

<u>UPDATED AMENDED AGENDA - VICTORIA CITY COUNCIL</u> MEETING OF THURSDAY, SEPTEMBER 7, 2017, AT 6:30 P.M.

Council Chambers, City Hall, 1 Centennial Square

Located on the traditional territory of the Esquimalt and Songhees People

Poetry reading by Maita Cienska, Youth Poet Laureate.

- A. APPROVAL OF AGENDA
- B. READING OF MINUTES
 - 1. Minutes from the evening meeting held July 27, 2017 Addenda

Late Item: Minutes

- 2. Minutes from the daytime meeting held August 10, 2017
- C. REQUESTS TO ADDRESS COUNCIL
 - 1. Diana Butler: Need for Additional Shelter Space Downtown
 - 2. Stephen Cheung: Section 34 of the BC Property Law Act
 - 3. <u>Late Item</u>: ChrŸs Tei: City of Victoria Trans Inclusion Policy Addenda
 - 4. <u>Late Item</u>: Alistar Emerson: Shadow Mountain Rezoning Addenda

D. PROCLAMATIONS

- 1. <u>Late Item</u>: "Prostate Cancer Awareness Month" September 2017 Addenda
- 2. <u>Late Item</u>: "KidSport Week" September 9-16, 2017 Addenda

3. <u>Late Item</u>: "International Day of Peace" - September 21, 2017 Addenda

E. PUBLIC AND STATUTORY HEARINGS

 Development Variance Permit Application No. 000190 for 1358 and 1360 Thurlow Road

Council is considering an application to demolish the existing duplex, subdivide the lot, and construct a new single family dwelling on each lot.

a. **Opportunity for Public Comment**

Development Variance Permit Application No. 000190

The City of Victoria will be considering the issuance of a Development Variance Permit for the land known as 1358 & 1360 Thurlow Road for the purpose of varying certain requirements of the *Zoning Regulation Bylaw* namely: front and side yard setbacks, lot width, and front lot line definition for the subdivision of the lot and construction of two new single family dwelling units.

Legal description of the land: Lot 1, Fairfield Farm Estate, Victoria, VIS1471

Close of Hearing - Consideration of Approval

b. <u>Development Variance Permit Approval</u>: To approve the development variance permit, the following motion is in order:

That Council authorize the issuance of Development Permit Application No.00190 for 1358 and 1360 Thurlow Road, in accordance with:

- 1. Plans date stamped June 22, 2017.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:

Proposed Lot A

- a. relax front lot definition for irregular lots to allow the street line to be considered the property line along Thurlow Road
- b. reduce the front setback from 7.50m to 3.05m
- c. reduce the side yard setback from 1.97m to 1.50m.

Proposed Lot B

- a. relax front lot definition for irregular lots to allow the street line to be considered the property line along Thurlow Road
- b. reduce the minimum lot width from 15.00m to 13.70m
- c. reduce the minimum flanking street side yard setback of an accessory building from 7.50m to 7.31m.
- 3. The Development Permit lapsing two years from the date of this resolution.

2. Rezoning Application No. 00554 and Development Permit Application No 00491 for 345 Quebec Street

Council is considering an application to permit the conversion of an existing hotel to 219 residential units.

a. **Public Hearing**

Addenda Rezoning Application No. 00554

To rezone the land known as 345 Quebec Street from the T-1 Zone, Limited Transient Accommodation District, to the R3-Q Zone, Quebec Street Multiple Dwelling District, to permit a residential use in the existing building.

New Zone: R3-Q Zone, Quebec Street Multiple Dwelling District

Legal description: LOT A OF LOTS 926-930, 945 & 954, VICTORIA, PLAN 24914

Existing Zone: T-1 Zone, Limited Transient Accommodation District

Late Item: Correspondence

b. <u>Development Permit Application No. 00491</u>

The Council of the City of Victoria will also consider issuing a development permit for the land known as 345 Quebec Street, in Development Permit Area 16 for the purposes of approving the exterior design and finishes for the residential building as well as landscaping.

Close of Hearing - Consideration of Approval

- c. **Bylaw Approval**: To consider approval of the application, a motion for Third Reading of the bylaw is in order:
 - 1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1113) No. 17-085
- d. **Bylaw Approval**: To consider final approval of the application, a motion to Adopt the bylaws is in order:
 - 1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1113) No. 17-085
 - 2. Housing Agreement (345 Quebec Street) Bylaw (2017) No. 17-089
- e. **Development Permit Approval:** To approve the development permit, the following motion is in order:

That Council authorize the issuance of Development Permit Application No. 000491 for 345 Quebec Street in accordance with:

- 1. Plans dated June 5, 2017:
- 2. Development meeting all Zoning Regulation Bylaw requirements;
- 3. The Development Permit Lapsing two years from the date of this resolution.

Rezoning Application No. 00520 and Development Permit with Variances 3. Application No. 000475 for 3031 Jackson Street

Council is considering an application to construct 10 attached dwelling (townhouse) units.

a. Public Hearing

Addenda Rezoning Application No. 00520

To rezone the land known as 3031 Jackson Street from the R1-B Zone, Single Family Dwelling District, to the R-J Zone, Low Density Attached Dwelling District, to permit construction of ten townhouses.

New Zone: R-J Zone, Low Density Attached Dwelling District

Legal description: Lot 3, Section 4, Victoria District, Plan 6385

Existing Zone: R1-B Zone, Single Family Dwelling District

Late Item: Correspondence

Development Permit with Variances Application No. 000475 b.

The Council of the City of Victoria will also consider issuing a development permit with variances for the land known as 3031 Jackson Street, in Development Permit Area 16: General Form and Character for the purposes of approving the exterior design, finishes and landscaping, as well as associated variance with respect to site width, setbacks, separation space and distance between buildings for the townhouses.

The Development Permit with Variances will vary the following requirements of the Zoning Regulation Bylaw R-J Zone, Low Density Attached Dwelling District:

- Part 2.2.6: reduce the minimum site width from 75.00m to 53.17m
- Part 2.2.10: reduce the minimum front setback from 7.50m to 7.00m
- Part 2.2.10: reduce the minimum rear setback from 7.50m to 6.00m (to Unit 10) and to 6.60m (to Units 8 & 9)
- Part 2.2.10: reduce the minimum side setback (north) from 7.50m to 2.44m (to Unit 5) and to 3.00m (to Units 6 & 7)
- Part 2.2.11: reduce the minimum separation space from 7.50m to 5.76m between Unit 2 and Unit 4 and to 6.81m between Unit 7 and Unit 8
- Part 2.2.12: reduce the minimum distance between Attached Dwellings from 10.00m to 6.81m between Unit 7 and Unit 8: and from 15.00m to 7.60m between Unit 3 and Unit 10; and from 10.00m to 3.43m between Unit 2 and Unit 4

Close of Hearing - Consideration of Approval

- b. **Bylaw Approval**: To consider approval of the application, a motion for Third Reading of the bylaw is in order:
 - 1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1111) No. 17-082
- c. **Bylaw Approval:** To consider final approval of the application, a motion to Adopt the bylaw is in order:
 - 1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1111) No. 17-082
- d. <u>Development Permit Approval</u>: To approve the development permit with variances, the following motion is in order:

That Council authorize the issuance of Development Permit with Variances Application No. 000475 for 3031 Jackson Street, in accordance with:

- 1. Plans date stamped June 12, 2017.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. reduce site width from 75.00m to 53.17m
 - b. reduce front setback from 7.50m to 7.00m
 - c. reduce the rear setback from 7.50m to 6.00m (to Unit 10) and to 6.60m (to Units 8 and 10)
 - d. reduce the side setback (north) from 7.50m to 2.44m (to Unit 5) and to 3.00m (to Units 6 and 7) and to 7.19m (to Unit 6)
 - e. reduce building separation space from 7.5m to 5.76m between Unit 2 and Unit 4; and to 6.81m between Unit 7 and Unit 8
 - f. reduce the minimum distance between Attached Dwellings from 10.00m to 6.81m between Unit 7 and Unit 8; and from 15.00m to 7.60m between Unit 3 and Unit 10; and from 10.00m to 3.43m between Unit 2 and Unit 4
- 3. Retention of an International Society of Arboriculture certified arborist during construction to ensure the tree protection plan is followed.
- 4. The Development Permit lapsing two years from the date of this resolution.

4. Rezoning Application No. 00572 for 853 Cormorant Street

Council is considering an application to rezone the property to allow for the retail sale of cannabis.

a. **Public Hearing**

Addenda Rezoning Application No. 00572

To rezone the land known as 853 Cormorant Street from the CA-3 Zone, Central Area General Commercial District, to the CA-81 Zone, Central Area Commercial (Cannabis) District, to permit a storefront cannabis retailer.

New Zone: CA-81 Zone, Central Area Commercial (Cannabis) District

Legal description: Lot 26, Suburban Lot 5, Victoria City

Existing Zone: CA-3 Zone, Central Area General Commercial District

Late Item: Correspondence

Close of Hearing - Consideration of Approval

- b. **Bylaw Approval**: To consider approval of the application, a motion for Third Reading of the bylaw is in order:
 - 1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1106) No. 17-069
- b. **Bylaw Approval:** To consider final approval of the application, a motion to Adopt the bylaw is in order:
 - 1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1106) No. 17-069

F. REQUESTS TO ADDRESS COUNCIL

G. UNFINISHED BUSINESS

1. Letter from the Corporation of the District of Central Saanich

A letter of response dated July 7, 2017 advising that Councillors Paltiel and Holman have been appointed to represent Central Saanich Council at meetings regarding alignment of ownership funding of the Royal Theatre and the MacPherson Playhouse.

2. Rise and Report from Closed Meeting for Information

There are no Rise & Reports for this meeting.

H. REPORTS OF COMMITTEES

1. Committee of the Whole

a. Report from the September 7, 2017 COTW Meeting

Addenda

Late Item: COTW Report

I. NOTICE OF MOTIONS

J. BYLAWS

1. Bylaw for 848 and 852-856 Yates Street and 845 and 849 Johnson Street

A report recommending first, second, and third readings of Bylaw No. 17-091.

Housing Agreement (848 Yates) Bylaw (2017) No. 17-091
 A bylaw to authorize an agreement for rental housing for the lands known as 848 and 852-856 Yates Street and 845 and 849 Johnson Street.

Recommendation: That Council give first, second, and third readings to Bylaw No. 17-091.

2. Bylaws for 1402-1406 Douglas Street

A report recommending first and second readings of Bylaw No. 17-070 and first and second readings of Bylaw No. 17-078.

Zoning Regulation Bylaw, Amendment Bylaw (No. 1107) No. 17-070
 A bylaw to rezone the land known as 1402-1406 Douglas Street to the CA-84
 Zone, Old Town Cannabis 2 District.

Recommendation: That Council give first and second readings to Bylaw No. 17-070.

b. Heritage Designation (1402-1406 Douglas Street) Bylaw No. 17-078
 A bylaw to designate the exterior of the building located at 1402-1406 Douglas Street to be protected heritage property.

Recommendation: That Council give first and second readings to Bylaw No. 17-078.

3. **Bylaw for Short-Term Rentals**

A report recommending first and second readings of Bylaw No. 17-084.

a. Zoning Regulation Bylaw, Amendment Bylaw (No. 1112) No. 17-084

A bylaw to amend the definition of Transient Accommodation, adding a definition for Short-Term Rental and prohibiting Short-Term Rentals in the entire City unless where expressly allowed.

Recommendation: That Council give first and second readings to Bylaw No. 17-084.

- K. CORRESPONDENCE
- L. NEW BUSINESS
- M. QUESTION PERIOD
- N. ADJOURNMENT



MINUTES - VICTORIA CITY COUNCIL

MEETING OF THURSDAY, JULY 27, 2017, AT 6:30 P.M.

PLACE OF MEETING: Council Chambers, City Hall

PRESENT: Mayor Helps in the Chair, Councillors Alto, Coleman, Isitt, Loveday,

Lucas, Madoff, Thornton-Joe, and Young.

<u>STAFF PRESENT</u>: J. Johnson – City Manager; J. Jenkyns - Deputy City Manager; C.

Coates - City Clerk; P. Bruce - Fire Chief; J. O'Connor - Manager of Financial Planning; A. Hudson - Assistant Director of Sustainable Planning; F. Work - Director of Engineering & Public Works; T. Soulliere - Director of Parks, Recreation, & Facilities; C. Havelka - Deputy City Clerk; C. Mycroft - Manager of Executive Operations; M. Angrove - Planner; H. Follis - Customer Service Advisor; P. Martin -

Council Secretary.

APPROVAL OF AGENDA

The City Clerk outlined amendments to the agenda.

Motion:

It was moved by Councillor Madoff, seconded by Councillor Alto, that the agenda be approved as amended.

Amendment:

It was moved by Councillor Isitt, seconded by Councillor Loveday, that the agenda be amended so that the Rezoning Application No. 00526 for 950 Yates Street and Rezoning Application No. 00534 for 851 Johnson Street be combined into one Public Hearing for Council's consideration.

On the amendment: Carried Unanimously

On the main motion as amended:

Carried Unanimously

Poet Laureate, Yvonne Blomer read a poem titled "Moose, Dempster Highway, Yukon".

READING OF MINUTES

Motion:

It was moved by Councillor Loveday, seconded by Councillor Coleman, that the following minutes be adopted:

- 1. Minutes from the evening meeting held June 22, 2017
- 2. Minutes from the daytime meeting held July 6, 2017

Carried Unanimously

REQUESTS TO ADDRESS COUNCIL

Motion:

It was moved by Councillor Coleman, seconded by Councillor Alto, that the following speakers be permitted to address Council.

Carried Unanimously

Mayor Helps withdrew from the meeting at 6:38 p.m. due to a potential non-pecuniary conflict of interest with the following item, due to her relationship with an AirBnB operator.

Councillor Thornton-Joe assumed the Chair in her absence.

Councillor Lucas withdrew from the meeting at 6:38 p.m. due to a pecuniary conflict of interest with the following item, as she is the general manager of a hotel.

Councillor Madoff withdrew from the meeting at 6:38 p.m. due to a pecuniary conflict of interest with the following item, as she runs a Bed and Breakfast in her home.

1. <u>Geraldine Glattstein: Homelessness, Air B&B, Demolition of Sound Structure</u>
Outlined why Council should work on solving homelessness through a comprehensive approach.

Council Meeting Minutes July 27, 2017 Mayor Helps returned to the meeting at 6:41 p.m. and assumed the Chair.

Councillor Lucas returned to the meeting at 6:41 p.m.

Councillor Madoff returned to the meeting at 6:41 p.m.

2. <u>Julia Veintrop: The Current State of Things</u>

Outlined why Council should allow for onsite consumption of cannabis and edibles and consider a different approach to the 2016 and 2017 Business Licenses.

3. Kristy Kilpatrick: Urban Deer

Outlined why Council should consider working with the science-based Urban Wildlife Stewardship Society on a deer management initiative.

Councillor Coleman withdrew from the meeting at 6:53 p.m. due to a pecuniary conflict of interest with the following item, as his wife works for the Anglican Synod of the Diocese of B.C.

4. Christopher Schmidt: Fraudulent Consultation

Outlined why Council should reject the proposed Rezoning Application for 1002 Vancouver Street.

Councillor Isitt withdrew from the meeting at 6:55 p.m. and returned at 6:57 p.m.

5. <u>Marjory Benson: Mt. Edwards Rezoning</u>

Outlined why Council should reject the proposed Rezoning Application for 1002 Vancouver Street.

Councillor Coleman returned to the meeting at 7:03 p.m.

PROCLAMATIONS

Motion:

It was moved by Councillor Loveday, seconded by Councillor Thornton-Joe, that the following Proclamations be endorsed:

1. "World Hepatitis Day" - July 28, 2017

Carried Unanimously

PUBLIC AND STATUTORY HEARINGS

1. <u>Development Variance Permit Application No. 00189 for 735 Market Street</u>

Hearing

Development Variance Permit Application No. 00189

The City of Victoria will be considering the issuance of a Development Variance Permit for the land known as 735 Market Street for the purpose of varying certain requirements of the *Zoning Regulation Bylaw* namely: Relaxation of parking requirement from 4 spaces (1 space per 37.50m²) to 3 spaces (1 space per 60.85m²) for personal service use.

Legal description of the land: Lot 1, Section 4, Victoria City, Plan 3122

Michael Angrove (Planner): Advised that the application is to vary the parking due to the proposed change of use on the first storey from office to personal services.

Mayor Helps opened the public hearing at 7:05 p.m.

Mayor Helps closed the public hearing at 7:06 p.m.

2. Development Permit with Variances Approval

Motion:

It was moved by Councillor Coleman, seconded by Councillor Alto, that Council authorize the issuance of Development Permit Application No. 00189 for 735 Market Street, in accordance with:

- 1. Plans date stamped May 2, 2017.
- 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - a. Schedule C, section 16.C.4 Relaxation of parking requirement from four spaces (one space per 37.50m²) to three spaces (one space per 60.85m²) for personal service use.
- 3. The Development Permit lapsing two years from the date of this resolution.

2. <u>Development Permit with Variances Application No. 00023 for 2770 Pleasant Street</u>

Hearing

Development Permit with Variances Application No. 00023

The Council of the City of Victoria will consider issuing a Development Permit with Variances for the land known as 2770 Pleasant Street, in Development Permit Area 16, for purposes of installing a prefabricated office trailer and installing a weigh-scale.

The Development Permit will vary the following requirements of the Zoning Regulation Bylaw:

- reducing the required Class 1 bike parking from four to zero
- allowing the placement of the office structure across more than one lot

Legal description of the land:

Lots 3 and 4, Block B, Section 4, Victoria, Plan 16

Michael Angrove (Planner): Advised that the application is to allow for an office trailer and truck scale.

Mayor Helps opened the public hearing at 7:06 p.m.

Mayor Helps closed the public hearing at 7:07 p.m.

2. <u>Development Permit with Variances Approval</u>

Motion:

It was moved by Councillor Loveday, seconded by Councillor Lucas, that Council authorize the issuance of Development Permit with Variances Application No. 00023 for 2770 Pleasant Street subject to registration of legal agreements on the properties' titles securing access across the site and addressing issues of the proposed building and equipment straddling the property line to the satisfaction of the City Solicitor, in accordance with:

- 1. Plans date stamped June 16, 2017.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. reduce Class 1 bicycle space requirement from four to zero;
 - b. relaxation to permit construction over the lot lines for the office trailer structure.
- 3. The Development Permit lapsing two years from the date of this resolution.

Carried Unanimously

3. Rezoning Application No. 00563 and Development Permit Application No. 000485 for 1745 Rockland Avenue

1. Public Hearing

Rezoning Application No. 00563

To rezone the land known as 1745 Rockland Avenue from the R1-A Zone, Rockland Single Family Dwelling District and the R1-B Zone, Single Family Dwelling District, to the R1-42 Zone, Richmond Panhandle District, to permit three single family dwellings on one panhandle lot.

New Zone: R1-42 Zone, Richmond Panhandle District

Existing Zone: R1-A Zone, Rockland Single Family Dwelling District

R1-B Zone, Single Family Dwelling District

2. <u>Development Permit Application No. 000485</u>

The Council of the City of Victoria will also consider issuing a development permit for the land known as 1745 Rockland Avenue, in Development Permit Area 15B: Intensive Residential – Panhandle Lot for the purposes of approving the exterior design and finishes for the three single family dwellings, as well as landscaping.

Michael Angrove (Planner): Advised that the application is to allow for 3 single family dwellings to be constructed on one panhandle lot.

Councillor Loveday withdrew from the meeting at 7:07 p.m. and returned at 7:08 p.m.

Mayor Helps opened the public hearing at 7:09 p.m.

<u>Peter Hardcastle (Hillel Architecture):</u> Provided information regarding the application by providing a project context on how the three new single family dwellings would fit in the panhandle lot.

<u>Jo-Ann MacDonald (Richmond Avenue):</u> Expressed concerns relating to increased traffic due to the increase in residents.

<u>Bob June (Rockland Neighbourhood Association):</u> Expressed support for the application due to the neighbourhood consultation that was undertaken and the positive Community Association Land Use Committee process.

Mayor Helps closed the public hearing at 7:17 p.m.

3. Bylaw Approval

Motion:

It was moved by Councillor Alto, seconded by Councillor Madoff, that the following bylaw **be given** third reading:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1110) No. 17-080

Council discussed the following:

Concerns relating to an efficient use of land to address the housing crisis.

Carried Unanimously

4. Bylaw Approval

Motion:

It was moved by Councillor Alto, seconded by Councillor Coleman, that the following bylaw **be adopted:** 1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1110) No. 17-080

Carried Unanimously

5. Development Permit with Variances Approval

Motion:

It was moved by Councillor Alto, seconded by Councillor Loveday, that Council authorize the issuance of Development Permit Application No. 000485 for 1745 Rockland Avenue, in accordance with:

- 1. Plans date stamped March 24, 2017.
- 2. Development meeting all Zoning Regulation Bylaw requirements.
- 3. The Development Permit lapsing two years from the date of this resolution.

Carried Unanimously

4 Rezoning Application No. 00526 for 950 Yates Street

1. Public Hearing

Rezoning Application No. 00526

To rezone the land known as 950 Yates Street from the R-48 Zone, Harris Green District, to the R-83 Zone, Harris Green (Cannabis) District, to permit a storefront cannabis retailer.

New Zone: R-83 Zone, Harris Green (Cannabis) District

Legal description: Lot A, (DD 286896I) of Lot 815, Victoria City, Plan 7579

Existing Zone: R-48 Zone, Harris Green District

Michael Angrove (Planner): Advised that the application is to allow for the retail sale of cannabis (950 Yates Street) and outlined the distances between other cannabis retail stores.

Rezoning Application No. 00534 for 851 Johnson Street

2. Public Hearing

Rezoning Application No. 00534

To rezone the land known as 851 Johnson Street from the S-1 Zone, Limited Service District, to the S-10 Zone, Limited Service (Cannabis) District, to permit a storefront cannabis retailer.

New Zone: S-10 Zone, Limited Service (Cannabis) District

Legal description: Lot 379, Victoria City

Existing Zone: S-1 Zone, Limited Service District

Michael Angrove (Planner): Advised that the application is to allow for the retail sale of cannabis (851 Johnson Street) and outlined the distances between other cannabis retail stores.

Mayor Helps opened the public hearing at 7:24 p.m.

<u>Charles Philp (Leaf Compassion – 950 Yates Street):</u> Provided information regarding the application and advised of the security features for the building.

<u>James Whitehead (Medijuana Dispensary – 851 Johnson Street):</u> Provided information regarding the application and advised of the security features and that it is a small dispensary with minimal impact on the neighbours.

<u>Jessica Aspen (Rural Drive):</u> Expressed support for the application at 950 Yates Street so they can continue to provide safe access to medical cannabis.

<u>Eric Foust (Sitkum Road):</u> Expressed support for the application at 950 Yates Street so they can continue to provide safe access to medical cannabis.

<u>Kyle Boutin (Victoria Avenue):</u> Expressed support for the application at 950 Yates Street so they can continue to provide safe access to medical cannabis.

<u>Brendan Longley (Lampson Street):</u> Expressed support for the application at 950 Yates Street as it is a good location for a cannabis dispensary due to its security and discreteness.

<u>James Kirk (Kingston Street):</u> Expressed support for the application at 950 Yates Street as they are an ethical and compassionate business.

<u>Julia Veintrop (Vision Way):</u> Expressed support for the application at 950 Yates Street as they sell edibles.

<u>Daniel Cunningham (Hawkwood Place):</u> Expressed support for the application at 950 Yates Street in relation to his employment there.

<u>Clay Bark (McKenzie Avenue)</u>: Expressed support for the application at 950 Yates Street so they can continue to provide safe access to medical cannabis.

<u>Evan Langley (Resident):</u> Expressed support for the application at 950 Yates Street as he wants to remain employed.

<u>Anthony Kwan (Yates Street)</u>: Expressed support for the application at 950 Yates Street as he resides and works besides the site, which has been a positive experience.

<u>Peter Tatchell (Yates Street)</u>: Expressed support for the application at 950 Yates Street so they can continue to provide safe access to medical cannabis.

Mayor Helps closed the public hearing at 8:00 p.m.

Council recessed from 8:01 p.m. and reconvened at 8:06 p.m.

3. Bylaw Approval for 950 Yates Street

Motion:

It was moved by Councillor Alto, seconded by Councillor Loveday, that the following bylaw **be given third reading:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1094) No. 17-033

Council discussed the following:

- Concerns relating to the proximity to other cannabis retailers.
- Concerns relating to compliance with the City's bylaws and that compliance can be dealt through the business licensing process.

Motion to table:

It was moved by Councillor Isitt, seconded by Councillor Alto, that Council table consideration of this motion.

Carried Unanimously

4. Bylaw Approval for 851 Johnson Street

Motion:

It was moved by Councillor Isitt, seconded by Councillor Coleman, that the following bylaw **be given third reading:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1098) No. 17-045

Council discussed the following:

- That there is an adequate feeling of separation from other cannabis retailers at this location.
- The positive support received by the neighbouring businesses.
- That footprints of buildings are included within the zoning regulation bylaw, which will ensure that the small footprint of this site will be continued.

Carried

For: Mayor Helps, Councillors Alto, Coleman, Madoff, Isitt, Loveday, Lucas, and Thornton-Joe Councillor Young

5. Bylaw Approval

Motion

It was moved by Councillor Alto, seconded by Councillor Loveday, that the following bylaw **be adopted:** 1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1098) No. 17-045

Carried

For: Mayor Helps, Councillors Alto, Coleman, Madoff, Isitt, Loveday, Lucas, and Thornton-Joe Councillor Young

Motion to lift from table:

It was moved by Councillor Isitt, seconded by Councillor Alto, that Council lift the following motion from the table for consideration.

Carried Unanimously

6. Bylaw Approval for 950 Yates Street

Motion:

It was moved by Councillor Alto, seconded by Councillor Loveday, that the following bylaw **be given third reading:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1094) No. 17-033

Defeated

For: Councillors Alto, Madoff, Isitt, and Loveday

Opposed: Mayor Helps, Councillors Coleman, Lucas, Thornton-Joe, and Young

REQUESTS TO ADDRESS COUNCIL

Motion:

It was moved by Councillor Coleman, seconded by Councillor Alto, that the following speakers be permitted to address Council.

Carried Unanimously

1. Gloria Back: 750 Pemberton Road Carriage House Designation Application

Outlined why Council should consider relaxing the heritage standards to allow for the illusion of privacy to their neighbours.

2. Peggy Mahoney: Cannabis Regulations

Outlined why Council should change the Cannabis Regulations.

Councillor Lucas withdrew from the meeting at 8:37 p.m. and returned at 8:39 p.m.

Councillor Coleman withdrew from the meeting at 8:41 p.m. due to a pecuniary conflict of interest with the following item, as his wife works for the Anglican Synod of the Diocese of B.C.

3. Samantha Stone: Mt. Edwards Court Rezoning

Outlined why Council should reject the proposed Rezoning Application for 1002 Vancouver Street.

4. <u>Jennifer Matthews: Upholding Non-Discrimination Principles at City Land Use Consultations</u> Outlined why Council should adopt a motion to uphold non-discrimination principles at land use consultations.

5. <u>Sandi Love: Mt. Edwards Court Rezoning</u>

Outlined why Council should reject the proposed Rezoning Application for 1002 Vancouver Street.

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6. Paul Longley: Mt. Edwards / Christ Church Cathedral School

Outlined why Council should reject the proposed Rezoning Application for 1002 Vancouver Street.

Councillor Coleman returned to the meeting at 8:59 p.m.

UNFINISHED BUSINESS

1. Rise and Report from Closed Meeting for Information

1. From the July 13, 2017 Closed Council Meeting

The City received six proposals in response to *RFEI 17-054 - Apex Site Development Project* and is negotiating with a preferred proponent.

2. From the July 13, 2017 Closed Council Meeting

That Council:

- 1. Appoint nine candidates to the Advisory Design Panel (ADP) each for an 18-month term from July 1, 2017 to December 31, 2018:
 - a. Elizabeth Balderston
 - b. Sorin Birliga
 - c. Justin Gammon
 - d. Jesse Garlick
 - e. Patty Graham
 - f. Paul Hammond
 - g. Deborah LeFrank
 - h. Jason Niles
 - i. Carl-Jan Rupp
- 2. Rise and report on these appointments once applicants have been notified.

REPORTS OF COMMITTEES

1. Committee of the Whole – July 20, 2017

1. Development Permit with Variances Application No. 00036 for 1479 Fort Street (Rockland)

Motion:

It was moved by Councillor Alto, seconded by Councillor Coleman, that Council after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 00036 for 1479 Fort Street, in accordance with:

- 1. Plans date stamped June 8, 2017.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
 - i. Reduce the required parking stall from twelve to six, increasing the existing non-conformity by two stalls
 - ii. Reduce the setback from a street for an accessory building from 7.50m to 6.47m
 - iii. Reduce the separation space between an accessory building and the principle building from 2. 40m to 1.50m.
- 3. The Development Permit lapsing two years from the date of this resolution."

Carried Unanimously

2. <u>Development Variance Permit Application No. 00192 and Development Permit with Variances Application No. 00033 for 1421 Fairfield Road (Fairfield)</u>

Motion:

It was moved by Councillor Coleman, seconded by Councillor Alto:

Development Variance Permit Application No. 00192:

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

"That Council authorize the issuance of Development Permit Application No. 00193 for 1421 Fairfield Road, in accordance with:

- 1. Plans date stamped June 23, 2017
- 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:

Council Meeting Minutes July 27, 2017

Proposed Lot F

- a. Part 1.2.5(a): Reduce the front setback from 7.5m to 6.2m
 b. Part 1.2.5(b): Reduce the rear setback from 7.5m to 3.5m.
- 3. The Development Permit lapsing two years from the date of this resolution.

This authorization is conditional on the property being subdivided into three strata lots generally in accordance with the subdivision application dated April 29, 2016."

Remove the two surface parking spots and replace with green landscaping.

Development Permit with Variances Application No. 00033

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

"That Council authorize the issuance of Development Permit Application No. 00033 for 1421 Fairfield Road, in accordance with:

- 1. Plans date stamped June 23, 2017.
- 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:

Proposed Lot D

- Schedule H(3)(a): Increase the height from 5.00m to 6.66m
- ii. Schedule H(3)(a): Increase the number of storeys from 1 to 1.5.

Proposed Lot E

- i. Schedule H(3)(a): Increase the height from 5.00m to 7.01m
- Schedule H(3)(a): Increase the number of storeys from 1 to 1.5. ii.
- The Development Permit lapsing two years from the date of this resolution.

This authorization is conditional on the property being subdivided into three strata lots generally in accordance with the subdivision application dated April 29, 2016."

Remove the two surface parking spots and replace with green landscaping.

Carried Unanimously

3. Enforcement Update on Cannabis-Related Businesses

Motion:

It was moved by Councillor Loveday, seconded by Councillor Lucas, that Council receive this report for information.

Carried Unanimously

4. Deer Management

Motion:

It was moved by Councillor Thornton-Joe, seconded by Councillor Madoff:

That the Mayor write to the CRD, the Premier and the Minister responsible and ask the Province to take a more active role in deer management.

That Council direct staff to seek funding to work with the Urban Wildlife Stewardship Society to do population counts and to have staff do an inventory of impacts.

That Council direct staff to report back if no funding is available.

That Council direct staff to review current regulations for fencing on private property, focusing on conflicts between urban gardens and urban deer, and report back to Council.

Amendment:

It was moved by Councillor Thornton-Joe, seconded by Councillor Lucas, that the motion be amended as follows:

That the Mayor write to the CRD, the Premier and the Minister responsible and ask the Province them to take a more active role in deer management, including public education, community surveys, and deer inventories.

> On the amendment: Carried Unanimously

Amendment:

It was moved by Councillor Thornton-Joe, seconded by Councillor Coleman, that the motion be amended as follows:

That Council direct staff to seek funding to work with the Urban Wildlife Stewardship Society to do appropriate public education, a community survey, and a population counts, and to have staff do an inventory of impacts.

On the amendment: Carried Unanimously

Main motion as amended:

That the Mayor write to the CRD, the Premier and the Minister responsible and ask them to take a more active role in deer management, including public education, community surveys, and deer inventories.

That Council direct staff to seek funding to work with the Urban Wildlife Stewardship Society to do appropriate public education, a community survey, and a population count, and to have staff do an inventory of impacts.

That Council direct staff to report back if no funding is available.

That Council direct staff to review current regulations for fencing on private property, focusing on conflicts between urban gardens and urban deer, and report back to Council.

On the main motion as amended:

<u>Carried Unanimously</u>

5. Endorsing the We Speak Translate Project and Training City of Victoria Frontline Staff

Motion:

It was moved by Councillor Loveday, seconded by Councillor Isitt:

- 1. That Council endorse the We Speak Translate program and that the Mayor writes to partner municipalities in the CRD to inform them of the We Speak Translate program.
- 2. That the We Speak Translate initiative be brought forward to the South Island Prosperity Project as part of the Smart South Island Plan soon getting underway.
- 3. That Council and all staff in the Engagement Department receive the 45 minute training as soon as practicable.
- 4. That Council direct staff to report back at the next Quarterly Update on the implications of the Human Resources Department coordinating with the Intercultural Association to have the ICA provide 45-minute We Speak Translate training sessions to all frontline service delivery staff.

Carried Unanimously

2. Committee of the Whole - July 27, 2016

1. <u>Heritage Designation Application No. 000165 for 750 Pemberton Road</u>

Motion:

It was moved by Councillor Madoff, seconded by Councillor Alto, that Council consider the following motion:

"That Council approve the designation of the Carriage House located on the property at 750 Pemberton Road, pursuant to Section 611 of the *Local Government Act*, as a Municipal Heritage Site, and that first and second reading of the Heritage Designation Bylaw be considered by Council and a Public Hearing date be set."

Carried Unanimously

2. Capital Regional District Arts and Culture Support Service Establishment Amendment Bylaw

Motion:

It was moved by Councillor Loveday, seconded by Councillor Madoff, that Council consent to the adoption of the Capital Regional District Bylaw No. 4127, Arts and Culture Support Services Establishment Bylaw.

Carried Unanimously

3. Regional Coordination on Invasive Species Removal

Motion:

It was moved by Councillor Isitt, seconded by Councillor Loveday, that Council endorse the following resolution and direct staff to forward copies to the Capital Regional District Board and local governments in the Capital Region, requesting favourable consideration:

Resolution: Regional Coordination on Invasive Species

WHEREAS the Capital Region Invasive Species Partnership (CRISP) has served the needs of local governments in the region to coordinate invasive species planning, monitoring, treatment, provincial mapping and reporting, training, public engagement, contractor management, and disposal;

AND WHEREAS the success of the inter-governmental CRISP team has led to consistent Provincial funding to aid in the coordination of efforts for the region;

AND WHEREAS the existing administrative model (an ad-hoc working group of staff from various municipalities) has required CRISP to partner with outside organizations to administer the funds, resulting in conditions of unstable and insecure employment with high turnover and low retention for the Provincially-funded position of Regional Invasive Species Coordinator – creating a situation where the region risks losing this Provincial funding and having local governments assume responsibilities, services and activities currently provided by CRISP.

THEREFORE BE IT RESOLVED THAT the City of Victoria request the Capital Regional District Board direct staff to report on the implications, feasibility and recommendations to house the duties of a Regional Invasive Species Coordinator within the CRD.

Carried Unanimously

4. Inclusive Housing and Community Amenity Policy- Draft for Discussion

Motion:

It was moved by Councillor Loveday, seconded by Councillor Isitt, that Council direct staff to:

- Replace the City of Victoria Density Bonus Policy with an Inclusive Housing and Community Amenity
 Policy to better support the provision of non-market housing units within developments seeking density
 beyond the existing legal entitlement in the Zoning Regulation Bylaw.
- 2. Consider best practices in local governments in British Columbia's lower mainland and other relevant jurisdictions regarding density benefits for amenities and non-market housing.
- 3. Consider the attached Inclusive Housing and Community Amenity Policy Draft for Discussion and provide advice on why any of these provisions should not be included in the final policy.
- 4. Invite comment on the proposed changes from Community Associations, the Urban Development Institute and agencies working in the field of housing affordability.
- 5. Report back to Council on a priority basis with any revisions to the proposed Inclusive Housing and Community Amenity Policy for final consideration by Council.
- 6. Examine actions identified within the Victoria Housing Strategy Implementation and other housing-related initiatives to determination which may be expedited to complete in 2017 or early 2018.
- 7. Consider additional resources required to complete and expedite the above work.

<u>Carried</u>

<u>For:</u> Mayor Helps, Councillors Alto, Coleman, Madoff, Isitt, Loveday, Lucas, and Thornton-Joe Councillor Young

5. Johnson Street Bridge Quarterly Update

<u>Motion</u>

It was moved by Councillor Coleman, seconded by Councillor Madoff, that Council receive the report for information.

Carried Unanimously

Councillor Coleman withdrew from the meeting at 9:10 p.m. due to a pecuniary conflict of interest with the following item, as his wife works for the Anglican Synod of the Diocese of B.C.

6. Rezoning Application No. 00588, Development Variance Permit Application No. 00195, and Heritage Designation Application No. 000167 for 1002 Vancouver Street

Motion:

It was moved by Councillor Isitt, seconded by Councillor Lucas:

Rezoning Application No. 00588

- That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00588 for 1002 Vancouver Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set, subject to:
 - a. Preparation of the following documents, executed by the Applicant to the satisfaction of City Staff:

- i. Legal Agreement to secure the following criteria with respect to supportive and affordable rental housing on the subject property:
 - · a maximum of 78 supportive housing units
 - a maximum of 15 affordable rental housing units
 - all residents must be over the age of 50
 - potential supportive housing residents will be subject to a VAT (Vulnerability Assessment Tool) assessment to determine their eligibility, and only those who meet a low-to-moderate support requirement will be admitted
 - illicit substance use will not be permitted on the premises
 - 24/7 staffing, including a fulltime client services worker to assist supportive housing residents
- ii. Statutory Right-of-Way of 3.67m on Rockland Avenue in accordance with the 2003 Greenways Plan.
- b. Revise the site plan to show the Statutory Right-of-Way of 3.67m and relocate the garbage enclosure to the satisfaction of staff.
- c. Establishment of a legal mechanism to secure the landscape security deposit for onsite hard and soft landscaping in accordance with the landscape plan dated May 23, 2017 to the satisfaction of staff.
- d. That the following list of questions be answered and provided to Council as a condition of the Public Hearing:
 - The calls for service by both fire and ambulance, at both the current operations and from when it was an extended care facility.
 - The police calls at the new playground and Pioneer Square.
 - Clear definition of transitional housing vs. supportive housing and affordable housing.
 - The operational experience at Fairway Woods, Hillside Terrace, Olympic Vista, and Cottage Grove.
 - Information regarding the current demographic at the building.
 - Clear explanation of the Vulnerability Assessment Tool (VAT).
 - Clarification on the operating agreement regarding the use of illicit substances not being permitted on premise and will the VAT process limit that use.
 - A break down on how many low and medium need individuals will be placed according to the VAT assessment.
 - Whether the applicant is looking at working with the Ready to Rent Program for residents.
 - Whether or not pets are permitted, especially dogs and cats.
 - Whether there are accessible units.
 - The rationale for the ratio of supportive housing to affordable housing and whether there is an opportunity to change that ratio.
 - Would changing the ratio of supportive housing in the building impact the people receiving the supports they need.

Development Variance Permit Application No. 00195

2. That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00588, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Variance Permit Application No. 00195 for 1002 Vancouver Street, in accordance with:

- 1. Plans date stamped May 23, 2017.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for a variance to reduce the required number of parking spaces from 21 to 12 for supportive and affordable rental housing.
- 3. The Development Permit lapsing two years from the date of this resolution."

Heritage Designation Application No. 000167

- 3. "That Council approve the designation of the heritage-registered property located at 1002 Vancouver Street, pursuant to Section 611 of the *Local* Government *Act*, as a Municipal Heritage Site, and that first and second reading of the Heritage Designation Bylaw be considered by Council and a Public Hearing date be set, subject to:
 - a. Applicant revising elevation drawings dated July 13, 2017 to indicate that the third floor double-hung and fixed wood windows will be restored to ensure their long-term conservation, and staircase addition will be clad with brick to match the brick on the original Mount Edwards Court Apartments to the satisfaction of the Director of Sustainable Planning and Community Development."

Council discussed the following:

- The Province's authority to override the City's zoning regardless of Council's decision.
- Whether decreasing the number of units would allow the residence to be run in such a way that would lessen the impact on neighbours.

<u>Carried</u>

For: Mayor Helps, Councillors Alto, Coleman, Madoff, Isitt, Loveday, Lucas, and Thornton-Joe Councillor Young

Councillor Coleman returned to the meeting at 9:26 p.m.

Councillor Loveday withdrew from the meeting at 9:27 p.m.

7. Rezoning Application No. 00564 for 2695 Capital Heights Development Permit & Development Variance Permit Application No. 000564 for 2695 Capital Heights

Motion:

It was moved by Councillor Alto, seconded by Councillor Madoff:

Rezoning Application No. 00564 for 2695 Capital Heights

- That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00564 for 2695 Capital Heights, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set, and;
- 2. That prior to the Public Hearing staff facilitate a further conversation with the Oaklands Community Association to consider alternatives to a sidewalk installation, the results of such conversation to be reported to the Public Hearing.

Development Variance Permit Application No. 000564 for 2695 Capital Heights

- That Council after giving notice and allowing an opportunity for public comment at a meeting of Council
 and after the Public Hearing for Rezoning Application No. 00564, if it is approved, consider the following
 motions:
 - That Council authorize the issuance of a Development Permit Application for 2695 Capital Heights, in accordance with:
 - a. Plans date stamped June 9, 2017.
 - b. Development meeting all Zoning Regulation Bylaw requirements.
 - c. The Development Permit lapsing two years from the date of this resolution.
 - 2. That Council authorize the issuance of a Development Variance Permit Application for 2695 Capital Heights, in accordance with:
 - a. Plans date stamped June 9, 2017.
 - b. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the rear setback from 7.50m to 1.01m.
 - c. The Development Permit lapsing two years from the date of this resolution.

Carried Unanimously

8. <u>Development Variance Permit Application No. 000190 for 1358 and 1360 Thurlow Road</u>

Motion:

It was moved by Councillor Madoff, seconded by Councillor Alto, that Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Permit Application No.00190 for 1358 and 1360 Thurlow Road, in accordance with:

- 1. Plans date stamped June 22, 2017.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances: Proposed Lot A
 - i. relax front lot definition for irregular lots to allow the street line to be considered the property line along Thurlow Road
 - ii. reduce the front setback from 7.50m to 3.05m
 - iii. reduce the side yard setback from 1.97m to 1.50m.

Proposed Lot B

- iv. relax front lot definition for irregular lots to allow the street line to be considered the property line along Thurlow Road
- v. reduce the minimum lot width from 15.00m to 13.70m
- vi. reduce the minimum flanking street side yard setback of an accessory building from 7.50m to 7.31m.
- 3. The Development Permit lapsing two years from the date of this resolution.

Carried Unanimously

9. Rezoning Application No. 00508, Development Variance Permit Application No. 00194, and Heritage Designation Application No. 000162 for 121 Menzies Street

Motion:

It was moved by Councillor Madoff, seconded by Councillor Alto:

Rezoning Application No. 00508

- That Council instruct staff to prepare the necessary Zoning Regulation Bylaw amendments that would authorize the proposed development outlined in Rezoning Application No. 00508 for 121 Menzies Street, that first and second reading of the Zoning Regulation Bylaw Amendments be considered by Council and a Public Hearing date be set once the following conditions are met:
 - 1. Preparation of the following documents, executed by the applicant:

- a. Housing Agreement Bylaw to secure the 10 dwelling units as rental housing in perpetuity with a caretaker living on site to the satisfaction of the Director of Sustainable Planning and Community Development.
- b. Statutory Right-of-Way of 1.78 metres along Menzies Street to the satisfaction of the Director of Engineering and Public Works.

