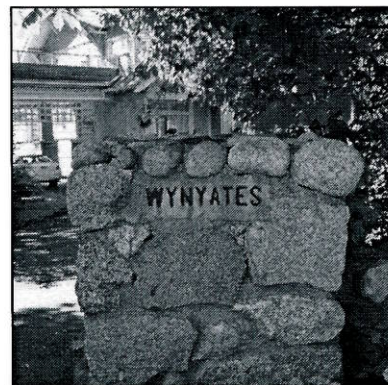
Chalet elements include the shallow, front-facing gable with large overhangs and heavy brackets; hoods over a matched pair of tiny closet windows on the front; exterior cladding of shingles on all levels; multiple casement windows.

In addition to the front-facing gable, the house has matching gables on both sides. There's a box bay on the right side. At the rear, a roof extension flows over what was likely the kitchen. A rear entry stairway has a shed-roof. Bands of dentils and flared skirts define both levels. A fine boulder garden wall survives intact along the Foul Bay Road frontage.

Inappropriate shed-roofed dormers have been added to the roof. Roofers may have truncated the plain finials at some point in the past. The front door appears to be largely intact, with modern plywood applied to the outside.

The design poses some interesting questions: Were the front pillars intended to carry something, or are they simply dramatic exclamation points around the steps? Was the porte cochère intended to lead to an entry door,

as is usual, or were visitors expected to find their way up the narrow steps and round the corner to the front door?



Garden wall pillar

VHF/Nick Russell

The source of the name *Wynyates* is not known, but may be associated with a fine 16th-Century Tudor manor called *Compton Wynyates* in Warwickshire, England.

Contractor Alcorn is known to have built at least a dozen houses in Victoria, mostly just prior to World War I. None of the others resemble this design, which may have been inspired by his better known contemporary, Samuel Maclure. Maclure designed several important homes in the Swiss Chalet/Arts & Crafts style, close to this site. Comparing the front façades of these: The first and most celebrated is *Ceriq Gleision* (1598 Rockland Av, Rockland) built in 1904, which has a similar very shallow roof-line, an offset recessed porch, and a band of six windows in the upper front. *Tor Lodge*, (935 Foul Bay Rd, Oak Bay) built 1907-08, has a shallow roof, heavy brackets, central jettied bay, granite stonework, and two ribbons of casement windows. The magnificent *Ellora* (550 Foul Bay Rd, Gonzales) built 1908-09, has a shallow roof, heavy boulder piers, a ribbon of seven casement windows, two dentilated courses defining the floors, and heavy triangu-

This Old House: Victoria's Heritage Neighbourhoods, Volume Four; (Draft): Gonzales

lar brackets. These new neighbours may, therefore, have influenced Alcorn when designing *Wynyates*, however his seven-part bow window is very distinctive, and while Macclure rarely attempts to attach a porte cochère to a chalet design, Alcorn does try.

1913-19: Duncan Rudolph Alcorn (b. NB, 1871-1946) was of Irish ancestry and appears to have arrived in Victoria about 1905. He listed a house for sale in the *Colonist* in 1908, with himself as builder. The following year he lists himself in the *Victoria Street Directory* as “architect,” but in subsequent editions is described variously as carpenter, contractor and builder through the 1940s. He was married to Addie (née Olmstead, b. Scotchtown, Queens County, NB, 1876-1956).

1920-1949: Arthur Brodie (b. near Birmingham, ENG, 1874-1947) and Florence Hilda (née Young, b. Red Hill, Surrey, ENG, 1883-1975) Sanders were the owners of *Wynyates*. Arthur and Florence both arrived in Victoria in 1920. They had one daughter, Geraldine (b. ENG, 1910). Arthur Sanders was a King’s Counsel barrister in England and he also co-authored several non-fiction books. Upon arriving in Canada he retired and invested in the stock market.

1950-52: Eric Francis (b. Nantwich, Cheshire, ENG, 1900-65) and Jean Maud (née MacMahon, Edmonton AB, 1908-89) Wainwright moved into the house around 1950. Eric arrived in Victoria in 1930. He was a stockbroker at Island Investment Co, 774 Fort St. Eric was a resident at the Veterans Hospital at the time of his death. Jean was a homemaker. There is a bursary named in her honour at Camosun College.

1953-56: William H. (b. 1926-2012) and Cora Dalziel were the next occupants. William was President of the the Western Cedar Company.

1957-70: Albert W. and Gwen E. Perry were the owners through the 1960s. Albert was a physician.



July 22, 2013

City of Victoria
Planning and Developing Department
Development Services Division
#1 Centennial Square
Victoria, B.C.
V8W 1P6

Re: 804 Foul Bay Road, Victoria B.C.

Dear Mayor and Council of the City of Victoria,

This letter is in regards to 804 Foul Bay Road and the existing home of heritage value situated on the lot. We have already submitted for and obtained approval for subdivision of the lot at the above mentioned address and it was always our intention to retain the original house if possible. We are proposing to move the house to proposed Lot B which is the nicest of the newly created lots and the most accommodating for the home. This lot selection will also allow the house to have the strongest neighbourhood presence, as it is a corner lot and the home will be visible from two sides.

The house consists of main and upper floors plus a full basement. The home was built before the current zoning was put in place and does not conform to the zoning regulations in terms of floor areas. When moving the home, we would like to excavate a new basement to maintain the capacity and function of the house as it is currently; this would require a variance for floor area. We would like to build the house with a full height basement (eight foot ceilings) in order to allow the potential to build a secondary suite in future, should the owners choose to do so. Also, the home has an existing porte-cochere which in order to be retained on the new lot would require a setback variance.

In exchange for these accommodations, the property owner is willing to designate the house as Heritage after it is moved and established on the new lot.

We believe that the retention and relocation of this home will enrich the fabric of the neighborhood, maintaining an important connection with the past and allowing its historical character to have a place in the midst of new opportunities for families to live in the area.

We hope that you will consider our application and we look forward to your feedback.

Thank you for your consideration of our request.

Sincerely,

A handwritten signature in dark ink, appearing to read "Rus Collins".

Rus Collins

ZEBRA DESIGN & INTERIORS GROUP INC. • 1161 NEWPORT AVENUE, VICTORIA BC V8S 5E6

PHONE: (250) 360-2144 FAX: (250) 360-2115

Email: info@zebragroup.ca Website: www.zebragroup.ca



Planning and Land Use Committee Report

Date: December 17, 2013 **From:** Steve Barber, Senior Heritage Planner

Subject: **804 Foul Bay Road**
Heritage Alteration Permit Application #00177
 Proposed exterior alterations to a Heritage-Designated building (pending)
 Current Zone: R1-G - Single Family Dwelling (Gonzales) (rezoning pending)
 Within DPA 16 - General Form and Character

Executive Summary

The purpose of this report is to present the Planning and Land Use Committee with background information, analysis and recommendations regarding a Heritage Alteration Permit Application for exterior alterations to the house proposed for Heritage Designation and located at 804 Foul Bay Road. The application is in conjunction with a rezoning and four-lot subdivision application to allow for the retention and relocation of the existing house to a newly created lot on the corner of Foul Bay Road and Runnymede Avenue. The applicant has agreed to the Heritage Designation of the house as part of the rezoning. New windows and window wells for a basement suite are proposed for the existing northeast and northwest elevations.

The application was reviewed by the Heritage Advisory Committee at its December 10, 2013 meeting and was recommended for approval.

Staff support the proposal.

Recommendations

That Heritage Alteration Permit Application #00177 for 804 Foul Bay Road proceed for consideration at a Public Hearing in conjunction with Rezoning Application #00414 and Heritage Designation Application #000132 and in accordance with:

1. Application dated November 29, 2013
2. Development meeting all *Zoning Regulation Bylaw* requirements
3. Final plans to be in accordance with the plans dated November 29, 2013.