Development Variance Permit Application No. 00194

2. That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00508, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Variance Permit Application No. 00194 for 121 Menzies Street in accordance with:

- 1. Plans date stamped May 25, 2017.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except *for* the following variances:
 - a. decrease the dwelling unit floor area (minimum) from 33.00m² to 28.98m²
 - b. decrease the number of parking stalls from eight to one
 - c. locate the parking in the front yard
 - d. locate accessory buildings in the side yard
 - e. increase total site coverage from 40% to 42.30%
 - f. increase the height of one accessory building from 3.50m to 4.41m
 - g. decrease the rear setback of an accessory building from 0.60m to 0.50m
 - h. decrease the side setback of accessory buildings from 0.60m to 0.40m
 - i. decrease the separation space between an accessory building and a principle building from 2.40m to 1.0m
 - j. increase the rear yard site coverage for an accessory building from 25.00% to 29.80%
- 3. The Development Permit lapsing two years from the date of this resolution."

Heritage Designation Application No. 000162

3. That Council consider the following motion:

"That Council approve the designation of the property located at 121 Menzies Street, pursuant to Section 611 of the *Local Government Act*, as a Municipal Heritage Site, and that first and second reading of the Heritage Designation Bylaw be considered by Council and a Public Hearing date be set.

Carried Unanimously

10. Engagement Framework and 2017 - 2018 Public Engagement Road Map

Motion:

It was moved by Councillor Alto, seconded by Councillor Coleman, that Council adopt the Engagement Framework and 2017 - 2018 Public Engagement Road Map and add a section on the City's principles of accessible engagement.

Carried Unanimously

11. Upholding Non-Discrimination Principles at City Land Use Consultations

Motion:

It was moved by Councillor Alto, seconded by Councillor Isitt, that the following motion be referred to the next quarterly update and direct staff to report back at the update on the potential implications and staff resources to carry out this work:

RESOLVED that Mayor and Council act to ensure that all City endorsed public consultations regarding land use and development be carried out in a manner that upholds the City's commitment to non-discrimination;

AND BE IT FURTHER RESOLVED that Council direct staff to create policies to guide and facilitate safe, inclusive, and constructive public consultations that include the following measures:

- Communicate to the public the terms of reference to be addressed in rezoning/development applications, including direction that an individual's race, gender, age, religion, political or ethnic affiliation, sexual orientation, marital of family status, social or economic status, or disability, are not acceptable considerations for approval or denial of these applications.
- Prepare, present and post at a CALUC or other city-endorsed land use review meetings a list of
 guidelines that outline acceptable behaviours in public consultations, including anti bullying and antidiscrimination best practices.
- Develop and implement procedures to confront bullying and discriminatory conduct that violates the City's commitment to human rights, anti-racism and anti-discrimination, and denies or restricts the participation of organizations and individuals in CALUC meetings or public hearings.
- Provide opportunities for public sessions in which dialogue is had that will help to confront community stigma associated with poverty and addictions

Councillor Loveday returned to the meeting at 9:30 p.m.

Amendment:

It was moved by Mayor Helps, seconded by Councillor Alto, the motion be amended as follows:

That the following motion be referred to the next quarterly update and direct staff to report back at the update on the potential implications and staff resources to carry out this work delegated to Mayor Helps, Councillor Alto, and Councillor Loveday:

RESOLVED that Mayor and Council act to ensure that all City endorsed public consultations regarding land use and development be carried out in a manner that upholds the City's commitment to non-discrimination;

AND BE IT FURTHER RESOLVED that Council direct staff to the delegated Councillors create policies to guide and facilitate safe, inclusive, and constructive public consultations that include the following measures:

- Communicate to the public the terms of reference to be addressed in rezoning/development applications, including direction that an individual's race, gender, age, religion, political or ethnic affiliation, sexual orientation, marital of family status, social or economic status, or disability, are not acceptable considerations for approval or denial of these applications.
- Prepare, present and post at a CALUC or other city-endorsed land use review meetings a list of
 guidelines that outline acceptable behaviours in public consultations, including anti bullying and antidiscrimination best practices.
- Develop and implement procedures to confront bullying and discriminatory conduct that violates the City's commitment to human rights, anti-racism and anti-discrimination, and denies or restricts the participation of organizations and individuals in CALUC meetings or public hearings.
- Provide opportunities for public sessions in which dialogue is had that will help to confront community stigma associated with poverty and addictions

On the amendment: Carried Unanimously

Amendment:

It was moved by Councillor Isitt, seconded by Mayor Helps, the motion be amended by adding the following:

AND THAT, as a first step, the materials focus on amendments to the CALUC Procedures, Terms of Reference and related documents, mandating acceptable behaviour for people participating in public consultations, including anti-bullying and anti-discrimination best practices, and providing explicit direction to participants verbally at the beginning of CALUC meetings and in a posted notice at the entrance to meeting rooms, confirming the City of Victoria's commitment to human rights and indicating that an individual's race, social or economic status are not acceptable considerations for approval or denial of these applications.

Amendment to the amendment:

It was moved by Councillor Isitt, seconded by Councillor Loveday, the amendment be amended as follows:

AND THAT, as a first step, the materials focus on amendments to the CALUC Procedures, Terms of Reference and related documents appendix, mandating acceptable behaviour for people participating in public consultations, including anti-bullying and anti-discrimination best practices, and providing explicit direction to participants verbally at the beginning of CALUC meetings and in a posted notice at the entrance to meeting rooms, confirming the City of Victoria's commitment to human rights and indicating that an individual's race, social or economic status are not acceptable considerations for approval or denial of these applications.

On the amendment to the amendment:

Carried Unanimously

Amendment to the amendment:

It was moved by Councillor Loveday, seconded by Councillor Isitt, the amendment be amended as follows:

AND THAT, the following paragraph be forwarded to the delegated Councillors for their consideration:

As a first step, the materials focus on amendments to the CALUC appendix, mandating
acceptable behaviour for people participating in public consultations, including anti-bullying
and anti-discrimination best practices, and providing explicit direction to participants verbally
at the beginning of CALUC meetings and in a posted notice at the entrance to meeting rooms,
confirming the City of Victoria's commitment to human rights and indicating that an individual's
race, social or economic status are not acceptable considerations for approval or denial of these
applications.

On the amendment to the amendment:

<u>Carried Unanimously</u>

Council discussed the following:

• The importance of creating a safe environment for free speech and that discrimination in any form is not acceptable.

On the amendment: Carried Unanimously

Main motion as amended:

That the following motion be delegated to Mayor Helps, Councillor Alto, and Councillor Loveday:

RESOLVED that Mayor and Council act to ensure that all City endorsed public consultations regarding land use and development be carried out in a manner that upholds the City's commitment to non-discrimination;

AND BE IT FURTHER RESOLVED that the delegated Councillors create policies to guide and facilitate safe, inclusive, and constructive public consultations that include the following measures:

- Communicate to the public the terms of reference to be addressed in rezoning/development applications, including direction that an individual's race, gender, age, religion, political or ethnic affiliation, sexual orientation, marital of family status, social or economic status, or disability, are not acceptable considerations for approval or denial of these applications.
- Prepare, present and post at a CALUC or other city-endorsed land use review meetings a list of
 guidelines that outline acceptable behaviours in public consultations, including anti bullying and antidiscrimination best practices.
- Develop and implement procedures to confront bullying and discriminatory conduct that violates the City's commitment to human rights, anti-racism and anti-discrimination, and denies or restricts the participation of organizations and individuals in CALUC meetings or public hearings.
- Provide opportunities for public sessions in which dialogue is had that will help to confront community stigma associated with poverty and addictions

AND THAT, the following paragraph be forwarded to the delegated Councillors for their consideration:

 As a first step, the materials focus on amendments to the CALUC appendix, mandating acceptable behaviour for people participating in public consultations, including anti-bullying and anti-discrimination best practices, and providing explicit direction to participants verbally at the beginning of CALUC meetings and in a posted notice at the entrance to meeting rooms, confirming the City of Victoria's commitment to human rights and indicating that an individual's race, social or economic status are not acceptable considerations for approval or denial of these applications.

On the main motion as amended:

Carried Unanimously

12. Councillor Sharing - Update on the Supervised Consumption Services Partners' Project

Motion

It was moved by Councillor Coleman, seconded by Councillor Alto, that Council receive the memo for information.

Carried Unanimously

BYLAWS

1. Bylaw for Sidewalk Café Bylaw Update -Parklets

Motion:

It was moved by Councillor Alto, seconded by Councillor Isitt, that the following bylaw **be given first, second, and third reading:**

a. Sidewalk Cafés Regulation Bylaw, Amendment Bylaw (No. 1) No. 17-081

Carried Unanimously

Councillor Isitt withdrew from the meeting at 9:53 p.m. due to a potential non-pecuniary conflict of interest, as his mother resides at an adjacent property.

1. <u>Bylaws for Rezoning Application No. 00487 for 1144, 1148, 1152, & 1154 Johnson Street and 1406</u> Chambers Street

Motion:

It was moved by Councillor Alto, seconded by Councillor Coleman, that the following bylaw **be given first** and second reading:

a. Zoning Regulation Bylaw, Amendment Bylaw (No. 1108) No. 17-075

Motion:

It was moved by Councillor Alto, seconded by Councillor Coleman, that the following bylaw **be given first, second, and third reading:**

b. Housing Agreement (1144, 1148, 1152, and 1154 Johnson Street and 1406 Chambers Street) Bylaw (2017) No.17-076

Carried Unanimously

Councillor Isitt returned to the meeting at 9:54 p.m.

3. Bylaws for Rezoning Application No. 00523 for 1250 Dallas Road

Motion:

It was moved by Councillor Madoff, seconded by Councillor Coleman, that the following bylaw **be given first and second reading:**

a. Zoning Regulation Bylaw, Amendment Bylaw (No. 1099) No. 17-046

Carried Unanimously

Motion:

It was moved by Councillor Madoff, seconded by Councillor Coleman, that the following bylaw **be given first, second, and third reading:**

b. Housing Agreement (1250 Dallas Road) Bylaw (2017) No. 17-074

Carried Unanimously

QUESTION PERIOD

A question period was held.

ADJOURNMENT

Motion:

It was moved by Councillor Alto, seconded by Councillor Coleman, that the Council meeting adjourn. Time: 9:55 p.m.

CERTIFIED CORRECT:			
CITY CLERK	_	MAYOR	
CITT CLERK		IVIATOR	



MINUTES - VICTORIA CITY COUNCIL

MEETING OF THURSDAY, AUGUST 10, 2017, AT 12:03 P.M.

PLACE OF MEETING: Council Chambers, City Hall

PRESENT: Mayor Helps in the Chair, Councillors Coleman, Lucas, Madoff,

Thornton-Joe, and Young

PRESENT FOR A PORTION

OF THE MEETING: Councillors Alto and Loveday by teleconference

ABSENT: Councillor Isitt

STAFF PRESENT: S. Thompson – Acting City Manager; C. Coates – City Clerk; T.

Zworski – City Solicitor; C. Havelka – Deputy City Clerk; P. Bruce – Fire Chief; J. Jenson – Head of Human Resources; J. Tinney – Director of Sustainable Planning & Community Development; T. Soulliere – Director of Parks, Recreation, & Facilities; F. Work – Director of Engineering & Public Works; N. Sidhu – Assistant Director of Parks, Recreation, & Facilities; A. Meyer – Assistant Director of Development Services; N. Johnston – Manager of Bylaw; J. Potter - Manager of Engagement; C. Mycroft – Manager of Executive Operations; M. Angrove – Planner; A. M. Ferguson –

Recording Secretary

Motion:

It was moved by Councillor Madoff, seconded by Councillor Coleman, that Council convene a closed meeting that excludes the public under Section 90 of the *Community Charter* for the reason that the following agenda items deal with matters specified in Sections 90(1) and/or (2) of the *Community Charter*, namely:

- Section 90(1)(c) labour relations or other employee relations;
- <u>Section 90(1)(e)</u> the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;
- <u>Section 90(1)(f)</u>law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;
- <u>Section 90(1)(i)</u> the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Carried Unanimously

Councillors Alto and Loveday had not joined the meeting by teleconference at the time the meeting convened.

APPROVAL OF CLOSED AGENDA

Motion:

It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that Council approve the closed agenda.

Amendment:

It was moved by Councillor Madoff, seconded by Councillor Thornton-Joe, that the closed agenda be amended to include the following items on the consent agenda:

Consent Agenda

Item No. 1 - Minutes from the Special Closed Council Meeting held July 27, 2017

Item No. 2 - Minutes from the Closed Council Meeting held July 27, 2017

Item No. 4 - Legal Advice

Item No. 5 – Law Enforcement

Item No. 7 - Law Enforcement

On the amendment: Carried Unanimously

Main motion as amended:

That Council approve the closed agenda with the following changes:

Consent Agenda

Item No. 1 - Minutes from the Special Closed Council Meeting held July 27, 2017

Item No. 2 – Minutes from the Closed Council Meeting held July 27, 2017

Item No. 4 - Legal Advice

Item No. 5 - Law Enforcement

Item No. 7 - Law Enforcement

On the main motion as amended: Carried Unanimously

CONSENT AGENDA

Motion:

It was moved by Councillor Thornton-Joe, seconded by Councillor Lucas, that Council approve the following items without further debate:

1. Minutes from the Special Closed Council Meeting held July 27, 2017

It was moved by Councillor Thornton-Joe, seconded by Councillor Lucas, that the minutes from the Special Closed Council Meeting held July 27, 2017 be adopted.

Carried Unanimously

2. Minutes from the Closed Council Meeting held July 27, 2017

It was moved by Councillor Thornton-Joe, seconded by Councillor Lucas, that the minutes from the Closed Council Meeting held July 27, 2017 be adopted.

Carried Unanimously

3. Legal Advice

Council received a confidential report dated August 4, 2017, from Mayor Helps and Councillor Madoff regarding legal advice.

The motion was recorded and kept confidential.

4. Law Enforcement

Council received a confidential report dated August 8, 2017, from the City Clerk regarding law enforcement.

The motion was recorded and kept confidential.

5. Law Enforcement

Council received a confidential report dated August 8, 2017, from the City regarding law enforcement.

The motion was recorded and kept confidential.

NEW BUSINESS

1. <u>Land</u>

Council received a confidential report dated July 24, 2017, from the Head of Strategic Real Estate regarding a land item.

The discussion and motion were recorded and kept confidential.

All staff were excused from the meeting at 12:17 p.m.

2. Employee Relations

Council discussed an employee relations matter.

ADJOURNMENT

Motion:

It was moved by Councillor Alto, seconded by Councillor Thornton-Joe, that the Closed Council meeting adjourn.

Time: 1:30 p.m.	Carried Unanimously
CERTIFIED CORRECT:	
CITY CLERK	MAYOR



HK4T Core Series (Physical Transition)

Your Wellness — Group wellness works
Your Healthcare — Get what you pay for
Your Hormones—The minimum effective dose
Your Maintenance— Exercise and Rest
Your Gender — Dissonance vs Dysphoria
Your Mind — Choice and consequence
Your Security — Food, housing, safety
Your Body — Surgical choices and care
Your Clan — Solid groups, lasting communities



FirstCircle Share (Social Transition)

Adjusting Futures — 1 is good, 2 is better Adjusting Styles — Present as you intend Adjusting Weight — Healthy loss or gain **Adjusting Voices** — Long term, healthy voices **Adjusting Mindscapes** — Sometimes it's physical Adjusting Minds—Where to go if you hear NO **Adjusting Sexuality**— Longing, Libido and Liberation **Adjusting Families** — Families of origin and choice **Adjusting Space s**— Co-existing with Cis-sexism **Adjusting IDs** — At least get my name right **Adjusting Banks**—Fiscal planning and transition **Adjusting Souls** —Transition, spirit and tradition Adjusting Junk — Design your own genitals Adjusting Partners — Not everyone makes it Adjusting Moods — Hormone Alternates ## djusting Work — Adjusting all expectations

The Rainbow Health Co-operative is the largest community owned—trans centric health and wellness organization in BC.

We support existing groups and establish new ones to assist transgender people and their families through our Hans Kai 4 Trans Gender Wellness Program.

We provide information on trans competent services thorough XQQ—our resource magazine

We advocate for our community in networks, organizations and programs that affect our well-being.

We connect people within and across regions through the TransVine Network.

Our practices conform to the Standards of Care published by the World Professional Association for Transgender Health.



GENDER WELLNESS PROGRAMS

RAINBOW HEALTH CO-PERATIVE

#107 - 1208 Wharf Street Victoria. BC V8W 3G9

Phone: (888) 241- 9992 Fax: (888) 632-3481

Email: info@rainbowhealth.coop

888.241.9992 rainbowhealth.coop

We support existing groups and help new ones happen



HANS KAI 4 TRANS (HK4T) (literally: small learning group) sprang up in the rural areas of Japan where people traditionally take care of themselves with limited help from doctors.

HK4T is a wellness program that integrates bodies, gender, minds, selves and communities in a program that provides feedback on each participant's self-care efforts. Socialization is a key element.

Our focus is helping people in transition. The trans condition is a range that requires a variety of social and physical solutions to cope with it. When these exceed social norms, require medical services or are pursued for long term change, people need help from people like themselves. We help make that happen.



We are a not for-profit co-op

We conform to the Seven International Principles of Co-operatives

- 1 Voluntary and open membership
- 2 Democratic member control
- 3 Member economic participation
- 4 Autonomy and independence
- 5 Education, training and information
- 6 Cooperation amongst co-operatives
- 7 Concern for community

We provide community service and advocacy in programs that affect our wellbeing through an anti-oppressive framework of robust inclusion.

Our membership is open to all. Lifetime membership is \$5.00. We make joining accessible and easy to complete—you can join at any of our meetings or online at:



XQQ – Cross Queer Quarterly magazine is how we tell our story and promote our programs.

XQQ's heart and soul are the Rainbow Resources pages—a region by region guide of trans- informed services across BC and the Salish Sea, including mentors, support meetings, mental and medical health care services.

XQQ is published eight times a year in a mix of digital and print.

XQQ is distributed across BC.

XQQ is how we pay for our community service—consider advertising in our next issue.

XQQ is looking for contributors—please contact the editor at:

Victoria City Council - 07 Sep 2017

Comply or Embrace

Dealing with the gender rights changes to BC and Canadian Human Rights Legislation

Presented by Rainbow Health Co-operative

- ChrŸs Tei Executive Director
- BC's largest (by membership) community owned trans organization
- Started here in 2014 province wide mandate
- Participated in steering committee for new provincial trans health program
- Only representative from outside the lower mainland

July 2016



Bill 27, Human Rights Code Amendment Act, 2016, was passed to include "gender identity or expression" among the protected grounds covered by the code.

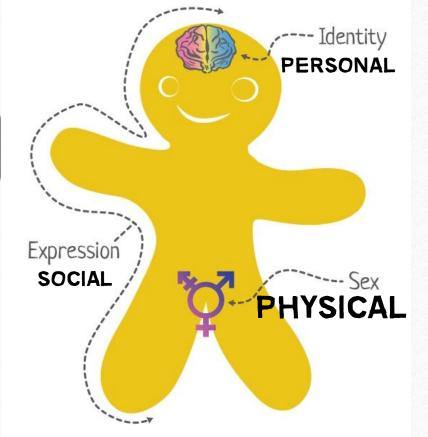
June 2017



Bill C-16, the Liberal government's legislation that adds "gender identity or expression" to grounds of discrimination in the Canadian Human Rights Act.

Comply or Embrace?

What is it we need to deal with?



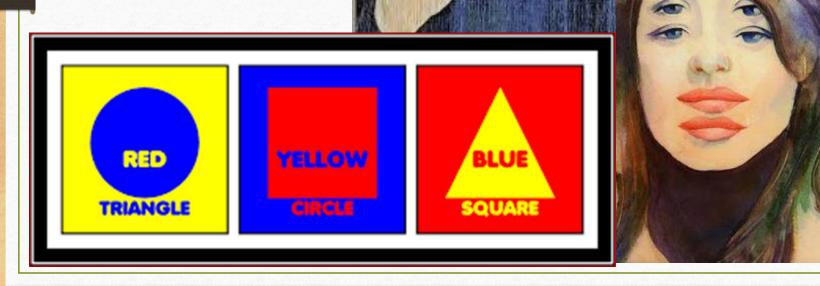
Gender is like climate change

The Genderbread Person Everyone experiences weather, but meteorologists fail at weather prediction, it's complicated

> Everyone experiences their gender, but biologists and psychologists fail at explaining it, it's complicated

The Transgender
Condition is
Gender
Dissonance

A form of <u>cognitive dissonance</u> experienced by trans people due to a misalignment of their **subconscious** and physical sexes.



Comply Embrace

Cost

Benefits

Community Health

Kicking the can down the road just ain't working



Benefits





Community Health



Wellness is....

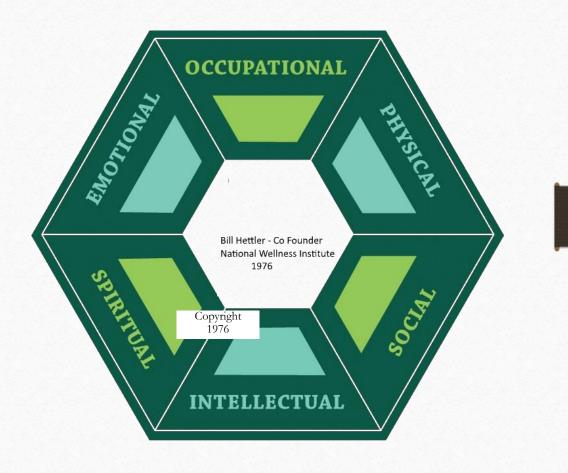
- "A state of complete physical, mental, and social well-being, and not merely the absence of disease or infirmity."
- "A conscious, self-directed and evolving process of achieving full potential."

World Health Organization

National Wellness Institute

- 1. Income and Income Distribution
- 2. Education
- 3. Unemployment and Job Security
- 4. Employment and Working Conditions
- 5. Early Childhood Development
- 6. Food Insecurity
- 7. Housing
- 8. Social Exclusion
- 9. Social Safety Network
- 10. Health Services
- 11. Aboriginal Status
- 12. Gender
- 13. Race
- 14. Disability

Six Dimensions of Wellness



Sep 2017

Victoria City Council - 07 Sep 2017

Rainbow Health Co-operative

Questions?

"PROSTATE CANCER AWARENESS MONTH"

WHEREAS	prostate cancer is the most common cancer to affect Canadian men; and
WHEREAS	1 in 7 Canadian men will be diagnosed with the disease in his lifetime; and
WHEREAS	an estimated 23,100 Canadian men will be diagnosed with prostate cancer this year; and
WHEREAS	the survival rate for prostate cancer can be over 90% when detected early; and
WHEREAS	those with a family history of the disease or those of African or Caribbean descent, are at a greater risk of developing prostate cancer; and
WHEREAS	Prostate Cancer Canada recommends that men get a PSA test in their 40s to establish their baseline.
NOW, THER	EFORE I do hereby proclaim the month of September 2017 as "PROSTATE CANCER AWARENESS MONTH" on the TRADITIONAL TERRITORIES of the ESQUIMALT AND SONGHEES FIRST NATIONS in the CITY OF VICTORIA, CAPITAL CITY of the PROVINCE of BRITISH COLUMBIA.
IN WITNESS	WHEREOF , I hereunto set my hand this 7 th day of September, Two Thousand and Seventeen.
	LISA HELPS Spansored Ry:

MAYOR

CITY OF VICTORIA BRITISH COLUMBIA Mark Mahl

Prostate Cancer Canada

"KIDSPORT WEEK"

- WHEREAS In 2016, KidSport BC provided over 7,700 BC kids with a combined \$1.9 million in sport registration grants. In Greater Victoria alone, the local community chapter provided more than \$392,000 in 2016 to 1421 children whose families are experiencing financial barriers; and
- WHEREAS Sport participation provides benefits extending beyond improving physical health, including enhancing academic performance, providing growth of social skills, developing leadership abilities, and instilling a sense of fair play, and understanding the value of teamwork; and
- WHEREAS KidSport removes the financial barriers that prevent some children from experiencing these powerful benefits of a season of sport and encourages and promotes the support of local business, professional sport and community at large in this endeavor; and
- **WHEREAS** KidSport Greater Victoria is a dedicated and integral part of the fabric of the Capital Regional District, providing opportunities for local children to improve their overall health through experiencing the joys and memories of sport participation.
- NOW, THEREFORE I do hereby proclaim the week of September 9 16, 2017 as "KIDSPORT WEEK" on the TRADITIONAL TERRITORIES of the ESQUIMALT AND SONGHEES FIRST NATIONS in the CITY OF VICTORIA, CAPITAL CITY of the PROVINCE of BRITISH COLUMBIA.
- *IN WITNESS WHEREOF*, I hereunto set my hand this 7th day of September, Two Thousand and Seventeen.

LISA HELPS MAYOR CITY OF VICTORIA BRITISH COLUMBIA Sponsored by: Patti Hunter General Manager KidSport Greater Victoria

"INTERNATIONAL DAY OF PEACE"

- **WHEREAS** the issue of peace embraces the deepest hopes of all peoples and remains humanity's guiding inspiration; and
- WHEREAS in 1982 the United Nations proclaimed the International Day of Peace be devoted to commemorating and strengthening the ideals of peace both within and among all nations and peoples; and
- WHEREAS the United Nations expanded the observance of the International Day of Peace in 2001 to include the call for a day of global ceasefire and non-violence, and invited all nations and people to honour a cessation of hostilities for the duration of the Day; and
- WHEREAS the Mayor of Victoria is a member of the global organization, Mayors for Peace, And the City of Victoria has supported the call for a Canadian department of peace; and
- WHEREAS there is growing support within our City for the observance of the International Day of Peace, which affirms a vision of our world at peace, and fosters cooperation between individuals, organizations and nations; and
- **WHEREAS** global crises impel all citizens to work towards converting humanity's noblest aspirations for world peace into a practical reality for future generation.
- NOW, THEREFORE I do hereby proclaim the day of September 21st, 2017 as "INTERNATIONAL DAY OF PEACE" on the TRADITIONAL TERRITORIES of the ESQUIMALT AND SONGHEES FIRST NATIONS in the CITY OF VICTORIA, CAPITAL CITY of the PROVINCE of BRITISH COLUMBIA.
- IN WITNESS WHEREOF, I hereunto set my hand this 7th day of September, Two Thousand and Sixteen.

LISA HELPS MAYOR CITY OF VICTORIA BRITISH COLUMBIA Sponsored by: Saul Arbess, Director Canadian Peace Initiative Board

2. Committee of the Whole - July 27, 2016

8. Development Variance Permit Application No. 000190 for 1358 and 1360 Thurlow Road

Motion:

It was moved by Councillor Madoff, seconded by Councillor Alto, that Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Permit Application No.00190 for 1358 and 1360 Thurlow Road, in accordance with:

- 1. Plans date stamped June 22, 2017.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances: Proposed Lot A
 - i. relax front lot definition for irregular lots to allow the street line to be considered the property line along Thurlow Road
 - ii. reduce the front setback from 7.50m to 3.05m
 - iii. reduce the side yard setback from 1.97m to 1.50m.

Proposed Lot B

- iv. relax front lot definition for irregular lots to allow the street line to be considered the property line along Thurlow Road
- v. reduce the minimum lot width from 15.00m to 13.70m
- vi. reduce the minimum flanking street side yard setback of an accessory building from 7.50m to 7.31m.
- 3. The Development Permit lapsing two years from the date of this resolution.

Carried Unanimously

6. LAND USE MATTERS

6.3 Development Variance Permit Application No. 000190 for 1358 and 1360 Thurlow Road

Committee received a report dated July 14, 2017, from the Director of Sustainable Planning and Community Development regarding an application to create a new small lot house and reduce the rear yard setback of the existing house.

Motion:

It was moved by Councillor Lucas, seconded by Councillor Alto, that Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Permit Application No.00190 for 1358 and 1360 Thurlow Road, in accordance with:

- 1. Plans date stamped June 22, 2017.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:

Proposed Lot A

- i. relax front lot definition for irregular lots to allow the street line to be considered the property line along Thurlow Road
- ii. reduce the front setback from 7.50m to 3.05m
- iii. reduce the side yard setback from 1.97m to 1,50m.

Proposed Lot B

- iv. relax front lot definition for irregular lots to allow the street line to be considered the property line along Thurlow Road
- v. reduce the minimum lot width from 15.00m to 13.70m
- vi. reduce the minimum flanking street side yard setback of an accessory building from 7.50m to 7.31m.
- 2. The Development Permit lapsing two years from the date of this resolution.

CARRIED UNANIMOUSLY 17/COTW



Committee of the Whole Report

For the Meeting of July 27, 2017

To:

Committee of the Whole

Date:

July 14, 2017

From:

Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject:

Development Variance Permit No.000190 for 1358 and 1360 Thurlow Road

RECOMMENDATION

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

"That Council authorize the issuance of Development Permit Application No.00190 for 1358 and 1360 Thurlow Road, in accordance with:

- 1. Plans date stamped June 22, 2017.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:

Proposed Lot A

- i. relax front lot definition for irregular lots to allow the street line to be considered the property line along Thurlow Road
- ii. reduce the front setback from 7.50m to 3.05m
- iii. reduce the side vard setback from 1.97m to 1.50m.

Proposed Lot B

- iv. relax front lot definition for irregular lots to allow the street line to be considered the property line along Thurlow Road
- v. reduce the minimum lot width from 15.00m to 13.70m
- vi. reduce the minimum flanking street side yard setback of an accessory building from 7.50m to 7.31m.
- 3. The Development Permit lapsing two years from the date of this resolution."

LEGISLATIVE AUTHORITY

In accordance with Section 498 of the *Local Government Act*, Council may issue a Development Variance Permit that varies a *Zoning Regulation Bylaw* provided the permit does not vary the use or density of land from that specified in the *Zoning Regulation Bylaw*.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Variance Permit Application for the property located at 1358 and 1360 Thurlow Road. The proposal is to demolish the existing duplex, subdivide the lot and construct a new single-family dwelling on each lot.

The following points were considered in assessing this application:

- · the proposal is generally consistent with the Fairfield-Gonzales Local Area Plan
- the variances for the street line definition in relation to setbacks and the variance for the
 front yard setback on Lot A are supportable as the shape of the lot greatly limits the
 ability to build within the existing regulations, and further, the proposed siting of the
 dwellings are consistent with the adjacent properties
- the side yard and flanking street variance are supportable given the irregular shape of the lots
- the requested lot width variance is necessary in order to accommodate the minimum lot size, given the irregular lot shape
- the proposal includes the removal of three trees protected under the Tree Protection Bylaw, which would be replaced by six new trees
- the proposal includes measures to mitigate potential impacts of several boulevard trees and one protected tree on the adjacent property to the north.

BACKGROUND

Description of Proposal

The proposal is to demolish an existing duplex, subdivide the existing lot and construct two single-family dwellings. Variances are required due to the shape of the proposed lots. Both the existing and proposed lots are irregularly shaped and would have a very limited amount of buildable area that would conform to the existing zoning regulations.

The proposed variances are related to:

- proposed Lots A and B: relaxing the definition of street line for irregular lots to allow the street line to be considered the property line along Thurlow Road
- proposed Lot A: reducing the front yard setback front 7.50m to 3.05m
- proposed Lot A: reducing the side yard setback from 1.97m to 1.50m
- proposed Lot B: reducing the flanking street side yard setback of an accessory building from 7.50m to 7.31m
- proposed Lot B: reducing the lot width from 15.00m to 13.70m.

It would be possible for secondary suites to be added to the proposed single-family dwellings. This could be done through a building permit and without further development approvals.

Sustainability Features

The applicant has not identified any sustainability features associated with this proposal.

Active Transportation Impacts

The applicant has not identified any active transportation impacts associated with this application.

Public Realm Improvements

No public realm improvements are proposed in association with this Development Permit Application.

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings.

Existing Site Development and Development Potential

The site is presently a strata duplex, constructed in the mid-1950s. Under the current R-2 Zone, Two-Family Dwelling District, the property could be redeveloped as a duplex; however, it could also be developed as a:

- · single-family dwelling
- · single-family dwelling with secondary suite
- · single-family dwelling with garden suite.

Duplexes would not be permitted on the proposed lots as they would no longer meet the minimum lot size required for duplexes in the R-2 Zone.

Data Table

The following data table compares the proposal with the R1-B Zone, Single-Family Dwelling District. As per the R-2 Zone, as the proposal is to build two single-family dwellings, the regulations in the R1-B Zone apply. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal Lot A	Proposal Lot B	Zone Standard R1-B
Site area (m²) - minimum	460.40	504.20	460.00
Lot width (m) - minimum	19.65	13.70*	15.00
General Regulations 27 (1)- Irregular lot definitions of street line in relation to setbacks	Street Line taken as property line along Thurlow Road*	Street Line taken as property line along Thurlow Road*	Irregular lot regulations
1st & 2nd storey floor area (m²) - maximum	200.58	212.93	280.00
Combined floor area (m²) - maximum	296.41	299.71	300.00
Height (m) - maximum	7.43	7.20	7.60
Storeys - maximum	2	2	2
Basement	Yes	Yes	Permitted
Site coverage % - maximum	32.53	31.43	40.40
Setbacks (m) – minimum:			=
Front	3.05*	7.50	7.50
Rear	7.50	9.30	7.50 - Lot A 9.03 - Lot B
Side (West)	6.70	1.58	3.0 - Lot A 1.50 - Lot B
Side (East)	1.50*	N/A	1.97 - Lot A
Side (flanking street)	N/A	3.58	3.50 – Lot B

Zoning Criteria	Proposal Lot A	Proposal Lot B	Zone Standard R1-B
Combined side yards	8.20	5.16	4.50
Parking - minimum	1	1	1
Accessory Building			
Location	Rear	Rear	Rear Yard
Combined floor area (m²) - maximum	20.72	28.16	37.00
Height (m) - maximum	3.46	3.44	3.50
Rear setback (m) - minimum	0.60	0.60	0.60
Side setback (m) - minimum	0.60	0.60	0.60
Flanking street (m) - minimum	n/a	7.31*	7.50
Separation space from main building - minimum	2.47	3.20	2.40
Rear yard site coverage (%) - maximum	16.86	24.90	25.00

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on May 4, 2017 the application was referred for a 30-day comment period to the Fairfield Gonzales CALUC. Letters dated May 5, May 26 and July 6, 2017 are attached to this report.

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

ANALYSIS

Regulatory Considerations

Street Line Variances for Lots A and B

The applicant is proposing to have the regulations varied to have the front yard setbacks be measured from the property line along Thurlow Road. This is a proposed relaxation from the standard calculation of the street line with respect to setbacks for irregular lots, which uses the line closest to the street of the largest rectangle that can be inscribed in the lot. From this line, the front yard setbacks are measured. Due to the angle of the front of the lots, this would effectively eliminate the buildable area for proposed Lot A, and greatly reduce it for Lot B; however, the proposed siting of the houses respects the similar setback pattern of the neighbouring houses, and for this reason, staff recommend the variance is supportable.

Front Yard Variance for Lot A

The applicant is proposing to reduce the front yard setback for Lot A from 7.50m to 3.05m. As the proposed lot is shallow, a 7.5m rear yard setback would result in very little buildable area.

This variance is considered supportable given the general consistency with the siting of the neighbouring houses.

Side Yard Variance for Lot A

The east side yard setback would be reduced for Lot A from 1.97m to 1.50m. This side yard setback requirement increases as a percentage of the lot width (1.50m or 10% of lot width). As Lot A is wider than a typical residential lot, it has a higher than typical side yard setback requirement. The proposed siting allows for a wider setback on the west side to accommodate the larger turning radius required for the angled driveway crossing. The combined side yard setbacks is 8.20m, which is almost double the minimum required of 4.50m. Given these factors, staff recommend for Council's consideration that the variance is supportable.

Lot Width Variance for Lot B

A reduction in the lot width from 15.00m to 13.70m is proposed for Lot B; this is required to enable Lot A to "capture" enough area to meet the minimum lot area requirements in the R1-B Zone. With the exception of a minor setback variance for the accessory building, the design of the proposed dwelling adequately accommodates this narrower lot width. The variance is considered supportable because the proposed siting of the building maintains appropriate massing in relation to the street and neighbouring houses.

Flanking Street Setback for Accessory Building on Lot B

The applicant is proposing to reduce the minimum flanking street setback of an accessory building from 7.50m to 7.31m. The depth of the garage is designed to meet the minimum off-street parking stall depth requirement. Given the minor scale of this request, the variance is recommended as supportable.

Tree Preservation and Urban Forest Management

There are four bylaw protected trees on this property, three of which the applicant is proposing to remove. The applicant has provided three arborist reports, including an exploratory excavation report which provides details on the rationale for the removal of the bylaw protected trees, and measures to mitigate the impact on the remaining trees. The applicant will be required to replant six new trees to compensate for the removal of the three protected trees. The replacement tree species would be determined by Parks Department staff.

The arborist report dated May 22, 2017 and the exploratory excavation report determined that construction of the garage on Lot B would not be critical to the health of the bylaw protected Cedar tree on the adjacent property (at 414 Durban Street). In order to minimize potential root disturbance, a grade beam design will be used to build the garage foundation from the existing grade.

The proposal includes permeable paving for the patio and driveway material in order to mitigate the potential impacts on municipal boulevard trees, as well as the bylaw protected Cedar tree on the adjacent property to the rear.

The applicant would be required to comply with the arborist report. This includes arborist supervision during demolition and excavation. Staff would also require a follow-up report to confirm compliance and provide an assessment of the protected Cedar tree on the adjacent property.

CONCLUSIONS

The proposal to subdivide the existing lot and construct two new single-family dwellings requires several variances associated with the proposed lots and proposed buildings. The irregular shape of the lot limits the ability to build on the existing lot within the regulations. The variances are considered supportable because they will not have a substantial impact on the neighbouring properties, and the siting of the proposed buildings is generally consistent with the context of the neighbouring properties. Staff recommend that Council consider supporting this application.

ALTERNATE MOTION

That Council decline Development Variance Permit Application No.000190 for the property located at 1358-1360 Thurlow Road.