Respectfully submitted,

Steve Barber
 Senior Heritage Planner
 Community Planning

Deb Day
 Director
 Sustainable Planning and Community Development

Report accepted and recommended by the City Manager:

Jocelyn Jenkyns

SB/ljm

S:\ITEMPEST_ATTACHMENTS\PROSPERO\PLHAP\HAP00177\PLUC REPORT-HAP 804 FOUL BAY RD.DOC

1. Purpose

The purpose of this report is to present the Planning and Land Use Committee with background information, analysis and recommendations regarding a Heritage Alteration Permit Application for exterior alterations to the house proposed for Heritage Designation and located at 804 Foul Bay Road.

2. Background

The application is in conjunction with a Rezoning and four-lot Subdivision Application to allow for the retention and relocation of the existing house to a newly created lot on the corner of Foul Bay Road and Runnymede Avenue. The applicant has agreed to the Heritage Designation of the house as part of the rezoning. New windows, window wells and a new basement entrance for a basement suite are proposed for the existing northeast and northwest elevations. A new garage finished in wood shingles is proposed for the northeast corner of the newly created lot. The existing porch on the rear elevation and the side rear stair on the southwest elevation are proposed for removal and will be replaced with new windows. A new metal and glass guard rail is proposed for inside the existing balustrade above the porte cochere. The existing non-original wood siding on the side of this balustrade above the porte cochere will be replaced with new painted wood shingles to match the house. A new 0.9 m wood balustrade will be constructed around the existing front porch.

The application was reviewed by the Heritage Advisory Committee at its December 10, 2013 meeting and was recommended for approval.

3. Issues

The issue is the installation of new windows, window wells and a new entrance for a basement suite.

4. Analysis**Description of Historic Place**

The building at 804 Foul Bay Road is a one-and-a-half storey Swiss Chalet style house located in the eastern part of the Gonzales neighbourhood in Victoria, BC.

Heritage Value of Historic Place

This large house is of value for its unusual architectural style and its association with the rapid growth of Victoria's eastern middle class neighbourhoods during the building boom of 1908-1913. Built in 1912 for contractor Duncan Alcorn, the Swiss Chalet design is of value for its unusual combination of a curved bow of seven windows on the main floor, with a shallow box bay above. Clad in wood shingles in the Arts and Crafts style, with a granite foundation and front pillars flanking the front steps, the house features a shallow front facing gable roof with heavy wood brackets, and large gable roofs on each side. A large porte cochere on granite piers is located on the south side, providing a sheltered entry for arriving guests. The owners of the house over its history illustrate its appeal to the upper middle class of retired lawyers, stockbrokers, businessmen and doctors, and confirm the value of Foul Bay Road as a desirable location for this level of Victoria society. Many of the houses in the neighbourhood were designed by noted architect Samuel Maclure, the architect of choice for the upper classes.

The house at 804 Foul Bay Road complements the character of these grand mansions nearby and exemplifies the type of domestic architecture popular at the time.

Character-Defining Elements

All elements characteristic of the Chalet and Arts and Crafts styles including, but not limited to:

- Front and side facing gable roofs with exposed wood brackets
- Original wood sash windows
- Original exterior finishes of wood shingles, wood window rim, granite foundation, and granite piers and pillars
- Porte cochere on south elevation.

Excerpts from the *Standards and Guidelines for the Conservation of Historic Places in Canada*:

4.3.1 - Exterior Form

Recommended

17 Working with code specialists to determine the most appropriate solution to health, safety and security requirements with the least impact on the character-defining elements and overall heritage value of the historic building.

Not Recommended

Making changes to the exterior form without first exploring equivalent health, safety and security systems, methods or devices that may be less damaging to the character-defining elements and overall heritage value of the historic building.

4.3.5 - Windows, Doors and Storefronts

Recommended

20 Designing and installing new windows, doors or storefronts required by a new use on non-character-defining elevations in a manner that is compatible with the building's style, era and character.

Not Recommended

Installing new windows, doors or storefronts that are incompatible with the building's style, era and character, or that obscure, damage or destroy character-defining elements.

4.3.6 - Entrances, Porches and Balconies

Recommended

16 Replacing missing historic features by designing and constructing a new entrance, porch or balcony, based on physical and documentary evidence, or one that is compatible in size, scale, material, style or colour.

17 Modifying, replacing or designing a new entrance, porch or balcony required by a new use or applicable codes and regulations, in a manner that is compatible with the building's style, era and character.

Not Recommended

Creating a false historical appearance because the new entrance, porch or balcony is incompatible, or based on insufficient physical and documentary evidence.

Altering a secondary entrance to give it the appearance of a main entrance.

Enclosing a porch or balcony in a manner that has a negative impact on the building's heritage value.

- | | |
|---|---|
| <p>18 Adding new features to meet health, safety and security requirements, such as a new handrail, in a manner that conserves the heritage value of the entrance, porch or balcony and minimizes impact on its character-defining elements.</p> | <p>Removing character-defining entrances, porches or balconies that are no longer needed for the new use.</p> <p>Constructing an addition that requires the loss of a character-defining entrance, porch, or balcony.</p> <p>Damaging or destroying an entrance, porch or balcony while making modifications to comply with health, safety and security requirements.</p> |
|---|---|

Discussion

The proposed moving of the house is supportable as it will allow its preservation and rehabilitation. While the new smaller lot will affect the spatial relationship of the house to its context, the alternative would be the demolition of the house to allow for the new subdivision which the City could not prevent.

The proposed basement windows and entrance are to accommodate a new suite in the basement. They are located away from the public views of the main elevations of the house and are designed to be compatible with the form, material and proportions of the existing window and door patterns. The proposed alterations to the porte cochere and front porch are compatible with the historic character of the house and the guidelines noted above.

4.a. Options

Council can recommend:

1. The application be approved as submitted.
2. The application be approved with conditions.
3. The application be declined.

4.b. Conclusions

The proposed relocation of the existing house will conserve an important heritage house in the Gonzales neighbourhood. The proposed alterations are compatible with the historic character and do not damage its character-defining features. It is recommended that the application be approved.

5. Recommendations

That Heritage Alteration Permit Application #00177 for 804 Foul Bay Road proceed for consideration at a Public Hearing in conjunction with Rezoning Application #00414 and Heritage Alteration Permit Application #00177 and in accordance with:

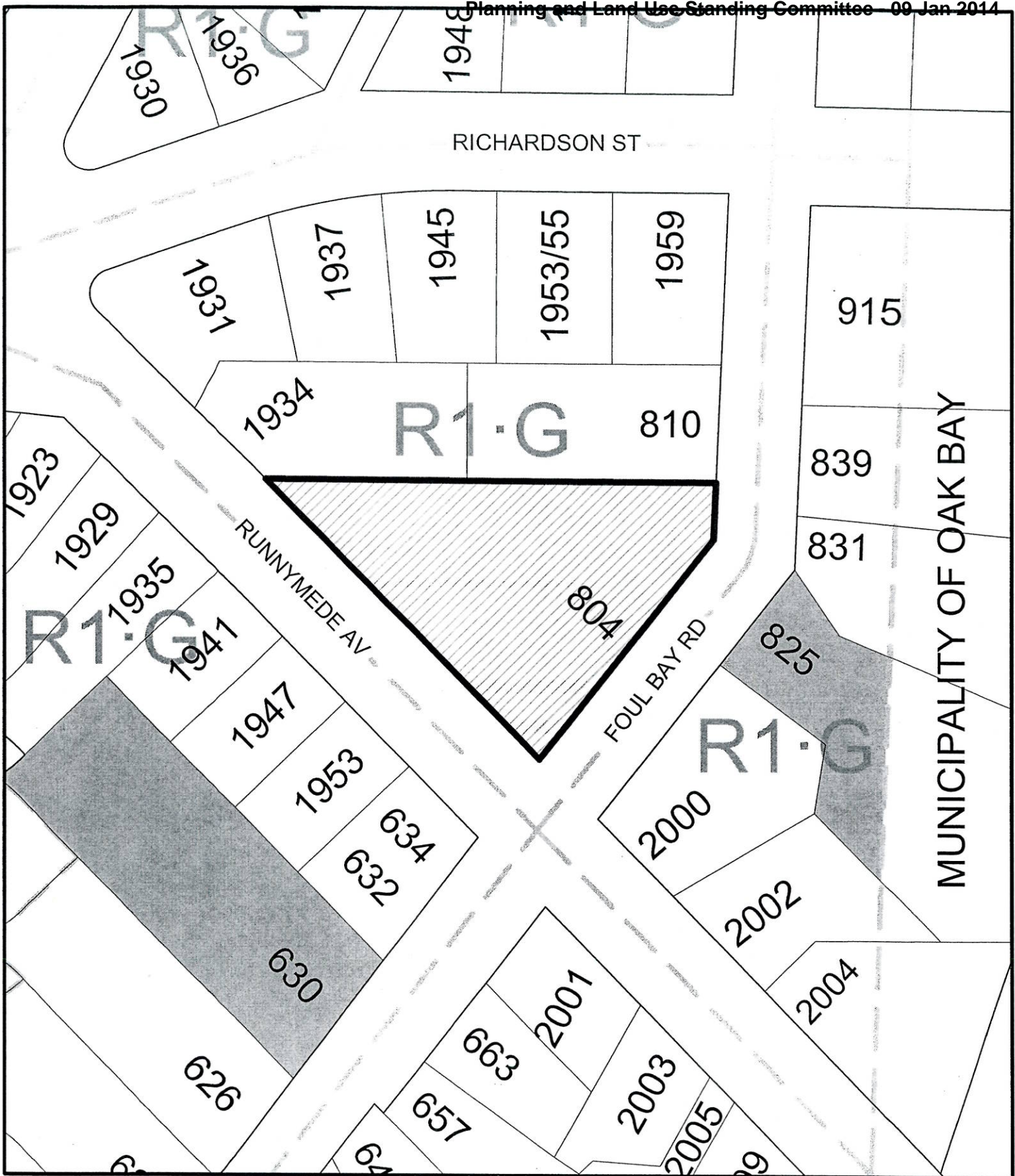
1. Application dated November 29, 2013
2. Development meeting all *Zoning Regulation Bylaw* requirements
3. Final plans to be in accordance with the plans dated November 29, 2013.

Planning and Land Use Committee
804 Foul Bay Road - Heritage Alteration Permit Application #00177

December 17, 2013
Page 5 of 5

6. **List of Attachments**

- Map of subject property
- Plans dated November 29, 2013.



804 Foul Bay Road

Heritage Alteration Permit #00177



Designated



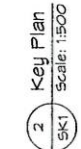
Registered

A. Heritage Designation #000132 for 804 Foul Bay Road



CITY OF
VICTORIA

REF. NO.	DESCRIPTION	DATE
1	ADD INJURY & PAIN PATO TO RLT ANALOGUE PLAN, RESERVE SHIRTWAY TO SHOON INJURY STRIPS	NOV 09/85



ISSUED FOR
REZONING
JULY 24, 2013

ZEBRADESIGN



1161 NEWPORT AVE
VICTORIA, B.C. V8S 5E6
TEL: (250) 360-2114
FAX: (250) 360-2115

DRIVEN BY K. BILIRY

DATE: JULY 24, 2013

Scale: AS NOTED

Project:

LOT B - REZONING

804 FOUL BAY RD

Title:

EXISTING

SITE PLAN

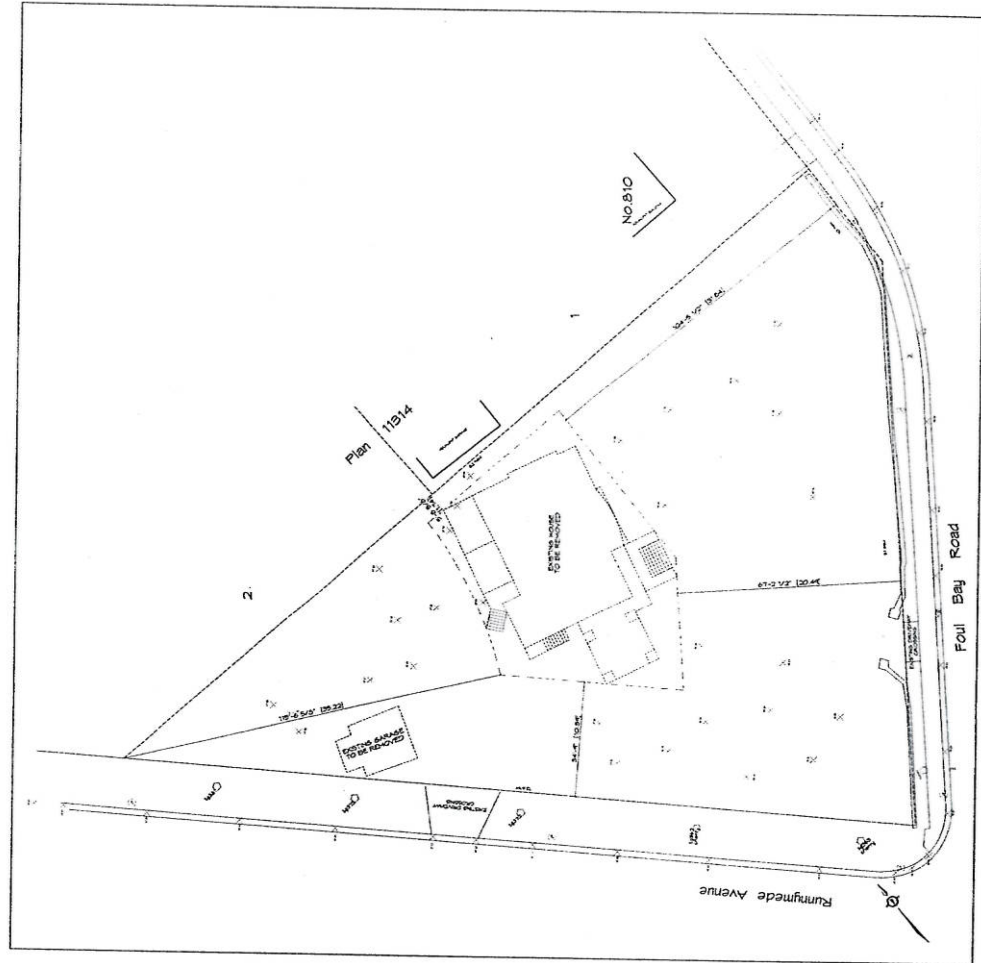
Revision:

1 - NEW ONLY

Sheet:

SK2

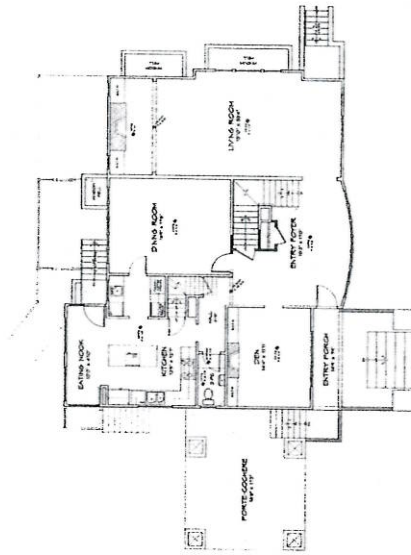
Plot No. 105



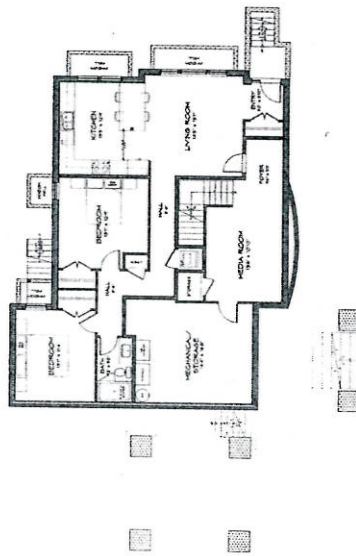
1 Existing Site Plan
SK2 Scale: 1:1200

TREE INVENTORY LIST

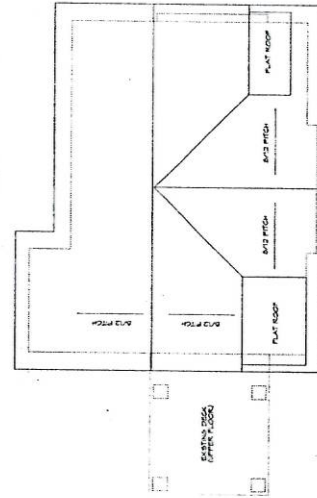
tree inventory (no tag)			tree inventory (tagged)		
tree no.	species	dia (cm)	tag no.	species	dia (cm)
565	cedar	0.16	373	cedar	0.23
566	cedar	0.08-0.14	374	cedar	0.38
567	arbutus	0.41	375	cedar	0.25
568	holly	2 x 0.05	376	cedar	0.24
569	cedar	0.14	377	cedar	0.37
570	cedar	0.41	381	cedar	0.30
571	cedar	0.10	408	cedar	0.24
572	cedar	0.11	354	cedar	1.27
573	cedar	0.08	370	cedar	0.19
574	cedar	0.13	356	cedar	0.27
575	cedar	0.08	357	cedar	0.22
576	cedar	0.19	358	cedar	0.25
577	cedar	0.22	359	cedar	0.32
578	cedar	0.14	360	cedar	0.21
579	cedar	0.14	361	cedar	0.38
580	cedar	0.16	362	cedar	0.24
581	cedar	0.19	363	cedar	0.24
582	cedar	0.16	364	cedar	0.24
583	cedar	0.16	365	cedar	0.24
584	cedar	0.16	366	cedar	0.24
585	cedar	0.16	367	cedar	0.24
586	cedar	0.16	368	cedar	0.24
587	cedar	0.16	369	cedar	0.24
588	cedar	0.16	370	cedar	0.24
589	cedar	0.16	371	cedar	0.24
590	cedar	0.16	372	cedar	0.24
591	cedar	0.16	373	cedar	0.24
592	cedar	0.16	374	cedar	0.24
593	cedar	0.16	375	cedar	0.24
594	cedar	0.16	376	cedar	0.24
595	cedar	0.16	377	cedar	0.24
596	cedar	0.16	378	cedar	0.24
597	cedar	0.16	379	cedar	0.24
598	cedar	0.16	380	cedar	0.24
599	cedar	0.16	381	cedar	0.24
600	cedar	0.16	382	cedar	0.24
601	cedar	0.16	383	cedar	0.24
602	cedar	0.16	384	cedar	0.24
603	cedar	0.16	385	cedar	0.24
604	cedar	0.16	386	cedar	0.24
605	cedar	0.16	387	cedar	0.24
606	cedar	0.16	388	cedar	0.24
607	cedar	0.16	389	cedar	0.24
608	cedar	0.16	390	cedar	0.24
609	cedar	0.16	391	cedar	0.24
610	cedar	0.16	392	cedar	0.24
611	cedar	0.16	393	cedar	0.24
612	cedar	0.16	394	cedar	0.24
613	cedar	0.16	395	cedar	0.24
614	cedar	0.16	396	cedar	0.24
615	cedar	0.16	397	cedar	0.24
616	cedar	0.16	398	cedar	0.24
617	cedar	0.16	399	cedar	0.24
618	cedar	0.16	400	cedar	0.24
619	cedar	0.16	401	cedar	0.24
620	cedar	0.16	402	cedar	0.24
621	cedar	0.16	403	cedar	0.24
622	cedar	0.16	404	cedar	0.24
623	cedar	0.16	405	cedar	0.24
624	cedar	0.16	406	cedar	0.24
625	cedar	0.16	407	cedar	0.24
626	cedar	0.16	408	cedar	0.24
627	cedar	0.16	409	cedar	0.24
628	cedar	0.16	410	cedar	0.24
629	cedar	0.16	411	cedar	0.24
630	cedar	0.16	412	cedar	0.24
631	cedar	0.16	413	cedar	0.24
632	cedar	0.16	414	cedar	0.24
633	cedar	0.16	415	cedar	0.24
634	cedar	0.16	416	cedar	0.24
635	cedar	0.16	417	cedar	0.24
636	cedar	0.16	418	cedar	0.24
637	cedar	0.16	419	cedar	0.24
638	cedar	0.16	420	cedar	0.24
639	cedar	0.16	421	cedar	0.24
640	cedar	0.16	422	cedar	0.24
641	cedar	0.16	423	cedar	0.24
642	cedar	0.16	424	cedar	0.24
643	cedar	0.16	425	cedar	0.24
644	cedar	0.16	426	cedar	0.24
645	cedar	0.16	427	cedar	0.24
646	cedar	0.16	428	cedar	0.24
647	cedar	0.16	429	cedar	0.24
648	cedar	0.16	430	cedar	0.24
649	cedar	0.16	431	cedar	0.24
650	cedar	0.16	432	cedar	0.24
651	cedar	0.16	433	cedar	0.24
652	cedar	0.16	434	cedar	0.24
653	cedar	0.16	435	cedar	0.24
654	cedar	0.16	436	cedar	0.24
655	cedar	0.16	437	cedar	0.24
656	cedar	0.16	438	cedar	0.24
657	cedar	0.16	439	cedar	0.24
658	cedar	0.16	440	cedar	0.24
659	cedar	0.16	441	cedar	0.24
660	cedar	0.16	442	cedar	0.24
661	cedar	0.16	443	cedar	0.24
662	cedar	0.16	444	cedar	0.24
663	cedar	0.16	445	cedar	0.24
664	cedar	0.16	446	cedar	0.24
665	cedar	0.16	447	cedar	0.24
666	cedar	0.16	448	cedar	0.24
667	cedar	0.16	449	cedar	0.24
668	cedar	0.16	450	cedar	0.24
669	cedar	0.16	451	cedar	0.24
670	cedar	0.16	452	cedar	0.24
671	cedar	0.16	453	cedar	0.24
672	cedar	0.16	454	cedar	0.24
673	cedar	0.16	455	cedar	0.24
674	cedar	0.16	456	cedar	0.24
675	cedar	0.16	457	cedar	0.24
676	cedar	0.16	458	cedar	0.24
677	cedar	0.16	459	cedar	0.24
678	cedar	0.16	460	cedar	0.24
679	cedar	0.16	461	cedar	0.24
680	cedar	0.16	462	cedar	0.24
681	cedar	0.16	463	cedar	0.24
682	cedar	0.16	464	cedar	0.24
683	cedar	0.16	465	cedar	0.24
684	cedar	0.16	466	cedar	0.24
685	cedar	0.16	467	cedar	0.24
686	cedar	0.16	468	cedar	0.24
687	cedar	0.16	469	cedar	0.24
688	cedar	0.16	470	cedar	0.24
689	cedar	0.16	471	cedar	0.24
690	cedar	0.16	472	cedar	0.24
691	cedar	0.16	473	cedar	0.24
692	cedar	0.16	474	cedar	0.24
693	cedar	0.16	475	cedar	0.24
694	cedar	0.16	476	cedar	0.24
695	cedar	0.16	477	cedar	0.24
696	cedar	0.16	478	cedar	0.24
697	cedar	0.16	479	cedar	0.24
698	cedar	0.16	480	cedar	0.24
699	cedar	0.16	481	cedar	0.24
700	cedar	0.16	482	cedar	0.24
701	cedar	0.16	483	cedar	0.24
702	cedar	0.16	484	cedar	0.24
703	cedar	0.16	485	cedar	0.24
704	cedar	0.16	486	cedar	0.24
705	cedar	0.16	487	cedar	0.24
706	cedar	0.16	488	cedar	0.24
707	cedar	0.16	489	cedar	0.24
708	cedar	0.16	490	cedar	0.24
709	cedar	0.16	491	cedar	0.24
710	cedar	0.16	492	cedar	0.24
711	cedar	0.16	493	cedar	0.24
712	cedar	0.16	494	cedar	0.24
713	cedar	0.16	495	cedar	0.24
714	cedar	0.16	496	cedar	0.24
715	cedar	0.16	497	cedar	0.24
716	cedar	0.16	498	cedar	0.24
717	cedar	0.16	499	cedar	0.24
718	cedar	0.16	500	cedar	0.24
719	cedar	0.16	501	cedar	0.24
720	cedar	0.16	502	cedar	0.24
721	cedar	0.16	503	cedar	0.24
722	cedar	0.16	504	cedar	0.24
723	cedar	0.16	505	cedar	0.24
724	cedar	0.16	506	cedar	0.24
725	cedar	0.16	507	cedar	0.24
726	cedar	0.16	508	cedar	0.24
727	cedar	0.16	509	cedar	0.24
728	cedar	0.16	510	cedar	0.24
729	cedar	0.16	511	cedar	0.24
730	cedar	0.16	512	cedar	0.24
731	cedar	0.16	513	cedar	0.24
732	cedar	0.16	514	cedar	0.24
733	cedar	0.16	515	cedar	0.24
734	cedar	0.16	516	cedar	0.24
735	cedar	0.16	517	cedar	0.24
736	cedar	0.16	518	cedar	0.24
737	cedar	0.16	519	cedar	0.24
738	cedar	0.16	520	cedar	0.24
739	cedar	0.16	521	cedar	0.24
740	cedar	0.16	522	cedar	0.24
741	cedar	0.16	523	cedar	0.24
742	cedar	0.16	524	cedar	0.24
743	cedar	0.16	525	cedar	0.24
744	cedar	0.16	526	cedar	0.24
745	cedar	0.16	527	cedar	0.24
746	cedar	0.16	528	cedar	0.24
747	cedar	0.16	529	cedar	0.24
748	cedar	0.16	530	cedar	0.24
749	cedar	0.16	531	cedar	0.24
750	cedar	0.16	532	cedar	0.24
751	cedar	0.16	533	cedar	0.24
752	cedar	0.16	534	cedar	0.24
753	cedar	0.16	535	cedar	0.24
754	cedar	0.16	536	cedar	0.24
755	cedar	0.16	537	cedar	0.24
756	cedar	0.16	538	cedar	0.24
757	cedar	0.16	539	cedar	0.24
758	cedar	0.16	540	cedar	0.24
759	cedar	0.16	541	cedar	0.24
760	cedar	0.16	542	cedar	0.24
761	cedar	0.16	543	cedar	0.24
762	cedar	0.16	544	cedar	0.24
763	cedar	0.16	545	cedar	0.24
764	cedar	0.16	546	cedar	0.24
765	cedar	0.16	547	cedar	0.24
766	cedar	0.16	548	cedar	0.24
767	cedar	0.16	549	cedar	0.24
768	cedar	0.16	550	cedar	0.24
769	cedar	0.16	551	cedar	0.24
770	cedar	0.16	552	cedar	0.24
771	cedar	0.16	553	cedar	0.24
772	cedar	0.16	554	cedar	0.24
773	cedar	0.16	555	cedar	0.24
774	cedar	0.16	556	cedar	0.24
775	cedar	0.16	557	cedar	0.24
776	cedar	0.16	558	cedar	0.24
777	cedar	0.16	559	cedar	0.24
778	cedar	0.16	560	cedar	0.24
779	cedar	0.16	561	cedar	0.24
780	cedar	0.16	562	cedar	0.24
781	cedar	0.16	563	cedar	0.24
782	cedar	0.16	564	cedar	0.24
783	cedar	0.16	565	cedar	0.24
784	cedar	0.16	566	cedar	0.24
785	cedar	0.16	567	cedar	0.24
786	cedar	0.16	568	cedar	0.24
787	cedar	0.16	569	cedar	0.24
788	cedar	0.16	570	cedar	0.24
789	cedar	0.16	571	cedar	0.24
790	cedar	0.16	572	cedar	0.24
791	cedar	0.16	573	cedar	0.24
792	cedar	0.16	574	cedar	0.24
793	cedar	0.16	575	cedar	0.24
794	cedar	0.16	576	cedar	0.24
795	cedar	0.16	577	cedar	0.24
796	cedar	0.16	578	cedar	0.24
797	cedar	0.16	579	cedar	0.24
798	cedar	0.16	580	cedar	0.24
799	cedar	0.16	581	cedar	0.24
800	cedar	0.16	582	cedar	0.24
801	cedar	0.16			