C. May 1

Respectfully submitted,

Chloe Tunis

Planning Technician

Division

Jonathan Tinney, Director

Sustainable Playing and Community

Development Department

Report accepted and recommended by the City Manager:

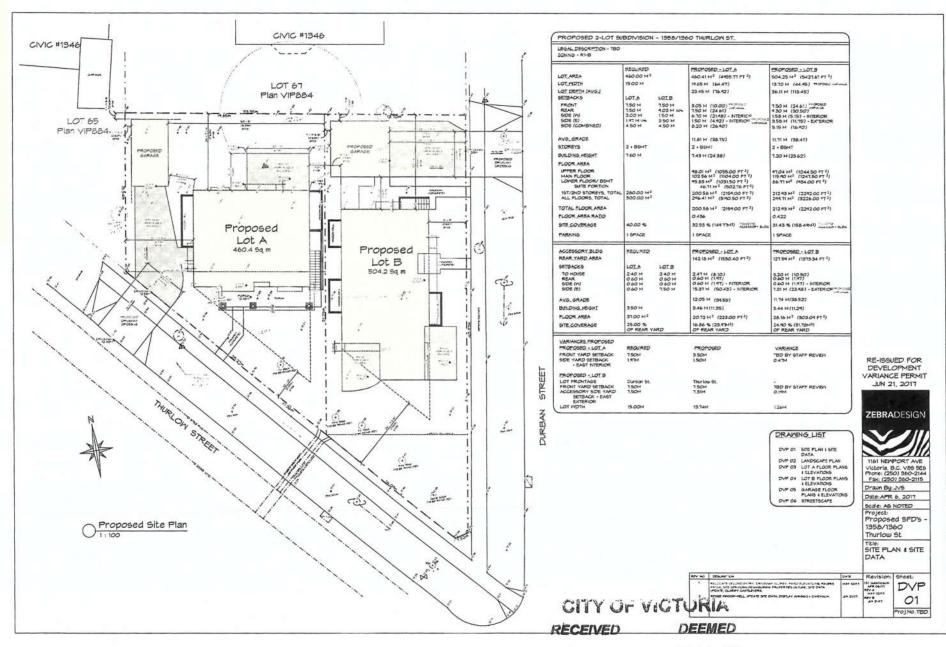
Date:

List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped June 22, 2017
- Attachment D: Letter from applicant to Mayor and Council dated July 12, 2017
- Attachment E: Community Association Land Use Committee Comments dated May 5 2017, May 26, 2017, July 6, 2017
- Attachment F: Arborist report dated March 8, 2017
- Attachment G: Updated arborist report dated May 22, 2017
- Attachment H: Arborist exploratory excavation report date June 15, 2017

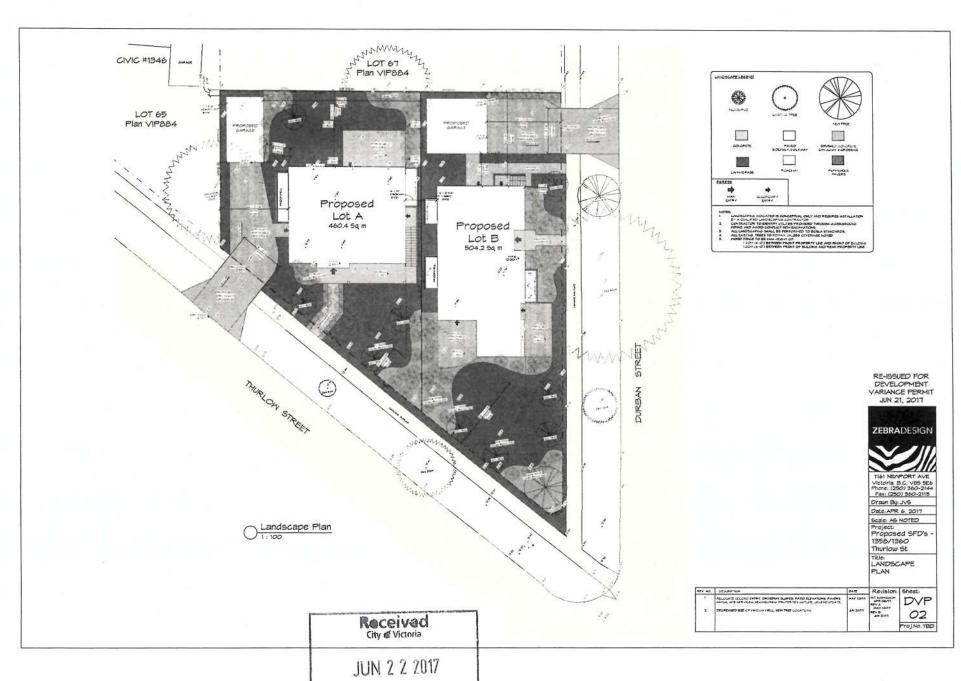


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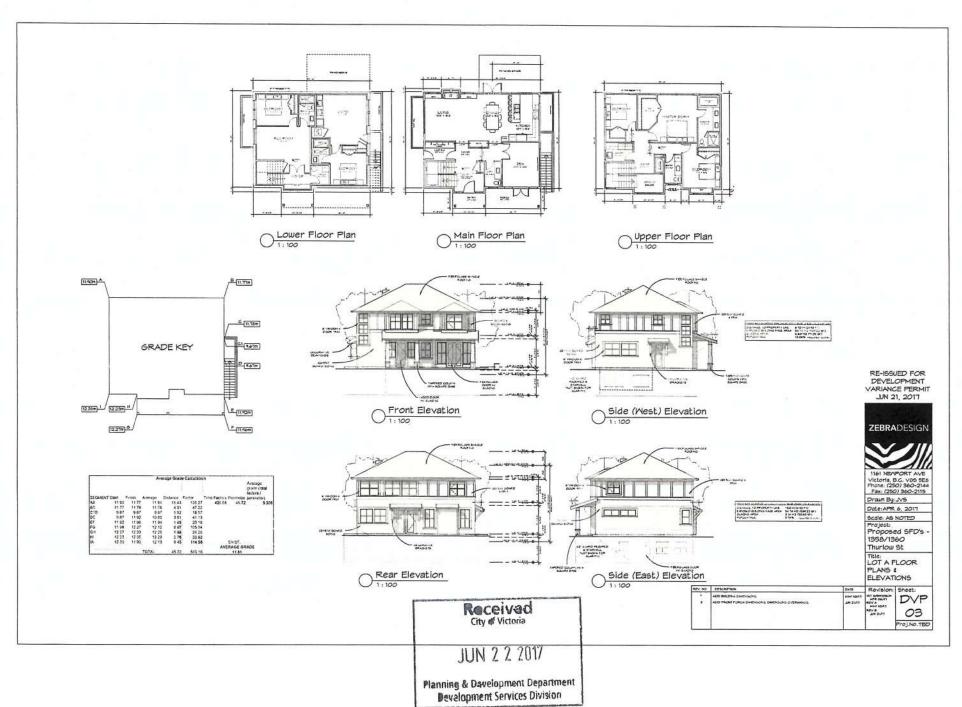
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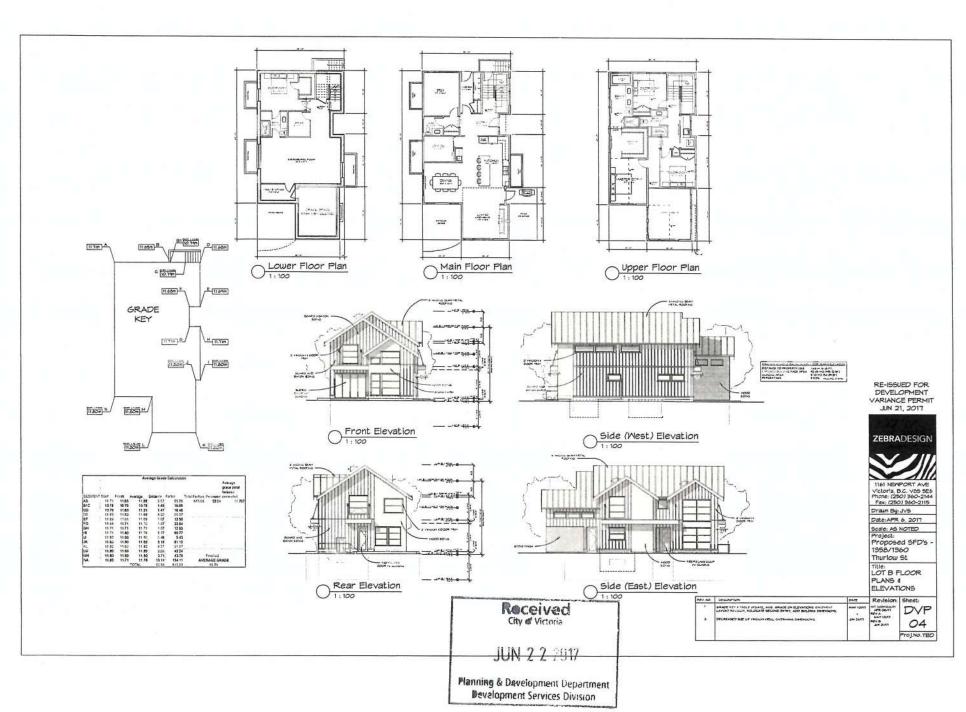


Planning & Development Department Development Services Division

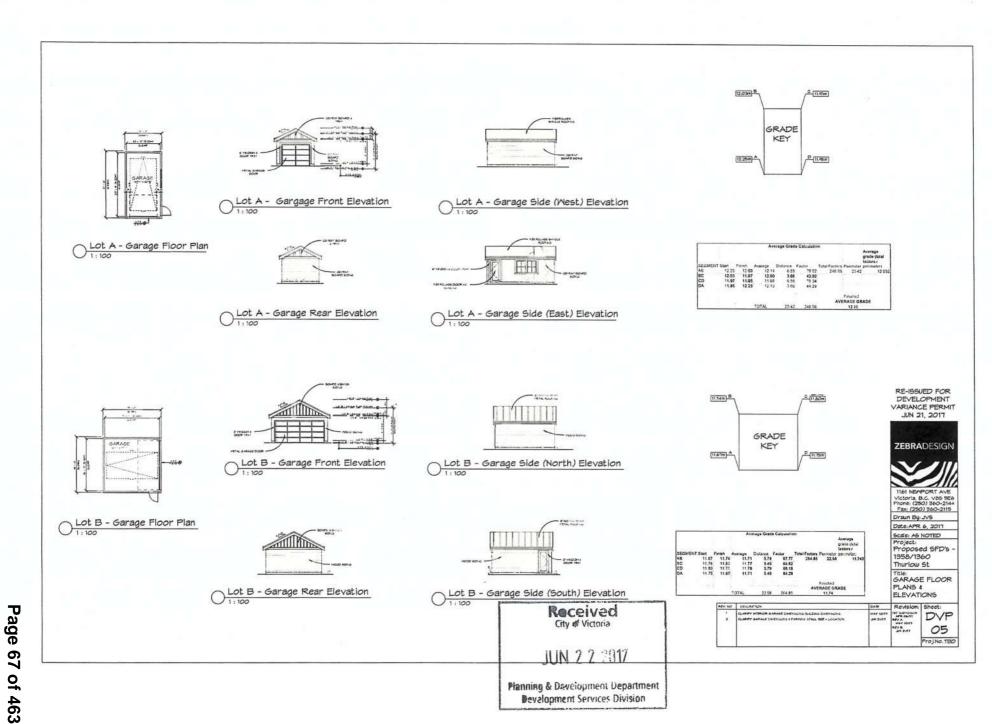
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485 B Garbally Road Victoria, BC V8T 2J9 P: 250.405.4392 F: 250.405.4399

Re: 1358/1360 Thurlow Road, Zone R2 (R1-B) – Development Variance Permit Application Received

July 12, 2017

Her Worship Mayor Lisa Helps and Members of City of Victoria Council,

1111 1 2 2017

Planning & Development Department **Development Services Division**

My name is Brad Schaffer and I am working with Nicole Caldwell and Mario Gedicke to redevelop the property on the corner of Thurlow and Durban (1358/1360 Thurlow). We are making an application to subdivide 1358/1360 Thurlow into two R1-B lots, and build two new homes. The lots meet and exceed the lot area requirement, with a minor lot width variance for proposed lot B.

The property currently has a purpose built, circa 1960, duplex that is tired and in need of redevelopment. Through discussions with Nicole and Mario, we feel two single-family homes will provide a more cohesive streetscape with the existing homes in the neighbourhood, rather than building a new duplex.

Russ Collins from Zebra Design was engaged to work through the design process. The goal was to create house designs that fit with the context of the neighbourhood. Therefore, the best design and fit for the neighbourhood was the first priority. Traditional forms and massing, pitched roofs, and traditional materials were selected to complement the neighbourhood. Homes have been designed to allow lower secondary suites as the zoning allows, helping address affordability, rental stock, and urban sprawl, while minimizing the impact on the neighbourhood. Tom Talbot of Talbot MacKenzie is the certified arborist for the project and has recommended the best strategy for tree retention, removal, survival, and replacement on each proposed lot.

The shape of the corner property, by definition of the Zoning Regulation Bylaw is considered an "irregular lot", and thus affects the buildable area within the building envelope of each proposed lot. The request for these variances is predicated by the General Zoning Regulations, and our approach to create homes that fit with the neighbourhood. We feel these variances will have no negative impact on neighbouring properties.

Thank you for your time and consideration of this application.

Brad Schaffer

Turnbull Development Group 485 B Garbally Rd

735 de. 1 -

Victoria, BC V8T 2J9

250-812-1968

brad@turnbulldevelopments.com



485 B Garbally Road Victoria, BC V8T 2J9 P: 250.405.4392 F: 250.405.4399

July 12, 2017

Variance(s) requested:

Proposed Lot B

Lot Width Required 15M, Proposed 13.70M

Thurlow Road Defined Lot Frontage

Accessory Flanking Street Setback required 7.5M, proposed 7.31M (Durban Road for Detached Garage)

Proposed Lot A

Front Yard Setback required 7.5M, proposed 3.05M

Side Yard Setback East Interior Required 1.97M, Proposed 1.5M (Between the two proposed homes)

Lauren Martin

From:

David Biltek

Sent:

Friday, May 05, 2017 8:50 AM

To:

Noraye Fjeldstad

Subject:

RE: Development Variance Application Received for 1358 Thurlow Road - DVP No.

00190

Noraye

Please advise Mayor and Council of our concerns about these variances

We have adopted a policy or raising concern about any variance which is more than 15% change in the standard set back etc.

We continue to see more and more variances where we raise our concern because the requests are more than 15%. If this is to continue it may behoove Council to request a review of setbacks and other standards.

These standards were set for reasons of amenities, safety, street scape among others, some of these should NOT be changed but it may be time to change the standards, until such time we will continue to raise concern about variances that exceed a 15% change

David Biltek

Chair

Fairfield Gonzales Community Association Land Use Committee

From: Noraye Fjeldstad [mailto:NFjeldstad@victoria.ca]

Sent: May-04-17 9:08 AM

To: planandzone@fairfieldcommunity.ca

Subject: Development Variance Application Received for 1358 Thurlow Road - DVP No. 00190

Dear Mr. Don Monsour and Mr. David Biltek,

Re: 1358 Thurlow Road – DVP No. 00190

City staff have completed a plan check on the submitted plans and have identified the following *Zoning Regulation Bylaw* variances:

Lot A:

- Introduction and General Regulation Section 27 (1): Allow the front setback to be measured from the front property line
- Part 1.2.5 a: A relaxation to the minimum required front yard setback from 7.5 to 3.05
- Part 1.2.5 c: A relaxation to the minimum required side yard setback from 1.97m to 1.5m.

Lot B

- Introduction and General Regulation Section 27 (1): Allow the frontage to be Thurlow Road
- Part 1.2.2 b.: Relaxation to the minimum required lot width from 15m to 13.74m
- Schedule F Section 4 c: Relaxation to the minimum flanking street setback of an accessory building from 7.5m to 7.31m.

The details of this application can be found on the Development Tracker at <u>1358 Thurlow Road</u>. You will also be notified of any further revisions to the plans.

If your Land Use Committee has comments it would like considered by City Council, please submit them to Mayor and Council with a copy to the Sustainable Planning and Community Development Department within 30 days from the date of this email.

Yours truly,

Noraye Fjeldstad

Administrative Assistant
Sustainable Planning and Community Development
1 Centennial Square
Victoria, BC V8W 1P6

Phone: 250-361-0212 Fax: 250-361-0386

Email: nfjeldstad@victoria.ca



Lauren Martin

From:

David Biltek

Sent:

Friday, May 05, 2017 9:40 AM

To:

Noraye Fjeldstad

Subject:

RE: Development Variance Application Received for 1358 Thurlow Road - DVP No.

00190

Also can you add the following

We also are aware that there may be some tagged trees on the property and we have an ongoing concern about the removal of mature trees and them being replaced with younger smaller whips. As well some of the areas in Fairfield have verry soft soil and when new foundations are installed there can be some serious disruptions, vibrations to surrounding properties which can and do cause damage

David Biltek

Chair

Fairfield Gonzales Community Association Land Use Committee

From: Noraye Fjeldstad [mailto:NFjeldstad@victoria.ca]

Sent: May-05-17 9:35 AM

To: David Biltek

Subject: RE: Development Variance Application Received for 1358 Thurlow Road - DVP No. 00190

Thank you for your email, David. I will ensure this correspondence is included in the report to Mayor and Council.

From: David Biltek

Sent: Friday, May 05, 2017 8:50 AM

To: Noraye Fjeldstad < NFjeldstad@victoria.ca>

Subject: RE: Development Variance Application Received for 1358 Thurlow Road - DVP No. 00190

Noraye

Please advise Mayor and Council of our concerns about these variances

We have adopted a policy or raising concern about any variance which is more than 15% change in the standard set back etc.

We continue to see more and more variances where we raise our concern because the requests are more than 15%. If this is to continue it may behoove Council to request a review of setbacks and other standards.

These standards were set for reasons of amenities, safety, street scape among others, some of these should NOT be changed but it may be time to change the standards, until such time we will continue to raise concern about variances that exceed a 15% change

David Biltek

Chair

Fairfield Gonzales Community Association Land Use Committee

From: Noraye Fjeldstad [mailto:NFjeldstad@victoria.ca]

Sent: May-04-17 9:08 AM

To: planandzone@fairfieldcommunity.ca

Subject: Development Variance Application Received for 1358 Thurlow Road - DVP No. 00190

Dear Mr. Don Monsour and Mr. David Biltek,

Re: 1358 Thurlow Road – DVP No. 00190

City staff have completed a plan check on the submitted plans and have identified the following *Zoning Regulation Bylaw* variances:

Lot A:

- Introduction and General Regulation Section 27 (1): Allow the front setback to be measured from the front property line
- Part 1.2.5 a: A relaxation to the minimum required front yard setback from 7.5 to 3.05
- Part 1.2.5 c: A relaxation to the minimum required side yard setback from 1.97m to 1.5m.

Lot B

- Introduction and General Regulation Section 27 (1): Allow the frontage to be Thurlow Road
- Part 1.2.2 b.: Relaxation to the minimum required lot width from 15m to 13.74m
- Schedule F Section 4 c: Relaxation to the minimum flanking street setback of an accessory building from 7.5m to 7.31m.

The details of this application can be found on the Development Tracker at <u>1358 Thurlow Road</u>. You will also be notified of any further revisions to the plans.

If your Land Use Committee has comments it would like considered by City Council, please submit them to Mayor and Council with a copy to the Sustainable Planning and Community Development Department within 30 days from the date of this email.

Yours truly,

Noraye Fjeldstad

Administrative Assistant
Sustainable Planning and Community Development
1 Centennial Square
Victoria, BC V8W 1P6

Phone: 250-361-0212 Fax: 250-361-0386

Email: nfjeldstad@victoria.ca



Katie Lauriston

From:

David Biltek

Sent:

Friday, May 26, 2017 8:30 AM

To:

Katie Lauriston; Alec Johnston

Subject:

RE: Revised Plans Received for 1358 & 1360 Thurlow Road - DVP No. 00190

Katie and Alec:

As before we continue to be concerned about variances where the change is more than 15%, and in this case there are two as outlined in red.

The variances were put in place for many reasons...if Council continues to reduce variances maybe it should conduct a review of variances and set new standards

David Biltek

Chair

Fairfield Gonzales Community Association Land Use Committee

From: Katie Lauriston [mailto:klauriston@victoria.ca]

Sent: May-25-17 8:56 AM

To: planandzone@fairfieldcommunity.ca

Subject: Revised Plans Received for 1358 & 1360 Thurlow Road - DVP No. 00190

Dear Mr. Don Monsour and Mr. David Biltek,

Re: 1358 & 1360 Thurlow Road – DVP No. 00190

City staff have completed a plan check on the revised plans and have identified the following *Zoning Regulation Bylaw* variances:

Lot A:

- Introduction and General Regulation Section 27 (1) Regarding front lot line definitions for irregular lots, a relaxation to allow that the front lot line be considered the property line along Thurlow Rd.
- Part 1.2.5 a. Relaxation to the minimum required front yard setback from 7.5m to 3.05m
- Part 1.2.5 c. Relaxation to the minimum required side yard setback from 1.97m to 1.50m

Lot B:

- Introduction and General Regulation Section 27 (1) Regarding front lot line definitions for irregular lots, a relaxation to allow the street frontage to be the lot line along Thurlow Rd.
- Part 1.2.2 b. Relaxation to the minimum required lot width from 15m to 13.74m
- Schedule F Section 4 c. Relaxation to the minimum flanking street setback of an accessory building from 7.5m to 7.31m

The details of this application can be found on the Development Tracker at <u>1358 & 1360 Thurlow Road</u>. You will also be notified of any further revisions to the plans.

If your Land Use Committee has comments it would like considered by City Council, please submit them to Mayor and Council with a copy to the Sustainable Planning and Community Development Department.

Katie Lauriston

From:

Katie Lauriston

Sent:

Thursday, July 06, 2017 8:42 AM

To:

'David Biltek'

Cc:

Alec Johnston; Chris Coleman (Councillor)

Subject:

RE: Revised Plans Received for 1358 & 1360 Thurlow Road - DVP No. 00190

Good Morning Mr. Biltek,

Thank you for submitting your concerns regarding the variances requested for Development Variance Permit No. 00190 for 1358 & 1360 Thurlow Road. I will ensure your comments are submitted for review by Mayor and Council.

Kind Regards,

Katie Lauriston

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

T 250.361.0498 F 250.361.0386



From: David Biltek

Sent: Thursday, July 06, 2017 8:34 AM

To: Katie Lauriston <klauriston@victoria.ca>

Cc: Alec Johnston <ajohnston@victoria.ca>; Chris Coleman (Councillor) <ccoleman@victoria.ca>

Subject: RE: Revised Plans Received for 1358 & 1360 Thurlow Road - DVP No. 00190

Katie

Please advise Council that once again in these matters the FGCA CALUC is advising Council that we have major concerns about changing setbacks and other standards by more than 15%, and all of these but one exceed that mark, some by a rather large amount.

We have recently seen the impact a legal variance had on a development. The permitted variance allowed a house to be built within ONE FOOT of the property line. Maybe at the time it seemed reasonable, but today presents a major problem

We continue to feel that if Council is going to accept such changes it may be better to conduct a complete review with public input on setbacks and other standards, all of which were created fror particular reasons

David Biltek

Chair

Fairfield Gonzales Community Association Land Use Committee

From: Katie Lauriston [mailto:klauriston@victoria.ca]

Sent: July-05-17 3:35 PM

To: planandzone@fairfieldcommunity.ca

Subject: Revised Plans Received for 1358 & 1360 Thurlow Road - DVP No. 00190

Dear Mr. Don Monsour and Mr. David Biltek,

Re: 1358 & 1360 Thurlow Road - DVP No. 00190

Please be advised that the Sustainable Planning and Community Development department has received revised plans for DVP Application No. 00190 for 1358 & 1360 Thurlow Road.

City staff have completed a plan check on the submitted plans and have identified the following *Zoning Regulation Bylaw* variances:

Lot A:

- Introduction and General Regulation Section 27 (1) Regarding front lot line definitions for irregular lots –
 Relaxation to allow that the front lot line be considered the property line along Thurlow Road
- Part 1.2.5 (a) Relaxation to the minimum required front yard setback from 7.5m to 3.05m
- Part 1.2.5 (c) Relaxation to the minimum required side yard setback from 1.97m to 1.50m

Lot B:

- Introduction and General Regulation Section 27 (1) Regarding front lot line definitions for irregular lots Relaxation to allow the street frontage to be the lot line along Thurlow Road
- Part 1.2.2 (b) Relaxation to the minimum required lot width from 15m to 13.70m
- Schedule F Section 4 (c) Relaxation to the minimum flanking street setback of an accessory building from 7.5m to 7.31m

The details of this application can be found on the Development Tracker at 1358 & 1360 Thurlow Road. You will be notified of any further revisions to the plans.

If your Land Use Committee has comments it would like considered by City Council, please submit them to Mayor and Council with a copy to the Sustainable Planning and Community Development Department.

Yours truly,

Katie Lauriston Planning Secretary

Received City of Victoria

APR 07 70

Planning & Descriptions Department Sevelopment Services Districts



Talbot Mackenzie & Associates

Consulting Arborists

March 08, 2017

Turnbull Holdings Ltd. 1648 Wilmot Place Victoria. BC V8R 5S4

Attention: Brad Schaffer

Re: Arborist report for 1358 and 1360 Thurlow Road

Assignment: Provide arborist services to:

- Examine and document the tree resource on the 1358/1360 Thurlow Road property and the municipal frontages of this property.
- Assess the potential impacts on the resource of bylaw-protected and municipal trees related to the proposed subdivision of the property into two lots.
- Outline mitigation strategies to reduce the impacts on the bylaw-protected and municipal trees during the subdivision and subsequent construction on these lots.

Tree resource: Of the 14 trees that were documented:

- Four are bylaw protected: Douglas-fir =96, 98 and 99 and one Western Red cedar #4.
- Five are located on the municipal frontages: two flowering cherries #1 and #2 are on the Thurlow Road frontage, and two Flowering plums #6 and 8 and one Horse chestnut #7 on the Durban Street Frontage.
- The five remaining trees are not protected under the municipal tree protection bylaw.

Potential Impacts: The proposal, as outlined in the plans that were supplied, is to construct a new single family house on each of the two strata lots. In our opinion, only five of the trees are located where they can be isolated from construction and where there is a reasonable expectation that they will survive these impacts:

- Western Red cedar #4 located on private property.
- Municipal Flowering cherry trees #1 and #2 on the Thurlow Road frontage.
- Horse chestnut #7 and Flowering plum #8 on the Durban Street frontage

One Flowering plum #6 is located within the proposed driveway access to Lot B. This tree is infected with a *Ganoderma* wood decay pathogen and is proposed to be removed and replaced.

In our opinion, the remainder of the trees are located where they will be too heavily impacted by the construction and where they cannot be retained.

Box 48153 RPO Uptown Victoria, BC V8Z 7H6 Ph: (250) 479-8733 ~ Fax: (250) 479-7050 Email: treehelp@:telus.net

..../2

Page 2

Tree Retention Guidelines and General recommendations: We recommend the following procedures be implemented to reduce the impacts on the bylaw-protected and municipal trees that are to be retained.

Barrier fencing: The areas, surrounding the one bylaw-protected tree and the municipal trees that are to be retained must be isolated from the construction activity by erecting protective barrier fencing. Where possible, this fencing should be erected at the edge of the critical root zones as defined in the tree resource spreadsheet, or in locations identified by the project arborist. In areas where the building and driveway footprints encroach within these defined zones, the fencing should be erected at a distance of 2 metres off the building footprint, or in a location defined by the project arborist, once the building and construction locations have been surveyed ion the site.

- To protect Western Red cedar #4, the fencing must be erected on the property side
 of the trunk 5.5 metres from the property boundary and extend 7 metres out on
 each side of the tree or up to the garage footprint and extend up to the property
 boundary.
- The municipal trees must be protected by erecting barrier fencing that runs along
 the street and sidewalk edge on each side of the tree and extends out to the edge of
 the canopy spread on each side of the tree.

These fencing locations are indicated on the attached plans.

The barrier fencing to be erected must be a minimum of 4 feet in height, of solid frame construction that is attached to wooden or metal posts. A solid board or rail must run between the posts at the top and the bottom of the fencing. This solid frame can then be covered with plywood, or flexible snow fencing (see attached diagram). The fencing must be erected prior to the start of any construction activity on site (i.e. demolition, house relocation, excavation and construction), and remain in place through completion of the project. Signs must be posted around the protection zone to declare it off limits to all construction related activity. The project arborist must be consulted before this fencing is removed or moved for any purpose. Solid hording material may also be required to protect the trunks of trees from mechanical injury where vehicles or machinery are permitted close to tree trunks.

Building footprints: The project arborist must supervise the excavation for the north side of the house footprint on Lot A, and the west side of the garage footprint on Lot B where they fall within the critical root zone of Western Red cedar #4. A patio area is shown on the north side of the building footprint for Lot A where it falls within the critical root zone of Western Red cedar #4. The patio should be constructed at a grade that permits it to float over the critical root structures, any excavation in this location must be supervised by the project arborist.

Driveway footprints: The driveway access for Lot B on the Durban Street side of the property will require the removal of infected Flowering plum #6. The driveway footprints are located where they should not impact any of the other municipal or bylaw-protected trees. The driveway for Lot A may encroach within the root zone of the non-protected plum tree that is located on the adjacent property at 1346 Thurlow Road.

Box 48153 RPO Uptown Victoria, BC V8Z 7H6 Ph: (250) 479-8733 ~ Fax: (250) 479-7050 Email: treehelp@telus.net

..../3

March 08, 2017

Arborist report for 1358 and 1360 Thurlow Road

Page 3

Servicing: We did not review the servicing plans for this site: however, it is our understanding that these service corridors will be located where they will not encroach within the root zone areas that will be protected with barrier fencing. The services may encroach within the root zone of the non-protected plum tree located on the adjacent property at 1346 Thurlow Road.

Work area and material storage: It is important that the issue of storage of excavated soil, construction material, and site parking be reviewed prior to the start of construction. All construction related activity and the storage of soil and other construction materials must be located outside of the critical root zones of the municipal trees that are to be retained. We recommend that all the construction staging and storage of construction materials be located on the east side of the property and the building footprints.

Clients responsibility: It is the responsibility of the client or his/her representative to contact the project arborist for the purpose of:

- · Locating the barrier fencing
- Reviewing the arborist reports and retention plans with the project foreman or site supervisor
- Locating work zones, where required. Supervising excavation, blasting and
 other construction activities where they encroach within critical root zones of
 the bylaw-protected, municipal and other trees that are to be retained.

Please do not hesitate to call us at (250) 479-8733 should you have any further questions. Thank You.

Yours truly,

Talbot Mackenzie & Associates

1.15

Tom Talbot & Graham Mackenzie

ISA Certified, & Consulting Arborists

Enclosures: Tree resource spreadsheet, tree location and barrier fencing diagram

Disclosure Statement

Arborists are professionals who examine trees and use their training, knowledge and experience to recommend techniques and procedures that will improve the health and structure of individual trees or group of trees, or to mitigate associated risks

Trees are fiving organisms, whose health and structure change, and are influenced by age, continued growth, chimate, weather conditions, and insect and disease pathogens. Indicators of structural weakness and disease are often hidden within the tree structure or beneath the ground. It is not possible for an arborist to identify every flaw or condition that could result in failure nor can be she guarantee that the tree will remain healthy and free of risk

Remedial care and mitigation measures recommended are based on the visible and detectable indicators present at the time of the examination and cannot be guaranteed to alleviate all symptoms or to mitigate all risk posed.

Key to Headings in Resource Table

d.b.h. – *diameter at breast height* - diameter of trunk, measured in centimetres at 1.4 metres above ground level

CRZ – *critical root zone* – estimated optimal size of tree protection zone based on tree species, condition and age of specimen and the species tolerance to root disturbance. Indicates the radial distance from the trunk, measured in metres.

Crown spread – indicates the diameter of the crown spread measured in metres to the dripline of the longest limbs.

Condition health/structure -

- Good no visible or minor health or structural flaw
- Fair health or structural flaw present that can be corrected through normal arboricultural or horticultural care.
- Poor significant health or structural defects that compromise the longterm survival or retention of the specimen.

Tree status - Planned status of tree retention within proposed development

- · Retain Retention of tree proposed
- Possible retain Retention possible with precautions
- Remove Removal required or recommended

Relative Tolerance – relative tolerance of the selected species to development impacts.

February 23 2017

TREE RESOURCE for 1358 and 1360 Thurlow Road

Tree #	d.b.h. (cm)	CRZ	Species	Crown Spread(m)	Condition Health	Condition Structure	Status	Relative Tolerance	Remarks / Recommendations	
not tagged #1	22	3.0	Flowering cherry	5.0	Fair	Fair	Retain	Moderate	Located on the Thurlow Road municipal frontage.	
not tagged #2	6	2.0	Flowering cherry	1.5	Good	Good	Retain	Moderate	Located on the Thurlow Road municipal frontage. Recently planted	
not tagged #3	Multiple stemmed	50	Fowering plum	9.0	Good	Poor	Retain	Moderate	Located on the adjacent property at 1346 Thurlow Road. Not bylaw protected.	
not tagged #4	75	7.0	Western Red cegar	80	Good	Fair	Retain	Poor	Located along the property boundary with 414 Durban Street. Wultiple stems Bylaw-protected	
not tagged #5	Multiple stemmed	20	English holly	6.0	Good	Fair	Remove	Good	Not by aw-protected. Viultiple stams	
not tagged #6	56	6.0	Flowering plum	8.0	Fa:r	Fair	Remove	Moderate	_ocated on the Durban Street municipal frontage and within the proposed driveway footprint. Infected with the Ganodermal wood decay pathogen.	
not tagged #7	56	50	Horse chestnut	13.0	Good	Good	Retain	Good	Located on the Durban Street municipal frontage.	
not tagged #8	10	20	Flowering plum	30	Good	Good	Retain	Moderate	e Located on the Durban Street municipal frontage	

Prepared by Telbot Mackenzie & Associates ISA Certified and Consulting Arconsts Phone, (250) 479-8733 Fax (250) 479-7750 amail: Treehelp@telus.net

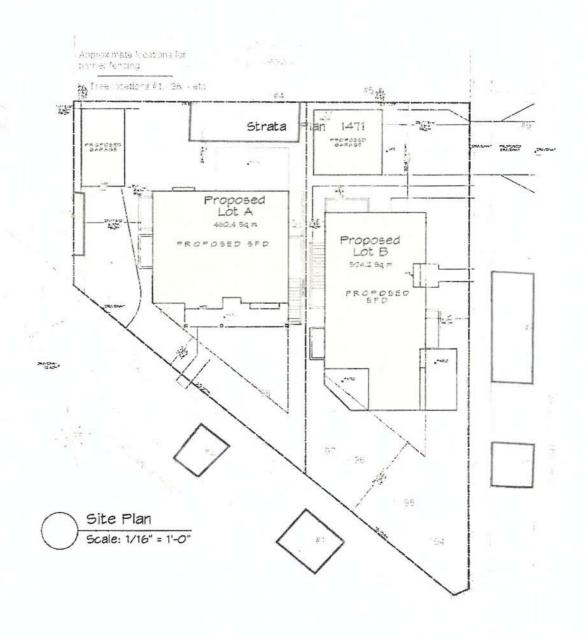
February 23, 2017

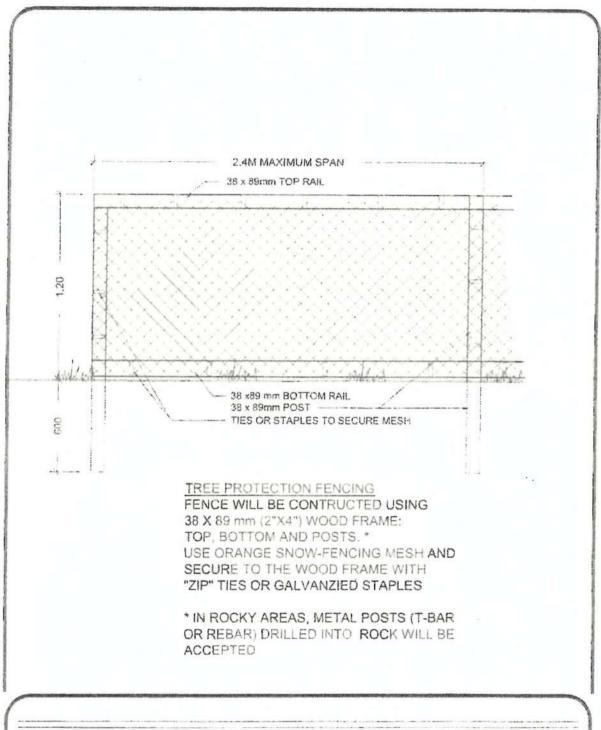
TREE RESOURCE for 1358 and 1360 Thurlow Road

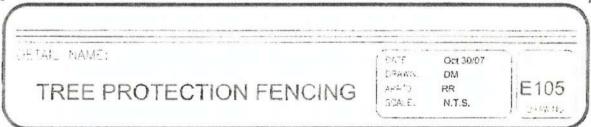
Tree #	d.b.h. (cm)	CRZ	Species	Crown Spread(m)	Condition Health	Condition Structure	Status	Relative Tolerance	Remarks / Recommendations	
94	55	6.0	Western Red cedar	10.0	Good	Good	Remove	Poor	Not bylaw-protected, Multiple stems	
95	63	6.0	Austrian pine	12.0	Good	Fair	Remove	Good	Not bylaw-protected. Multiple stems	
95	62	8.0	Douglas-fir	12.0	Good	Good	Remove	Poor	By-aw-protected.	
97	63	6.0	Austrian pine	13.0	Good	Fair	Remove	Good	Not bylaw-protected.	
98	68	9.0	Douglas-fir	12.0	Good	Good	Remove	Poor	Bylaw-protected.	
99	85	10 0	Douglas-fir	15.0	Fair	Fair	Remove	Poor	By aw-protected. Some stress visible in canopy. Long over-extended limbs.	

Prepared by Talbot Mackenzie & Associates SA Centiles, and Consulting Arborists Phone (250) 479-8733 Pax (250) 479-7050 email. Treenelp@telusinet

Page 83 of 463









Talbot Mackenzie & Associates

Consulting Arborists

Receives City of Visionia

May 22, 2017

Turnbull Holdings Ltd. 1648 Wilmot Place Victoria, BC V8R 5S4 MAY 2 2 2017

Planning & Development Department Development Services Division

Attention: Brad Schaffer

Re: Arborist report for 1358 and 1360 Thurlow Road

Summary: From the information that was compiled during our site visit and visual examination of the tree resource we determined that:

- Municipal Flowering plum #6 on the Durban Street frontage is infected with a Ganoderma wood decay pathogen, is located within the proposed driveway access to Lot B and is proposed to be removed and replaced.
- The remaining Municipal trees, flowering cherries #1 and #2 are on the Thurlow Road frontage, and flowering plums #6 and 8 and Horse chestnut #7 on the Durban Street frontage can be protected and retained. In addition, Western Red cedar #4, located on the adjacent property at 414 Durban Street, is to be protected and retained.
- The proposal is to remove the three trees not protected under the municipal tree protection bylaw, Western Red cedar #94, and Austrian pines #95 and 97.

The remaining three Douglas-fir trees #96, 98 and 99 are a species that have a low tolerance to root disturbance and other construction impacts and are located where there will be a significant impact to their health and stability. In our opinion, these three trees will be unsuitable to retain the impacts, and cannot be mitigated sufficiently to have a reasonable expectation that they will survive in the landscape long term. Therefore, we recommend that they be removed and replaced with trees of a suitable species to replicate the function of these removed trees eventually becoming a permanent part of the urban forest canopy.

Assignment: Provide arborist services to:

- Examine and document the tree resource on the 1358/1360 Thurlow Road property and the municipal frontages of this property.
- Assess the potential impacts on the resource of bylaw-protected and municipal trees related to the proposed subdivision of the property into two lots.
- Outline mitigation strategies to reduce the impacts on the bylaw-protected and municipal trees during the subdivision and subsequent construction on these lots.

..../2

Page 2

Tree resource: Of the 14 trees that were documented:

- Four are bylaw protected: Douglas-fir #96, 98 and 99 located within the property boundaries, and one Western Red cedar #4 located on the adjacent property at 414 Durban Street.
- Five are located on the municipal frontages: two flowering cherries #1 and 2 are on the Thurlow Road frontage, and two Flowering plums #6 and 8 and one Horse chestnut #7 on the Durban Street frontage.
- The five remaining trees on this property, two Austrian pine, one Western Red cedar and one English holly and one Flowering plum on the adjacent 1346 Thurlow Road property are not protected under the municipal tree protection bylaw.

Potential Impacts: The proposal, as outlined in the plans that were supplied, is to construct a new single family house on each of the two strata lots. In our opinion, only one of the bylaw-protected and four of the municipal trees are located where they can be isolated from construction and where there is a reasonable expectation that they will survive these impacts:

- Western Red cedar #4 located on the adjacent property at 414 Durban Street.
- Municipal Flowering cherry trees #1 and #2 on the Thurlow Road frontage.
- Horse chestnut #7 and Flowering plum #8 on the Durban Street frontage

The garage footprint on Lot B and the proposed patio area on Lot A encroach within the defined critical root zone of Western Red cedar #4, but, in our opinion where the impacts to these trees can be mitigated sufficiently to have a reasonable expectation that the tree can be protected and will survive long term.

The proposal is to remove the non-protected trees including English Holly #4, Western Red cedar #94, and Austrian pines #95 and 97.

Douglas-fir #99 is located within the house footprint on Lot A where it cannot be protected and retained.

The remaining two Douglas-fir trees #96 and 98 are located where they will be heavily impacted, and, in our opinion, the impacts cannot be mitigated sufficiently to assure their retention long term. The building footprints and required excavation will encroach extensively into the critical root zones, while the underground storm, sanitary and underground hydro and communication lines, that run between these footprints and the Thurlow Road frontage, will bisect the root zones close to the trunks of the trees increasing the impacts on their future health and potentially their stability.

One Flowering plum #6 is located within the proposed driveway access to Lot B. This tree is infected with a *Ganoderma* wood decay pathogen and is proposed to be removed and replaced.

Box 48153 RPO Uptown Victoria, BC V8Z 7H6 Ph: (250) 479-8733 ~ Fax: (250) 479-7050 Email: treehelp@telus.net/3

May 22, 2017

Arborist report for 1358 and 1360 Thurlow Road

Page 3

Tree Retention Guidelines and General recommendations: We recommend the following procedures be implemented to reduce the impacts on the bylaw-protected and municipal trees that are to be retained.

Barrier fencing: The areas, surrounding the one bylaw-protected tree and the municipal trees that are to be retained must be isolated from the construction activity by erecting protective barrier fencing. Where possible, this fencing should be erected at the edge of the critical root zones, as defined in the tree resource spreadsheet. In areas where the building and driveway footprints encroach within these defined zones, the fencing should be erected 2 metres off the building footprint and one half metre off the driveway footprint, or in a location defined by the project arborist, once the building and construction locations have been surveyed on the site.

- To protect Western Red cedar #4, erect fencing on the property side of the trunk 5.5 metres from the property boundary or 1.0 metre out from the proposed house footprint on Lot A, and extend the fence 7.0 metres out to the west. On the east side of the trunk, erect fencing 1.0 metre out from the proposed garage footprint on Lot B.
- The municipal trees must be protected by erecting barrier fencing that runs along the street and sidewalk edge on each side of the tree extending out to the edge of the canopy spread on each side of the tree.

The barrier fencing to be erected must be a minimum of 4 feet in height, of solid frame construction that is attached to wooden or metal posts. A solid board or rail must run between the posts at the top and the bottom of the fencing. This solid frame can then be covered with plywood, or flexible snow fencing (see attached diagram). The fencing must be erected prior to the start of any construction activity on site (i.e. house demolition, lot clearing, excavation, and construction), and remain in place through completion of the project. Signs must be posted around the protection zone to declare it off limits to all construction related activity. The project arborist must be consulted before this fencing is removed or moved for any purpose. Solid hording material may also be required to protect the trunks of trees from mechanical injury where vehicles or machinery are permitted close to tree trunks.

Building footprints: The project arborist must supervise the excavation for the north side of the house footprint on Lot A, and the west side of the garage footprint on Lot B where they fall within the critical root zone of Western Red cedar #4. The arborist will prune all non-critical roots and expose and retain any critical root structures that are encountered. It has been determined by the architect that it will be possible to use grade beam construction for the garage footings and floor to bridge critical roots.

A patio area is shown on the north side of the building footprint for Lot A where it falls within the critical root zone of Western Red cedar # 4. The patio should be constructed at a grade that permits it to float over the critical root structures over a geotextile base fabric layer. Any excavation in this location must be supervised by the project arborist.

Box 48153 RPO Uptown Victoria, BC V8Z 7H6 Ph: (250) 479-8733 ~ Fax: (250) 479-7050 Email: treehelp@telus.net

..../4

Driveway footprints: The driveway access for Lot B on the Durban Street side of the property will require the removal of infected Flowering plum #6. The driveway footprints are located where they should not impact any of the other municipal or bylaw-protected trees to be retained. The driveway for Lot A may encroach within the root zone of the non-protected plum tree located on the adjacent property at 1346 Thurlow Road.

Servicing: The site services, with the exception of the water line for Lot B including the water service for Lot A, and the storm, sanitary, and the hydro/communications for both lots, will connect along the Thurlow Road. We have determined that the bylaw-protected and other trees on this side of the property cannot be retained; therefore, we have recommended that all the trees within the property boundary in this location be removed. These service corridors will be located where they will not encroach within the root zones of the municipal trees. The barrier fencing must be erected to protect these municipal trees prior to the commencement of any service installations.

Work area and material storage: It is important that the issue of storage of excavated soil, construction material, and site parking be reviewed prior to the start of construction. All construction related activity and the storage of soil and other construction materials must be located outside of the critical root zones of the municipal trees that are to be retained. We recommend that all the construction staging and storage of construction materials be located on the east side of the property and the building footprints.

Clients responsibility: It is the responsibility of the client or his/her representative to contact the project arborist for the purpose of:

- Locating the barrier fencing
- Reviewing the arborist reports and retention plans with the project foreman or site supervisor
- Locating work zones, where required, Supervising excavation, blasting and
 other construction activities where they encroach within critical root zones of
 the bylaw-protected, municipal and other trees that are to be retained.

Please do not hesitate to call us at (250) 479-8733 should you have any further questions. Thank You.

Yours truly,

Talbot Mackenzie & Associates

Tom Talbot & Graham Mackenzie ISA Certified, & Consulting Arborists

Enclosures: Tree resource spreadsheet, tree location and barrier fencing diagram

Disclosure Statement

Arborists are professionals who examine trees and use their training, knowledge and experience to recommend techniques and procedures that will improve the health and structure of individual trees or group of trees, or to mitigate associated risks.

Trees are living organisms, whose health and structure change, and are influenced by age, continued growth, climate, weather

Trees are living organisms, whose health and structure change, and are influenced by age, continued growth, climate, weather conditions, and insect and disease pathogens. Indicators of structural weakness and disease are often hidden within the tree structure or beneath the ground. It is not possible for an arborist to identify every flaw or condition that could result in failure nor can he/she guarantee that the tree will remain healthy and free of risk.

Remedial care and mitigation measures recommended are based on the visible and detectable indicators present at the time of the examination and cannot be guaranteed to alleviate all symptoms or to mitigate all risk posed.



Talbot Mackenzie & Associates

Consulting Arborists

June 15, 2017

Turnbull Holdings Ltd. 1648 Wilmot Place Victoria, BC V8R 5S4

Attention: Brad Schaffer

Received City of Victoria

JUN 1 6 2017

Planning & Development Department Development Services Division

Re: Exploratory excavation for Western Red cedar at 1358/1360 Thurlow Road

On June 14, 2017, at your request, we conducted an exploratory excavation along the west side of the proposed garage footprint on Lot B. The purpose of this excavation was to expose and document the size and number of roots that extend from the bylaw-protected Western Red cedar #4 and into the building footprint of the proposed garage. This footprint encroaches within one quadrant of the tree's critical rooting area, as defined in our February 23, 2017 tree resource spreadsheet.

The excavation commenced near the north property boundary approximately 4 metres from the cedar tree, at the edge of the canopy dripline, and extended in a southerly direction along this proposed footprint. The excavation to a bearing level of soil approximately 40 cm below the existing soil grade encountered a total of six roots larger than 1 cm in diameter:

- 3 roots measuring 2.5 cm in diameter
- 1 root measuring 1.5 cm in diameter
- 2 roots measuring 4.0 cm in diameter

In our opinion, the roots that were encountered are not critical to the health or stability of the cedar tree, and could be removed without having a detrimental impact on its survival. Reducing the size of the garage or relocating it slightly further to the east is unlikely to reduce the impacts on the tree or its root system significantly.