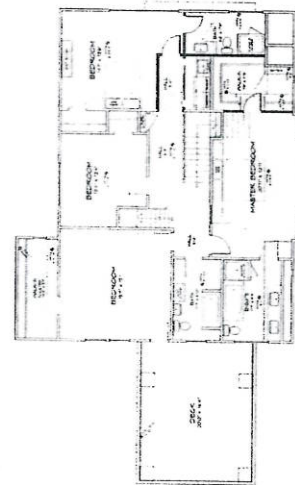
2 Main Floor Plan - Reno
SK3 Scale: 1/8" = 1'-0"



1 Lower Floor Plan - Reno
SK3 Scale: 1/8" = 1'-0"




4 Roof Plan
Scale: 1/8" = 1'-0"



3 Upper Floor Plan - Reno
Scale: 1/8" = 1'-0"

REV. NO.	DESCRIPTION	DATE	BY	CHKD
1	NO CHANGES	NOV/2013		

ZEBRADESIGN



1161 NEWPORT AVE
 NEWPORT NEWS, VA 23601
 Phone: (757) 862-3144
 Fax: (757) 862-2119

Drawn BY: K. BILFURY

Date: JULY 24, 2019

Scale: AS NOTED

Project:
 LOT B - REZONING

804 FOUL BAY RD

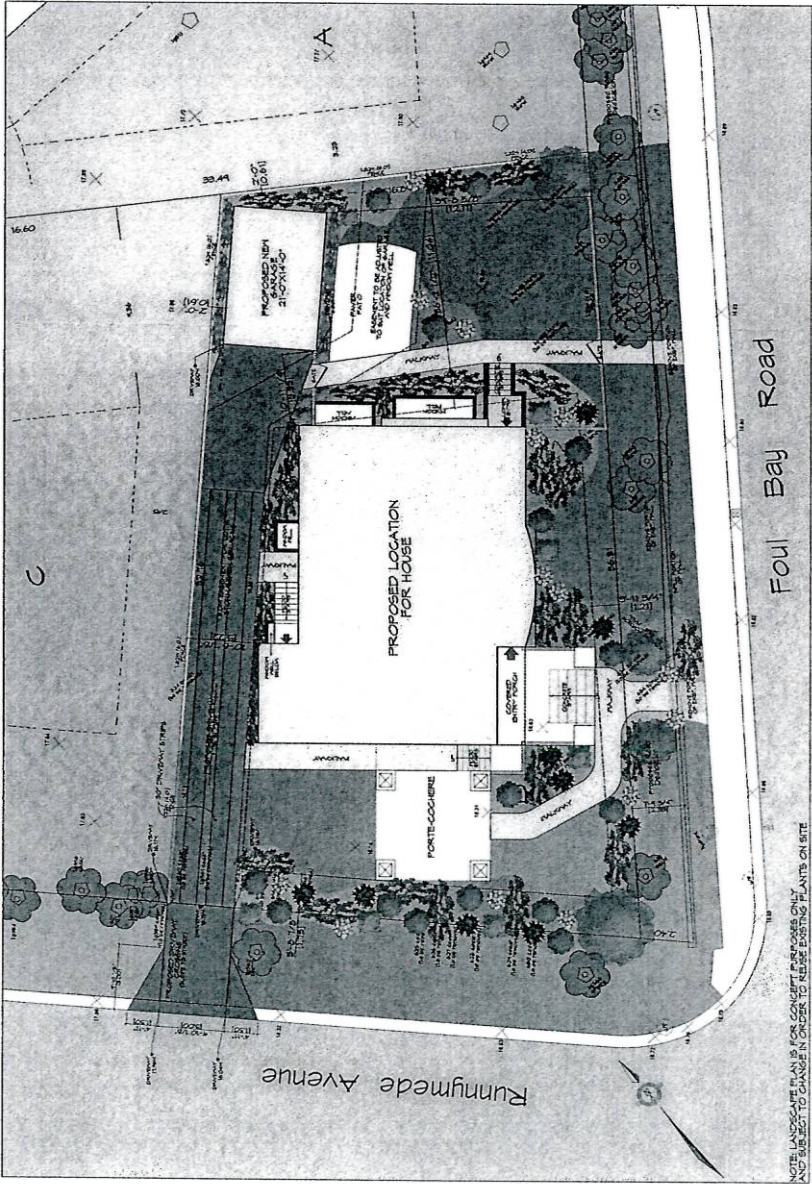
Sheet:
 Revision: 1

11 - Nov. 09/13

FLOOR PLANS

SK3

09/24/NOV 2013



1 Lot B - Landscape Plan
SK5 Scale: 1:100

LANDSCAPE PLAN LEGEND

	NEW TREE		NEW SHRUBS
	GROUND COVER		PLANTED AREA
	LAWN		HARD LANDSCAPING
	FENCES		RETAINING WALL
	DRIVEWAY		PAVED AREA
	GRASS		GRAVEL
	CONCRETE		PAVING STONES
	FENCES		GRAVEL
	GRASS		GRAVEL