Please do not hesitate to call us at 250-479-8733 should you have any questions. Thank you,
Talbot Mackenzie & Associates

Tom Talbot & Graham Mackenzie ISA Certified, & Consulting Arborists

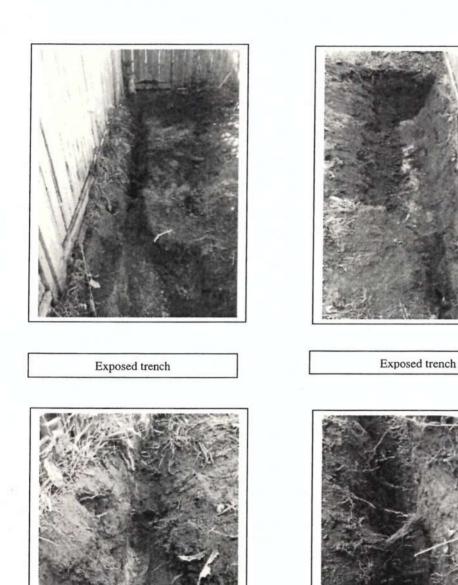
Disclosure Statement

Arborists are professionals who examine trees and use their training, knowledge, and experience to recommend techniques and procedures that will improve the health and structure of individual trees or group of trees, or to mitigate associated risks.

Trees are living organisms, whose health and structure change, and are influenced by age, continued growth, climate, weather conditions, and insect and disease pathogens. Indicators of structural weakness and disease are often hidden within the tree structure or beneath the ground. It is not possible for an arborist to identify every flaw or condition that could result in failure nor can he/she guarantee that the tree will remain healthy and free of risk.

Remedial care and mitigation measures recommended are based on the visible and detectable indicators present at the time of the examination and cannot be guaranteed to alleviate all symptoms or to mitigate all risk posed.

Picture Page – June 14, 2017 Exploratory Excavation for Garage Footprint



Bearing soils

Exposed 1.5 and 2.5 cm roots

BYLAWS

3. Bylaw for Rezoning Application No. 00554 for 345 Quebec Street

Motion:

It was moved by Councillor Coleman, seconded by Councillor Lucas, that Council after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00554, if it is approved and subject to registration of a legal agreement on the property's title, prior to final Bylaw adoption, ensuring the parking requirements of the Zoning Regulation Bylaw would be met, in the event the property is strata titled after the Housing agreement expires in 20 years, that Council consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 000491 for 345 Quebec Street in accordance with:

- 1. Plans dated June 5, 2017;
- 2. Development meeting all Zoning Regulation Bylaw requirements;
- 3. The Development Permit Lapsing two years from the date of this resolution."

Carried Unanimously



Council Report For the Meeting of August 10, 2017

To:

Mayor and Council

Date:

August 2, 2017

From:

Jonathan Tinney, Director of Sustainable Planning and Community Development

Subject:

Update on Rezoning Application No. 00554, for 345 Quebec Street

Bylaw ready to proceed to Public Hearing

RECOMMENDATION

That Council consider first and second readings of Zoning Regulation Bylaw, Amendment Bylaw (No. 1113) No. 17-085, and first, second and third readings of Housing Agreement (345 Quebec Street) Bylaw (2017) No. 17-089.

That Council after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00554, if it is approved and subject to registration of a legal agreement on the property's title, prior to final Bylaw adoption, ensuring the parking requirements of the *Zoning Regulation Bylaw* would be met, in the event the property is strata titled after the Housing agreement expires in 20 years, that Council consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 000491 for 345 Quebec Street in accordance with:

- 1. Plans dated June 5, 2017;
- 2. Development meeting all Zoning Regulation Bylaw requirements;
- 3. The Development Permit Lapsing two years from the date of this resolution."

BACKGROUND

The preconditions established by Council in relation to this application have been met (June 22, 2017 Council Minutes attached.) The applicant has amended the ground floor units to address privacy and street relationship issues and the Zoning Regulation Bylaw Amendments and Housing Agreement Bylaws are ready to receive introductory readings.

Through the process of preparing the Zoning and Housing Agreement Bylaws, staff determined that a Section 219 Covenant would be of benefit to ensure that the Zoning Bylaw Regulations, related to parking are met in the event that the property is strata titled at a future date after the Housing Agreement has expired in 20 years. The applicant has agreed to this and the covenant would be registered on the property's title prior to final adoption of the Bylaw if Council approves the application.

The staff recommendation provided for Council's consideration reflects the update provided in this report with additional wording shown in bold.

Respectfully submitted,

Miko Betanzo Senior Planner

Development Services Division

Jonathan Tinney Director

Sustainable Planning and Community

Development Department

Report accepted and recommended by the City Manager.

Date:

List of Attachments:

Council Minutes dated June 22, 2017

REPORTS OF COMMITTEES

Committee of the Whole – June 22, 2017

1. Rezoning Application No. 00554 and Development Permit Application No. 00491 for 345 Quebec Street (James Bay)

Motion:

It was moved by Councillor Thornton-Joe, seconded by Councillor Alto:

Rezoning Application No. 00554

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00554 for 345 Quebec Street; that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council; and a Public Hearing date be set after the execution of a Housing Agreement, to the satisfaction of City staff, to secure 219 residential rental units for a minimum of 20 years and to ensure that future strata bylaws cannot prohibit strata owners from renting residential strata units, and that the transient use be removed from the zone.

Development Permit Application No. 00491

That Council after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00554, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 000491 for 345 Quebec Street, subject to the applicant revising the ground floor units to address privacy and street relationship issues to the satisfaction of the Director of Sustainable Planning and Community Development and in accordance with:

- 1. Plans dated June 5, 2017 (as amended to address privacy and street relationship issues)
- 2. Development meeting all Zoning Regulation Bylaw requirements;
- 3. The Development Permit lapsing two years from the date of this resolution."

Carried Unanimously

3. Committee of the Whole – June 22, 2017

8. Rezoning Application No. 00554 and Development Permit Application No. 00491 for 345 Quebec Street (James Bay)

Motion:

It was moved by Councillor Thornton-Joe, seconded by Councillor Alto:

Rezoning Application No. 00554

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00554 for 345 Quebec Street; that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council; and a Public Hearing date be set after the execution of a Housing Agreement, to the satisfaction of City staff, to secure 219 residential rental units for a minimum of 20 years and to ensure that future strata bylaws cannot prohibit strata owners from renting residential strata units, and that the transient use be removed from the zone.

Development Permit Application No. 00491

That Council after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00554, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 000491 for 345 Quebec Street, subject to the applicant revising the ground floor units to address privacy and street relationship issues to the satisfaction of the Director of Sustainable Planning and Community Development and in accordance with:

- 1. Plans dated June 5, 2017 (as amended to address privacy and street relationship issues)
- Development meeting all Zoning Regulation Bylaw requirements;
- 3. The Development Permit lapsing two years from the date of this resolution."

Carried Unanimously

5. LAND USE MATTERS

5.1 Rezoning Application No. 00554 for 345 Quebec Street (James Bay)

Committee received a report dated June 8, 2017 from the Director of Sustainable Planning and Community Development regarding the proposal to rezone the property located at 345 Quebec Street from its current T-1 Zone to a site specific zone to add residential uses as its permitted use.

Committee discussed:

- How taking this hotel use out of the market affects the vacancy rate.
- Staff discussing with the applicant a longer time frame for the Housing Agreement.
- The site maintaining the transient zoning as well as the residential use zoning.

Councillor Coleman withdrew from the meeting at 11:17 a.m.

Committee discussed:

The size of the units being below 33m²

Councillor Loveday withdrew from the meeting at 11:18 a.m.

Committee discussed:

Whether a land lift analysis was completed

Councillor Loveday returned to the meeting at 11:19 a.m.

Committee discussed:

 Cost to the applicant to implement a 10 year Housing Agreement versus in perpetuity.

Motion:

It was moved by Councillor Alto, seconded by Councillor Thornton-Joe, that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00554 for 345 Quebec Street; that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council; and a Public Hearing date be set after the execution of a Housing Agreement, to the satisfaction of City staff, to secure 219 residential rental units for a minimum of 10 years and to ensure that future strata bylaws cannot prohibit strata owners from renting residential strata units.

<u>Amendment:</u> It was moved by Councillor Alto, seconded by Councillor Thornton-Joe, that the motion be amended as follows:

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00554 for 345 Quebec Street; that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council; and a Public Hearing date be set after the execution of a Housing Agreement, to the satisfaction of City staff, to secure 219 residential rental units for a

minimum of 40 20 years and to ensure that future strata bylaws cannot prohibit strata owners from renting residential strata units.

Amendment to the amendment:

It was moved by Councillor Isitt, councillor Loveday, that the motion be further amended as follows:

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00554 for 345 Quebec Street; that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council; and a Public Hearing date be set after the execution of a Housing Agreement, to the satisfaction of City staff, to secure 219 residential rental units for a minimum of 40 20 60 years or the life of the building and to ensure that future strata bylaws cannot prohibit strata owners from renting residential strata units.

Committee discussed:

Concerns with placing unreasonable requirements on the applicant.

On the amendment to the amendment: **DEFEATED 14/COTW**

For:

Councillor Isitt

Against:

Mayor Helps, Councillors Alto, Loveday, Lucas, Madoff, Thornton-Joe,

and Young

Committee discussed:

· The possibility of the building being used for short-term vacation rentals instead of rental.

> On the amendment: CARRIED UNANIMOUSLY 17/COTW

Amendment: It was moved by Councillor Madoff, seconded by Councillor Isitt, that the motion be amended as follows:

> That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00554 for 345 Quebec Street; that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council; and a Public Hearing date be set after the execution of a Housing Agreement, to the satisfaction of City staff, to secure 219 residential rental units for a minimum of 20 years and to ensure that future strata bylaws cannot prohibit strata owners from renting residential strata units, and that the transient use be removed from the zone.

> > On the amendment: CARRIED UNANIMOUSLY 17/COTW

On the main motion as amended:

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in

Rezoning Application No. 00554 for 345 Quebec Street; that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council; and a Public Hearing date be set after the execution of a Housing Agreement, to the satisfaction of City staff, to secure 219 residential rental units for a minimum of 20 years and to ensure that future strata bylaws cannot prohibit strata owners from renting residential strata units, and that the transient use be removed from the zone.

On the main motion as amended: CARRIED UNANIMOUSLY 17/COTW



Committee of the Whole Report For the Meeting of June 22, 2017

To:

Committee of the Whole

Date:

June 8, 2017

From:

Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject:

Rezoning Application No. 00554 for 345 Quebec Street

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00554 for 345 Quebec Street; that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council; and a Public Hearing date be set after the execution of a Housing Agreement, to the satisfaction of City staff, to secure 219 residential rental units for a minimum of 10 years and to ensure that future strata bylaws cannot prohibit strata owners from renting residential strata units.

LEGISLATIVE AUTHORITY

In accordance with Section 479 of the *Local Government Act*, Council may regulate within a zone the use of land, buildings and other structures, the density of the use of the land, building and other structures, the siting, size and dimensions of buildings and other structures, as well as, the uses that are permitted on the land, and the location of uses on the land and within buildings and other structures.

In accordance with Section 483 of the *Local Government Act*, Council may enter into a Housing Agreement which may include terms agreed to by the owner regarding the occupancy of the housing units and provided such agreement does not vary the use of the density of the land from that permitted under the zoning bylaw.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application for the property located at 345 Quebec Street. The proposal is to rezone the land from the T-1 Zone (Limited Transient Accommodation District) to a site specific zone to add residential uses as a permitted use at this location.

The following points were considered in assessing this application:

• the proposal is consistent with the *Official Community Plan* (OCP) in terms of providing residential housing in the area and supplying a range of housing types and tenures

- the proposal exceeds the density limits expressed in the OCP; however, the building is already constructed and no additional floor area is proposed
- the applicant has offered to provide a Housing Agreement to secure the 219 residential units as rental for a minimum of 10 years
- the proposal seeks to reduce the required number of parking spaces from 307 to 179.
 This reduction in parking is supportable based on the traffic Impact assessment provided and the Housing Agreement to secure the units a rental for 10 years
- the proposal is generally consistent with the James Bay Neighbourhood Plan with respect to providing a range of housing opportunities; however, it is not consistent with regard to maintaining the "tourist focus" which is envisioned for this area. However, the OCP provides more current direction for land use and density.

BACKGROUND

Description of Proposal

The proposal is for the conversion of an existing 13-storey hotel into residential apartments. Specific details are identified in association with the concurrent Development Permit Application for this property. The only change from the current zone that is being proposed would be the addition of multi-family residential use.

Affordable Housing Impacts

The applicant proposes the creation of 219 new residential units which would increase the overall supply of housing in the area. A Housing Agreement is proposed which would ensure that future strata bylaws could not prohibit the rental of units and to secure all units as rental for 10 years.

Sustainability Features

The applicant has identified a number of sustainability features which will be reviewed in association with the concurrent Development Permit Application for this property.

Active Transportation Impacts

The application proposes the following features which support active transportation:

- 219 secure class 1 bike stalls
- interior bicycle repair station for residents.

Public Realm Improvements

No public realm improvements are proposed in association with this Rezoning Application.

Land Use Context

The area is characterized by a predominance of Hotels at the edge of the Inner Harbour District and a transition from this area to the multi-family residential areas of James Bay. Neighbouring buildings range from two to ten-storeys with similar building footprints and range in age from the historic Huntingdon Manor to the Oswego Hotel, constructed in 2007.

Immediately adjacent land uses include:

- North Huntingdon Manor (3-4 storey Hotel)
- South Oswego Hotel (10-storey) and non-profit multi-family housing (2 to 3-storey)
- East Multi-family residential housing (4-storey)
- West Pendray Capital Region Housing Corporation multi-family townhouses.

Existing Site Development and Development Potential

The site is presently occupied by a 13-storey hotel with both underground and surface parking.

Under the current T-1 Zone (Limited Transient Accommodation District), the property could be developed to accommodate a six to seven-storey building, not exceeding 21.5m in height, at a 1.2 to 1.0 floor space ratio and with a maximum site coverage of 20%. Land uses would be limited to transient accommodation or single-family dwellings.

Data Table

The following data table compares the proposal with the existing T-1 Zone. Transient Accommodation. An asterisk is used to identify where the proposal is less stringent than the existing zone. Two asterisks are used to identify where the building is legally non-conforming with regard to the existing zone.

Zoning Criteria	Proposal	Zone Standard T-1, Limited Transient Accommodation
Multi-family residential use	219 units*	Use not permitted
Site area (m²) - minimum	3993.80	1850
Density (Floor Space Ratio) - maximum	4.12**	1.2
Total floor area (m²) - maximum	16,450.87**	4792.56
Height (m) - maximum	36.60**	21.50
Storeys - maximum	13	N/A
Site coverage % - maximum	69.2**	20
Open site space % - minimum	14.9**	30
Setbacks (m) - minimum:		*
Front	0.02**	7.5
Rear	0.1**	7.5
Side (SE)	0.01**	7.5
Side (NW)	0.3**	7.5
Parking - minimum	179*	307
Bicycle parking stalls (minimum)	219 Class 1, 18 Class 2	18 Class 2

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the James Bay CALUC at a Community Meeting held on September 14th, 2016. A letter dated September 19th, 2016 is attached to this report.

ANALYSIS

The proposal is consistent with the *Official Community Plan* (OCP) in terms of supporting residential land-uses in this area. The Urban Place Designation for the subject property is Urban Residential, which anticipates building heights up to six-storeys. The status of the existing, legal non-confirming attributes of the building will remain as no changes to them are proposed. These include significant height and density inconsistencies between what is existing on-site, the present T-1 Zone, Limited Transient District, and the OCP policy.

The proposal helps to advance the OCP goal of providing a range of housing types and tenures. Consideration was also given to the OCP economic objectives with the proposed removal of both a tourism facility and employment generator. To this end, the OCP clearly identifies the focus for this area as residential. Further, the repurposing of an existing building helps to advance the OCP objectives around sustainability.

Regulatory Considerations

The proposal does not meet the requirements of Schedule C in the Zoning Bylaw, related to parking, however, this reduction in parking is supportable based on the Traffic Impact Assessment and the Housing Agreement to secure rental units. If Council approve this application to go to a public hearing, the bylaw will be drafted to include a lower parking standard for rental accommodation.

CONCLUSIONS

The proposed conversion of the existing hotel to residential units is consistent with the OCP objective to provide a mix of housing options in the City. The re-purposing of an existing building for this purpose is also in line with aspects of the OCP sustainability objectives. The proposed rezoning to permit residential land-uses is supportable based on advancing the aforementioned OCP objectives. Staff recommend that Council consider supporting this application.

ALTERNATE MOTION

That Council decline Application No. 00554 for the property located at 345 Quebec Street.

Respectfully submitted,

Miko Betanzo, Senior Planner - Urban Design

Development Services

Jonathan Tinney, Director

Sustainable Planning and Community

Development

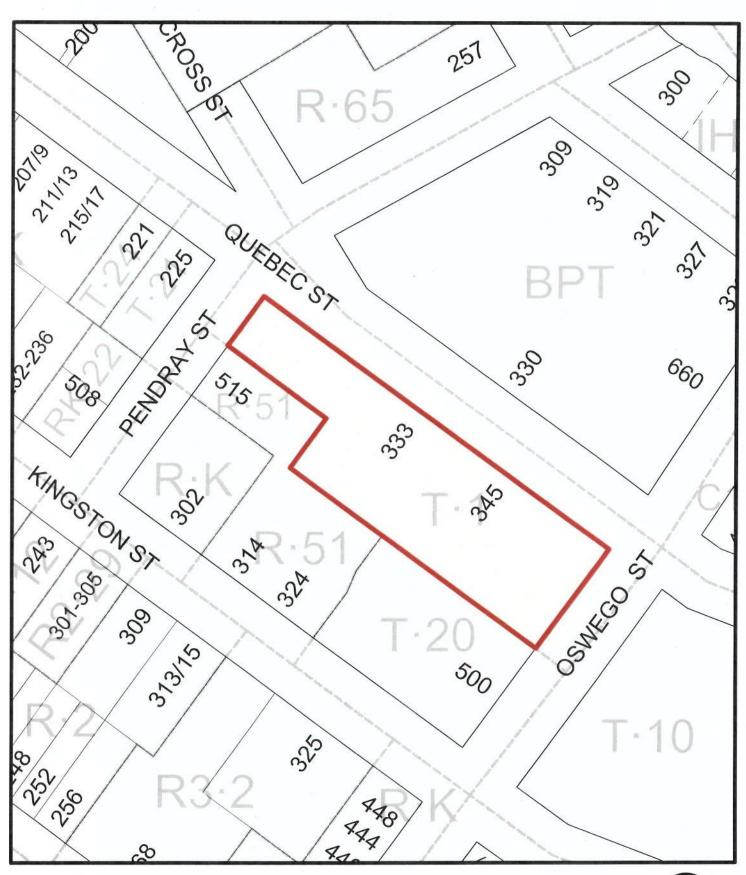
Victoria City Council - 07 Sep 2017

Report accepted and recommended by the City Manager:

M.

List of Attachments

- Subject Map
- Aerial Map
- Plans, dated June 5, 2017
- Letter from applicant to Mayor and Council, dated February 9, 2017
- Community Association Land Use Committee Comments, dated September 19, 2016
- · Parking Demand Study, dated August 17, 2016
- Sewage Flow Calculation report, dated April 3, 0217
- Housing Agreement email from Applicant, dated March 6, 2017.





345 Quebec Street
Rezoning #00554 & Development Permit #000491





345 Quebec Street
Rezoning #00554 & Development Permit #000491

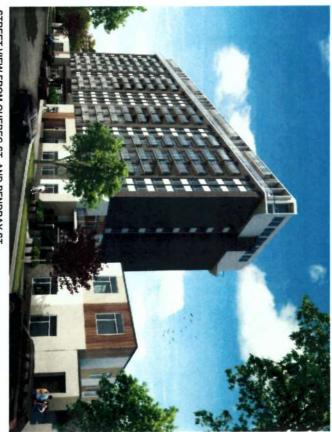
COURTYARD VIEW TO SOUTHEAST







STREET VIEW FROM QUEBEC ST. AND PENDRAY ST.





COURTYARD VIEW AT POOL

OMICRON ARCHITECTURE ENGINEERING CONSTRUCTION LTD.

JUN 0 5 2017 Gry of Victoria COVER PAGE

Planning & Development Department Community Planning Division

HARBOUR TOWERS LIMITED PARTNERSHIP

HARBOUR TOWERS RENO, VICTORIA 345 QUEBEC ST, VICTORIA, BC V8V 1W4

Page 108 of 463

LOCATION PLAN

TSIEB

SUITE MIX



SECOND FLOOR DEMOLITION PLAN
SECOND FLOOR DEMOLITION PLAN
PARKING FLOOP PLANS. PENDRAY ST. LOT
PARKING LEVEL P1 & P4 FLOOR PLANS
PARKING LEVEL P1 & P5 FLOOR PLANS
AROUND FLOOR PLANS
SECOND FLOOR PLAN
SECOND FLOOR PLAN
S

LEGAL DESCRIPTION GOVERNING BODIES:

DRAWING LIST - ARCHITECTURAL A0.0.0 COVER PAGE A0.0.1 PROJECT INFORMATION A1.0.0 SITE SURVEY

BUILDING ELEVATIONS - PROPOSED ENLARGED ELEVATIONS - PROPOSED ENLARGED ELEVATIONS - PROPOSED 6TH - 11TH FLOOR PLANS 12TH & 13TH FLOOR PLANS ROOF PLAN

BUILDING SECTIONS 3D BUILDING ISOMETRIC ELEVATIONS

DRAWING LIST - LANDSCAPE L1 LANDSCAPE PLAN

DRAWING LIST - STRUCTURAL S2.0.5 SECOND FLOOR STRUCTURAL DEMOLITION PLAN S2.0.6 THIRD FLOOR STRUCTURAL DEMOLITION PLAN

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CONTACT INFORMATION

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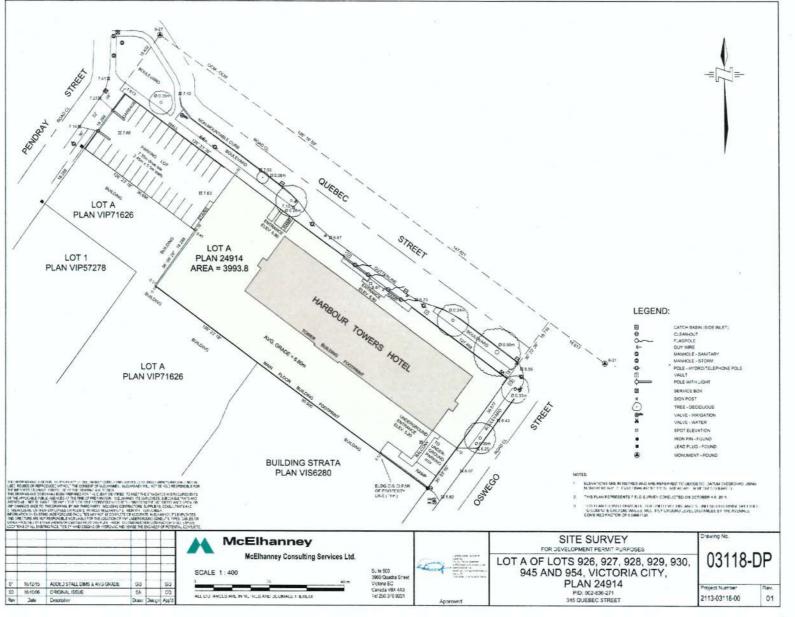
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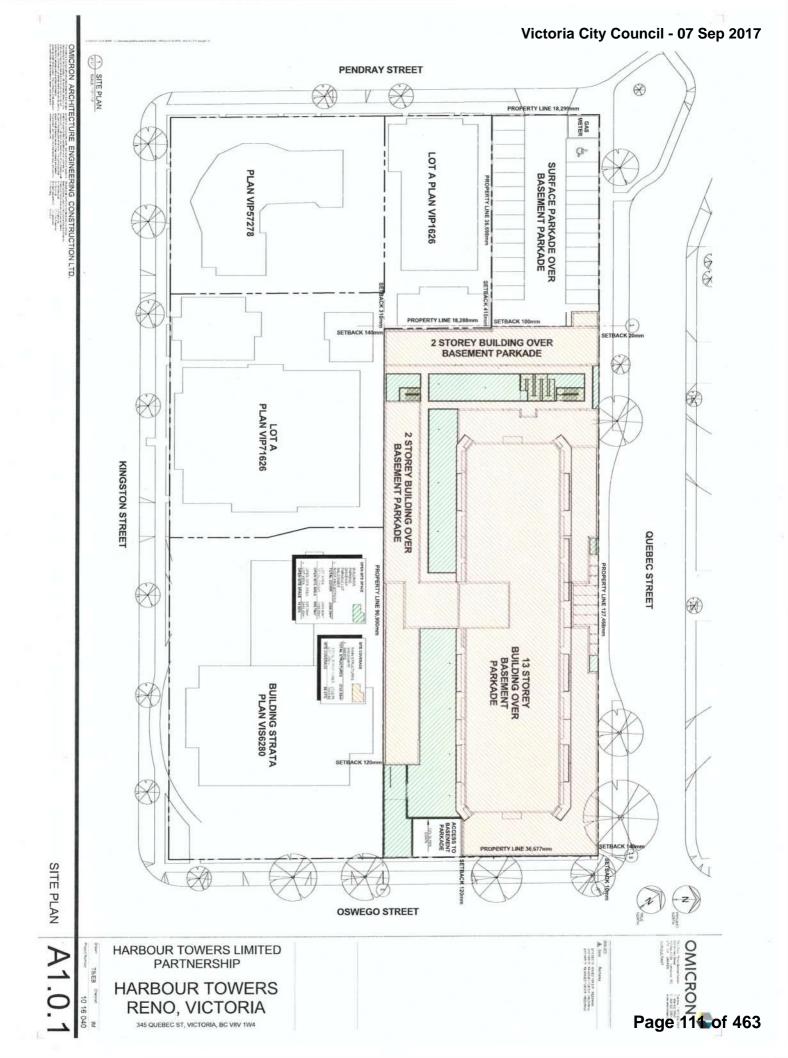
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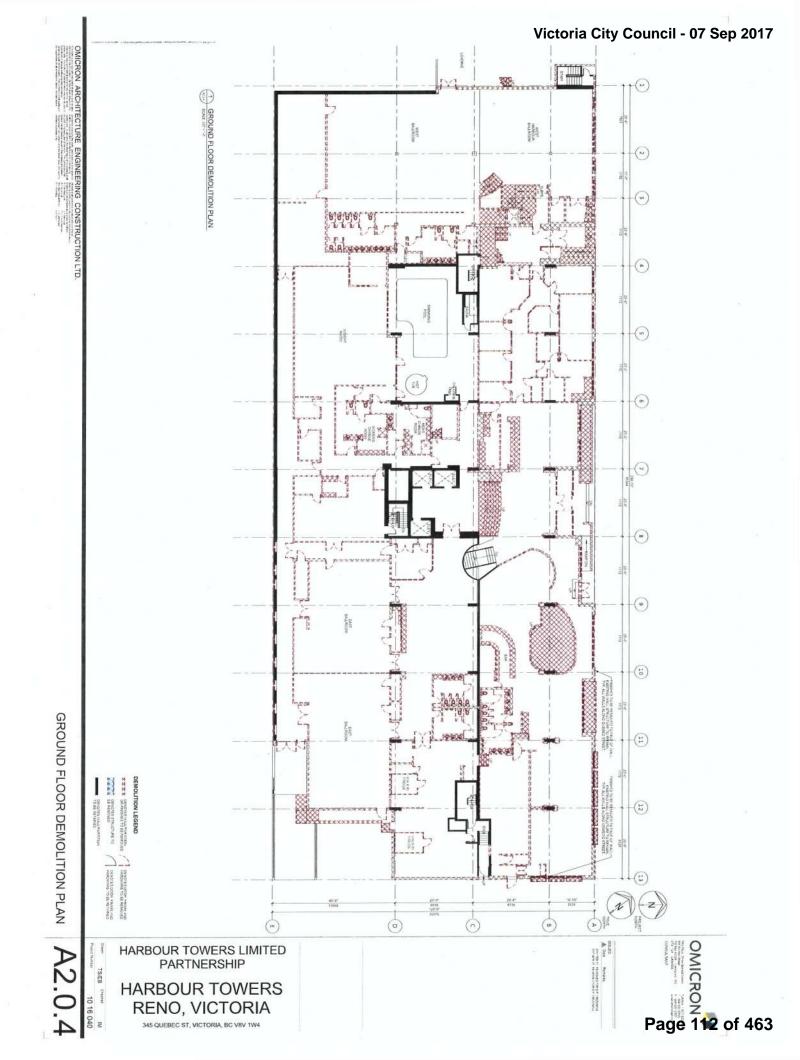
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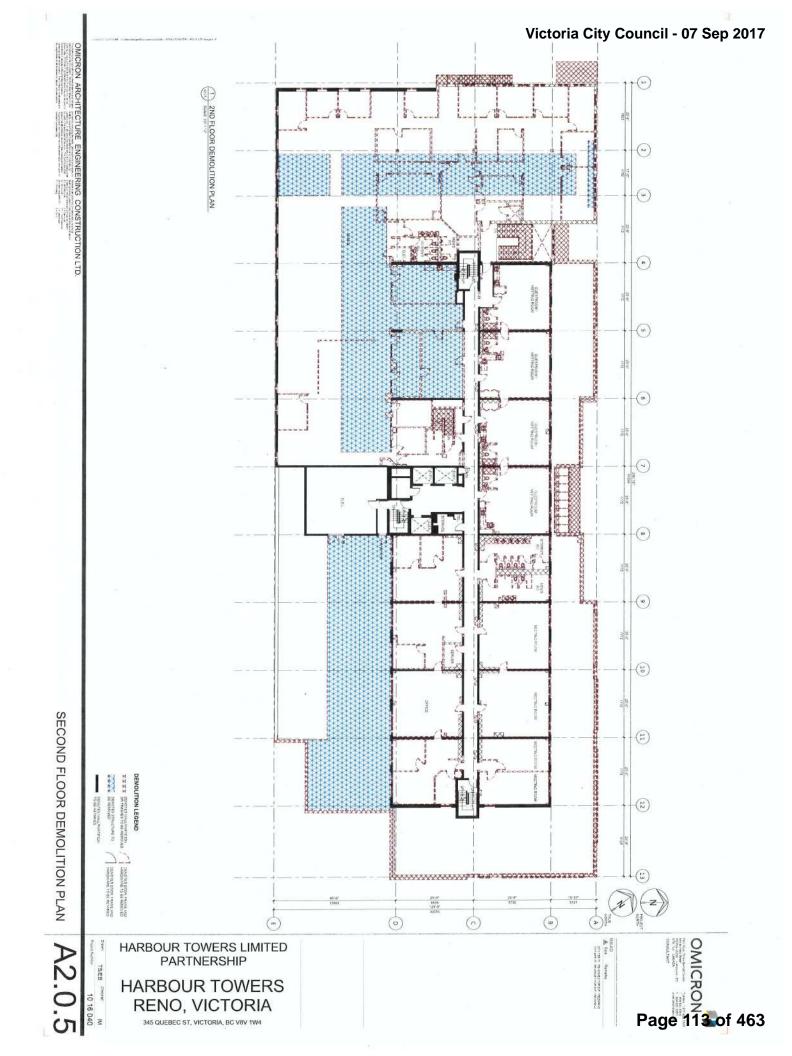
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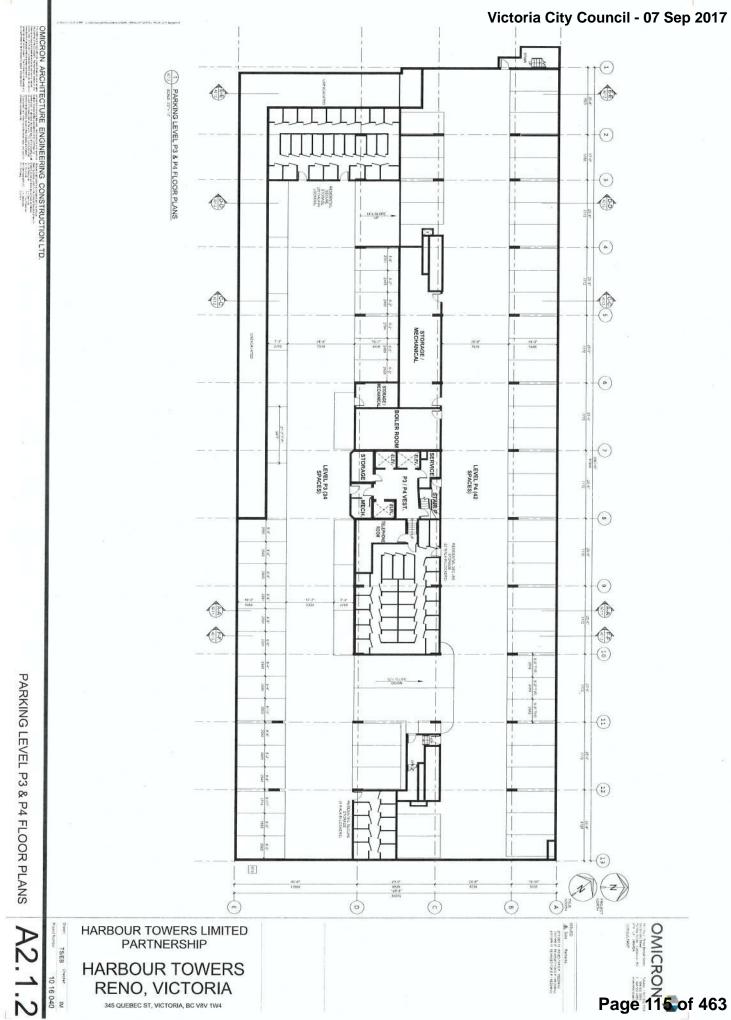


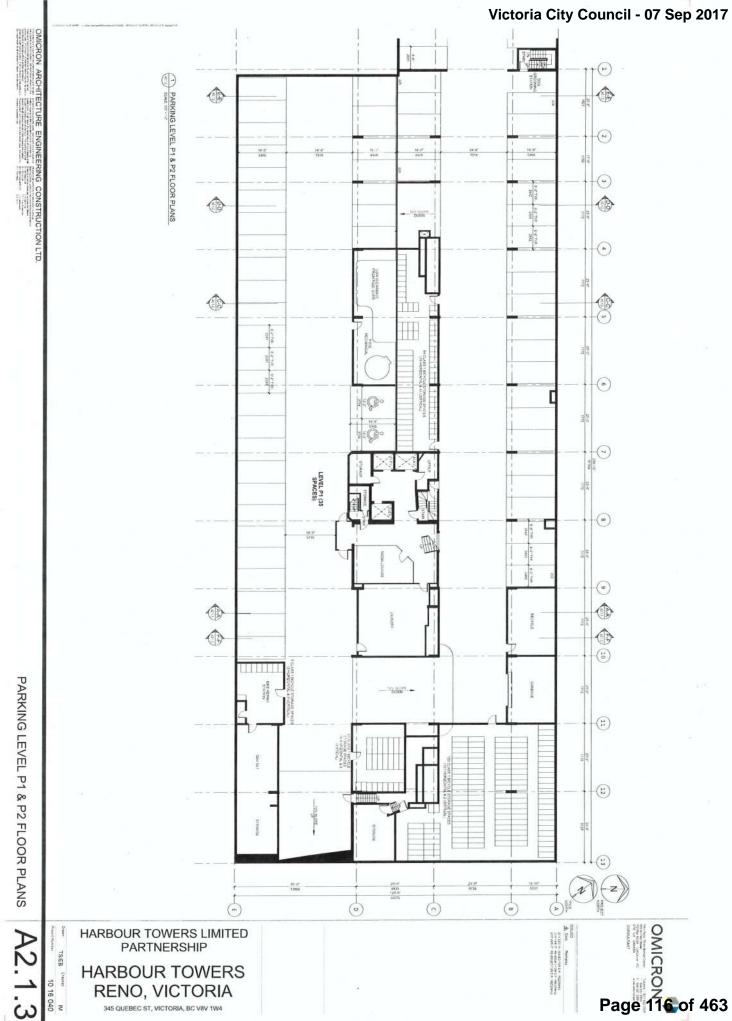
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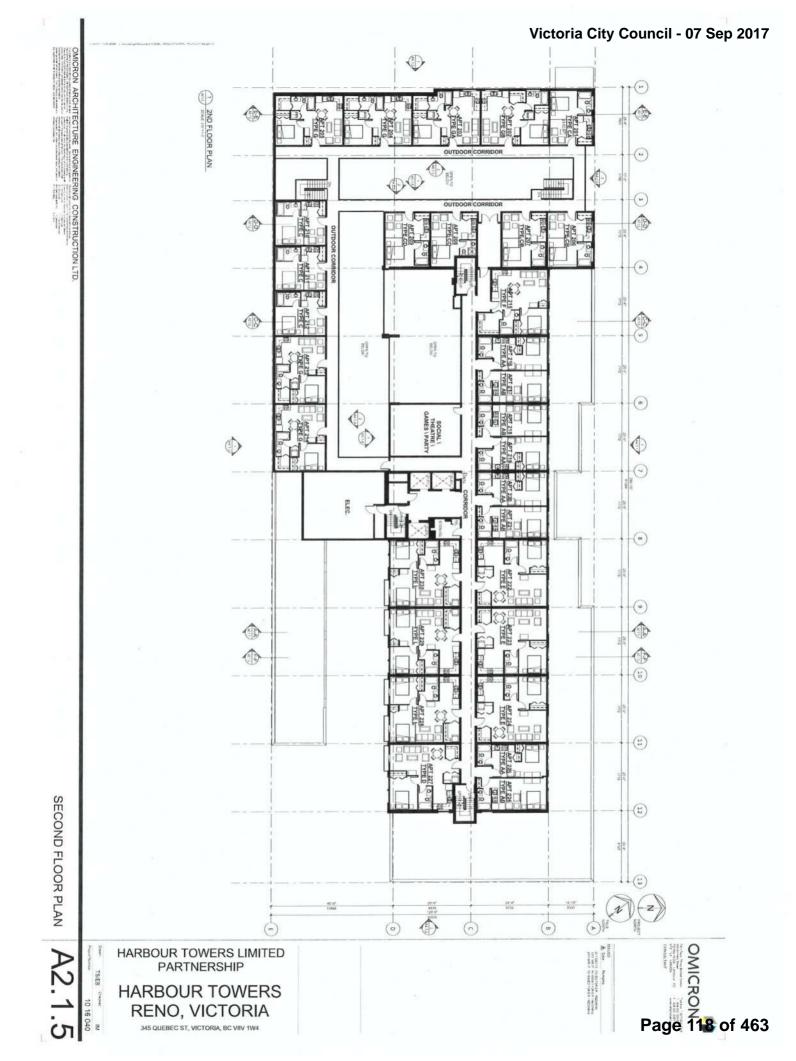
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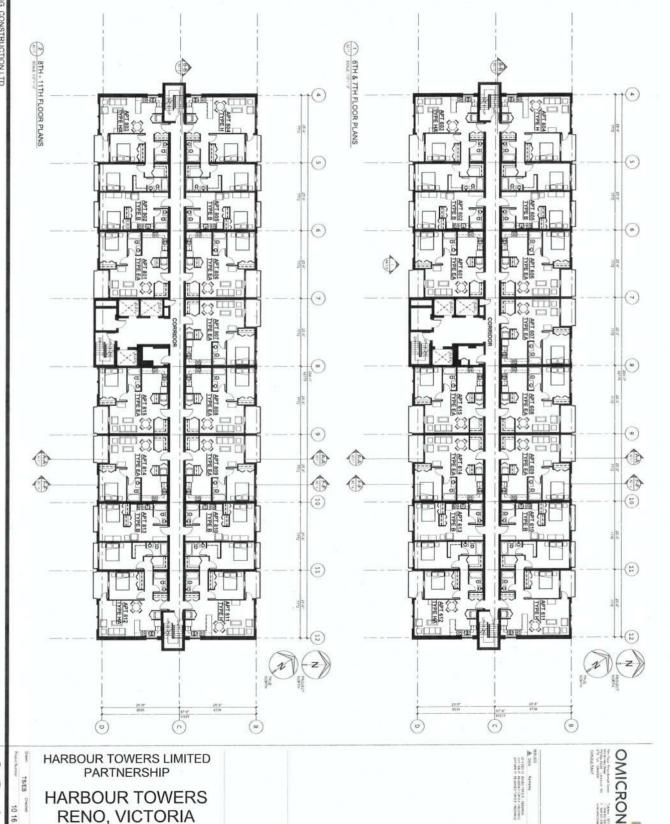
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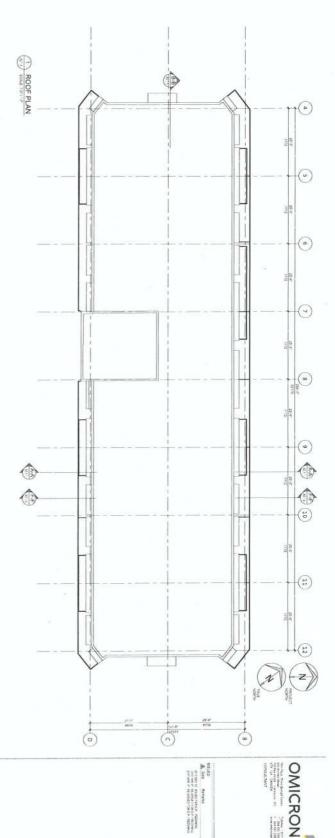
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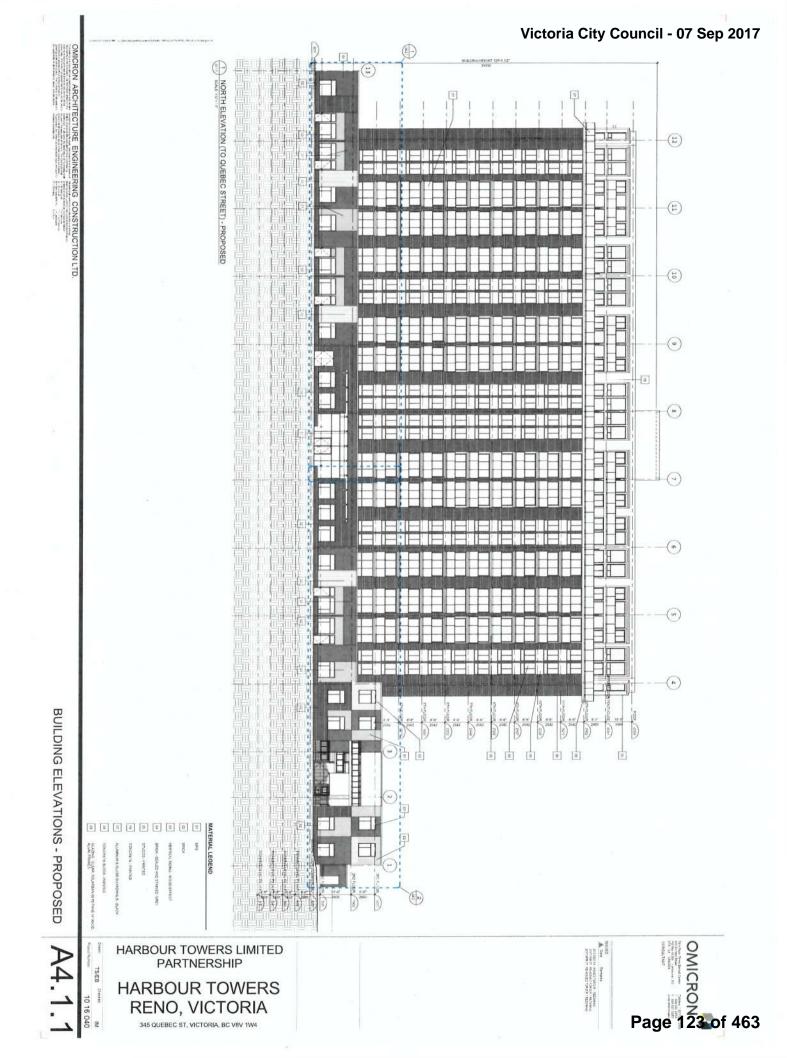


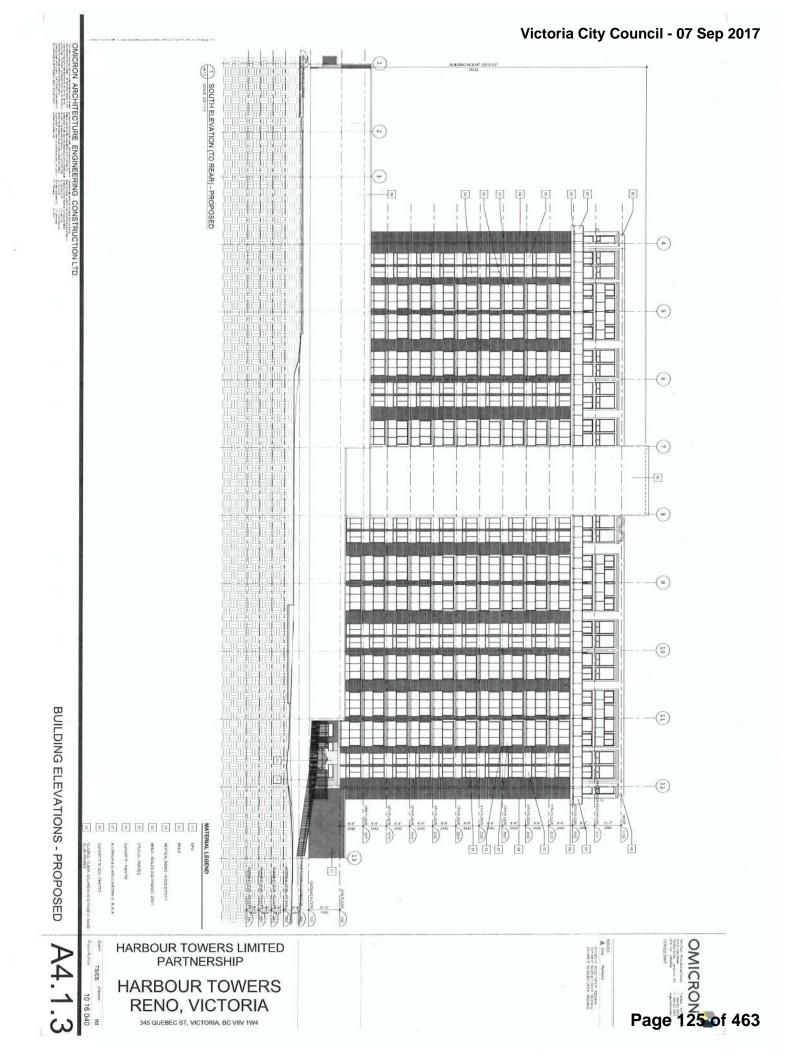
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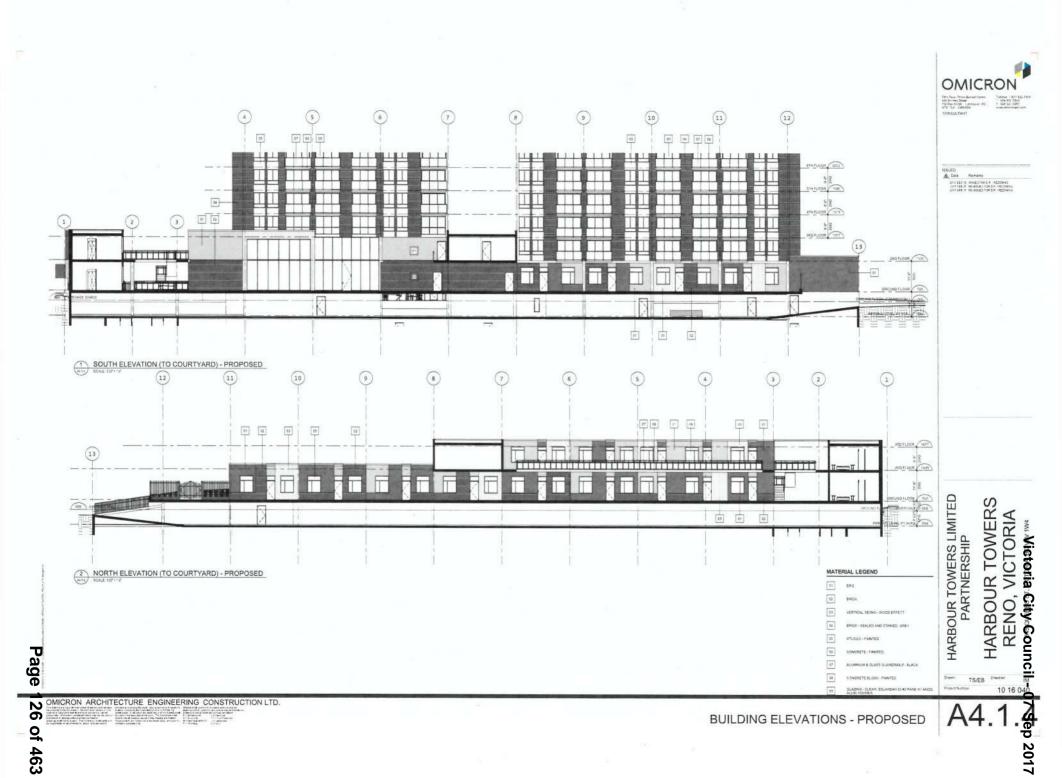
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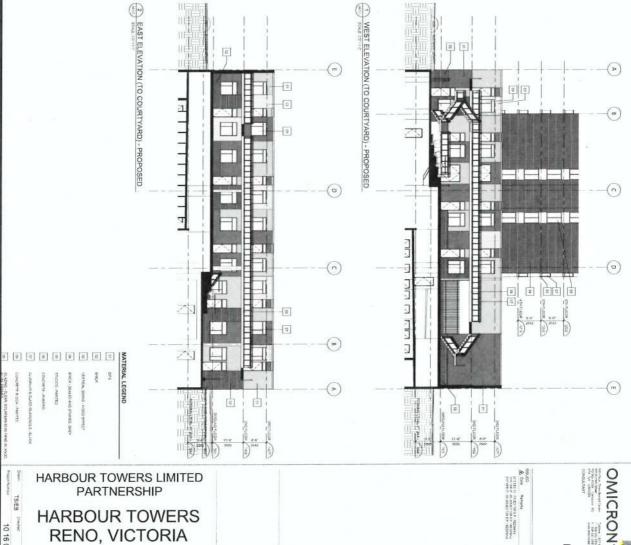




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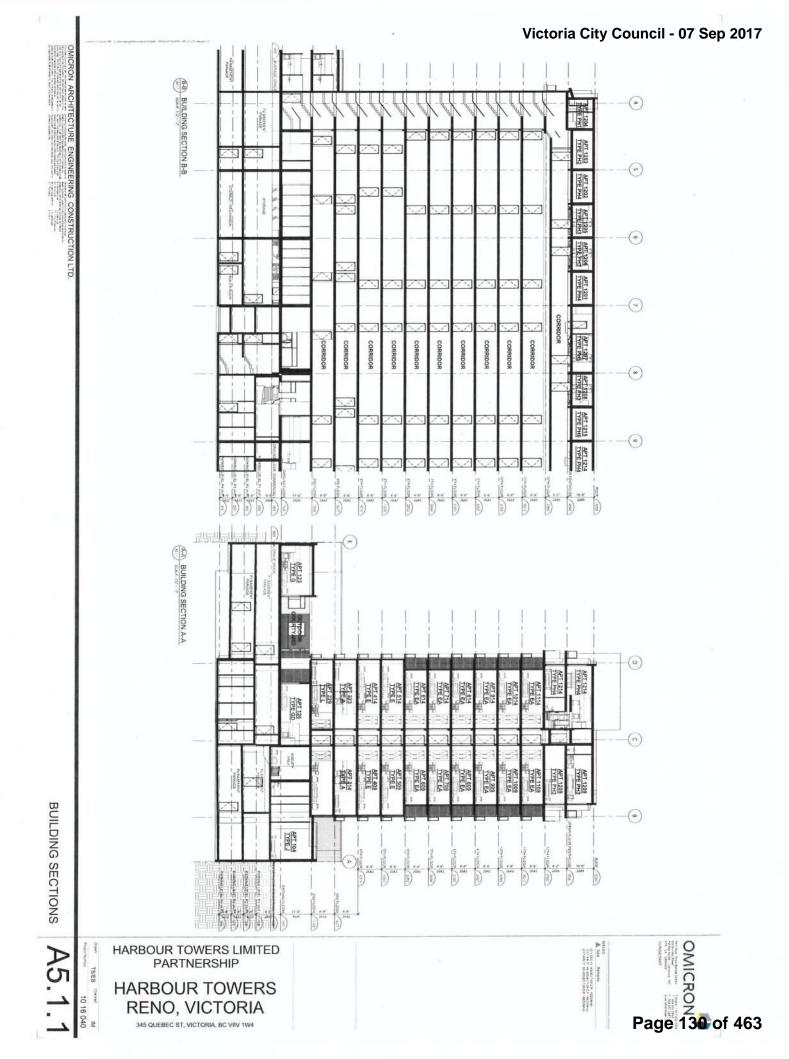
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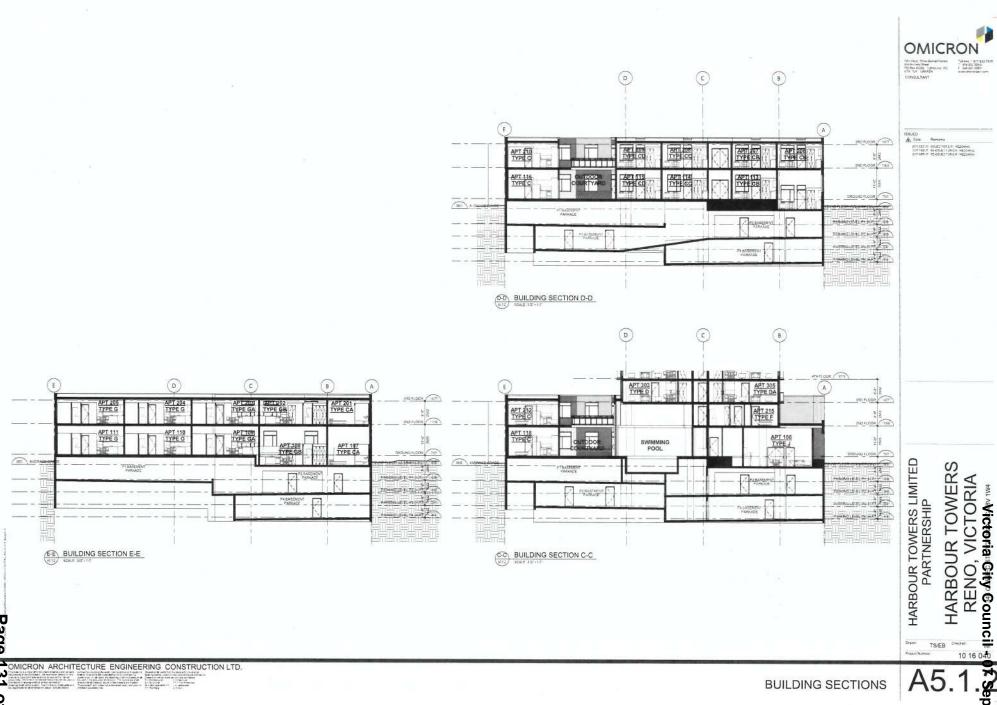


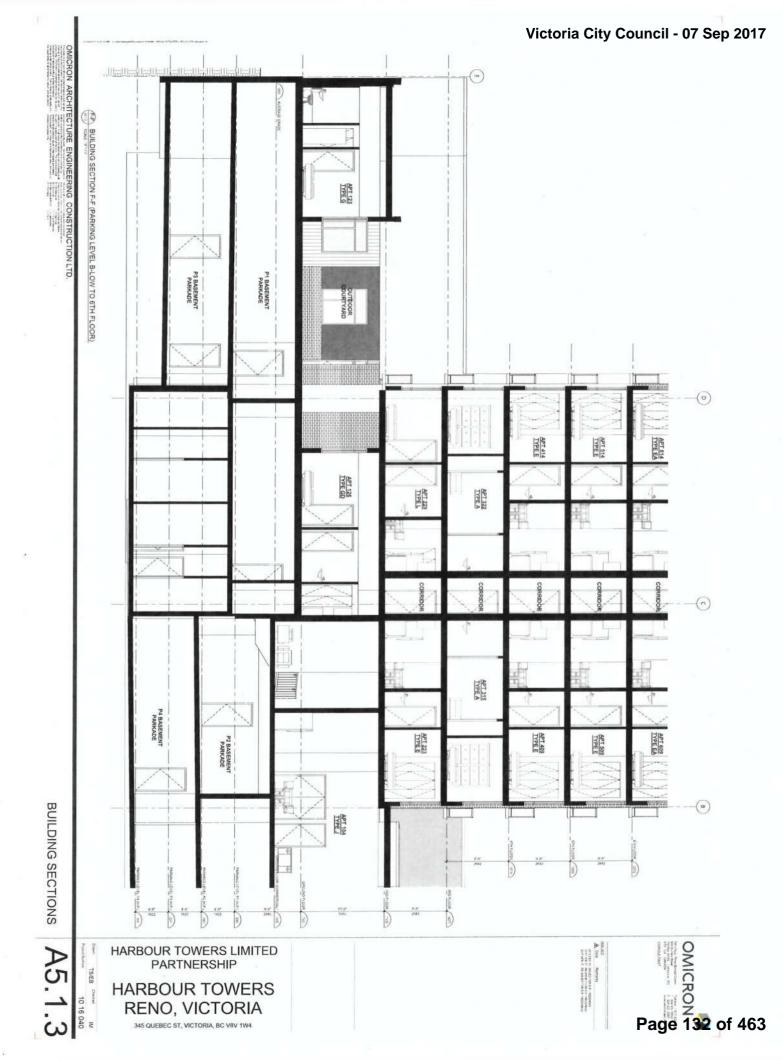
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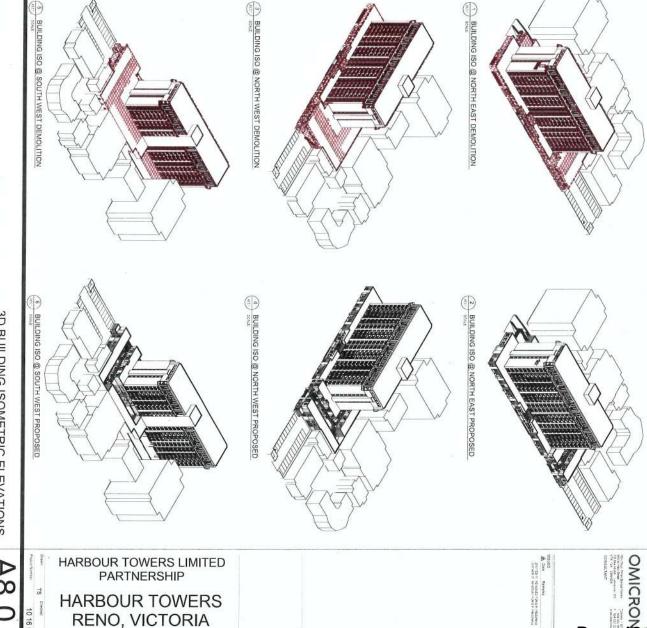
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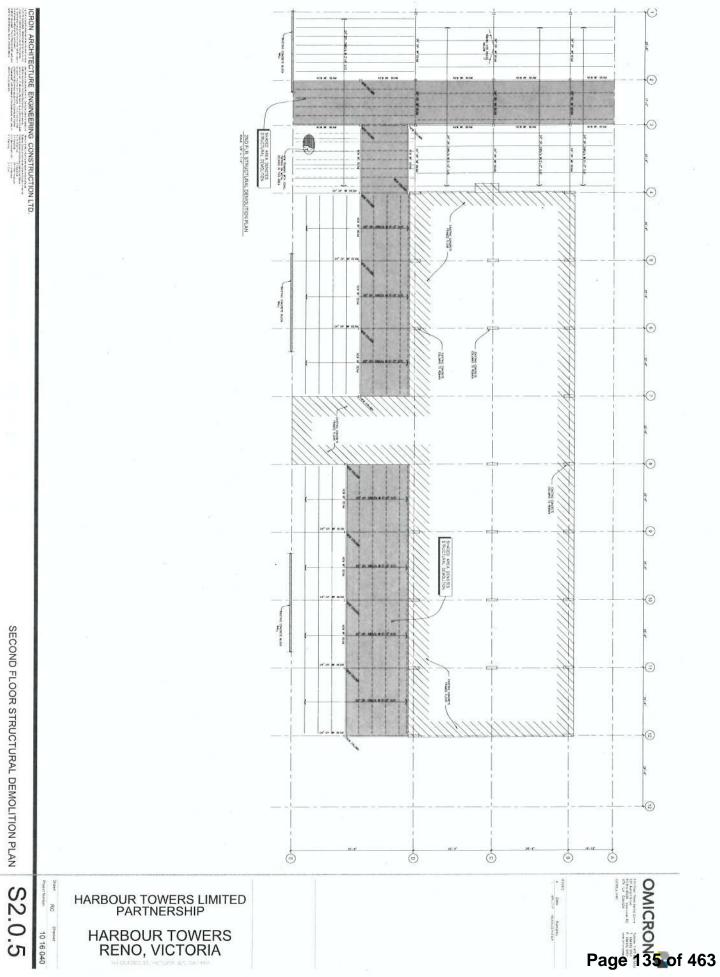
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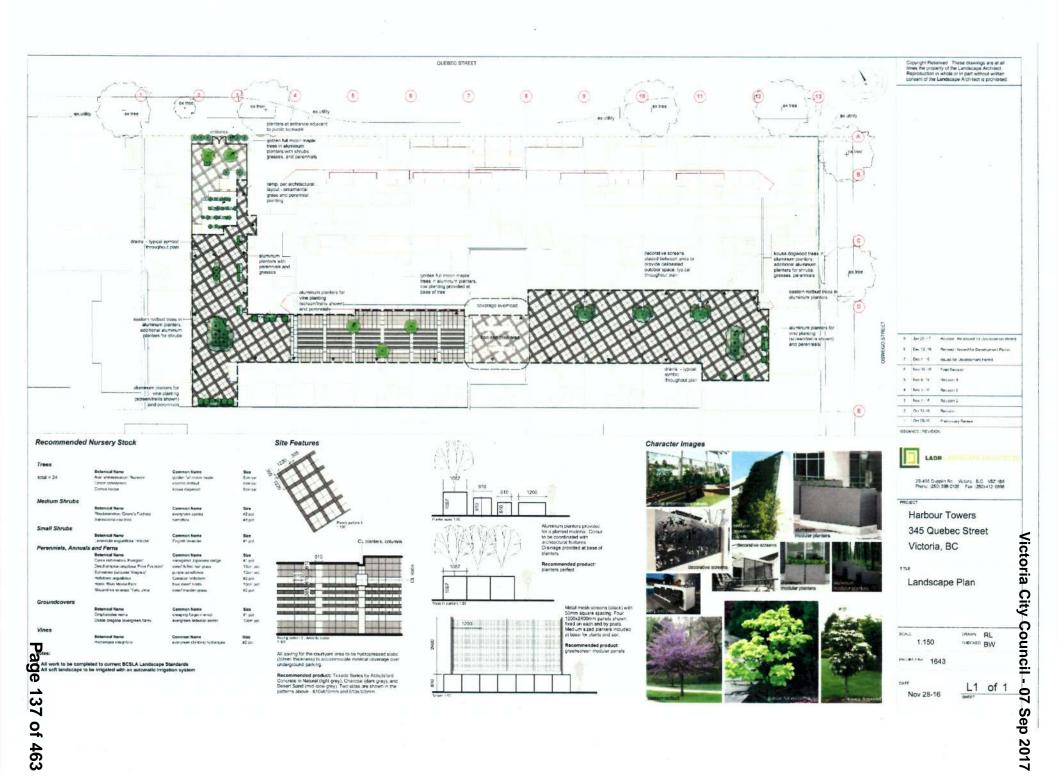
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February 9, 2017

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

Dear Mayor and Council,

Re: 345 Quebec Street – Rezoning and Development Permit Application to Convert a 13 Storey Hotel to Rental Apartments

We are proposing to convert the existing 13 storey Harbour Towers Hotel into residential rental apartments. Currently the hotel is operating with 189 hotel rooms on levels 3-12 and in the lower podium (Ground and 2nd Floor) there is 18,661 ft² of meeting space and 15,000 ft² of vacant office space (5,000 ft² of which was recently converted to meeting space) as well as a restaurant, pool, gym and reception desk. There are 177 off-street parking stalls available on 2 levels of underground parking and a surface parking lot west of the tower. The building is currently zoned T-1 (Transient Residential) and we are applying to rezone to Residential to allow rental.

The conversion would involve demolition of a section of the lower two floors along the south and west side to create an interior courtyard with entrances off of Quebec Street and Oswego Street. The pool would be retained and would be open through full height glazing to the new interior landscaped courtyard. The new residential units on the Ground and Second floor would open onto either the new courtyard or Quebec Street. Floors 3-13 will be reconfigured into Studio, 1 bed, 1.5 bed and 2 bed rental units varying in size from 26m² to 122m² with two level apartments on the 12th Floor. There will be a total of 219 dwelling units, 179 off-street parking stalls, 219 Class 1 bicycle stalls, a bicycle repair station and 1- Class 2 six bicycle rack. Each dwelling unit will be provided with storage either in a locker in the below grade area or within the unit.

This project will help to address a need for rental housing in Victoria and the James Bay Neighbourhood. Rental vacancy rates in the City of Victoria are 0.5% and the projected job growth in the Capital Region between 2012 and 2022 is projected at 14,736. The conversion conforms to the OCP as the area is already a mix of Residential and Transient Residential. The direct benefits to the neighbourhood

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Fifth Floor Three Bentall Centre 595 Burrard Street PO Box 49369 Vancouver BC V7X 1L4 Canada

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Principals
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Cameron J, Kemp P Eng.
Tim Loo P Eng. C.P.
Ivica Marinic Architect AIBC
Alexander Riftin P Eng.
George R, Sawatzky AScF
Bill Tucker P Eng.
Doug Vincent P Eng. C.P.
Pablo Yuste Architect AIBC





include; the introduction of 219 new rental units, improved views from neighbouring properties with lower floor windows on the south and west property line being infilled and the introduction of a new landscaped courtyard where there is currently a lower roof with large mechanical rooftop units, a new more inviting streetscape along Quebec Street and Oswego Street, an increase in off-street parking and a reduction in large vehicle traffic and noise.

Given that the form and massing of the building are existing, the proposed renovations have included the following design elements to address the Design Guidelines for: Multi-Unit Residential, Commercial and Industrial, July 2012:

Area-wide context and transition between areas

- The existing building has a lower podium (two storey at west end and one storey at east) that provides a
 transition in its form and massing to the lower and smaller scale residential buildings adjacent to the south
 and west.
- We are improving privacy to the adjoining properties by infilling the existing glazing on the south and west property line on the Ground and Second floor. This will have a positive impact on the privacy of the lower floor units of the Oswego Hotel, 314/324 Kingston Street and 515 Pendray Street.

Streetscape, relationship to the street and orientation

- There are variations in height along Quebec Street as the building steps from one storey to two storeys as you move west.
- The new façade along Quebec Street and Oswego Street introduces new glazing and modern durable finishes.
- As a corner property the new finishes contribute to the streetscape on both Quebec Street and Oswego Street.
- The renovated building is better oriented to the street with new suite entrances to the Ground floor suites off
 of the sidewalk on Quebec Street as well as a new courtyard entrance on both Quebec Street and Oswego
 Street. These entrances provide views from the street into the new landscaped courtyard. The courtyard will
 be a vibrant gathering place for residents and will feature amenities such as a pool, hot-tub, seating and a
 covered barbeque area.

Human scale, massing, height and architectural features

- The podium base along Quebec Street and Oswego Street is being re-clad with modern durable finishes
 articulated with new glazing and suite entrances.
- Design elements from adjacent buildings are being incorporated where possible such as the aluminum and glass guardrails on the Oswego Hotel
- The dated arches at the top of the tower and curved glass canopy at the main entrance are being replaced with more contemporary linear elements.
- All garbage and recycling will be stored below grade and will not be visible from the street. The gas meter located at the northwest corner of the suite is screened from view.

City of Victoria – Mayor and Council Re:345 Quebec Street - Conversion to Rental Apartments Date: February 3, 2017 Page 2 of 5

- A large section of the podium along the south and west side of the building is being demolished to create a
 new interior courtyard that will provide natural light to the lower suites and a gathering place for tenant
 activities. The courtyard will have direct access to the pool and hot-tub.
- All existing balconies will be retained and the second floor suites will have a walkway overlooking the courtyard.

Exterior finishes

- High quality durable finishes capable of weathering gracefully will be incorporated along the street. New
 finishes include brick, metal panel and EIFS. New double glazed thermally broken windows will be installed
 at the podium. The glazing will be clear except for a slight tint from the low E layer of glass. This will allow as
 much light as possible into the units. Courtyard exterior walls will receive similar finishes.
- The tower finishes will remain the same; however, the brick will be stained and sealed and the stucco will be repaired and painted. All new double glazed sliders and punch windows will be installed in the existing locations in the tower.
- New dark coloured aluminum and glass guardrails will be installed at all balconies. These will be similar in colour and style to the guardrails on the neighbouring Oswego Hotel.

Open spaces and landscaping

- A portion of the podium will be demolished to create an L-shaped interior courtyard on the south and west side of the tower. This will allow units to open onto the courtyard, access natural light and provide opportunities for landscaping and open spaces.
- The landscape design includes plant material that is commonly used in projects in the Victoria area. We have
 considered site specific conditions (specifically the requirement for planters/raised beds only) when choosing
 tree species; we have included small deciduous trees that have success in container planting conditions. The
 planting scheme provides seasonal interest and considers natural light levels around the site.
- All of the existing trees and boulevard along Quebec Street and Oswego Street will be preserved during construction.

Lighting

- Both the building face and the courtyard will be down-lit with building mounted fixtures and have good cut-off to prevent light pollution.
- All new lighting will utilize energy efficient LED sources.

Universal accessible design and safety

- Due to an existing step in the Ground floor a lift is required to access the elevator lobby. The elevators
 provide access to all floors (P-3 through 11). There is no universal access to the 12th floor due to an existing
 step in the floor.
- There is access to the landscaped courtyard from Quebec Street and Oswego Street via a ramp and there is
 access from the courtyard to the Ground floor elevator lobby. The new ramp off of Quebec Street is
 integrated into the courtyard landscaping.
- · Lighting and security will be improved in all below grade areas and in the new courtyard.
- · New windows along Quebec Street will provide "eyes on the street".

Parking

- Only 24 of the 179 off-street parking stalls are surface parking. The surface parking lot, located at the
 northwest corner of the site, will get a new membrane and concrete topping. The surface parking lot is
 fenced along the property line and screened from the street.
- The entrance to the underground parking is located on Oswego Street. The entrance is set back from the street and a new security gate will be installed. The entrance to the surface parking is off of Pendray Street.
- All bicycle parking will be located below grade except for the Class 2 rack that will be located at the Oswego Street entrance to the courtyard.
- 219 secure bicycle parking stalls will be provided to promote cycling as an alternate mode of transportation.

Access and circulation

- The driveway entrances to the underground parking and surface parking exist and will not be re-configured as part of this project.
- · The main building entrance and courtyard entrances will be free of vehicle traffic.

Loading and service areas, ancillary mechanisms and unenclosed storage

- Access to on-site loading and service areas will be off of Oswego Street. Service vehicles under 2.0 m in
 height will have access to the underground parking. Larger service vehicles can use the surface parking lot
 off of Pendray Street. All tenant loading will be via the Oswego Street entrance to the underground parking
 and all loading will be via the elevator lobby on the P1 level.
- All of the existing large roof top units located on the lower (podium) roof will be removed and no large RTU's
 will be installed. Any mechanical units located on the upper roof will not be visible above the parapet from
 any neighbouring buildings.
- The electrical meter is not visible from the street and the gas meter is contained in a screened enclosure at the northwest end of the surface parking lot.

Prior to the CALUC meeting we had two meetings with the James Bay Community Association (JBCA) Executive to discuss our proposed conversion. The two issues that came out of the meetings were; the ratio of off-street parking stalls/unit and the need to address the closed off nature of the existing building to Quebec Street.

To address the parking and bicycle parking issue we engaged Bunt and Associates to conduct a Parking Demand Study and provide recommendations on off-street parking, bicycle parking and other Transportation Demand Management measures. Their study was based on data gathered from 13 rental buildings in James Bay or adjacent to James Bay in 2012. Their recommendation was to use a ratio of 0.65 stalls per unit plus 0.05 stalls/unit of visitor parking for a total of 153 stalls. They also recommended 219 Class 1 bicycle stalls and a bicycle repair station. The JBCA felt this was not sufficient but understood that we are working with an existing building with limited area to be shared between parking, bicycle parking and tenant storage. They felt that if we could achieve a parking ratio of at least 0.8 it may be supportable. We reconfigured the below grade areas and were able to achieve 179 parking stalls

City of Victoria – Mayor and Council
Re:345 Quebec Street - Conversion to Rental Apartments

Date: February 3, 2017

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for a ratio of 0.81 and provide 219 bicycle parking stalls. This is what was presented at the CALUC meeting. Although this is well below the current Schedule C ratio of 1.3, it should be noted that the building is on the border of the Core Area and based on the Proposed (Draft) Schedule C on the City's web site for the Core Area this building would require 141 parking stalls. The proposed rental building would eliminate the traffic and noise associated with large truck deliveries and tour/team buses arriving at the front entrance on Quebec Street often in the evenings. It would also greatly reduce surges in traffic volume associated with the start and end of large conferences.

In order to open the building up to the neighbourhood we have created new Ground floor apartments with entrances off of Quebec Street and the entire podium will be re-clad with new modern finishes and new glazing. The new interior landscaped courtyard will open to both Quebec Street and Oswego Street and a new ramp will provide handicapped access to the courtyard and Ground floor apartments. The tower will also have exterior improvements and updates including all new low E double glazing, new aluminum and glass guardrails and new exterior colours. The drawings and presentation were well received at the CALUC meeting and most responses were positive and in support of the project.

Upgrades to the building will include improvements to life safety and energy performance. The renovated building will be fully sprinklered (currently only the Parking levels, Ground and 2nd Floor are sprinklered), have a new fire alarm system, new fire rated doors on the exit stairs and improved accessibility. Energy efficient lighting and low flow plumbing fixtures will be used throughout and the mechanical systems will be replaced with new higher efficiency systems. Safety in the below grade areas will be improved through the addition of a security gate, improved lighting levels and cameras. The new courtyard will add landscaping and create a community gathering/socializing space for the tenants.

We seek your support for this project as we feel it addresses the needs of both the City and the Neighbourhood by providing much needed rental units of varying sizes and a new vibrant residential community more connected to its neighbours.

Yours truly,

OMICRON ARCHITEÇTURE ENGINEERING CONSTRUCTION LTD.

Doug Vincent, P. Eng., CP, LEED AP

Principal

City of Victoria - Mayor and Council

Re:345 Quebec Street - Conversion to Rental Apartments

Date: February 3, 2017

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James Bay Neighbourhood Association

jbna@vcn.bc.ca Victoria, B.C., Canada www.jbna.org

September 19th, 2016

Mayor & Council, City of Victoria

Re: CALUC Community Meeting - 345 Quebec St - Harbour Towers

The community meeting to consider the 345 Quebec St (Harbour Towers) proposal with was held on September 14th (71 attendees). Attached please find an excerpt of the General Meeting minutes regarding the proposal.

Meeting participants expressed both positive and negative opinions on the project; however, a distracting, but not directly related, issue dominated, namely long-standing and worsening traffic issues associated with traffic loads on Oswego and Superior.

Positive comments included the significant addition of rental units to the housing stock in James Bay and the innovative repurposing of the hotel. Negative comments, in the main, referred to the parking shortfall.

For your consideration,

Marg Gardiner, President, JBNA CALUC Co-Chair

Cc:

Doug Vincent, Principal, OMICRON Ivica Marinic, Architect, Principal, AIBC CoV Planning

EXCERPT from JBNA September 14th, 2016 Minutes

JAMES BAY NEIGHBOURHOOD ASSOCIATION MINUTES - General Meeting September 14th, 2016 – 71 present

6. Development Proposal: 345 Quebec Street CALUC Harbour Towers rezoning

Doug Vincent, Principal, OMICRON Ivica Marinic, Architect, Principal, AIBC

Marg Gardiner reported on the Development Review Committee (DRC) pre-meetings:

April 18: Tim VanAlstiine, Trevor Moat and Marg Gardiner met with Mssrs Vincent and Marinic to discuss the future of Harbour Towers and preliminary drawings for a residential complex; however, property owners had not yet determined the direction for the complex.

<u>Initial concerns raised include:</u> Parking; Size of smallest suites and storage for residents; Street façade particularly on Quebec Street.

August 22: Wayne Shillington, Tim VanAlstiine, Trevor Moat and Marg Gardiner met with Mssrs Vincent and Marinic to discuss the proposal. Changes made included a more inviting "residential" façade along Quebec Street, and further definition of suites and parking.

<u>Concerns raised include</u>: Parking was still very low at about 0.75; Discussions revolved around possible ways of addressing the parking issue including fewer suites and redesigned bicycle parking and car-share.

Community Meeting presentation:

Building currently zoned transient residential – hotel – want to rezone to residential for rental apartments. Built in 1972 originally as a rental building but changed to a hotel. Much of the building is as originally built – no major upgrade in last 20 yrs. Extensive work will be required to rejuvenate the building to extend its life expectancy for another 30 yrs.

Current residential rental vacancy rate in Victoria 0.6%. 24% of condo in GVRD are rentals. Propose 219 suites, with 219 bike stalls and 179 car stalls and with storage spaces for all 219 suites (larger suites will have in-suite storage, while smaller suites will have storage areas in the parking levels of the building.

Will be stripping building down to bare concrete. Building envelope will be replaced, windows, no major change to most of building façade other than exterior colour.

Questions/comments:

- Q: Will there be a children's playground
- A: No
- Q: Cook St village resident: will be building to code, seismic upgrade?
- A: Will do as close as possible however there are some things that can't be address no seismic upgrade required.

Q/A priority to those who live within 100m of 345 Quebec

- Q: Near-by Polo Pacific resident: Polo has the greatest number of residents closest to Harbour Towers and since the Strata AGM same night, many residents could not attend. Is the 24 space parking lot to west included in total count of parking spaces?
- A: Yes, will include visitor parking
- Q: Will banners or bright lights remain on building current Harbour Towers sign creates is a problem with Polo residents?
- A: Can't answer at this time, hadn't considered it. Now aware of issue.
- Q: Will you use 24 stall parking space for construction material, supplies, vehicles?
- A: Doesn't know earliest possible construction would start in 2017. These decisions would be made by others if project proceeds.
- Q: Near-by resident: Units from 285 sq ft, is this less than current by-law requirement?
- A: Doesn't know what current requirement is

- Q: Near-by resident: What is target demographic?
- A: There is no target demographic open to anyone who wishes to rent
- Q: 268 Superior resident: what is time line?
- A: Hasn't made an application to City for a development permit as yet, earliest possible fall 2017 with a building out over 20 months.
- Q: Near-by resident: What will be the rental rates?
- A: Market
- Q: Near-by business Oswego Hotel: Where will courtyard be located? What will we see?
- A: What you see now is the windows along the wall facing the Oswego. The windows will be filled in and you will see a flat roof. The entrance to the open courtyard will be off the entrance to the parkade, near the Oswego Hotel.
- Q: Near-by resident: will there be condos?
- A: No, proposal is all market rentals
- Q: Near-by Kingston St resident: Amount of parking doesn't seem to be sufficient. Impact on employment from hotel to rental what will happen to those employees?
- A: Parking was identified as an issue when we met with the JBNA committee. Off-street parking is an issue but is an existing building and there is only so much space and has to be shared with bike stalls and storage spaces. Proposal now suggests parking at 0.81. City will be making changes and now suggesting 0.78 will be set for James Bay.
- Q: Near-by Quebec St resident: traffic flow the intersection is very busy very concerned about the increase in traffic from the building. Any thought for an entry entrance to be relocated? (Also a problem with no stop signs at Oswego/Quebec)
- A: It's not possible to change access to the underground parking on this existing building.
- Q: Near-by Oswego/Superior resident: Has construction fatigue feels presentation is vague would appreciate if made a presentation that really understands community.
- A: Would agree to differ.
- Q: Near-by Pendray resident: What is the number of 1 & 2 BR suites?
- A: < 300 sq ft x 20, 350-425 sq ft x 40, everything else will be 1 & 2 BR plus penthouse units

Q/A open to those further away from notification area

- Q: Toronto St resident: Commend proposal will add a large number of rental units
- C: Superior St Resident: Moved recently to Victoria from Ottawa. Have seen many development proposals this proposal is one of best have seen innovative proposal will add a large number of rental units seismic upgrade wouldn't be feasible.
- C: Near-by resident: Will not miss [sport] team buses and other negative transportation experiences will not be missed from Harbour Towers welcomes rental
- Q: Concerned won't address moderate incomes. Will there be an asbestos addressed?
- A: There is a requirement under law to contain asbestos removal will be done.
- Q: Is there a possibility of a roof top garden?
- A: No, but have talked about community gardens in the courtyard area
- C: Oswego resident: concern about traffic but supports the conversion to rental; may not be Affordable housing but may free up some rental stock elsewhere in the area.
- C: Pilot Resident: Has spent a considerable time in the hotel for meetings. The building is tired and the proposed reuse is very positive, and will add needed rental units.

Harbour Towers Renovation Victoria, BC Parking Demand Study

Final Report

Prepared for

Omicron

Date

August 17, 2016

Prepared by

Bunt & Associates

Project No.

6141.01



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EXECUTIVE SUMMARY

Omicron is proposing to convert the existing 13 storey 189 unit Harbour Towers Hotel and Suites, located at 345 Quebec Street, into 219 residential rental apartment units. Harbour Towers Hotel and Suites currently also has a street level restaurant; this restaurant will not be retained. All of the public spaces within the building will be converted to residential units and supporting amenities.

City of Victoria zoning for rental attached dwellings require an off-street parking supply of 1.4 spaces per unit (based on Zoning Bylaw Schedule C, Residential A.13) for the proposed residential rental use of this property. Applying this parking rate to the proposed 219 units results in a bylaw required parking supply of 307 vehicle parking spaces.

The purpose of this study is to determine a suitable off-street parking supply for the proposed residential rental project that is specific for this development and location. The intent is to determine an off-street parking supply that would provide a balance between promoting the City's policies and goals of reducing automobile use while not negatively impacting the neighbourhood's on-street parking supply.

The location of the subject Harbour Towers site is within walking distance to numerous social, shopping, and employment opportunities, and is approximately 800m from Victoria's Downtown business area. It is also approximately 800m from the James Bay Village commercial area, the Government Precinct, the Inner Harbour and is well serviced by existing transit, walking and cycling infrastructure. The site is on the border of Victoria's downtown core area which would allow for a 0.7 spaces per unit parking rate.

Bunt collected ICBC vehicle ownership data and conducted an in-depth parking analysis at 13 similar James Bay residential rental buildings in 2012. These 13 apartment complexes are all expected to have similar parking needs as the subject site. That data calculation program included observations regarding the amount of on-street and off-street parking being utilized at the specified buildings during peak resident and visitor parking times. Building / property managers of each apartment complex were also interviewed to discuss the parking supply and parking utilization of their building. It should be noted that the surveyed apartments are all well established complexes with few, if any, TDM measures in place. The average vehicle parking rate for these 13 locations was 0.66 spaces per rental unit. The data shows a range of vehicle ownership from 0.52 to a high of 0.81 vehicles per unit.

The subject site at 345 Quebec Street has a higher proportion of smaller (studio and 1-bedroom) suites in comparison to most apartment complexes reviewed in this study, indicating the subject site may have a lower parking demand than the average rate of 0.66 vehicles per unit.

Considering the dataset of similar rental buildings, and the site's location we suggest that, without any TDM measures being implemented, the tenant related parking demand of the subject project will be

satisfied with 0.65 vehicle spaces per unit with an additional 0.05 spaces per unit for 'visitor' parking. This would translate to an overall 'off-street' parking demand of 153 spaces.

This estimated parking rate for 345 Quebec Street suggests that the City of Victoria's downtown (CA-Central Areas) residential parking rate is likely applicable to other areas within an approximate 500m range of downtown, when they are also near transit and amenities.

Sixty-eight of the 219 units (31%) at Harbour Towers will be studio/ bachelor units. 102 units (47%) will be one bedroom suites and the remaining 49 units (22%) will be 1.5 or 2 bedroom units. If the City of Victoria prefers to forecast parking demand by apartment size we would recommend a parking rate of 0.6 spaces per unit for studio and one-bedroom units, and 1.0 spaces per unit for 1.5 or 2-bedroom units. This calculation method results in a similar estimated parking demand of 151 spaces for residents plus another 11 spaces for visitors, for an overall total of 162 spaces.

To further reduce auto dependency we suggest that the following Transportation Demand Management (TDM) measures be implemented:

- Provide secure on-site bicycle parking for residents and visitors of the 219 rental units that exceed
 City of Victoria bicycle parking requirements for multiple dwellings; that is provide at minimum
 one 'Class 1' space per unit (i.e. secure parking for 219 bicycles) and one 'Class 2' 6 space rack
 at the east entrance to the apartment building, on Oswego Street;
- Provide a bicycle repair station within the buildings' Class 1 bicycle parking area; and,
- Implement a monthly charge for vehicle parking spaces (parking spaces unbundled from unit rental) at market rate.

These TDM measures would contribute to ensuring that the parking needs of the development are met and there is minimal impact on the neighbourhood's adjacent on-street parking supply.

Our analysis indicates a parking variance from bylaw is justified for the proposed 219 unit rental residential development at 345 Quebec Street with a minimum vehicle parking provision of 153 vehicle spaces. This vehicle parking demand is expected to decrease further with the implementation of recommended TDM measures.

BACKGROUND

The subject site is located to the west of Oswego Street on Quebec Street in the James Bay neighbourhood area. The site's location is presented in **Exhibit 1.1.**

Omicron is proposing to convert the existing 189 unit Harbour Towers Hotel and Suites into 219 rental apartments. The existing restaurant use will be replaced with residential units. The 259 rental units are proposed to be supported with 163 parking spaces, 24 of these are at-grade located to the immediate west of the 345 Quebec Street building, the remaining 139 spaces would be in the existing underground parkade, which is accessed from Oswego Street.