NOTES:

- LANDSCAPING INDICATED IS CONCEPTUAL ONLY AND REQUIRED INSTALLATION BY A QUALIFIED LANDSCAPING CONTRACTOR.
- ALL LANDSCAPING SHALL BE PERFORMED TO BOLA BOLA STANDARDS.
- ALL EXISTING TREES TO BE REMOVED UNLESS NOTED OTHERWISE.
- GRASS AREAS TO BE MAINTAINED TO A MINIMUM OF 150mm (6") BETWEEN FRONT OF BUILDING AND REAR PROPERTY LINE.

ISSUED FOR
REZONING
JULY 24, 2013

ZEBRADESIGN

1161 NEWPORT AVE
VICTORIA, B.C. V8S 5E6
PHONE: (250) 860-2144
FAX: (250) 860-2115

DRAWN BY: K. BELLEFRIE
DATE: JULY 24, 2013
SCALE: AS NOTED

Project:
LOT B - REZONING
804 FOUL BAY RD

Title:
LANDSCAPE PLAN

Revision: Sheet:

SK5

Proj. No. TBD



Planning and Land Use Committee Report

Date: December 4, 2013 **From:** Jim Handy, Development Agreement Facilitator
Subject: Amendment to Master Development Agreement for 1701 Douglas Street (The Hudson)

Executive Summary

The purpose of this report is to present Council with information, analysis and recommendations regarding a proposed amendment to the Master Development Agreement (MDA) for 1701 Douglas Street (The Hudson).

The MDA requires that the Developer provides permanent public art installations on the site with a value of no less than \$60,000. Furthermore, prior to the issuance of a Building Permit for any building to be constructed on the site, the MDA requires that the Developer must provide the City with plans describing the full details of the proposed public art installations and a security deposit for their full value.

The Developer has provided the required security deposit of \$60,000, however, they wish to provide full details of the public art installations at a later stage, stating that this deferral will allow for further consideration of appropriate artwork which responds to both its location and the development context. Should Council accept this request, the deferment of these details requires an amendment to the MDA.

Staff support the request and recommend that the MDA be amended to require that full public art installation details be submitted prior to the issuance of a Building Permit for any building to be constructed on Phase IV of the development.

Recommendation

That Council authorize an amendment to the Master Development Agreement for 1701 Douglas Street, in a form satisfactory to the City Solicitor and the Director of Sustainable Planning and Community Development, requiring that the Developer submit plans describing full details of the required public art installations, prior to the issuance of a Building Permit for any building to be constructed in Phase IV of the development.

Respectfully submitted,


 Jim Handy
 Development Agreement Facilitator
 Development Services




 Deb Day, Director
 Sustainable Planning and Community
 Development Department

Report accepted and recommended by the City Manager:


 Jocelyn Jenkins

JH:aw

S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\REZ\REZ00101\1701 DOUGLAS MDA AMENDMENT.DOC

1.0 Purpose

The purpose of this report is to present Council with information, analysis and recommendations regarding a proposed amendment to the Master Development Agreement (MDA) for 1701 Douglas Street (The Hudson).

2.0 Background

2.1 Description of Proposal

In 2007, the City entered into a MDA with the Developer of the Hudson building and associated lands at 1701 Douglas Street. The MDA was made in conjunction with a Rezoning Application proposing the rehabilitation of the Hudson building and the construction of three residential towers.

Section 5 of the MDA relates to public art and requires that the Developer provides permanent public art installations on the site with a value no less than \$60,000. Furthermore, prior to the issuance of a Building Permit for any building to be constructed on the site, the MDA requires that the Developer provide the City with plans describing the full details of the proposed public art installations and a security deposit for their full value.

The Developer has now provided the required security deposit of \$60,000, however, they wish to provide full details of the public art installations at a later stage. As work has now advanced on Phase II of the development, the Developer has not fulfilled their obligations under the terms of the MDA in respect of the public art requirements.

Should Council accept the request, the deferment of the public art details requires an MDA amendment.

3.0 Issues

The key issue relates to the deferment of full details of the public art installations to a later phase of construction.

4.0 Analysis

The MDA requires that plans describing full details of the proposed public art installations be submitted to the City prior to the issuance of a Building Permit for any building to be constructed on the lands associated with the Hudson development. The completion of the public art installations are then not required until prior to the issuance of a final Occupancy Certificate for any building associated with Phase IV (the final phase) of the development. A diagram illustrating the phasing sequence of development and identifying Phase IV is attached to this report.

In light of the above and given that the City is in receipt of the required security deposit for public art installations, it is the opinion of staff that it would be reasonable to amend the MDA to allow the submission of full details of these installations at a later stage of development. As the area in which the public art installations will be located is still in the early stages of development, staff agree with the rationale provided by the Developer that this deferral will allow for further consideration of appropriate artwork which responds to both its location and the development context. Therefore, staff recommend that these details be submitted, to the satisfaction of the Director of Sustainable Planning and Community Development, prior to the issuance of a Building Permit for any building to be constructed on Phase IV of the development.

5.0 Resource Impacts

There are no resource impacts anticipated.

6.0 Options

Option 1 (recommended)

That Council authorize an amendment to the Master Development Agreement for 1701 Douglas Street, in a form satisfactory to the City Solicitor and the Director of Sustainable Planning and Community Development, requiring that the Developer submit plans describing full details of the required public art installations prior to the issuance of a Building Permit for any building to be constructed as Phase IV of the development.

Option 2

That Council decline the request to amend the Master Development Agreement for 1701 Douglas Street.

7.0 Conclusions

The Developer has provided the required security deposit of \$60,000 for public art installations at 1701 Douglas Street, however, they wish to provide full details of the art installations at a later stage. This deferral of these details requires an amendment to the MDA. Staff support the request and recommend that the MDA be amended to require that these details be submitted prior to the issuance of a Building Permit for any building to be constructed on Phase IV of the development.

8.0 Recommendations

That Council authorize an amendment to the Master Development Agreement for 1701 Douglas Street, in a form satisfactory to the City Solicitor and the Director of Sustainable Planning and Community Development, requiring that the Developer submit plans describing full details of the required public art installations prior to the issuance of a Building Permit for any building to be constructed as Phase IV of the development.

9.0 List of Attachments

- Letter from Developer dated November 27, 2013
- Schedule E (Phasing Diagram) of the MDA.



T O W N



November 25, 2013

Jim Handy, MCIP RPP
Development Agreement Facilitator
Sustainable Planning and Community Development Department
City of Victoria
1 Centennial Square
Victoria, BC V8W 1P6

Jim,

Reg 00101

Re: Public Art Requirement – 1701 Douglas Street

With reference to our recent discussions and, in accordance with our obligations under the Master Development Agreement for The Hudson, 1701 Douglas Street, we enclose our cheque in the amount of \$60,000 as security for the public art requirement for this multi-phased site. We also enclose a letter from Merrick Architecture describing their recommendation for the preferred location for the public on the site and an illustrative plan. These recommendations will locate the art in areas of the site that are intended to be accessible by public.

We apologize for the long delay in getting this information to you and hope this satisfies our current obligations in the MDA.

Sincerely,

Bob Pearce

Vice President Development
Townline Developments Ltd.
100 – 1803 Douglas Street
Victoria, BC V8T 5C3

T 250-383-2122 *X24*
C 250-507-9506
E bob.pearce@townline.ca

MERRICK ARCHITECTURE ■ BOROWSKI SAKUMOTO FLIGG

Shaun C. McIntyre

Shaun C. McIntyre

Mike Wilson

Mike Wilson

Mike Wilson

Shaun C. McIntyre

Shaun C. McIntyre

Mike Wilson

Mike Wilson

Mike Wilson

MERRICK

Nov 1, 2013

VIA: Email

Jim Handy, MCIP RPP
Development Agreement Facilitator
Sustainable Planning and Community
Development Department
Victoria City Hall
1 Centennial Square
Victoria, BC, V8W 1P6
jhandy@victoria.ca
(250) 361-0523

Mike Wilson, MCIP RPP
Senior Planner – Urban Design
Development Services Division
Planning and Development
Victoria City Hall
1 Centennial Square
Victoria, BC, V8W 1P6
MWilson@victoria.ca
(250) 361-0384

Dear Jim & Mike:

RE: PUBLIC ART COMPONENT – THE HUDSON MASTER DEVELOPMENT AGREEMENT
FOR 1701 DOUGLAS STREET

As discussed during our October 17th, 2013 meeting with you and Bob Pearce of Townline, please find attached a plan diagram illustrating the Hudson Lands area bounded by Douglas, Blanshard, Herald and Fisgard Streets, which identifies our proposed suitable locations for the Public Art component required to satisfy the requirements of the Hudson Master Development Agreement.

We believe that the final and most suitable location should be located such that it is significantly near the center of the illustrated multiple phases. Upon the completion of the illustrated phases, a final location can be ultimately selected, and an appropriate Artwork which responds to both its location and the development context can be commissioned.

Yours truly,

MERRICK ARCHITECTURE ■ BOROWSKI SAKUMOTO FLIGG LTD.



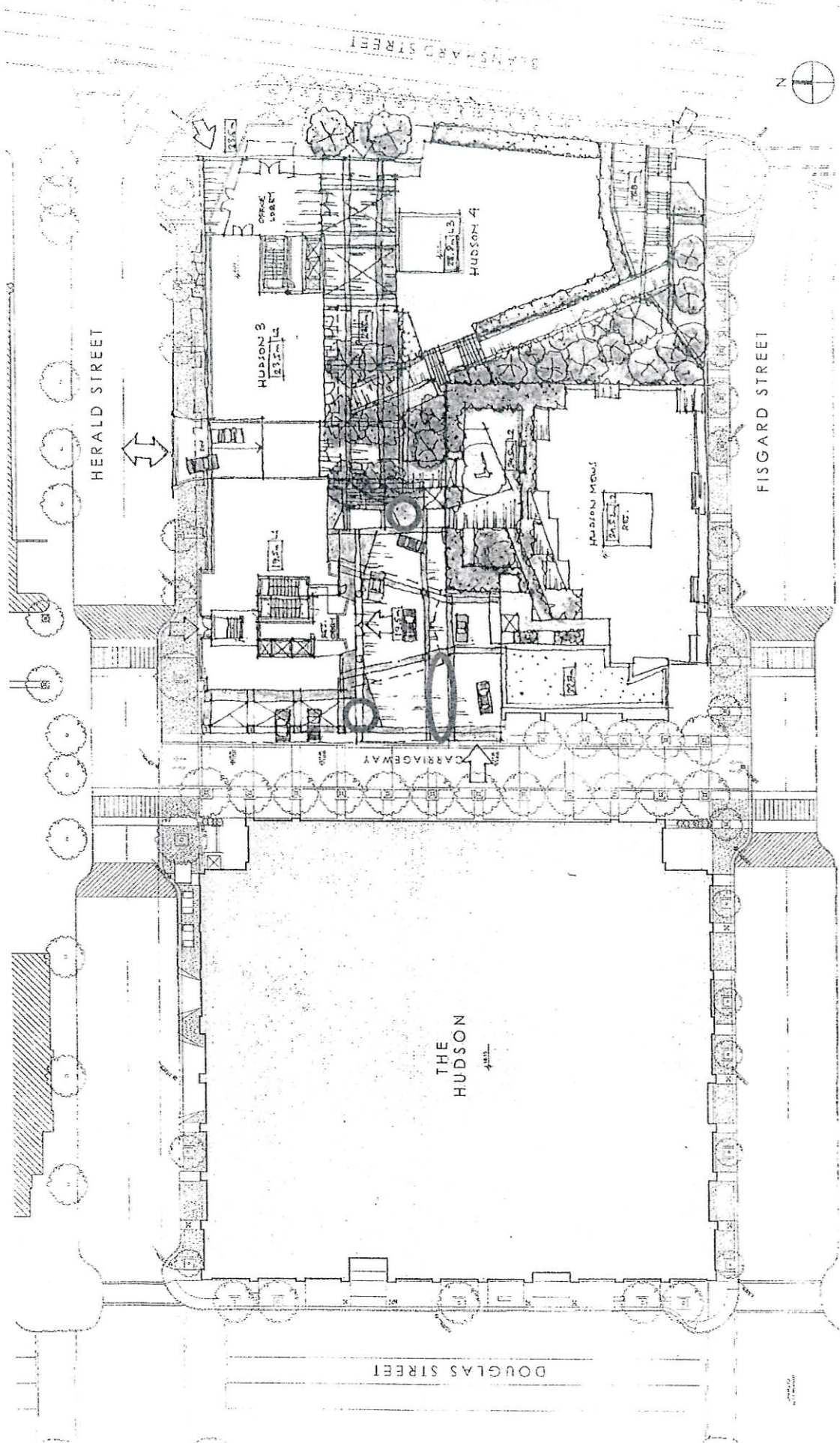
Shaun C. McIntyre
ARCHITECT AIBC, MRAIC, M.Arch. B.Ed, LEED® AP
Managing Associate - Victoria Studio

Suite 300
970 Homer Street
Vancouver, BC
V6B 2W7
Tel: 604 683 4133
Fax: 604 683 9313