Secure bicycle parking will be provided (219 Class 1 spaces) in the parkade.

The building's garbage and recycling loading areas will remain in the parkade.

2. EXISTING CONDITIONS

The site is located along the edge of Victoria's downtown core area (Inner Harbour District). If the site was located on the north side of Quebec Street rather than the south side a 0.7 space per unit parking rate would apply (visitor inclusive).

The site's local area walking, transit and cycling networks are discussed below. At the time of this study (June 2016) Zipcar has two vehicles within a two block radius of the site. Modo also has one vehicle parked in the vicinity of the site.

These site location factors increase the likelihood that many of the tenants of the proposed conversion will not find it necessary to own a vehicle.

2.1 Transportation Context

According to the 2011 CRD Origin and Destination Household Travel Survey', when Victoria South residents are travelling within the South Victoria area during the AM peak hour, 39% of respondents drove, 39% walked and 22% using other travel modes. When travelling within the area during the PM peak hour, 41% drove, 43% walked and 16% used other travel modes. This data indicates that the South Victoria area has the lowest vehicle driver mode split of all CRD subareas; Oak Bay was second where 43% of internal trips were driven in the PM peak hour.

 $^{^{}l}\ https://www.crd.bc.ca/docs/default-source/regional-planning-pdf/transportation/crd-od-survey-dailytravelcharacteristicsreportfinal.pdf?sfvrsn=2$

The City of Victoria has set substantial goals for cycling mode increase, including a shift in transportation mode share to increase biking from its current 4% mode share to the goal of 25% by 2038². The City's commitment to increase the cycling mode share and prioritizing bike infrastructure is vested in its Official Community Plan and the Strategic Plan 2015-2018, CRD Pedestrian and Cycling Master Plan, and the recent Biketoria Bicycle Master Plan.

2.1.1 Walking

The site is located within walking distance to employment, commercial, recreational services, and the abundance of services provided in the downtown area; it is also in close proximity to the local amenities available in James Bay and near the Fisherman's Wharf area.

The site is close to various walkable amenities and transit bus service. According to the Walk Score³ website, 345 Quebec Street's location receives a walk score of 81 (out of 100), placing it in the website's "Very Walkable" category.

All roadways adjacent to the site have sidewalks on each side and pedestrian crossing amenities at major intersections. Areas within a 400m and 800m radius are illustrated in **Exhibit 2.1**.

² City of Victoria website: http://www.victoria.ca/EN/main/community/sustainability/environmental/transportation-initiatives.html

³ Walk Score is a method of evaluating a location's walkability by using an algorithm that awards points based on the distance to amenities such as grocery stores, schools, shops, recreation opportunities, banks and restaurants. www.walkscore.com

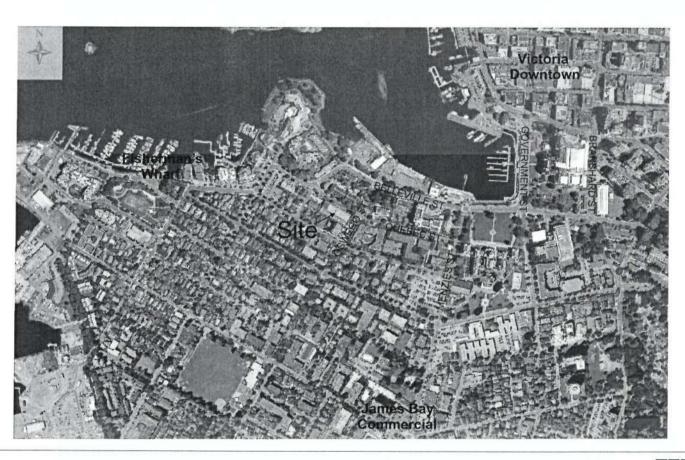


Exhibit 1.1 Site Location

Harbour Towers Parking June 2016

6141.01



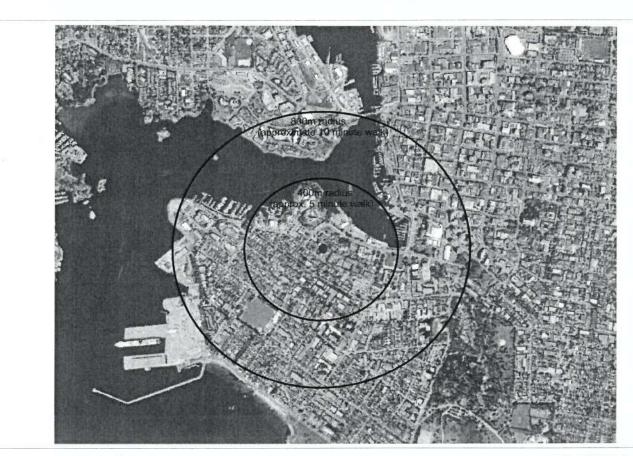


Exhibit 2.1 Walking Radius

6141.01

Harbour Towers Parking June 2016

2.1.2 Transit

The site is 500m (approximate 5-10 minute walk) from the Legislature BC Transit bus hub. This bus hub provides access to 13 bus routes which provide connections throughout the Capital Regional District. Importantly these bus routes, typically have headways of approximate 5 – 15 minutes during the peak morning and afternoon commute periods.

In addition to excellent local transit service, the Harbour Towers site is also within short walking distance to inner harbour transportation hubs that service further distances, including:

- Pacific Coach Line bus depot, located on lower Douglas Street (approximately 700m to east of the site), provides transportation to destinations on the Vancouver Island and on the Lower Mainland;
- Harbour Air, Kenmore Air, and Westcoast Air Seaplane terminals are 1km to the northeast (to Seattle, Vancouver and the other BC mainland destinations); and,
- Coho/Clipper ferry terminals support travelers going to the United States (located approximately 250m to the northeast).

2.1.3 Cycling

Cycling is one of the most sustainable modes of transportation; displacement of auto trips by cycling helps to reduce traffic congestion and reduces noxious emissions. The main market segment for journey-to-work trips by bicycle as the primary mode of transportation are less than 8km in length. Cycling can be combined with other travel modes, such as transit.

Belleville Street located one block north of the subject site has been designated as a future All Ages and Abilities (AAA) cycling facility as per the 2016 Biketoria plan⁴. This insinuates cycling facilities that are separated from motorized vehicle traffic. The introduction of AAA cycling route on Belleville Street is expected to significantly increase area cycling. This new AAA route will provide connections to Victoria's vehicle protected cycling network. This will promote local area cycling and also potentially the use of electric bicycles and scooters. The following **Exhibit 2.2** illustrates the City of Victoria's proposed bike route network.

⁴ http://www.victoria.ca/EN/main/community/cycling.html

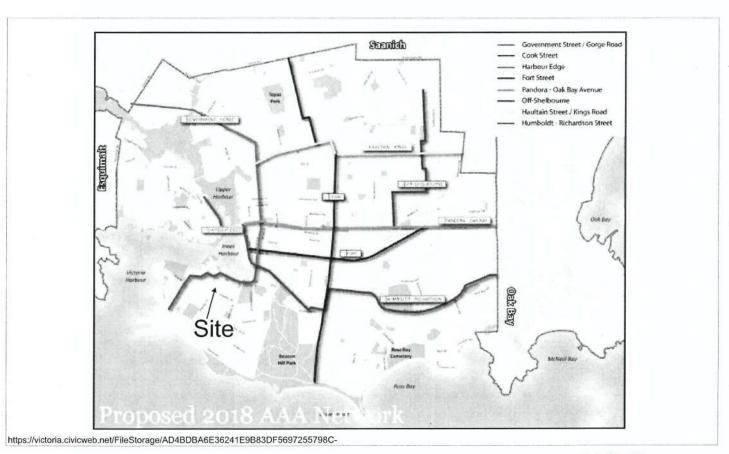


Exhibit 2.2 Proposed 2018 Cycling Network (Biketoria)

Harbour Towers Parking 6141.01 June 2016

2.2 Existing On and Off-Street Vehicle Parking Supply

There are currently four on-street 3-minute loading spaces immediately fronting the 345 Quebec Street site. To the west of these loading spaces there are six 1 Hour, Monday to Friday on-street spaces fronting the development site.

On-site the existing building has a total of 177 spaces, 153 of these are in the underground parkade and 24 are adjacent to the site in an at-grade parking lot immediately west of the building. These spaces are all reserved for hotel patron use.

ANALYSIS

3.1 On-Site Resident and Visitor Parking Supply/Design

Exhibit 3.1 illustrates the proposed parkade layout.

3.2 Bylaw Parking Rates

3.2.1 Vehicle Parking

City of Victoria zoning for rental attached dwellings require an off-street parking supply of 1.4 spaces per unit, based on Zoning Bylaw Schedule C, Residential A.13 for the proposed residential rental use of this property. Of the 1.4 spaces per unit, 10% of the parking supply is to be assigned to visitors. Applying this parking rate to the proposed 219 units results in a bylaw required supply of 307 parking spaces. The proposed 163 parking spaces are therefore 144 spaces below bylaw required.

3.2.2 Bicycle Parking

The City of Victoria bicycle parking requirements for multiple dwellings is to provide one 'Class 1' space per unit (i.e. secure parking for 219 bicycles) and one 'Class 2' – 6 space rack at the entrance to the apartment building.

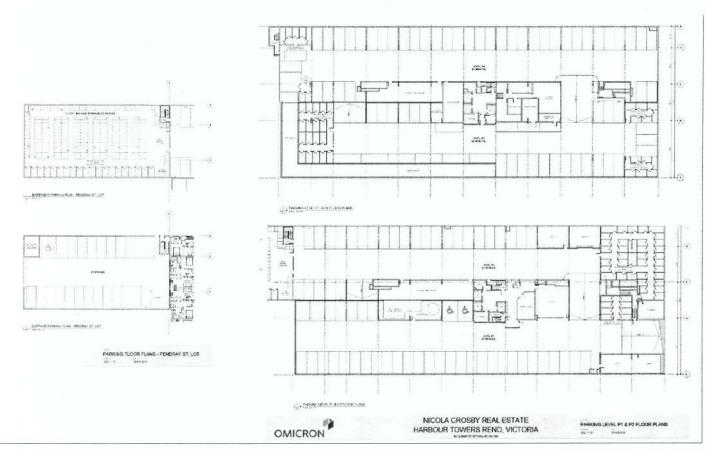


Exhibit 3.1 Proposed Parking Layout

bunt Scassociates

Harbour Towers Parking 6141.01 August 2016

3.3 Parking Supply Data for Similar City of Victoria Rental Apartment Complexes

In order to better understand the existing parking trends of similar nearby rental apartment complexes, an extensive survey and analysis was conducted. The data was derived from three key sources of information:

- Vehicle ownership information acquired from ICBC;
- Data collected in the field during resident and visitor peak parking periods (i.e. Wednesdays 10-11pm, Fridays 6-8pm, Saturdays 6-8pm, Sundays 9-11pm); and,
- · Information gathered from building manager interviews.

The parking data collected in the field and via building manager interviews and questionnaires was used to verify the accuracy of the ICBC information and were aimed towards understanding how the available on and off-street parking supply was utilized and as to whether there was sufficient supply for residents and visitors at their respective rental apartment complexes. This information provided data in determining the unit mix of the buildings, how many units were currently occupied, how many off-street parking stalls are provided for residents and visitors, and whether there is a monthly charge for the on-site parking stalls.

Exhibit 3.2 displays the locations of the apartment complexes included in the study. **Table 1** on the following page, supplements the map, identifying (with the associated reference numbers in Exhibit 3.2) and summarizes the data collected from ICBC, on-site surveys, and building managers.

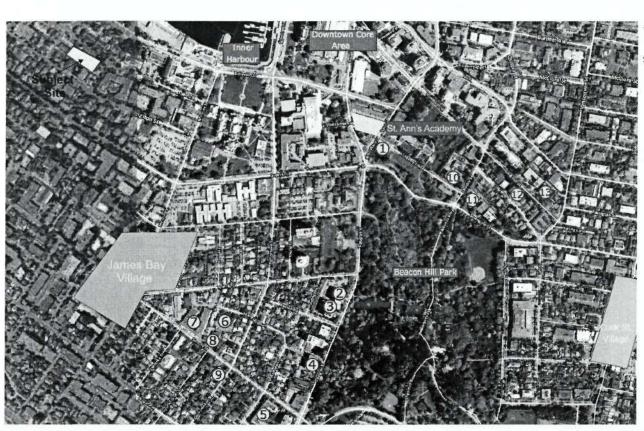




Exhibit 3.2 Location of 2012 Studied Rental Residential Buildings

gs king bunt &associate

Harbour Towers Parking 6141.01 June 2016

Table 1 - Summary of Apartments Included in 2012 Parking Study

Map #	Name and Address	Total Units (Occupied/ Available)	# of Studio Units	# of 1 Bdr Units	# of 2 Bdr Units	# of On-Site Resident Parking Stalls	# of On- Site Visitor Parking Stalls	Parking Stall Cost (Monthly)	Vehicle Ownership Rate
1	805 Academy Close	9/10	0	10	0	0	0	N/A	0.7
2 & 3	360 Douglas Street, Goodacre Towers N. & S.	194 / 197	55	81	61	152	32	\$15 - \$20	0.68
4	240 Douglas Street, Beacon Tower Apartments	58/60	0	44	16	42	0	\$30	0.73
5	151 St. Andrews, Beacon Park Apartments	75/75	3	10	62	90	5	\$35	0.81
6	575 Marifield Ave, Kirkcauldy Apartments	43 / 43	7	28	8	28	3	\$20	0.53
7	562/566 Simcoe Street	104 / 108	6	78	24	75	12	\$20	0.54
8	576 Simcoe Street, Park Plaza	37 / 37	3	27	7	35	1	\$0	0.55
9	160 Government Street, Weybridge Manor	33/33	N/A	N/A	N/A	23	3	N/A	0.63
10	890 Academy Close	54 / 55	12	30	13	33	0	\$10-\$15	0.63
11	505 Quadra Street, Beacon Arms	34 / 34	2	21	11	26	1	\$15-\$30	0.68
12	955 Humbolt Street	43 / 43	0	37	6	40	3	\$45	0.72
13	976 Humbolt Street	23 / 23	6	13	4	15	0	\$45	0.52
Tot	als and Averages	98.5% occupancy	7.	7.	-		- 4		0.66

The table shows that on average the approximate vehicle ownership rate (i.e. residential parking demand) of the 13 rental apartment buildings is 0.66 vehicles per unit. This data correlates with the field observation counts and manager surveys. The table data reveals a range of vehicle ownership rates as low as 0.52 and as high as 0.81 vehicles per unit. It also illustrates the impact of unit size as the highest vehicle occupant buildings also have a higher proportion of 2 bedroom units (i.e. the Beacon Park Apartments). The majority (78%) of suites at 345 Quebec Street are proposed to be either bachelor or 1 bedroom apartments. The higher percentage of smaller units at 345 Quebec Street suggests the vehicle ownership rate for 345 Quebec Street will likely be lower than the average 0.66 vehicles per unit rate.

Based on this data we conservatively suggest a parking rate of 0.65 spaces per unit (142 spaces) for residents and an additional 0.05 spaces (11 spaces) for visitors, for a recommended minimum supply of 153 parking spaces.

4. TRANSPORTATION DEMAND MANAGEMENT

One strategy to achieve the goals highlighted in the previous section is to implement TDM measures with the potential to influence travel behaviour in the region. One such measure is to control the supply of parking as a disincentive to driving, as long as the infrastructure is in place to allow the use of alternative travel modes.

Recommended TDM measures specific to this site are to:

- Provide secure on-site bicycle parking, including a bicycle rack for short term and long term
 bicycle parking for residents and visitors of the 219 rental units that exceed City of Victoria
 bicycle parking requirements for multiple dwellings; that is provide at minimum one 'Class 1'
 space per unit (i.e. secure parking for 219 bicycles) and one 'Class 2' 6 space rack at the east
 entrance to the apartment building, off Oswego Street;
- Provide a resident bicycle repair station within the buildings' Class 1 bicycle parking area (example image of a bicycle repair station provided below); and,
- Implementation of a monthly charge for parking spaces (parking spaces unbundled from unit rental) at market rate.

These TDM measures would contribute to ensuring that the recommended 153 off-street parking spaces will meet the needs of the subject development and result in minimal impact on the neighbourhood's onstreet parking supply.



Image: Example of Bike Repair Station

5. CONCLUSIONS AND RECOMENDATIONS

5.1 Conclusions

Our recent 'project specific' research findings have determined that a parking variance is warranted for this project. The on-site parking supply is to be supported with the implementation of recommended TDM measures. Justification for the recommended parking variance is as follows:

- Proximity of the subject site to the Victoria's downtown core area, as well as the services available at James Bay and transit availability;
- Compatibility with 13 studied rental apartment complexes in the James Bay area, which had an average vehicle ownership rate of 0.66 vehicles per unit;
- A high proportion (i.e. 78%) of studio or 1 bedroom units;
- The subject site being well serviced by public transit, close to amenities and in close proximity to future AAA cycling facilities; and
- Compatibility with the City of Victoria and the CRD adopted strategies for encouraging travel modes other than automobile use.

In summary our research and analysis for this conversion project indicates that the proposed 153 offstreet spaces, at an average parking ratio of 0.7 spaces per unit (total for residents and visitors), represents an appropriate supply of vehicle parking for the proposed 219 unit rental complex.

5.2 Recommendations

Based on this data we conservatively recommend a parking rate of 0.65 spaces per unit (142 spaces) for residents and an additional 0.05 spaces (11 spaces) for visitors, for a recommended supply of 153 parking spaces.

The proposed supply of 163 vehicle parking spaces is higher than our recommended parking supply of 153 spaces. We recommend the developer convert excess vehicle parking spaces into additional Class 1 bicycle parking. We recommend 11 of the 24 at-grade parking spaces be reserved for visitor use.

We recommend that the developer commit to providing the following TDM measures:

Provide secure on-site bicycle parking, including a bicycle rack for short term and long term
bicycle parking for residents and visitors of the 219 rental units that exceed City of Victoria
bicycle parking requirements for multiple dwellings; that is provide at minimum one 'Class 1'
space per unit (i.e. secure parking for 219 bicycles) and one 'Class 2' - 6 space rack at the east
entrance to the apartment building, off Oswego Street;

- · Provide a resident bicycle repair station within the buildings' Class 1 bicycle parking area; and,
- Implementation of a monthly charge for parking spaces (parking spaces unbundled from unit rental) at market rate.

As the on-street loading requirements of a residential building are expected to be lower than a hotel we also suggest that one of the three 3-minute on-street loading spaces immediately fronting the site be converted to 1-hour parking in continuation of curb-side regulation found west of the loading area.

LEGAL SURVEYS
MUNICIPAL ENGINEERING

LAND DEVELOPMENT AND MANAGEMENT



April 3, 2017

File No. 30335

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

Attention: Craig Stenberg

Engineering and Public Works Department

Dear Sir:

Re: 345 Quebec St – Harbour Towers

Sewage Flow Calculations

This report compares the calculated sewage flow of the proposed development to the existing development to see if sewage attenuation is required.

Background

The proposed development will rezone the existing Harbour Towers Hotel from T-1 Zone, Limited Transient Accommodation District to CD zoning specific to the development.

The proposed development will repurpose the existing hotel suites and facilities into residential units.

Existing Layout

The existing development consists of 192 hotel suites, 1,850 m² of meeting/convention space, a restaurant, and a lounge. As per the attached calculations in appendix A, the existing daily flow is expected to be 217,750 L/day, which equates to a peak flow of 14.36 L/s.

Proposed Development

The proposed development will consist of:

- 68 studio units
- 102 1 bedroom units
- 10 1.5 bedroom units
- 24 2 bedroom units
- 15 penthouse units (2 bedroom)

As per the attached calculations in Appendix A, the estimated daily flow for the proposed development is expected to be 120,600 L/day, which also equates to a peak flow of 8.81 L/s.



JEA# 30335

Summary

The calculated peak sewage flow for the proposed development is less than the current sewage flows. Therefore, no sewage attenuation should be required for the proposed development.

Yours truly,

J.E. Anderson and Associates

Mike Puszka, EIT

Reviewed Same Tyck, P.Eng

JEA# 30335

APPENDIX A





DATE 31 MARCH 2017 PROJECT No. 30335
PREPARED BY M. PUSZICA Page No. 1 of 1

345 QUEBEC STREET - PROPOSED DEVELOPMENT

ASSUMPTIONS:

- OCCUPANCY LOAD WAS CALEULATED BASED ON 3,1.17 OF BCB(2012 (PROVIDED BY THE DEVELOPER)

BCBC 2012 (PROVIDED BY THE DEVELOPER)

- NON-RESIDENTIAL AVERAGE DAILY FLOW RATES BASED ON
SELECTION SUPPLY STANDARD PRACTICE MANUAL (SEE ATTACH)

SEWERAGE SYSTEM STANDARD PRACTICE MANUAL (SEE ATTACHED)
- PEAK FLOW WAS CALCULATED AS PER THE ALBERTA ENVIRONMENT
PEAKING FACTOR AS SUGGESTED BY THE CITY FOR PREVIOUS REPORTS
(SEE ATTACHED)

(SEE ATTACHED) - 225 L/CAP/UNIT



DATE 28 MARGH 2017 PREPARED BY M. VUSZKA

PROJECT No. 30335

Page No. / of /

192 GUEST S 1850m2 MEETING/lo	OUTES AL	CUPANCY 2	OCCUPANCY LOAS
RESTAURANT	NVENTION SPACE W	121 SEATS	1947
LOUNGE		26 SEATS	
ADF GUEST SUITES =	384 x 225	4/CAP/DOV = E	36,400 4/DAY
CONVENTION SPACE	= 1947 x 60 4/cm	10/DAY = 116,	820 4/DAY
RESTAURANT = 121	× 90 4/2000	= 10,890	
10-10- 26	IND I		
LOUNGE = 26 x	190 L/SEAT/DAY	= 3,640 4	
		217,750	
		- 25711	
		- 6.06 4/5	
PF-1150/050	-0,168) - 570	= 2.52 4/5	
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30335

Mike Puszka

From:

Doug Vincent < DVincent@omicronaec.com>

Sent:

Tuesday, March 14, 2017 11:32 AM

To:

Mike Puszka

Subject:

RE: Harbour Towers Hotel Repurposing - Sewage Attenuation

Attachments:

345 Quebec St Application Review Summary.pdf

Mike.

Please proceed with the report. If you could shorten the time frame it would be much appreciated.

The Planner will not move us to Committee of the Whole until we submit a report.

I have attached the response we had from the City on our DP/Rezoning application. Note the section on Sewage Attenuation from the Engineering Department.

Below is a link to our latest DP submission set.

1016040 HARBOUR-TOWERS RE DP 2017 02 07

Our fixture count will actually go up after the conversion but our occupant load will decrease significantly. We also believe the peak sanitary flow will decrease but need some calculations to prove that out.

The current occupant load in the Hotel based on 3.1.17 of BCBC 2012 is as follows:

192 guest suites - OL=384 based on 2 persons per siceping room

1,350 m2 of meeting/convention space / 0.95 m2/parson for non-fixed seats and tables OL = 1,947

Restaurant 120 fixed seats OL= 120

Total Occupant Load = 2,451

For our proposed conversion the occupant load based on 3:1.17 of 8080 2012 is:

58 Studiosk2 per sleeping unit OL = 136

102 1 bearsom x 2 per steeping unit = 204

10 1.5 bed x 4 per sleeping unit = 40

24 2 bed x 4 per sleeping unit = 96

15 penthouse x 4 per sleeping unit = 60

Total OL = 536

My billing address is .

Doug Vincent

Omicron

Fifth Floor - Three Bentall Centre

595 Burrard Street, PO Box 49369

Vancouver, BC V7X 1L4

Regards,

Doug

Doug Mindent, M.A.Sc., F.Eng., C.P., LEED AF Principal / Sector Director, Renewals OMICRON

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Standards and Guidelines for Municipal Waterworks, Wastewater and Storm Drainage Systems

Part 4
Wastewater Systems Guidelines for Design, Operating and Monitoring of a Total of 5 Parts

March 2013

Table 4.1 continued

Place	Estimated Sewage Flow Litres (gallons) Per Day
Schools	
Elementary	70 (15) per student
Junior High	70 (15) per student
High School	90 (20) per student
Boarding	290 (65) per student
Service Stations	
(exclusive of cafe)	560 (125) per fuel outlet
Swimming Pools (Public)	
based on design bathing load	23 (5) per person

^{*} Reproduced from the Alberta Private Sewage Treatment and Disposal Regulations, Table 8.5.B.

2. Average Flow Generation Estimates for Planning

For system planning purposes, when specific land uses and zoning are unknown and the requirements of 4.1.1.2 (1) cannot be defined, the recommended lower limits for estimation of average flow generation (to be used for preliminary planning unless the use of other values is justified with more specific or reliable information) are as follows:

a. Commercial and Institutional Land Uses

The lower limit for Average Flow Generation should be 40 m³/day/ha (0.46 L/s/ha).

b. Industrial Land Uses

The lower limit for average flow generation should be 30 m³/day/ha (0.35 L/s/ha).

Determination of Peak Dry Weather Flow Rate

Peak dry weather flow rates for specific design areas are to be determined by application of a peaking factor (Pf), related to the average flow rate (Q_{AVG} in L/s) in accordance with the following expression to a maximum value of 5.0:

$$Pf = 6.659 (Q_{AVG}^{-0.168})$$

Following from this, the peak dry weather flow rate (Q_{PDW} in L/s) may be determined as follows:

$$Q_{PDW} = Pf.Q_{AVG}$$

6.659 $(Q_{AVG}^{0.832})$



Liquor Control and Licensing Branch

Food Primary Licence #08427/4

Explies on Match 81, 2017

Establishment Name:

Harbour Towers

Licence Name:

Harbour Towers 345 Quebec St

Location Address:

VICTORIA, BC V8V 1W4

Issued to:

Harbour Towers Limited Partnership

Third Party Operator:

Crescent Canada US Limited Partnership

Resident Manager:

Sims, Tracey Marie

TERMS AND CONDITIONS

HOURS OF SALE

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM
Close	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM	Midnight

CAPACITY

Banquet 01	43	Banquet 02	43	Banquet 03	43	Banquet 04	43
Banquet 05	43	Banquet 06	43	Banquet 07	100	Patio1	0
Patio2	0	Person01	200	Person02	215	Person03	121
Person04	191						

- · For the sale and consumption of all types of liquor in establishments with a primary focus on the service of food.
- The terms and conditions to which this licence is subject include the terms and conditions contained in the publication
 'Guide for Liquor Licensees in British Columbia' as that publication is amended from time to time.
- Liquor may only be sold, served and consumed within the areas outlined in red on the official plan, unless otherwise endorsed or approved by the LCLB.
- Patio area has been approved. The interior occupant load also includes patio seating.
- Patio 01 and Patio 02 occupant load inclusive of Banquet 07.

YOUR CURRENT VALID LICENCE MUST BE PROMINENTLY DISPLAYED AT ALL TIMES. TAMPERING, ALTERING OR DEFACING THIS LICENCE IN ANY MANNER MAY RESULT IN THE LICENCE BEING CANCELLED.

May 12, 2016

DATE

GENERAL MANAGER LIQUOR CONTROL AND LICENSING BRANCH



Liquor Control and Licensing Branch Liquor Primary Licence #050897

Expires on March 84, 2007

Establishment Name:

Harbour Towers

Licence Name:

Harbour Towers

Location Address:

345 Quebec St VICTORIA, BC V8V 1W4

Issued to:

Harbour Towers Limited Partnership

Third Party Operator:

Crescent Hotels and Resorts Canada Company, ULC

Resident Manager:

Sims, Tracey Marie

TERMS AND CONDITIONS

HOURS OF SALE

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM	Noon	11:00 AM
Close	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM	2:00 AM	Midnlght

CAPACITY

Person01	26	

- The terms and conditions to which this licence is subject include the terms and conditions contained in the publication 'A Guide for Liquor Licensees in British Columbia' as that publication is amended from time to time.
- Liquor may only be sold, served and consumed within the areas outlined in red on the official plan, unless otherwise endorsed or approved by the LCLB.
- Subject to terms and conditions specified in the restriction or approval letter(s). A copy of restriction or approval letter(s) to be kept with current liquor licence.
- Minors, other than professional entertainers, are not permitted within the licensed area(s) unless otherwise endorsed or approved by the LCLB.

YOUR CURRENT VALID LICENCE MUST BE PROMINENTLY DISPLAYED AT ALL TIMES, TAMPERING, ALTERING OR DEFACING THIS LICENCE IN ANY MANNER MAY RESULT IN THE LICENCE BEING CANCELLED.

April 28, 2016

DATE

GENERAL MANAGER LIQUOR CONTROL AND LICENSING BRANCH

000066

Sewerage System Standard Practice Manual Version 3

Volume III

Sewerage System Standard Practice Manual Version

Makana II

DESCRIPTION	UNIT (PER)	AVERAGE FLOW (L/DAY PER UNIT)	AVERAGE DAY BOD (GRAMS/DAY PER UNIT) AND NOTES
ndustrial, commercial (domestic and food service waste only)			Risk of wax strippers and cleaning chemicals, risk of cold water and high ammonia
Office/factory without cafeteria	person	50 tc 75	30
Office/factory without cafeteria and with	person	75 to 125	35
Office/factory with cafeteria	person	100	38
Open site (e.g. quarry) without canteen	регѕоп	60	25
Full time day staff (staff figures apply to all applications)	person	50 to 75	38
4 hour shift day staff (staff figures apply to all applications)	person	45	25
Dental or medical office	practitioner	1000	(risk of antibiotics and drugs)
Eeauty salon (without staff)	Seat	1000	(risk of chemicals and hair)
Store, washroom flow only	square metre	5	
Shopping center, per toilet room	toilet room	1700	380
Shopping center, per parking space	parking space	10	
Accommodation			Risk of wax strippers and cleaning chemicals
Hotel or motel, bed and preakfast, per guest,	person	200	90
except for luxury hotels	bedroom unit	250 to 400	160
Housekeeping unit, no mea's	bedroom unit	450	130
Guest bedrooms only, no meals	person	80	50
Non-residential conference guest or day camp, including meals	person	60	25
Resident staff	person	170	60
Cabin resort	person	225	90 (risk of high strength wastes from food service)
Residential or work camps, flush toilets, no meals	person	140	90
Residential or work camps, flush toilets and meals	person	225	90 (risk of high strength wastes from food service)
Residential camps, no flush toilets	person	50	
Dormitory bunkhouse	person	140	90
Nursing Home or retirement home	person	475	110 (risk of antibiotics and drugs)
Laundromat (e.g. in apartment building)	machine	1200 to 2400	260 to 530

Page III-50

DESCRIPTION	UNIT (PER)	AVERAGE FLOW (L/DAY PER UNIT)	AVERAGE DAY BOD (GRAMS/DAY PER UNIT) AND NOTES
Food service and bars			Risk of wax strippers and deaning chemicals, risk of cold water and high ammonia, risk of oils and greases
Restaurant	meal	12	15
Restaurant (fast food, paper service)	meal	12	12
	seat	60	
Restaurant (full service)	meal	30	38
	seat	90	120
Open more than 16 hours a day	seat	190	250
Restaurant (pre prépared catering)	meal	25	30
Institutional meals	meal	20	20
Function rooms, buffets	meal	30	20
Snack bar or bar meals	person	15	20
Bar/lounge/pub	person	12	15
	seat	140	180 ,
Coffee shop	patron	20	20
	seat	400	
Amenity sites			Risk of wax strippers and cleaning chemicals, RV holding tank chemicals, risk o cold water and high ammonia
Toilet and shower blocks			cord works and right attituding
Shower	use	40	6
Toi et urinal	use	5	1.5
Toilet (WC)	use	10	12
Visitor center or Day use site, with flush toilets	person	20	15
Fent or trailer sites (central comfort station, no	person	75 to 150	45 at low end of range
sani dump facility)	site		108 at low end of range
Camp Trailer site fully serviced (with hook up)	person	70	75 (risk from RV holding tank wastes and high strength)
	site	170	170 (risk from RV holding tank wastes and high strength)
Assembly hail	person		12

Page III-51

From:

Jim Handy

Sent:

April 6, 2017 8:50 AM

To:

Miko Betanzo

Subject:

FW: 345 Quebec Street - Sewage attenuation review

Attachments:

20170403 - 30335 - L - Sewage Attenuation Report - sealed.pdf

For your records

From: Randy Chang

Sent: April 5, 2017 9:46 AM
To: mpuszka@jeanderson.com

Cc: 'Ross Tuck' <rtuck@jeanderson.com>; Nina Sutic-Bata <NSutic-Bata@victoria.ca>; Jas Paul

<<u>JPaul@victoria.ca</u>>; Craig Stenberg <<u>cstenberg@victoria.ca</u>>; Jim Handy <<u>JHandy@victoria.ca</u>>; Rich

Allen <rallen@victoria.ca>

Subject: 345 Quebec Street - Sewage attenuation review

Hello Mr. Mike Puszka,

The City has reviewed JE Anderson's (JEA) sewage attenuation report for 345 Quebec Street in respect to the existing facility that presently has 192-hotel suites with a restaurant, meeting /convention space and a lounge, zoned as "T-1", which generates a peak flow of 14.36 litres per second, as addressed from your report attached. In comparison to the proposed development, which is rezoned to be a "CD", specific to this development, the developer would like to have the existing hotel suites and facilities repurposed into 219-residential units. JEA has estimated its daily flow for the proposed development to be 8.81 litres per second.

As addressed in the report, JEA has calculated the peak sanitary flow for the proposed development to be is less that the existing sewage flow. Therefore, the City may conclude that \underline{No} sanitary sewer attenuation is required.

If you require further discussion, please do not hesitate in contacting the undersigned.

Yours truly,

Randy K. Chang, AScT.
Supervisor, Infrastructure Planning UG Utilities
Engineering and Public Works
City of Victoria
1 Centennial Square, Victoria BC V8W 1P6

T 250.361.0512 F 250.361.0311

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1 Centennial Square, Victoria BC V8W 1P6

T 250.361.0523 F 250.361.0386









From: Anthony Paes-Braga [mailto:apaes-braga@nicolacrosby.com]

Sent: March 22, 2017 11:39 AM
To: Jim Handy < JHandy@victoria.ca >

Subject: RE: 345 Quebec

Jim,

Following up on my email from March 6th to see if you have had the opportunity to review. Also, do you have an idea of when we might be going to Committee of the Whole?

Kind regards,

ANTHONY PAES-BRAGA

Asset Manager 420 – 1508 West Broadway Vancouver, BC V6J 1W8 Direct: 778.383.6947

Direct: 778.383.6947 Cell: 604.809.5130

Email: apaes-braga@nicolacrosby.com

www.nicolacrosby.com | www.nicolawealth.com







From: Anthony Paes-Braga

Sent: Monday, March 06, 2017 10:53 AM

To: 'Jim Handy'

Subject: RE: 345 Quebec

Jim,

We addressed the parking variance in our letter to Mayor and Council and the Transportation Review resulted in no opposition to the proposed variance.

Ultimately, the concerns you have raised with respect to increased parking demands if the project was a condo project could be addressed by the City if a future owner of Harbour Towers pursued stratification of the project regardless of whether or not a Housing Agreement was in place.

We'd propose a 10yr Housing Agreement given the fact that this is not a new rental project but the conversion of an existing building.

Kind regards,

ANTHONY PAES-BRAGA

Asset Manager 420 – 1508 West Broadway Vancouver, BC V6J 1W8 Direct: 778.383.6947 Cell: 604.809.5130

Email: apaes-braga@nicolacrosby.com

www.nicolacrosby.com | www.nicolawealth.com







From: Jim Handy [mailto:JHandy@victoria.ca]
Sent: Tuesday, February 28, 2017 9:25 AM

To: Anthony Paes-Braga Subject: RE: 345 Quebec

Hi Anthony

Apologies for the delay in responding and missing you and Doug when you came to the office.

The application to convert the existing hotel to rental accommodation seeks a significant (128 stall) parking variance. Part of the justification for the parking variance is that the 219 dwelling units will be rental accommodation and, in their analysis, Bunt & Associates acknowledge that they have compared the site to other rental buildings in the neighbourhood. The City is currently reviewing it's off-street parking standards and we would concur that rental units have a lower parking demand than condominiums. Furthermore, smaller units also have a relatively lower parking demand. However, if the units were not rental, we would anticipate a higher parking demand (our recent studies anticipate a parking demand of 229 stalls, which includes demand for visitor parking). Therefore, we believe that securing the rental status of these units through a Housing Agreement would provide further justification for the proposed parking variance. If you are not amenable to securing the rental of the units in perpetuity then we would ask whether you are prepared to enter into such an Agreement for a period of 20 years.

Please let me know how you would like to proceed as, subject to your response and review of the revised plan package, we are hopeful that we can move this forward to Committee of the Whole.

Amanda Ferguson

Subject:

FW: Mayor and Council email

----Original Message-----

From: webforms@victoria.ca [mailto:webforms@victoria.ca]

Sent: Wednesday, January 18, 2017 6:35 PM

To: Victoria Mayor and Council <mayorandcouncil@victoria.ca>

Subject: Mayor and Council email

From: concerned in Victoria

Email : Reference :

Daytime Phone: Not provided

http://www.timescolonist.com/business/tourists-face-tight-market-for-victoria-

hotel-rooms-1.6612263

http://www.cbc.ca/news/canada/british-columbia/victoria-hotel-rooms-1.3928590

Victoria lost about 1,000 hotel rooms over last 4 years, realtor says www.cbc.ca "There's no question [tourists] are going to pay more than they ever have here.

We've seen room rates increase over the last four years by more than a third."

Hi,

I have lived and worked in Victoria for over 30 years and am concerned with these current developments. There are several other Hotels and apartments being built that have already been approved to provide housing. my concern is that we as a city are being too quick to approve them I know we need more affordable housing but a lot of these projects don't provide that. They provide housing yes but add a lot of cars to the areas that are developed without improving the surrounding infostructure to support the rise in residents and there corresponding cars. They are also more luxury apartments then they are affordable. I worry that we are being too quick to approve these projects without looking at what we are losing. Victoria is a tourist city that has been increasingly popular over these last few years with no end in site and by losing so many rooms recently we will soon be driving people out of the city seeking affordable rooms. I am also aware that the Harbour towers has a lot of convention space and am worried on the impact of losing that. If the city wants to prove the conversion I ask that they look to maybe trying too keep the convention space and have the apartments above or some other variation of such. If we lose too many rooms in the city to apartment conversion we will drive tourists to places like Langford and Nanaimo(which is currently building more hotels to support this trend).

Thank you for your time and consideration in this matter.

sincerely concerned in Victoria

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IP Address: 154.5.70.152

Subject:

Harbour Towers - rezoning from transient use to long term rental

From: Laura Neil

Date: October 24, 2016 at 9:45:11 PM PDT

To: <mwilson@victoria.ca>
Cc: <ccoates@victoria.ca>

Subject: Harbour Towers - rezoning from transient use to long term rental

Hello

I am writing to you today to express my support of the proposal to convert the Harbour Towers into long term rental units from the current, transient hotel use.

I believe this will be a positive asset to the community providing much necessary rental units to a challenged rental stock in the city.

I also believe that as the building is in close proximity of the city that the need for personal vehicles will be significantly reduced (residents will walk/bus/bike, etc) and neighbours will realize a positive reduction of the current vehicle traffic (service vehicles, buses, and passenger cars) at Oswego and Quebec streets.

Sincerely, Laura Neil 21 Pilot St Victoria

Sashatoon Sask, Mayor City of Victoria, M/an / 1917 Wen Mayor on Corneil: RECEIVED My miseond if have feen living in a Sinte at Harrow Dowers, We are useling rom Sashatoon and are Karbon ween from the poles. I hope you and the Escinal do not approve Darbour Towers application to change hotel to rental suites Darfour Towers has Mundenful Conference facilities I have attended Duccessful Conferences if the hoteling converted the Victoria will loose this capabil holding longer conferences. Traveller anaumo for a conference is not conscient. 725-74 Sasheton \$74-081 306-229-3703

Lucas De Amaral

From:

Doug Vincent

Sent:

Monday, June 19, 2017 12:18 PM

To:

Victoria Mayor and Council

Subject:

Request for Meeting (Time Sensitive) re: 345 Quebec Street Re-zoning/DP

Mayor and Council,

I am the applicant for the Rezoning and Development Permit to convert 345 Quebec Street from a hotel to 219 rental apartments.

Our application is on the Committee of the Whole Agenda for June 22nd.

As we are not presenting to Mayor and Council and may not get the opportunity to answer questions during the meeting, I would like to reach out to each of you to answer any questions you may have prior to Thursday's meeting. We have been working with staff on this application since December of last year and have the support of the James Bay Neighbourhood Association for this much needed addition of 219 rental units in James Bay.

I would be appreciative of any time you could set aside for a call or meeting to answer any questions you may have and gauge your support for this application.

Regards,

Doug Vincent

Doug Vincent, M.A.Sc., P.Eng., C.P., LEED AP Principal / Sector Director, Renewals OMICRON

Fifth Floor Three Bentall Centre
595 Burrard Street
PO Box 49369 Vancouver BC V7X 1L4 Canada
T +1 604 632 3350 I +1 877 632 3350 F +1 604 632 3351 W www.omicronaec.com



Harbour Towers Ltd

420-1508 West Broadway Vancouver, BC, V6J 1W8

June 9, 2017

Miko Betanzo
Sustainable Planning and Community Development Department
City of Victoria

1 Centennial Square
Victoria, BC, V8W 1P6

VIA EMAIL (mbetanzo@victoria.ca)

Dear Mr. Betanzo;

Re: 345 Quebec Street - Housing Agreement

We are the Owners of the above referenced property.

Further to our discussions with Jim Handy and yourself, we write to confirm our agreement in principle; subject to our counsel's review of the form of document, to enter into a ten (10) year Housing Agreement with the City as part of our application for Rezoning and Development Permit.

As per our discussions we believe this to be reasonable for the following reasons;

- We have never considered nor are applying to stratify the property to enable us to market the
 units now or at a later date. We actually do not believe this project lends itself well as a market
 condo project due to smaller unit sizes and the large ratio of amenity/non-revenue area;
- If at a later date an owner applied to stratify the project, the City would be able to review the
 request at that time and introduce rental restrictions or guarantees as part of that application;
- While our plans call to substantially replace and modernize all major building components
 including many life safety items, we are still dealing with a circa 1970's building that does have
 certain functional obsolescence. We are not certain that a rental building will be the highest and
 best use for the site in perpetuity;
- A restriction on the use of the site for a pro-longed period of time would adversely impact the
 value of the property and could deter us from proceeding with this conversion. It could also
 deter future re-development of the site which could be in the City's and James Bay Community's
 interest;
- Our understanding is that developers typically enter into Housing Agreements in exchange for
 concessions from the City with respect to use, density, etc. Given our application does not seek
 any material variances and is well supported by the OCP and the James Bay Community
 Association, we feel a ten (10) year Housing agreement is more than appropriate for this
 project.

We look forward to moving forward with this project.

Yours truly,

Anthony Paes-Braga

Asset Manager

From:

Sent:

Britta

Tuesday, August 29, 2017 7:54 PM

To: Public Hearings

Subject: Regarding Sept. 7 hearing on 345 Quebec Street

To Mayor and Council:

I reside at 405 Quebec Street, to the south of the existing Harbour Towers hotel.

I support the application to change the zoning to R3-Q, thereby allowing the re-development of the hotel into a residential rental property. I have read through the materials presented to the Committee of the Whole on June 22. This appears to be a solid proposal that will add to Victoria's stock of rental accommodation.

I would like to draw one major matter to your attention, though I am certain you have considered it already. This project will only help address the need for added rental housing if the management of the property and individual renters are prohibited from renting or using units for "airbnb-type" accommodation.

I would also like the City to request that the re-developed property remove and not replace the two bright, lighted signs on the south side of the building. In the few lines the developer devoted to lighting, this was not specifically mentioned.

The current property has an above-surface parking lot; in order reduce traffic congestion in the immediate neighbourhood during construction, it would be good if this lot, rather than Oswego and Quebec streets, were used for materials, workers' vehicles, disposal bins, site office, etc.

Finally, I am looking forward to having a more "residential" feeling to the Quebec-Oswego corner. I think this may help create the demand for lower speed limits on Oswego Street as well as crosswalks at this intersection and at all four crossing points at Oswego and Superior.

Thank you for considering these comments.

Britta Gundersen-Bryden 405 Quebec Street, Unit 308 Victoria, BC V8V 4Z2

From: JOHN CLIFFORD-JONES

Sent: Tuesday, August 29, 2017 6:53 PM

To:Public HearingsSubject:345 Quebec Street

To whom it may concern:

Ref: Amendment Bylaw to rezone from a T-1 Zone to R3-Q Zone for LOT A of LOTS 926-930, 945 & 954, VICTORIA, PLAN 24914

It would be a social and financial hardship for this area of James Bay to be subjected to additional affordable residential units. The oversubscibed category of such dwellings has increased to an extent that this neighbourhood is at saturation point; to add to the already heavy burden on Ithe city's taxation resources would be irresponsible.

It is to be hoped sufficient dissension is forthcoming to dissuade the city from missing an opportunity to realise the potential presented by such a valuable landsite as these Lots offer. There are a number of local hotels which inevitably mean the district embraces a significant transient population, heavy transport demand and resort traffic; in addition, further polution arises from cruise ship coaches etc.

My postal address:

Suite 704-225 Belleville St. V8V 4T9

Please do not disclose my postal and email addresses.

From: Gwen Topfer Sent: Wednesday, August 30, 2017 12:07 PM

To: Public Hearings

Subject: Zoning Regulation Bylaw Amendment No1113 No. 17-085

I would like to register my concerns re the above re-zoning for the Harbour Towers Hotel site.

- does this proposed re-zoning mean changes to the existing footprint or height of the building?
- . if this re-zoning is approved I would not want to see this as a precedent for future development in and around this area of James Bay ie re height restrictions
- . what will happen on the space now used as outdoor parking (cnr Pendray & Quebec)?
- . would this space be landscaped as mentioned in your letter? More green space is needed.
- there is already a lack of parking downtown what provision would be made for the owners/tenants of this proposed development?
- currently the five-way intersection at Cross, Pendray & Quebec & Belleville streets is <u>hazardous</u> Particularly in tourist season when extra tourists, buses, taxis, pedicabs, cyclists etc are added to the normal traffic including pedestrians
- as a resident owner of "Laurel Point" condos directly opposite the hotel we have to negotiate this corner several times each day and it is hazardous
 - We have many seniors and retirees living in our building and safety Is an ongoing concern.....
- . could a traffic light or a pedestrian-controlled light be installed at that corner?

I am unable to attend the Council meeting on September 7, but would appreciate the above concerns being addressed.

Sincerely,

Gwen Topfer & James W. Topfer 225 Belleville St #612 Victoria BC V8V 4T9

Sent from Mail for Windows 10

From: Michael de Rosenroll

Sent: Tuesday, September 05, 2017 12:34 PM

To: Public Hearings
Subject: Rezoning 345 Quebec St.
Attachments: FullSizeRender.jpg; ATT00001.txt

I am writing to comment on the proposed rezoning of the Harbour Towers property.

I reside at suite 504 - 225 Bellville St. (Neighbourhood map provided below.) Despite this address, our driveway is, in effect, a continuation of Quebec St. It connects both the Laurel Point Apartments (some 120 units) and the Admiral Inn parking lot to the Belleville St. intersection --- in an alarming and rather dangerous fashion.

In contemplation of exiting at Belleville St., many neighbours nervously regard themselves as "accidents waiting to happen". A few of us are sometimes scared plain silly. The problem is that the Admiral Inn blocks our view of Belleville St. traffic from the left --- while it is necessary for a driver to to rotate his/her head some 160-170° to check for oncoming traffic from the right, since the intersection sits on a sharpish curve. After checking to the left, it is time to check to the right --- and this back and forth process often needs to be repeated several times before "taking a plunge" into the intersection. Difficulties are exacerbated by yet a fifth (Pendray) street exiting onto the same intersection.

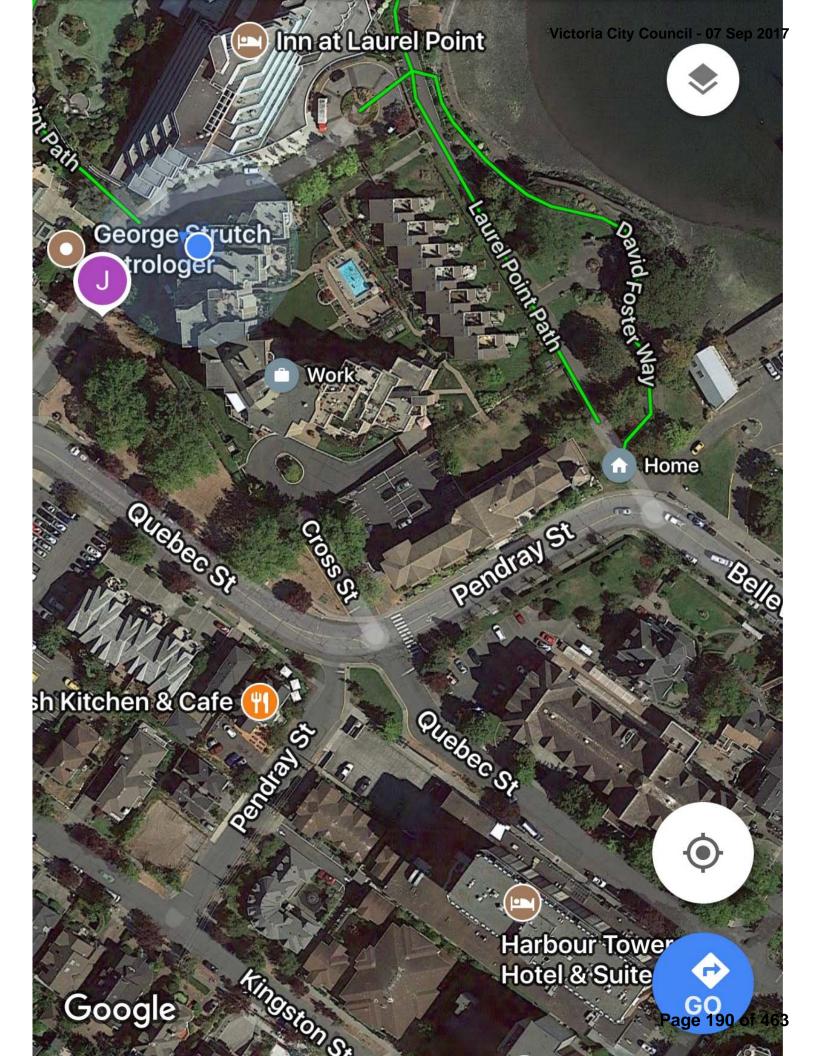
Belleville is always a busy street with busy sidewalks, particularly in cruising and high tourist season, and many of our residents (including me) are somewhat older folk who are not as laterally dextrous and visually adept as once we were. Often we are not readily capable of rapid reaction to the last minute appearance of fast moving cars and bicycles, let alone sometimes unpredictable pedestrians.

The use of the Harbour Towers as a multi dwelling residence is bound to add to the traffic on Belleville St. I do not object to this contemplated change of use for the Harbour Towers if it provides needed permanent and affordable residences. But I am hopeful that City Council will take this opportunity to resolve a problem that has been overlooked in the past, most recently in approving the rezoning of the Admiral Inn property in order to enable still more multiple dwellings at the very same intersection.

With due respect to our busy Council, I believe that the time has come for City Council to take our distress call to heart and investigate our hazardous intersection. Otherwise, the approval of the rezoning request for the Harbour Towers property, potentially adding to existing traffic, may represent a sort of "last straw" --- a gratuitous nail in the coffin of some future motorist or pedestrian.

Thank you for your consideration.

Michael de Rosenroll Cell:



Committee of the Whole – June 22, 2017

8. Rezoning Application No. 00554 and Development Permit Application No. 00491 for 345 Quebec Street (James Bay)

Motion:

It was moved by Councillor Thornton-Joe, seconded by Councillor Alto:

Rezoning Application No. 00554

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00554 for 345 Quebec Street; that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council; and a Public Hearing date be set after the execution of a Housing Agreement, to the satisfaction of City staff, to secure 219 residential rental units for a minimum of 20 years and to ensure that future strata bylaws cannot prohibit strata owners from renting residential strata units, and that the transient use be removed from the zone.

Development Permit Application No. 00491

That Council after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00554, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 000491 for 345 Quebec Street, subject to the applicant revising the ground floor units to address privacy and street relationship issues to the satisfaction of the Director of Sustainable Planning and Community Development and in accordance with:

- 1. Plans dated June 5, 2017 (as amended to address privacy and street relationship issues)
- Development meeting all Zoning Regulation Bylaw requirements;
- 3. The Development Permit lapsing two years from the date of this resolution."

Carried Unanimously

5. LAND USE MATTERS

5.1 Rezoning Application No. 00554 for 345 Quebec Street (James Bay)

Committee received a report dated June 8, 2017 from the Director of Sustainable Planning and Community Development regarding the proposal to rezone the property located at 345 Quebec Street from its current T-1 Zone to a site specific zone to add residential uses as its permitted use.

Committee discussed:

- How taking this hotel use out of the market affects the vacancy rate.
- Staff discussing with the applicant a longer time frame for the Housing Agreement.
- The site maintaining the transient zoning as well as the residential use zoning.

Councillor Coleman withdrew from the meeting at 11:17 a.m.

Committee discussed:

The size of the units being below 33m²

Councillor Loveday withdrew from the meeting at 11:18 a.m.

Committee discussed:

Whether a land lift analysis was completed

Councillor Loveday returned to the meeting at 11:19 a.m.

Committee discussed:

 Cost to the applicant to implement a 10 year Housing Agreement versus in perpetuity.

Motion:

It was moved by Councillor Alto, seconded by Councillor Thornton-Joe, that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00554 for 345 Quebec Street; that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council; and a Public Hearing date be set after the execution of a Housing Agreement, to the satisfaction of City staff, to secure 219 residential rental units for a minimum of 10 years and to ensure that future strata bylaws cannot prohibit strata owners from renting residential strata units.

<u>Amendment:</u> It was moved by Councillor Alto, seconded by Councillor Thornton-Joe, that the motion be amended as follows:

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00554 for 345 Quebec Street; that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council; and a Public Hearing date be set after the execution of a Housing Agreement, to the satisfaction of City staff, to secure 219 residential rental units for a

minimum of 40 **20** years and to ensure that future strata bylaws cannot prohibit strata owners from renting residential strata units.

Amendment to the amendment:

It was moved by Councillor Isitt, councillor Loveday, that the motion be further amended as follows:

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00554 for 345 Quebec Street; that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council; and a Public Hearing date be set after the execution of a Housing Agreement, to the satisfaction of City staff, to secure 219 residential rental units for a minimum of 40 20 60 years or the life of the building and to ensure that future strata bylaws cannot prohibit strata owners from renting residential strata units.

Committee discussed:

Concerns with placing unreasonable requirements on the applicant.

On the amendment to the amendment: DEFEATED 14/COTW

For:

Councillor Isitt

Against:

Mayor Helps, Councillors Alto, Loveday, Lucas, Madoff, Thornton-Joe,

and Young

Committee discussed:

 The possibility of the building being used for short-term vacation rentals instead of rental.

On the amendment: CARRIED UNANIMOUSLY 17/COTW

Amendment: It was moved by Councillor Madoff, seconded by Councillor Isitt, that the motion be amended as follows:

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00554 for 345 Quebec Street; that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council; and a Public Hearing date be set after the execution of a Housing Agreement, to the satisfaction of City staff, to secure 219 residential rental units for a minimum of 20 years and to ensure that future strata bylaws cannot prohibit strata owners from renting residential strata units, and that the transient use be removed from the zone.

On the amendment: CARRIED UNANIMOUSLY 17/COTW

On the main motion as amended:

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in

Rezoning Application No. 00554 for 345 Quebec Street; that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council; and a Public Hearing date be set after the execution of a Housing Agreement, to the satisfaction of City staff, to secure 219 residential rental units for a minimum of 20 years and to ensure that future strata bylaws cannot prohibit strata owners from renting residential strata units, and that the transient use be removed from the zone.

On the main motion as amended: CARRIED UNANIMOUSLY 17/COTW



Committee of the Whole Report

For the Meeting of June 22, 2017

To:

Committee of the Whole

Date:

June 8, 2017

From:

Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject:

Development Permit Application No. 000491 for 345 Quebec Street

RECOMMENDATION

That Council after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00554, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 000491 for 345 Quebec Street, subject to the applicant revising the ground floor units to address privacy and street relationship issues to the satisfaction of the Director of Sustainable Planning and Community Development and in accordance with:

- 1. Plans dated June 5, 2017 (as amended to address privacy and street relationship issues)
- 2. Development meeting all Zoning Regulation Bylaw requirements
- 3. The Development Permit lapsing two years from the date of this resolution."

LEGISLATIVE AUTHORITY

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

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit Application for the property located at 345 Quebec Street. The proposal is to convert an existing 13-storey hotel into residential apartments. The conversion includes the demolition of a section of the lower two floors to create an interior courtyard.

The following points were considered in assessing this application:

- the proposal includes a rezoning application to add a residential land-use to the existing
 T-1 Zone, Limited Transient Accommodation District
- the proposal is within an existing non-conforming building
- · the proposal is generally consistent with the Multi-Unit Residential, Commercial and

Industrial Design Guidelines contained in Development Permit Area 16: General Form and Character, to the extent that these guidelines can guide existing, legal non-conforming buildings

BACKGROUND

Description of Proposal

The proposal is for the conversion of an existing 13-storey hotel into residential apartments. The conversion will involve the demolition of a section of the lower two-story podium portion of the building to create an interior courtyard with entrances off Quebec and Oswego Streets.

Specific details include:

- internal path and courtyard for access and natural light to the lower interior residential units
- new building façades (materials and windows) on the lower two floors of the building, along Quebec and Oswego Streets
- exterior cladding, staining and repair on the tower portion of the building (floors 3 to 13) and exterior envelope changes including new double glazed windows and new modern guardrails on all balconies
- updated arches at the top of the building
- 219 Class 1 (secure and enclosed) bicycle parking stalls
- 179 off-street parking stalls
- · removal of the lower level roof mounted mechanical units.

Sustainability Features

As indicated in the applicant's letter dated February 15, 2017 the following sustainability features are associated with this application:

- · energy efficient LED lighting
- low flow plumbing fixtures.

Active Transportation Impacts

The application proposes the following features which support active transportation:

- 219 secure class 1 bike stalls
- interior bicycle repair station for residents.

Public Realm Improvements

No public realm improvements are proposed in association with this Development Permit Application.

Existing Site Development and Development Potential

The site is presently a 13-storey hotel with both underground and surface parking. The development potential of the site, if the existing building were to be demolished, would result in less density and height, and greater setbacks than what currently exists. The OCP Urban place designation is Urban Residential which would envision buildings up to six storeys with a floor space ratio up to 2.0 to 1.

Data Table

The following data table compares the proposal with the existing T-1 Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone. Two asterisks are used to identify where the building is legally non-conforming with regard to the existing zone.

Zoning Criteria	Proposal	Zone Standard T-1, Limited Transient Accommodation
Multi-family residential use	219 units*	Use not permitted
Site area (m²) - minimum	3993.80	1850
Density (Floor Space Ratio) - maximum	4.12**	1.2
Total floor area (m²) - maximum	16450.87**	4792.56
Height (m) - maximum	36.60**	21.50
Storeys - maximum	13	N/A
Site coverage % - maximum	69.2**	20
Open site space % - minimum	14.9**	30
Setbacks (m) – minimum:		
Front	0.02**	7.5
Rear	0.1**	7.5
Side (SE)	0.01**	7.5
Side (NW)	0.3**	7.5
Parking - minimum	179*	307
Bicycle parking stalls (minimum)	219 Class 1, 18 Class 2	18 Class 2

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the James Bay CALUC at a Community Meeting held on September 14th, 2016. A letter dated September 19th, 2016 is attached to this report.

ANALYSIS

Development Permit Area and Design Guidelines

The Official Community Plan (OCP) Urban Place Designation for the subject property is Urban Residential. This designation typically envisions buildings up to six storeys in this location and a maximum floor space ratio of 2:1. The existing legal non-conforming attributes of the building are not changing as part of this proposal and will remain as existing, legal non-conforming.

These include significant height and density inconsistencies between what is existing on-site, the T-1 Zone and the OCP policy.

The Official Community Plan (OCP) identifies this property within DPA 16, General Form and Character. Key objectives of this designation are to achieve more livable environments by promoting high quality architecture and considering privacy while supporting higher density development. The Multi-Unit Residential, Commercial and Industrial Design Guidelines within this DPA provide guidance for these goals and mainly relate to the alterations made at street level to the existing podium of the building. While much of the density, height and siting considerations within these guidelines are difficult to apply in this circumstance due to the existing, legal non-conforming building, they have been analysed with regard to the proposed podium alterations.

Residential units are proposed along Quebec and Oswego Streets on the property line and, in some cases, below the sidewalk grade. To address privacy concerns related to this arrangement, the Design Guidelines promote well designed public/private transitions, noting that "buildings should be located to address privacy impacts..." and "porches, steps, alcoves or other design features and encouraged to make transitions from the public realm of the street and sidewalk, to the private realm of residences". Guidelines for Crime Prevention Through Environmental Design (CPTED) are also included in the DPA, providing guidance related to the importance of ensuring casual surveillance. As discussed earlier, given that the building already exists, fully achieving these goals is somewhat challenging. The proposal includes individual entrances along Quebec Street that step down from the sidewalk grade. This relationship can reduce opportunities for casual surveillance due to privacy issues. For instance, passerby can more easily look into units compared to occupants looking out. By re-orienting the layouts and windows of some of the ground floor units, these potential privacy and livability issues can be more fully addressed. The applicant has indicated that they are willing to work with staff to address privacy and CPTED concerns with revisions to the layout of the ground floor units prior to the issuance of the Development Permit.

The proposal to convert the existing hotel includes a complete façade rebuild of the two-storey podium level and interior reconfiguration of these floors into residential units. As the structural elements of the podium will remain, apart from the demolition required to create the interior courtyard, the legal-non-coming status of the building is maintained. Unlike the tower portion of the building where all former hotel units are easily converted to residential, the interior courtyard is proposed to provide natural light to the new residential units created within the first two floors.

The tower portion of the building only receives minor upgrades as part of this proposal with new double glazed windows, repaired and tinted exterior cladding, and contemporary cosmetic changes to the top floor arches.

CONCLUSIONS

The proposed conversion of the existing 13-storey hotel to include residential land uses is consistent with the housing goals in the OCP. The existing, legal non-forming aspects of the building do not fundamentally change with this proposal, resulting in inconsistencies with the Multi-Unit Residential, Commercial and Industrial Design Guidelines. To the extent that these guidelines are applicable, the proposal satisfies a minimum form and character criteria to be supportable. Staff recommend that Council consider supporting this Application.

ALTERNATE MOTION

That Council decline Development Permit Application No. 000491 for the property located at 345 Quebec Street.

Respectfully submitted,

Miko Betanzo, Senior Planner - Urban Design Development Services

Jonathan Tinney, Director Sustainable Planning and Community Development Department

Report accepted and recommended by the City Manager:

Date:				
Date.				

List of Attachments

- Subject Map
- Aerial Map
- Plans, dated June 5th, 2017
- Letter from applicant to Mayor and Council, dated February 9, 2017
- Community Association Land Use Committee Comments, dated September 19, 2016
- Parking Demand Study, dated August 17, 2016
- Sewage Flow Calculation report, dated April 3, 2017.

ALTERNATE MOTION

That Council decline Development Permit Application No. 000491 for the property located at 345 Quebec Street.

Respectfully submitted,

Miko Betanzo, Senior Planner - Urban Design

Development Services

Jonathan Tinney, Director

Sustainable Planning and Community

Development Department

Report accepted and recommended by the City Manager:

Date:

List of Attachments

- Subject Map
- Aerial Map
- Plans, dated June 5th, 2017
- Letter from applicant to Mayor and Council, dated February 9, 2017
- Community Association Land Use Committee Comments, dated September 19, 2016
- Parking Demand Study, dated August 17, 2016
- Sewage Flow Calculation report, dated April 3, 2017.

NO. 17-085

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by creating the R3-Q Zone, Quebec Street Multiple Dwelling District, and to rezone land known as 345 Quebec Street from the T-1, Zone, Limited Transient Accommodation District to the R3-Q Zone, Quebec Street Multiple Dwelling District.

The Council of The Corporation of the City of Victoria enacts the following provisions:

- 1 This Bylaw may be cited as the "ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1113)".
- Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in the Table of Contents of Schedule "B" under the caption <u>PART 3 MULTIPLE DWELLING ZONES</u> by adding the following words:
 - "3.113 R3-Q Quebec Street Multiple Dwelling District"
- The Zoning Regulation Bylaw is also amended by adding to Schedule B after Part 3.112 the provisions contained in Schedule 1 of this Bylaw.
- The land known as 345 Quebec Street, legally described as Lot A of Lots 926, 927, 928, 929, 930, 945 and 954, Victoria City, Plan 24914 and shown hatched on the map attached to and forming part of this Bylaw as Appendix 1, is removed from the T-1 Zone, Limited Transient Accommodation District, and placed in the R3-Q Zone, Quebec Street Multiple Dwelling District.

READ A FIRST TIME the	10 th	day of	August	2017
READ A SECOND TIME the	10 th	day of	August	2017
Public hearing held on the		day of		2017
READ A THIRD TIME the		day of		2017
ADOPTED on the		day of		2017

CITY CLERK

MAYOR

PART 3.113 – R3-Q ZONE, QUEBEC STREET MULTIPLE DWELLING DISTRICT

3.113.1 Permitted Uses in this Zone

The following uses are the only uses permitted in this Zone:

- a. Multiple dwelling
- b. Accessory building subject to the regulations in Schedule "F"

3.113.2 Lot Area

a. Lot area (minimum) 1,850m²

b. <u>Lot</u> width (minimum) 35 m average <u>lot</u> width

3.113.3 Floor Area, Floor Space Ratio

a. Floor Area

No <u>self-contained dwelling unit</u> within the first 3 storeys in a <u>building</u> shall have a floor area of less than 26m², and 33m² above the third storey, reckoned exclusively of the width or thickness of the exterior walls of the unit and of the floor area or areas of any and all balconies.

- b. Floor space ratio (maximum)
- i. Subject to subsection (ii), the <u>floor space ratio</u> of a <u>building</u> on a <u>lot</u> shall not exceed the ratio that corresponds to the number of storeys in the building, as follows:

Storeys	Floor Space Ratio
1	0.3 to 1.0
2	0.6 to 1.0
3	0.9 to 1.0
4	1.2 to 1.0
5	1.2 to 1.0
6 or more	1.2 to 1.0

ii. If there is more than one <u>building</u> on the <u>lot</u>, the <u>floor space ratio</u> for any <u>building</u> on the <u>lot</u> shall be determined by the ratio that corresponds to the number of <u>storeys</u> in the highest <u>building</u> on the lot.

PART 3.113 – R3-Q ZONE, QUEBEC STREET MULTIPLE DWELLING DISTRICT

3.113.4 Height, Storeys

a. Principal <u>building</u> <u>height</u> (maximum)

21.50m

3.113.5 Setbacks, Projections

a. Front yard setback (minimum)

4.0m

Except for the following maximum projections into the setback:

• Steps less than 1.7m in height

2.0m

2.0m

Canopies

 Rear yard (south – facing Kingston St.) <u>setback</u> (minimum) for those portions of the <u>building</u> equal to or below 4.5m in <u>height</u> Nil

 Rear yard (south – facing Kingston St.) <u>setback</u> (minimum) for those portions of the <u>building</u> above 4.5m in height 6.0m

d. <u>Side yard setback</u> from interior <u>lot lines</u> (minimum) for those portions of a <u>building</u> equal to or below 9.0m in height

Nil

e. <u>Side yard setback</u> from interior <u>lot lines</u> (minimum) for those portions of a building above 9.0m in height

7.5m

f. <u>Side yard setback</u> on a flanking street for a <u>corner lot</u> (minimum)

4.0m

g. Any <u>balcony</u> or deck that faces a <u>street boundary</u> may project into a <u>setback</u> (maximum)

1.0m

PART 3.113 – R3-Q ZONE, QUEBEC STREET MULTIPLE DWELLING DISTRICT

3.113.6 Site Coverage, Open Site Space

a. <u>Site Coverage</u> (maximum)

i. Subject to subsection (ii), the <u>site coverage</u> of a <u>building</u> containing one or more <u>dwelling units</u> on a <u>lot</u> shall not exceed the percentage that corresponds to the number of <u>storeys</u> in the building, as follows:

Storeys	Maximum Site Coverage
1	30%
2	30%
3	30%
4	30%
5	24%
6 or more	20%

ii. If there is more than one <u>building</u> on a <u>lot</u>, the aggregate <u>site coverage</u> of all the <u>buildings</u> shall not exceed the percentage that corresponds to the number of <u>storeys</u> in the highest <u>building</u> on the lot.

b. Open site space (minimum)

30.0%

3.113.7 Vehicle and Bicycle Parking

a. Vehicle parking (minimum)

0.81 spaces per dwelling unit

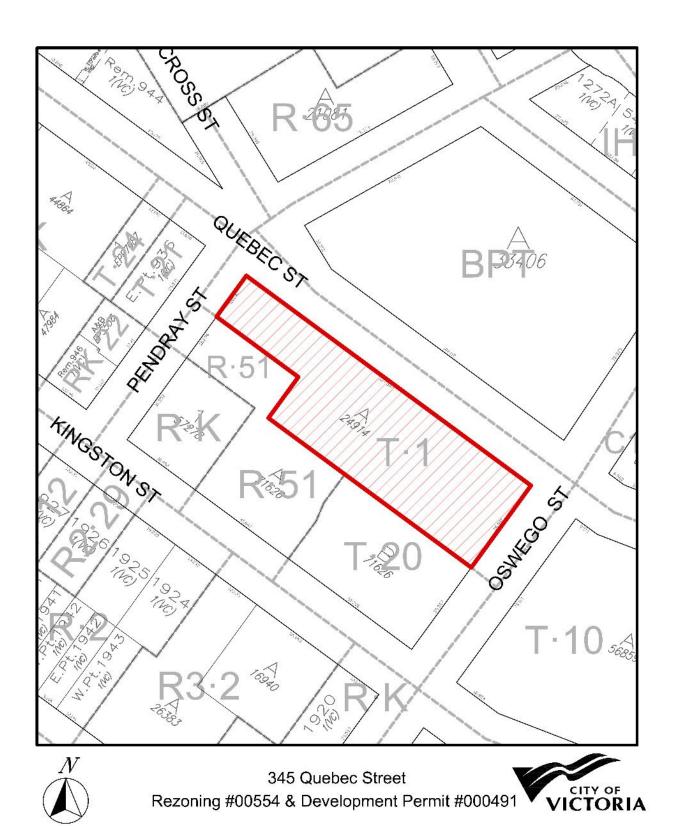
b. Visitor Parking (minimum)

5% of the total number of parking spaces required

c. Bicycle parking (minimum)

Subject to the regulations in Schedule "C"

d. No car shelter shall exceed 3m in height.



NO. 17-089

HOUSING AGREEMENT (345 Quebec Street) BYLAW

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to authorize an agreement for rental housing for the lands known as 345 Quebec Street, Victoria, BC.

Under its statutory powers, including section 905 of the *Local Government Act*, the Council of The Corporation of the City of Victoria in an open meeting enacts the following provisions:

Title

This Bylaw may be cited as the "HOUSING AGREEMENT (345 Quebec Street) BYLAW (2017)".

Agreement authorized

- The Mayor and the City's Corporate Administrator are authorized to execute the Housing Agreement
 - (a) substantially in the form attached to this Bylaw as Schedule A;
 - (b) between the City and Harbour Towers Ltd. or other registered owners from time to time of the lands described in subsection (c); and
 - (c) that applies to the lands known as 345 Quebec Street, Victoria, BC, legally described as:
 - PID # 002-836-271, Lot A of Lots 926, 927, 928, 929, 930, 945 AND 954, Victoria City, Plan 24914

Repeal

Bylaw No. 10-005, the Housing Agreement (345 Quebec Street) Bylaw is repealed and the agreement authorized by that bylaw is terminated.

READ A FIRST TIME the	10 th	day of	August	2017
READ A SECOND TIME the	10 th	day of	August	2017
READ A THIRD TIME the	10 th	day of	August	2017
ADOPTED on the		day of		2017

CITY CLERK

MAYOR

HOUSING AGREEMENT

(Pursuant to Section 483 of the Local Government Act)

BETWEEN:

THE CORPORATION OF THE CITY OF VICTORIA

#1 Centennial Square Victoria, B.C. V8W 1P6

(the "City")

OF THE FIRST PART

AND:

HARBOUR TOWERS LTD. (Inc. No. BC1049920)

420 – 1508 West Broadway Vancouver, B.C. V6J 1W8

(the "Owner")

OF THE SECOND PART

WHEREAS

- A. Under section 483 of the Local Government Act the City may, by bylaw, enter into a housing agreement with an owner regarding the occupancy of the housing units identified in the agreement, including but not limited to terms and conditions referred to in section 483(2) of the Local Government Act;
- B. The Owner is the registered owner in fee simple of lands in the City of Victoria, British Columbia, with a civic address of 345 Quebec Street and legally described as:

PID: 002-836-271

Lot A of Lots 926, 927, 928, 930, 945 and 954, Victoria City, Plan 24914

(the "Lands");

- C. The Owner holds legal title to the Lands in trust for the benefit of Harbour Towers Limited Partnership (the "Beneficial Owner") and has obtained the consent of the Beneficial Owner to execute this Agreement;
- D. The Owner wishes to convert the existing hotel rooms on the Lands to residential rental

units, and has applied to the City for an amendment to the City's Zoning Regulation Bylaw No. 80-159 to permit the residential use and prohibit transient accommodation, and for a development permit to permit the Development on the Lands;

- E. If the Dwelling Units are stratified in the future, they will be subject to the Strata Property Act (British Columbia) and the bylaws of the Strata Corporation, but the intent of this Housing Agreement is to ensure the availability of rental units for a set term and ensure there will be no restrictions on rentals in perpetuity;
- F. The City and the Owner wish to enter into this Agreement, as a housing agreement pursuant to section 483 of the Local Government Act, to establish the terms and conditions regarding the occupancy of the residential units identified in this housing agreement.

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

1.0 Definitions

1.1 In this Agreement:

"Development" means the proposed residential Dwelling Unit development on the Lands to include approximately 219 Dwelling Units.

"Dwelling Unit" means a self-contained residential dwelling unit within the Building that will be located on the Lands, and includes any dwelling unit that is developed on the Lands in future, whether as part of the Development or otherwise, and "Dwelling Units" means collectively all of such residential dwelling units located on the Lands.

"Existing Building" means the structure in place on the Lands prior to the Development, also referred to as the Harbour Towers Hotel and Suites.

"Immediate family" includes a person's husband, wife, child, mother, father, brother, sister, mother-in-law, father-in-law, grandparent, brother-in-law, sister-in-law, niece and nephew.

"Non-owner" means a person who occupies a Dwelling Unit for residential purposes, other than the Owner of that Dwelling Unit, and other than a member of the Owner's Immediate family.

"Owner" includes a person who acquires an interest in the Lands or any part of the Lands and is thereby bound by this Agreement, as referred to in section 7.3.

"Tenancy Agreement" means a tenancy agreement pursuant to the Residential Tenancy Act that is regulated by that Act, and does not include short-term vacation rentals.

"Rental Period" means twenty (20) years commencing on the date the City grants an occupancy permit for the Development.

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

1.2 In this Agreement:

- reference to any enactment includes any regulations, orders or directives made under the authority of that enactment; and
- reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided.

2.0 Reservation of Rental Units

- 2.1 The Owner covenants and agrees that none of the Dwelling Units located in the Building shall be used for any purpose other than as rental housing for the Rental Period, and shall only be occupied by a Non-owner under the terms of a Tenancy Agreement between the Owner and the Non-owner who occupies the Dwelling Unit.
- 2.2 For certainty, the Owner may continue to occupy the Existing Building on the Lands as a hotel until the construction of the Development has substantially started, but thereafter, the Dwelling Units shall only be occupied in accordance with section 2.1.

3.0 No Restrictions on Rentals

- 3.1 The Owner covenants and agrees that the Owner shall not take any steps, or enter into any agreements, or impose any rules or regulations whatsoever, the effect of which would be to prevent or restrict the Owner of a Dwelling Unit from renting that Dwelling Unit to a Non-owner under the terms of a Tenancy Agreement.
- 3.2 Without limiting the generality of section 3.1, the Owner covenants and agrees that it will not make application to deposit a strata plan for or in respect of the Lands or a building on the Lands unless the strata bylaws in no way restrict rental of any Dwelling Unit to a Non-owner under the terms of a Tenancy Agreement.
- 3.3 For certainty, if the Lands or the Development on the Lands are subdivided under the Strata Property Act, the Dwelling Units within the Development may not be occupied by the Owners of the strata lots during the Rental Period.

4.0 Reporting

- 4.1 The Owner covenants and agrees to provide to the City, upon written request from the City's Director of Sustainability Planning and Community Development, a report in writing confirming:
 - the number, type and location by suite or strata lot number, of Dwelling Units that are being rented to Non-owners; and
 - (b) any changes or proposed changes to the Strata Corporation's bylaws that may

affect the terms of this Agreement.

4.2 The Owner covenants and agrees:

- to exercise its voting rights in the Strata Corporation against the passage of any bylaws that would restrict the availability for rental of any Dwelling Unit under the terms of a Tenancy Agreement unless this Agreement is amended; and
- (b) to notify the City of any proposed amendments to its strata bylaws.
- 4.3 The Owner acknowledges that it is within the City's sole discretion to consent or not to consent to modifications to this Agreement and that such consent may be withheld for any reason.

5.0 Notice to be Registered in Land Title Office

5.1 Notice of this Agreement ("Notice") will be registered in the Land Title Office by the City at the cost of the Owner in accordance with section 483(5) of the Local Government Act, and this Agreement is binding on the parties to this Agreement as well as all persons who acquire an interest in the Lands after registration of the Notice.

6.0 Liability

- 6.1 The Owner agrees to indemnify and saves harmless the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from all claims, demands, actions, damages, costs and liabilities, which all or any of them shall or may be liable for or suffer or incur or be put to by reason of or arising out of failure of the Owner to comply with the terms and conditions of this Agreement.
- 6.2 The Owner hereby releases and forever discharges the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from any and all claims, demands, actions, damages, economic loss, costs and liabilities which the Owner now has or hereafter may have with respect to or by reason of or arising out of the fact that the Lands are encumbered by and affected by this Agreement.

7.0 General Provisions

Notice

- 7.1 If sent as follows, notice under this Agreement is considered to be received
 - (a) seventy-two (72) hours after the time of its mailing (by registered mail) or faxing,
 - (b) on the date of delivery if hand-delivered,

to the City:

City of Victoria #1 Centennial Square

Victoria, BC V8W 1P6

Attention: Director of Sustainability Planning and Community Development

Fax: 250-361-0386

to the Owner:

420 - 1508 West Broadway Vancouver, BC V6J 1W8

or upon registration of a strata plan for the Lands, to the Strata Corporation, and to the Owner of any Dwelling Unit that is subject to the restrictions under section 2.1 and 3.1.

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

If normal mail service or facsimile service is interrupted by strike, work slow-down, force majeure, or other cause,

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

Time

7.2 Time is to be the essence of this Agreement.

Binding Effect

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

Waiver

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

Headings

7.5 The headings in this Agreement are inserted for convenience and reference only and in no way define, limit or enlarge the scope or meaning of this Agreement or any provision of it.

Language

7.6 Wherever the singular, masculine and neuter are used throughout this Agreement, the same is to be construed as meaning the plural or the feminine or the body corporate or politic as the context so requires.

Equitable Remedies

7.7 The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement and that the public interest strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement.

Cumulative Remedies

7.8 No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.

Entire Agreement

7.9 This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.

Further Assurances

7.10 Each of the parties will do, execute, and deliver, or cause to be done, executed, and delivered all such further acts, documents and things as may be reasonably required from time to time to give effect to this Agreement.

<u>Amendment</u>

7.11 This Agreement may be amended from time to time, by consent of the Owner and a bylaw duly passed by the Council of the City and thereafter if it is signed by the City and the Owner.

Law Applicable

7.12 This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.

No Derogation from Statutory Authority

- 7.13 Nothing in this Agreement shall:
 - (a) limit, impair, fetter or derogate from the statutory powers of the City all of which powers may be exercised by the City from time to time and at any time to the fullest extent that the City is enabled and no permissive bylaw enacted by the City, or permit, licence or approval, granted, made or issued thereunder, or pursuant to statute, by the City shall estop, limit or impair the City from relying upon and enforcing this Agreement; or
 - (b) relieve the Owner from complying with any enactment, including the City's

bylaws, or any obligation of the Owner under any other agreement with the City.

Joint and Several

7.14 The Owner, if more than one, are jointly and severally obligated to perform and observe each and every of the covenants, warranties and agreements herein contained by the Owner to be observed and performed.

Counterpart

7.15 This Agreement may be executed in counterparts and delivered by facsimile or emailed PDF file, each of which will have the same effect as if all parties had signed the same document. Each counterpart shall be deemed to be an original. All counterparts shall be construed together and shall constitute one and the same Agreement.

Effective Date

7.16 This Agreement is effective as of the date of the signature of the last party to sign.

IN WITNESS WHEREOF the parties have hereunto set their hands as of the dates inscribed at a place within British Columbia:

MAYOR Lisa	Helps
CITY CLER	Chris Coates
Date signed:	
	TOWERS LTD. by its authorized
	TOWERS LTD. by its authorized
signatories:	WAYMAN CROSSY
HARBOUR signatories: Print Name	

BYLAWS

2. Bylaws and Motion for Rezoning Application No. 00520 for 3031 Jackson Street

Motion:

It was moved by Councillor Coleman, seconded by Councillor Young, that Council, after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00520, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 000475 for 3031 Jackson Street, in accordance with:

- 1. Plans date stamped June 12, 2017.
- 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - a. reduce site width from 75.00m to 53.17m
 - b. reduce front setback from 7.50m to 7.00m
 - c. reduce the rear setback from 7.50m to 6.00m (to Unit 10) and to 6.60m (to Units 8 and 10)
 - d. reduce the side setback (north) from 7.50m to 2.44m (to Unit 5) and to 3.00m (to Units 6 and 7) and to 7.19m (to Unit 6)
 - e. reduce building separation space from 7.5m to 5.76m between Unit 2 and Unit 4; and to 6.81m between Unit 7 and Unit 8
 - f. reduce the minimum distance between Attached Dwellings from 10.00m to 6.81m between Unit 7 and Unit 8; and from 15.00m to 7.60m between Unit 3 and Unit 10; and from 10.00m to 3.43m between Unit 2 and Unit 4.
- 3. Retention of an International Society of Arboriculture certified arborist during construction to ensure the tree protection plan is followed.
- 4. The Development Permit lapsing two years from the date of this resolution."

Carried Unanimously



Council Report For the Meeting of August 10, 2017

To:

Council

Date:

July 21, 2017

From:

Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject:

Update Report for Rezoning Application No. 00520 and Development Permit

with Variances Application No. 000475 for 3031 Jackson Street

RECOMMENDATION

That Council consider first and second readings of Zoning Regulation Bylaw, Amendment Bylaw (No. 1111) No. 17-082, and that Council receive this update report for information and substitute the proposed motion below in place of the May 4, 2017 motion, in order to reflect the changes to the applications:

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00520, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 000475 for 3031 Jackson Street, in accordance with:

- 1. Plans date stamped June 12, 2017.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce site width from 75.00m to 53.17m
 - ii. reduce front setback from 7.50m to 7.00m
 - iii. reduce the rear setback from 7.50m to 6.00m (to Unit 10) and to 6.60m (to Units 8 and 10)
 - iv. reduce the side setback (north) from 7.50m to 2.44m (to Unit 5) and to 3.00m (to Units 6 and 7) and to 7.19m (to Unit 6)
 - v. reduce building separation space from 7.5m to 5.76m between Unit 2 and Unit 4; and to 6.81m between Unit 7 and Unit 8
 - vi. reduce the minimum distance between Attached Dwellings from 10.00m to 6.81m between Unit 7 and Unit 8; and from 15.00m to 7.60m between Unit 3 and Unit 10; and from 10.00m to 3.43m between Unit 2 and Unit 4.
- 3. Retention of an International Society of Arboriculture certified arborist during construction to ensure the tree protection plan is followed.
- 4. The Development Permit lapsing two years from the date of this resolution."

EXECUTIVE SUMMARY

The purpose of this report is to inform Council that, in accordance with Council's motion of May 4, 2017 (see attached), staff have worked with the applicant to increase the rear yard setbacks for Units 8, 9 and 10 by 1.50m. This was accomplished by shifting the Attached Dwelling (Units

8, 9 and 10) further west and reducing the distance between the building and the shared driveway. Shifting the building has triggered an additional variance for building separation space between Units 7 and 8. The shift in building location has also changed the distance between buildings. These variances are supportable given the impact is internal to the site, sufficient distance is maintained between units to ensure liveability, and the siting of the buildings allows for retention of many of the mature trees on site. These new variances are shown in bold text in the amended motion above. The revised plans are attached for Council's consideration.

In addition to increasing the rear yard setback, the applicant has revised the landscape plan to extend the proposed cedar hedge along the east property line in order to mitigate potential privacy concerns and minimize potential overlook to the Wilderness Co-op site. There are no other changes to the proposal.

With regard to the conditions that Council set in relation to the Rezoning Application, staff can report that the applicant has submitted a sanitary sewer impact assessment to the satisfaction of the Director of Engineering and Public Works. The assessment has determined that the proposed increase in density does not result in a need for sewage attenuation. In addition, a Housing Agreement has been completed to ensure that future Strata Bylaws cannot prohibit the rental of units. Staff recommend for Council's consideration that the application proceed to a Public Hearing.

Respectfully submitted,

Álec Johnston Senior Planner

Development Services

Jonathan Tinney, Director

Sustainable Planning and Community

Development Department

Report accepted and recommended by the City Manager

Date:

List of Attachments

- Attachment A Committee of the Whole Minutes, May 4, 2017
- Attachment B Revised Plans, date stamped June 12, 2017
- Attachment C Applicant's Letter to Mayor and Council, dated June 2, 2017

4. LAND USE MATTERS

4.3 Rezoning Application No.00520 for 3031 Jackson Street & Development Permit with Variances Application No. 000475 for 3031 Jackson Street (Hillside/Quadra)

Committee received reports dated April 20, 2017, from the Director of Sustainable Planning and Community Development regarding an application to allow for the construction of ten, two-storey townhouses.

Committee discussed:

- · Concerns about the proposed tree loss to accommodate the proposal.
- The current proposal vs. what could be developed within the allowable zoning and policies.