18 Bastion Square
Victoria, BC
V8W 1P6
Tel: 250 480 7811
Fax: 250 480 7215

www.merrick.ca/victoria

SM/bb



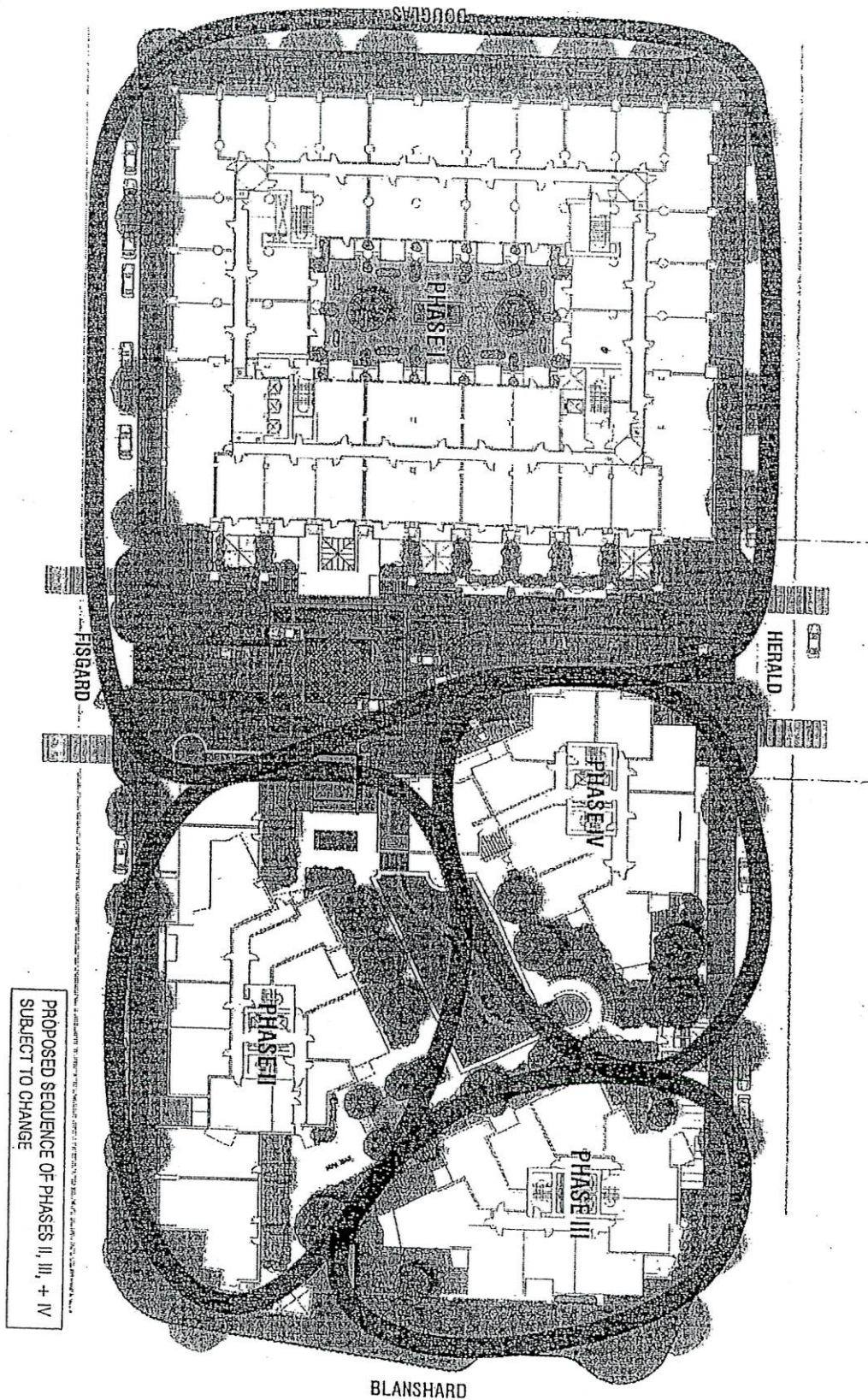
PROPOSED PUBLIC ART LOCATIONS

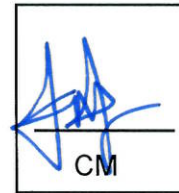
MURKIN ARCHITECTURE
TORONTO, ONTARIO

LANDSCAPE
TOWN

Phasing Diagram

SCHEDULE E — Phasing Diagram





Planning and Land Use Standing Committee Report

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

Executive Summary

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

Recommendation

The Building Inspector recommends:

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

Respectfully submitted,

Andrew Dolan
 Senior Bylaw Officer
 Bylaw & Licensing Services

Robert Woodland
 Director
 Legislative & Regulatory Services

List of Attachments

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

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

Purpose

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

Background

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

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

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

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

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

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

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

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

Issues and Analysis

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

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

Options and Impacts

The filing of a notice on land title is part of a graduated enforcement strategy intended to bring a property into compliance with the applicable bylaws and regulations. A notice on title provides incentive to the property owner to resolve the outstanding issues as it serves to warn lenders or prospective purchasers that work has been done without a permit. Filing a notice on title under Sec. 57 of the *Community Charter* is therefore intended to ensure that a potential purchaser is aware of bylaw violations in respect to the work that has been done without permit to convert the building from its approved use as a single family dwelling to its current use as 3 separate self-contained dwelling units. The notice can be easily removed once the property has been brought into compliance.

Official Community Plan Consistency Statement

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

Financial and Staff Capacity Assessment

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

Public Engagement and Consultation

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

Conclusion

Given the owner's failure to comply and the continuing unpermitted residential use this Officer has determined that the appropriate course of action at this time is to proceed with filing a notice on title. Doing so will ensure that full disclosure is made to a prospective purchaser and/or lender should this property be listed for sale.

Recommendation

The Building Inspector recommends:

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

Appendix A



August 15, 2013

Legislative and
Regulatory Services
Department

Mr. John Asfar

gs Ltd.
rd.

COPY

Bylaw and Licensing
Services Division

Re: 737 Princess Ave. / Bylaw File #33487

1 Centennial Square
Victoria BC V8W 1P6

Dear Sir,

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

Zoning Regulation Bylaw

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

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

Building Bylaw

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

To Contact

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

Fax: 250.361.0205
Web: www.victoria.ca

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

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

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

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

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

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

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

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

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

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

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

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

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

Plumbing Bylaw

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

Electrical Safety Regulation Bylaw

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

Business License Bylaw

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

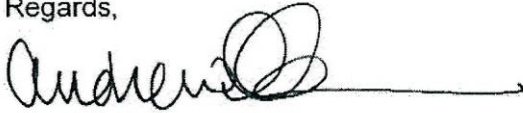
Notwithstanding any orders that may be given to you separately by the Electrical Inspector, and/or the Fire Inspector, you are hereby directed to take the following action:

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

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

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

Regards,

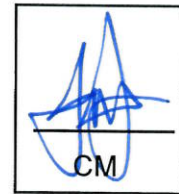
A handwritten signature in black ink, appearing to read 'Andrew Dolan', followed by a long horizontal line.

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

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

Appendix B





Planning and Land Use Standing Committee Report

Date: Nov. 8, 2013 **From:** Robert Woodland, Director,
Legislative & Regulatory Services
Subject: Work without permit – 1124 Empress Ave. / Bylaw File #1009

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 basement into a suite, making a rental triplex. The owner has indicated that they will not seek building, plumbing, or electrical permits to return the property to an approved configuration and are aware the city may place a Notice on Title.

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 1124 Empress Ave., legally described as **The Southerly 65 Feet of Lot 5, Section 3, Victoria, Plan 1036**, 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

Robert Woodland
Director
Legislative & Regulatory Services

List of Attachments

Appendix A – One exterior photograph of the subject property taken Feb. 10, 2008
One exterior photograph of the subject property taken Oct. 8, 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 1124 Empress Ave., 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 basement to a finished suite.

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 1124 Empress Ave. 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 originally October 2nd, 2008 and again on October 8, 2013. Upon inspection it was discovered that there was an additional suite located in the basement of this dwelling, and it was also revealed that a substantial amount of work had been completed without permit.

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 5 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 stated they will not make application for permits at this time 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 1124 Empress Ave., legally described as **The Southerly 65 Feet of Lot 5, Section 3, Victoria, Plan 1036**, 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.

10/01/2013 10:18



02.10.2008 09:51



Planning and Land Use Standing Committee Report

Date: Nov. 8, 2013 **From:** Robert Woodland, Director,
Legislative & Regulatory Services
Subject: Work without permit – 1128 Empress Ave. / Bylaw File #1010

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 basement into a suite, making a rental triplex. The owner has indicated that they will not seek building, plumbing, or electrical permits to return the property to an approved configuration and are aware the city may place a Notice on Title.

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 1128 Empress Ave., legally described as **The Southerly 65 Feet of Lot 6, Section 3, Victoria, Plan 1036**, 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

Robert Woodland
Director
Legislative & Regulatory Services

List of Attachments

Appendix A – Two (2) exterior photographs of the subject property taken Feb. 10, 2008
One exterior photograph of the subject property taken Sep. 26, 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 1128 Empress Ave., 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 basement to a finished suite.

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 1128 Empress Ave. 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 originally October 2nd, 2008 and again on September 26th, 2013. Upon inspection it was discovered that there was an additional suite located in the basement of this dwelling, and it was also revealed that a substantial amount of work had been completed without permit.

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 5 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 stated they will not make application for permits at this time 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 1128 Empress Ave., legally described as **The Southerly 65 Feet of Lot 6, Section 3, Victoria, Plan 1036**, 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.

02.10.2008 09:52





02.10.2008 09:53