Motion:

It was moved by Mayor Helps, seconded by Councillor Lucas:

Rezoning Application No.00520 for 3031 Jackson Street & Development Permit with Variances Application No. 000475

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No.00520 for 3031 Jackson Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

- Submission of a sanitary sewer impact assessment to the satisfaction of the Director of Engineering and Public Works, determining if the increase in density results in a need for sewage attenuation, and if sewage attenuation is necessary, preparation of legal agreements to the satisfaction of the City Solicitor and the Director of Engineering and Public Works.
- Preparation of a Housing Agreement to ensure that future Strata Bylaws cannot prohibit the rental of units, executed by the applicant to the satisfaction of City Staff.

Development Permit with Variances Application No. 000475 for 3031 Jackson Street

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00520, if it is approved, consider the following motion:

"That Council authorize the issuance of development Permit Application No. 000475 for 3031 Jackson Street, in accordance with:

- 1. Plans date stamped February 3, 2017.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce site width from 75.00m to 53.17m
 - ii. reduce front setback from 7.50m to 7.00m
 - iii. reduce the rear setback from 7.50m to 4.50m (to unit 10)
 - iv. reduce the side setback (north) from 7.50m to 2.44m (to Unit 5) and to 3.00m (to Units 6 and 7) and to 7.19m (to Unit 6)
 - v. reduce building separation space from 7.5m to 5.76m between Unit 2 and Unit 4
- 3. Retention of an International Society of Arboriculture certified arborist during construction to ensure the tree protection plan is followed.

4. The Development Permit lapsing two years from the date of this resolution."

Committee discussed:

- Concerns about the proposals lack of alignment with the development permit area guidelines for enhancing the neighbourhood's character.
- The concerns raised by neighbours and the proposals alignment with various policies and plans.
- Issues of the rear yard setbacks and proximity to neighbouring boundaries.

<u>Amendment</u>: It was moved by Councillor Young, seconded by Mayor Helps, that the motion be amended as follows:

Rezoning Application No.00520 for 3031 Jackson Street & Development Permit with Variances Application No. 000475

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No.00520 for 3031 Jackson Street, subject to staff working with the applicant to increase the rear yard setbacks, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

- Submission of a sanitary sewer impact assessment to the satisfaction of the Director of Engineering and Public Works, determining if the increase in density results in a need for sewage attenuation, and if sewage attenuation is necessary, preparation of legal agreements to the satisfaction of the City Solicitor and the Director of Engineering and Public Works.
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 - x. reduce building separation space from 7.5m to 5.76m between Unit 2 and Unit 4
- 3. Retention of an International Society of Arboriculture certified arborist during construction to ensure the tree protection plan is followed.
- 4. The Development Permit lapsing two years from the date of this resolution."

Committee discussed:

 Various concerns with the current proposal and opportunities to enhance the proposal's suitability for the neighbourhood and applicable site guidelines.

On the amendment: CARRIED UNANIMOUSLY 17/COTW

Main motion as amended:

Rezoning Application No.00520 for 3031 Jackson Street & Development Permit with Variances Application No. 000475

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No.00520 for 3031 Jackson Street, subject to staff working with the applicant to increase the rear yard setbacks, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

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Development Permit with Variances Application No. 000475 for 3031 Jackson Street

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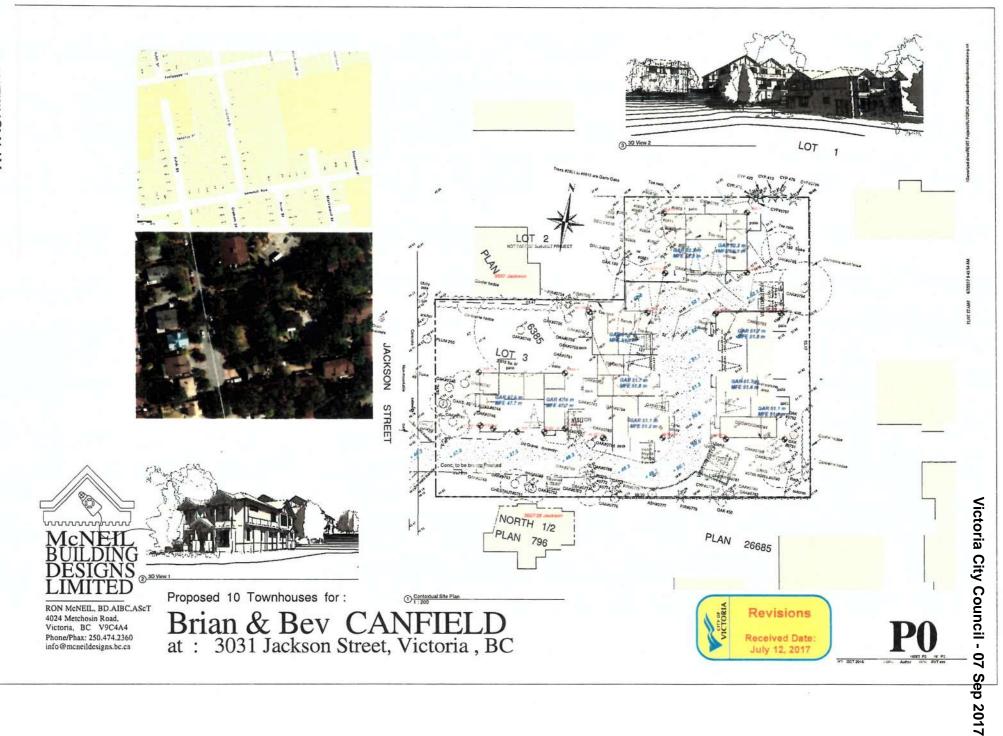
On the main motion as amended: CARRIED 17/COTW

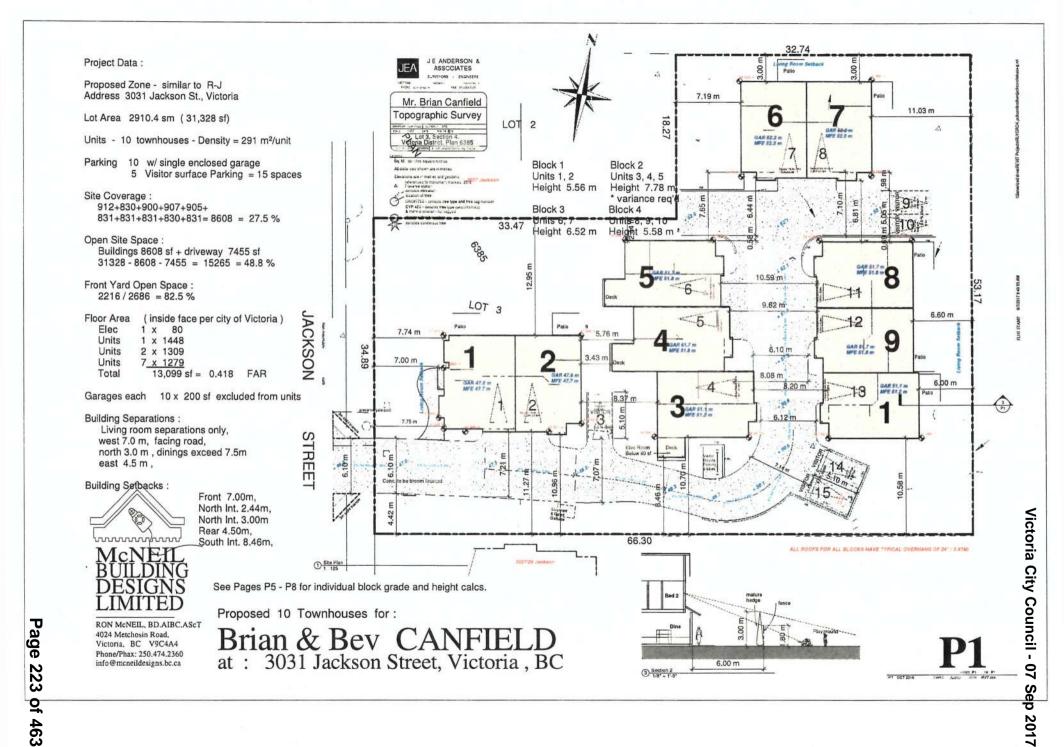
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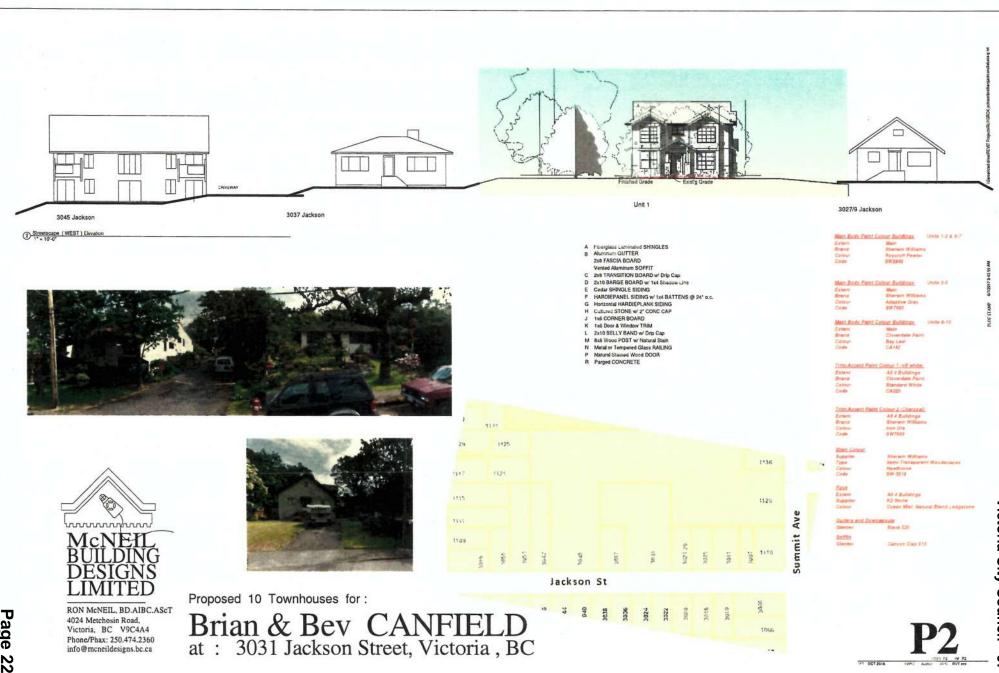
Mayor Helps, Councillors Alto, Coleman, Lucas, and Young

Against: Councillors Isitt, Madoff, and Thornton-Joe

Councillor Young excused himself from the meeting at 9:48 a.m. due to a pecuniary conflict of interest as he lives near the subject site being considered in the next item.







Page 224 of 463

Victoria City Council - 07 Sep 2017



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L 210 BELLY BAND W Drip Cap

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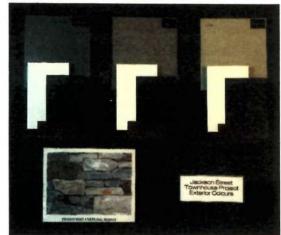
RON McNEIL, BD.AIBC.AScT 4024 Metchosin Road, Victoria, BC V9C4A4 Phone/Phax: 250.474.2360 info@mcneildesigns.bc.ca



Proposed 10 Townhouses for:

Brian & Bev CANFIELD at: 3031 Jackson Street, Victoria, BC

P3



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Sellis Central Cley 212

A Tiberglass Laminated SHINGLES 8 Aluminum GUTTER 2x8 FASCIA BOARD

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 C 2x8 TRANSITION BOARD w/ Drip Cap
- D 2x10 BARGE BOARD wf 1x4 Shacow Line E Cedar SHINGLE SIDING
- HARDIEPANEL SIDING W 1x4 BATTENS @ 24" o.c.
- G Horizontal HARDIEPLANK SIDING H Cultured STONE w/ 2° CONG CAP
- 1x6 CORNER BOARD 1x6 Door & Window TRIM
- 2x10 BELLY BAND w' Drip Cap
- M 6x6 Wood POST w Natural Stain
- M Metal or Tempered Glass RAILING
 P Natural Stained Wood DOOR
 R Parged CONCRETE



Unit 10 rear Unit 9 rear Unit 8 rear Unit 7 Rear (EAST) Elevation Units 10.9 8 & 7



Unit 4 Driveway Ejovation Units 3.4.5 & 6/7

Unit 5

Unit 6 Section



3 University Elevation Units 6/7 & 8,9.10



RON McNEIL, BD.AIBC.AScT 4024 Metchosin Road, Victoria, BC V9C4A4 Phone/Phax: 250.474.2360 info@mcneildesigns.bc.ca

Proposed 10 Townhouses for:

Brian & Bev CANFIELD at: 3031 Jackson Street, Victoria, BC

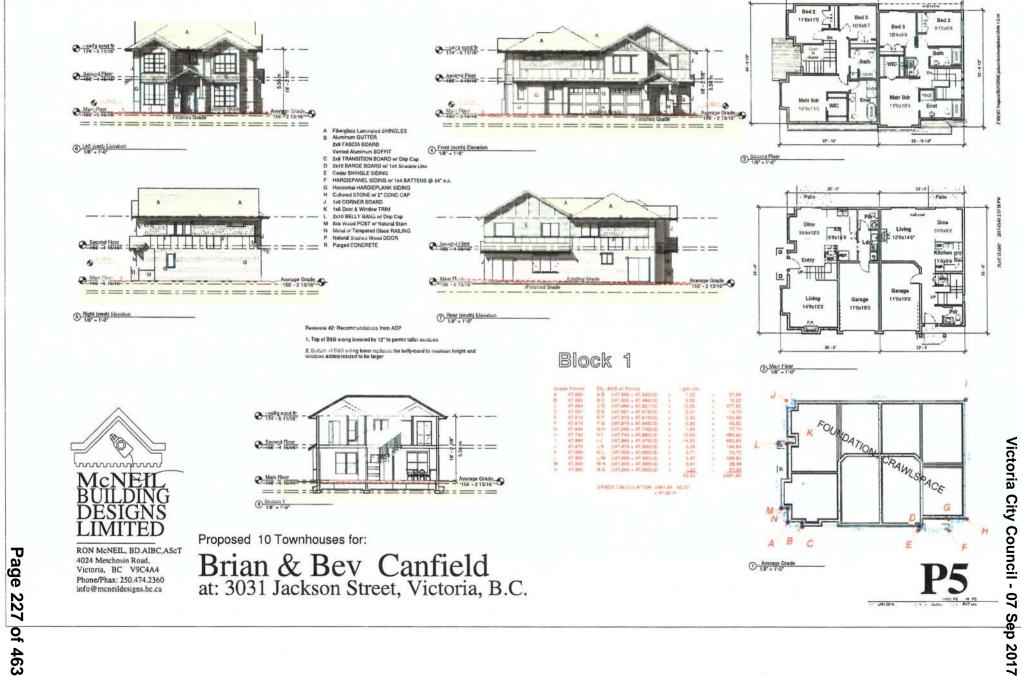
Revision #E Recommendations from ADP

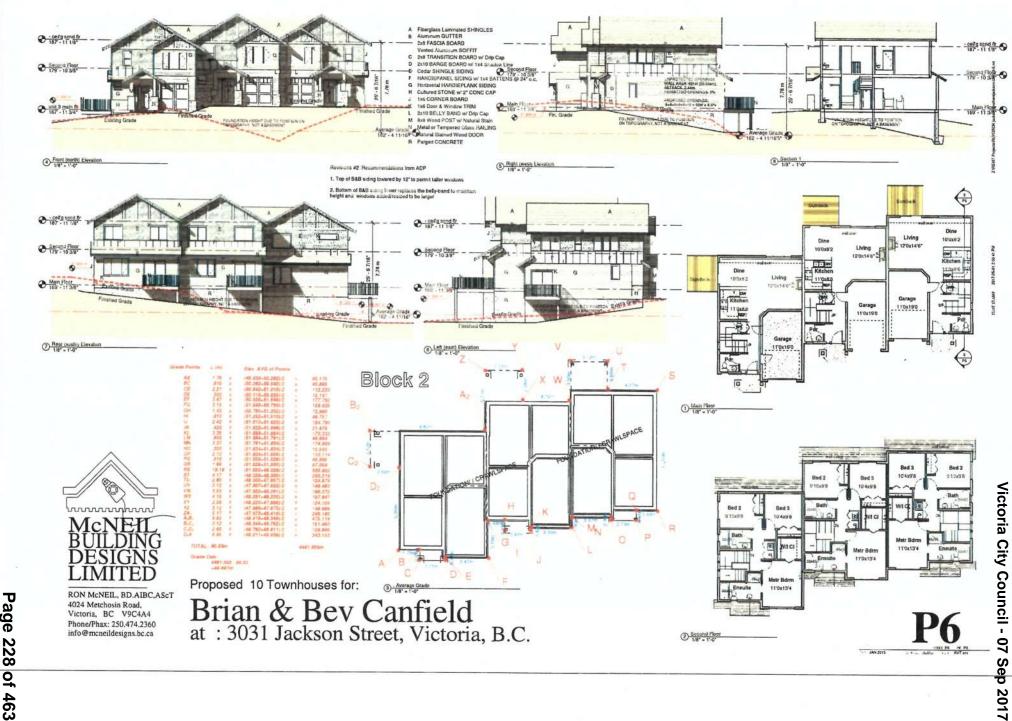
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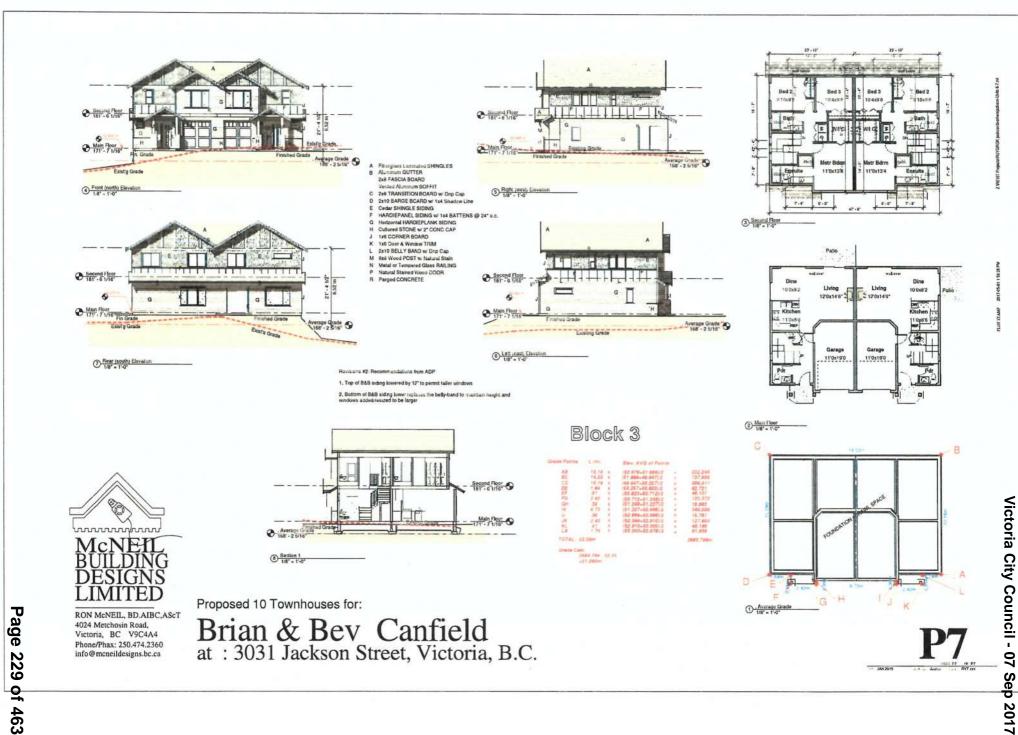
Victoria City Council - 07

Sep 2017

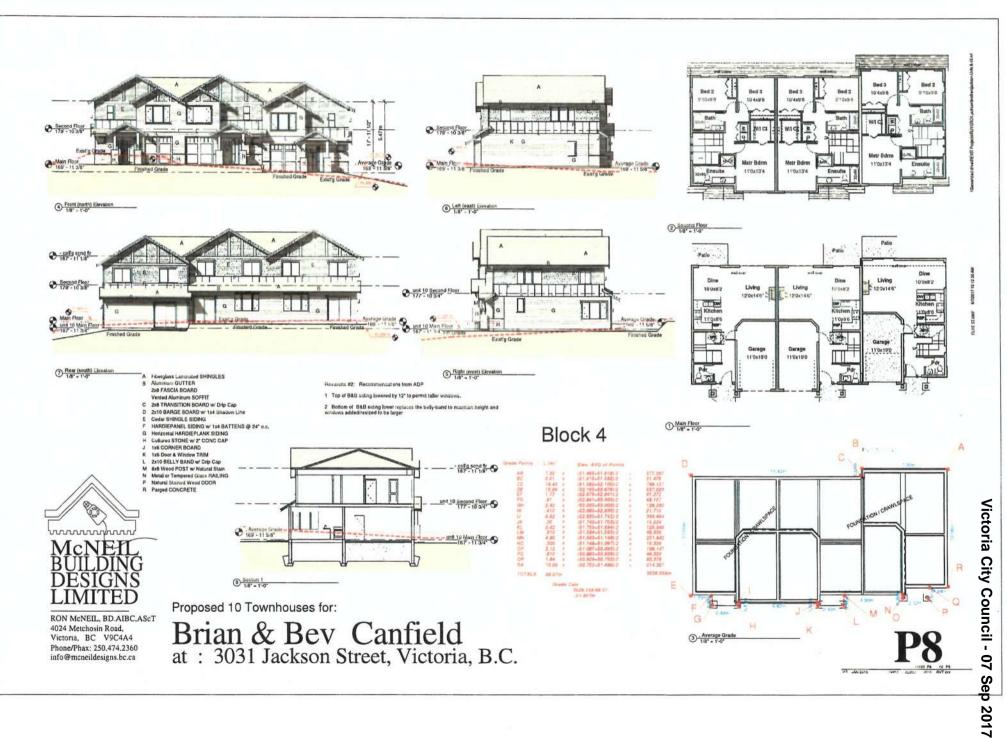


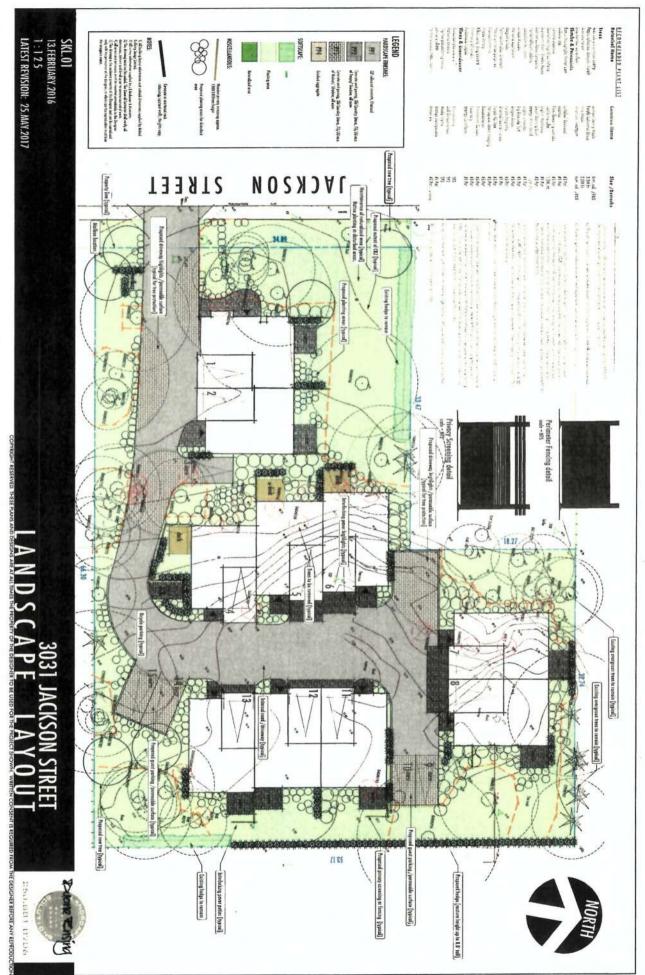












:: TOWNHOUSE REZONING :: 3031 JACKSON STREET :: SKL01 :: landscape layout ::

Sep 2017



4024 Metchosin Road, Victoria, BC V9C4A4 Home Page http://mcneildesigns.bc.ca Phone/Phax (250) 474 - 2360 Email ron@mcneildesigns.bc.ca

June 02, 2017

Mayor and Council
City of Victoria,
#1 Centennial Square, Victoria, BC
c/o emailed to Alec Johnston
via --

Re: Rezone & DP for 10 townhouses at 3031 Jackson St, Victoria, BC

Dear Mayor and Council,

I write to summarize our changes since Committee of the Whole, where council requested some adjustment to building position minimizing our requested rear setback variance, and requested we make some changes and when Planning staff was satisfied we would move to Public Hearing.

We have made changes to address those concerns.

We have moved block 4 (units 8-10) away from property line by a further 1.5m. This distances us more from the fence line, and we have added a row of hedging along that entire lot line. This move was the most we could make without adversely affecting both vehicular movement on site but also separation between units within project.

Drive aisle was reduced to near bylaw minimums as any further move will force the shifting of other units and that would adversely affect and cause removal of two or more trees.

We hope that council can now support our project and look forward to presenting at public hearing,

Sincerely,

Ron McNeil, AScT. mbltr841

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Received City of Victoria

JUN 1 2 2017

Planning & Development Department Development Services Division

REPORTS OF COMMITTEES

- Committee of the Whole May 4, 2017
 - 6. Rezoning Application No.00520 for 3031 Jackson Street & Development Permit with Variances Application No. 000475 for 3031 Jackson Street (Hillside/Quadra)

Motion:

It was moved by Councillor Alto, seconded by Councillor Lucas:

1. Rezoning Application No.00520 for 3031 Jackson Street

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No.00520 for 3031 Jackson Street, subject to staff working with the applicant to increase the rear yard setbacks, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

- Submission of a sanitary sewer impact assessment to the satisfaction of the Director of Engineering and Public Works, determining if the increase in density results in a need for sewage attenuation, and if sewage attenuation is necessary, preparation of legal agreements to the satisfaction of the City Solicitor and the Director of Engineering and Public Works.
- 2. Preparation of a Housing Agreement to ensure that future Strata Bylaws cannot prohibit the rental of units, executed by the applicant to the satisfaction of City Staff.
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 - v. reduce building separation space from 7.5m to 5.76m between Unit 2 and Unit 4
- 3. Retention of an International Society of Arboriculture certified arborist during construction to ensure the tree protection plan is followed.
- 4. The Development Permit lapsing two years from the date of this resolution."

Carried

For:

Mayor Helps, Councillors Alto, Coleman, Loveday, Lucas, Thornton-Joe, and

Young

Opposed:

Councillor Isitt and Madoff

4. LAND USE MATTERS

4.3 Rezoning Application No.00520 for 3031 Jackson Street & Development Permit with Variances Application No. 000475 for 3031 Jackson Street (Hillside/Quadra)

Committee received reports dated April 20, 2017, from the Director of Sustainable Planning and Community Development regarding an application to allow for the construction of ten, two-storey townhouses.

Committee discussed:

- Concerns about the proposed tree loss to accommodate the proposal.
- The current proposal vs. what could be developed within the allowable zoning and policies.

Motion:

It was moved by Mayor Helps, seconded by Councillor Lucas:

Rezoning Application No.00520 for 3031 Jackson Street & Development Permit with Variances Application No. 000475

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4. The Development Permit lapsing two years from the date of this resolution."

Committee discussed:

- Concerns about the proposals lack of alignment with the development permit area guidelines for enhancing the neighbourhood's character.
- The concerns raised by neighbours and the proposals alignment with various policies and plans.
- Issues of the rear yard setbacks and proximity to neighbouring boundaries.

<u>Amendment</u>: It was moved by Councillor Young, seconded by Mayor Helps, that the motion be amended as follows:

Rezoning Application No.00520 for 3031 Jackson Street & Development Permit with Variances Application No. 000475

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No.00520 for 3031 Jackson Street, **subject to staff working with the applicant to increase the rear yard setbacks**, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

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- 4. The Development Permit lapsing two years from the date of this resolution."

Committee discussed:

• Various concerns with the current proposal and opportunities to enhance the proposal's suitability for the neighbourhood and applicable site guidelines.

On the amendment: CARRIED UNANIMOUSLY 17/COTW

Main motion as amended:

Rezoning Application No.00520 for 3031 Jackson Street & Development Permit with Variances Application No. 000475

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No.00520 for 3031 Jackson Street, subject to staff working with the applicant to increase the rear yard setbacks, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

- Submission of a sanitary sewer impact assessment to the satisfaction of the Director of Engineering and Public Works, determining if the increase in density results in a need for sewage attenuation, and if sewage attenuation is necessary, preparation of legal agreements to the satisfaction of the City Solicitor and the Director of Engineering and Public Works.
- 2. Preparation of a Housing Agreement to ensure that future Strata Bylaws cannot prohibit the rental of units, executed by the applicant to the satisfaction of City Staff.

Development Permit with Variances Application No. 000475 for 3031 Jackson Street

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00520, if it is approved, consider the following motion:

"That Council authorize the issuance of development Permit Application No. 000475 for 3031 Jackson Street, in accordance with:

- 1. Plans date stamped February 3, 2017.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - xi. reduce site width from 75.00m to 53.17m
 - xii. reduce front setback from 7.50m to 7.00m
 - xiii. reduce the rear setback from 7.50m to 4.50m (to unit 10)
 - xiv. reduce the side setback (north) from 7.50m to 2.44m (to Unit 5) and to 3.00m (to Units 6 and 7) and to 7.19m (to Unit 6)
 - xv. reduce building separation space from 7.5m to 5.76m between Unit 2 and Unit 4
- 3. Retention of an International Society of Arboriculture certified arborist during construction to ensure the tree protection plan is followed.
- 4. The Development Permit lapsing two years from the date of this resolution."

On the main motion as amended: CARRIED 17/COTW

For:

Mayor Helps, Councillors Alto, Coleman, Lucas, and Young

Against: Councillors Isitt, Madoff, and Thornton-Joe

Councillor Young excused himself from the meeting at 9:48 a.m. due to a pecuniary conflict of interest as he lives near the subject site being considered in the next item.



Committee of the Whole Report For the Meeting of May 4, 2017

To:

Committee of the Whole

Date:

April 20, 2017

From:

Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject: Rezoning Application No.00520 for 3031 Jackson Street

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No.00520 for 3031 Jackson Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

- 1. Submission of a sanitary sewer impact assessment to the satisfaction of the Director of Engineering and Public Works, determining if the increase in density results in a need for sewage attenuation, and if sewage attenuation is necessary, preparation of legal agreements to the satisfaction of the City Solicitor and the Director of Engineering and Public Works.
- 2. Preparation of a Housing Agreement to ensure that future Strata Bylaws cannot prohibit the rental of units, executed by the applicant to the satisfaction of City Staff.

LEGISLATIVE AUTHORITY

In accordance with Section 479 of the Local Government Act, Council may regulate within a zone the use of land, buildings and other structures, the density of the use of the land, building and other structures, the siting, size and dimensions of buildings and other structures, as well as, the uses that are permitted on the land and the location of uses on the land and within buildings and other structures.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application for the property located at 3031 Jackson Street. The proposal is to rezone from the R1-B Zone, Single Family Dwelling District, to the R-J Zone, Low Density Attached Dwelling District, in order to permit the construction of ten, two-storey townhouses. The proposed units incorporate single-car garages with five visitor parking stalls provided in three locations on the site. The units are situated to retain the majority of Gary Oak trees and trees of other species that occupy the site. A number of variances are requested for site width, building setbacks and separation spaces.

The following points were considered in assessing this application:

- the property is within the Traditional Residential Urban Place Designation in the Official Community Plan, 2012, in which ground-oriented residential development in the form of attached dwellings can be considered
- the proposed building height and density of the townhouses is in keeping with the adjacent townhouses and single-family dwellings
- the siting of the townhouses mitigates the loss of Garry Oak trees and other trees on the property.

BACKGROUND

Description of Proposal

This Rezoning Application is to replace an existing house on a large lot (2910m²) with ten twostorey townhouses. The proposed units incorporate single-car garages with five visitor parking stalls provided in three locations on the site. The units are situated to retain the majority of Gary Oak trees and trees of other species that occupy the site. Specific details include:

- a total floor area of 1217m² with a density of 0.42:1
- two and three unit clusters of townhouses accessed by an "L"-shaped driveway
- all units are family-oriented with three upper floor bedrooms
- retention of large Gary Oaks and open space on the northwest corner of the property along Jackson Street
- private open space in the form of a patio or deck for each unit.

The following differences from the standard R-J Zone, Low Density Attached Dwelling District, are being proposed and will be discussed in relation to the concurrent Development Permit with Variances Application.

- reduced site width based on width required per dwelling unit
- reduce front, rear and north side yard setbacks
- reduced building separation spaces.

The design aspects of this proposal are also reviewed in the concurrent Development Permit Application report.

Affordable Housing Impacts

The applicant proposes the creation of ten new residential units which would increase the overall supply of housing in the area. As a condition of approval, a Housing Agreement is also being requested to ensure that future Strata Bylaws could not prohibit the rental of units.

Sustainability Features

The applicant has identified a number of sustainability features which will be reviewed in association with the concurrent Development Permit Application for this property.

Active Transportation Impacts

The application proposes visitor bike racks, which supports active transportation.

Public Realm Improvements

No public realm improvements are proposed in association with this Rezoning Application.

Land Use Context

The area is characterized by single-family dwellings and conversions, as well as the 38-unit Wilderness Co-op townhouse/garden apartments immediately adjacent to the north, east and south of the subject site.

Existing Site Development and Development Potential

The large lot (2910.7m²) is occupied by a single-family dwelling. The existing house was built in 1942 and is in fair condition. It is not identified on the Heritage Register.

Under the current R1-B Zone, Single Family Dwelling District, the property could be subdivided for a number of single-family dwelling lots with single-family dwellings of up to 300m² and two-storeys in height. Based on the lot area, up to five lots (including panhandle lots) may be possible.

Data Table

The following data table compares the proposal with the R-J Zone, Low Density Attached Dwelling District. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal	Zone Standard RJ
Site area (m²) - minimum	2910.70	2775.00
Site Width (m) - minimum	53.17*	75.00
Density (Number of Dwelling Units on a Lot) - maximum	10 (1 per 291.07m²)	10 units (1 per 277.5m²)
Total floor area (m²) - maximum	1216.94	N/A
Floor space ratio – maximum	0.42:1	N/A
Height (m) - maximum	5.65 (units 1,2) 7.78 (units 3,4,5) 6.52 (units 6,7) 5.58 (units 8,9,10)	8.50
Storeys - maximum	2	N/A
Open site space %	48.80	N/A
Site coverage % - maximum	27.50	40.00
Setbacks (m)		
Front (Jackson Street)	7.0*	7.50
Rear (east)	4.50*	7.50
Side (north)	2.44* (unit 5) 7.19* (unit 6) 3.00* (units 6 and 7)	7.50

Zoning Criteria	Proposal	Zone Standard RJ
Side (south)	8.46	7.50
Separation Space (m) - minimum	5.76* (units 2 and 4) 9.00 (units 3,4,5 and units 8,9,10) 7.10 (units 7,8 and 8,9,10)	5.00 to 15
Parking – minimum	15	15 (1.5 per dwelling unit)
Visitor parking (minimum) included in the overall units	5	2
Bicycle parking stalls (minimum)	10 class 1 6 class 2	10 6

Community Consultation

Consistent with the Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications, the applicant has consulted the Hillside Quadra CALUC at a Community Meeting held on April 25, 2016. A letter dated May 30, 2016 is attached to this report.

ANALYSIS

Official Community Plan

The property is within the Traditional Residential Urban Place Designation in the Official Community Plan, 2012, in which ground-oriented residential development in the form of attached dwellings can be considered.

Local Area Plans

The property is not identified in the *Hillside Quadra Neighbourhood Plan, 1996* as an area of potential change from the current R1-B Zone, Single Family Dwelling District; however, the property is unusually large and located next to a multi-unit residential development. The proposal is in keeping with the housing policies which give preference to family-oriented townhouses over apartments, and which are designed to "fit comfortably" into the neighbourhood. The site planning objective of minimizing tree loss is in line with the objective of minimizing the loss of mature trees on both public and private property.

CONCLUSIONS

The large area, varied topography and large number of Garry Oaks and other tree species on the property make a clustered, townhouse approach to its development preferable to subdivision for single-family dwellings. The location next to existing townhouses and apartments also suggests townhouses are an appropriate form of land use.

The two-storey building height and density of the proposed townhouses is in keeping with the adjacent townhouses and single-family dwellings. The proposed siting of the townhouses mitigates the loss of Garry Oaks and other trees on the property while maintaining a street presence on Jackson Street.

Staff recommend for Committee's consideration that the Application be forwarded to Council for consideration and a Public Hearing date be set.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00520 for the property located at 3031 Jackson Street.

Respectfully submitted,

Aléc Johnston Senior Planner

Development Services

onathan Tinney/Director

Sustainable Planning and Community

Development Department

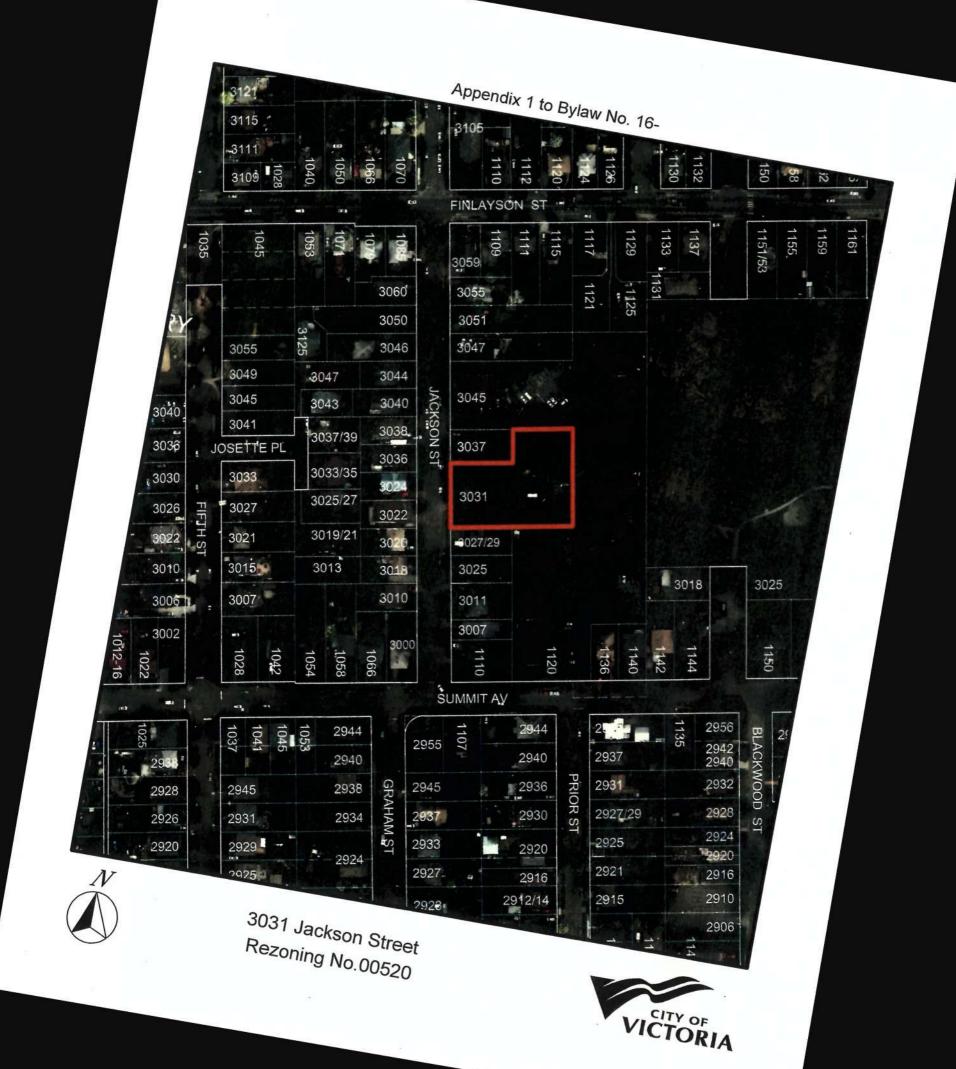
Report accepted and recommended by the City Manager:

Date: ______ April 25,200

List of Attachments:

- Subject Map
- Aerial Map
- Letters from the applicant to Mayor and Council dated January 12, 2017, October 10, 2016 and June 1, 2016
- Arborist report dated March 23, 2017 and March 11, 2016
- Plans date stamped April 20, 2017
- Community Association Land Use Committee Comments dated May 30, 2016
- Neighbourhood Correspondence







2272 Millstream Road, Victoria, BC V9B 6H2 Home Page http://mcneildesigns.bc.ca Phone/Phax (250) 474 - 2360 Email ron@mcneildesigns.bc.ca

January 12, 2017

Mayor and Council
City of Victoria,
#1 Centennial Square, Victoria, BC
c/o emailed to Brain Sikstrom, Planner
via --

Re: Rezone & DP for 10 townhouses at 3031 Jackson St, Victoria, BC

Dear Mayor and Council,

I write on behalf of my clients, Mr. & Mrs B Canfield, and their builder, Brothers Home Building, who wish to rezone a large parcel for 10 townhouses. A property in Mrs Canfields family since the 1940's.

This site is central to two commercial centers, Mayfair and Hillside, plus smaller corner stores, making walking to these within 15 minutes possible. Jackson street is also just a short walk from Quadra where bus service is excellent. Jackson Street is also an identified bicycle route so we are served by all sustainable travel methods, and those methods support a density higher than single family dwelling. Jackson street is very well suited to slightly higher density being a connector to arterial roadways, bus routes, cycle routes.

We met with the NAG twice, once informal and once formally, we had delivered a letter to the door of the immediate neighbours outlining our intent to develop the property and invited them to contact our Consultant (Dean Strongitharm) if they had any questions. No calls to the Consultant came as a result. Subsequently, Dean went door to door in the immediate neighbourhood offering to discuss any thoughts the neighbours might have. The formal NAG meeting had a presentation by McNeil Designs, the comments received from both the NAG meetings and the neighbourhood canvass have been acted upon and are now incorporated in the submitted proposal. Part of their concerns focused on the appearance of the front units from the street, the changes were made, and were recently supported by ADP. Other concerns were off street parking and we have arrived at our present position after significant dialogue and direction from the Planning Dept.

There are not often larger lots in the city anymore and so this is an appropriate opportunity to develop comprehensively without demolition of much existing housing stock. Five fee simple lots under current zone would not leave nearly as many trees. Townhouses give the most flexibility in siting, by varying position and block size. We were commended by ADP on how we sited the buildings and driveways around trees, and have retained a fairly large portion of the lot near road.

We are of the view that density is not seen as paramount issue since we believe it is equivalent to R-J except for setbacks as a result of saving trees. We further believe the arborist report clearly indicates we have developed our proposal is such a way to save a majority of trees. Our Arborist has been in touch with the Parks Department personnel in this regard.

Page 2

We have also carefully considered the topography and trees, following arborist's advice on which trees are the healthiest and easiest to protect, and then situated the units to best practice. You will see a large portion of property near the road is left untouched to retain a lot of what neighbours have come to know in way of greenspace and leaving a wide berth for the largest tree.

Gary Oak Tree Summary: (excluding over grown shrubs and fruit trees shown on site plan)

Tree total:

59

Trees removed:

23

Condition of removed trees:

3 Healthy

7 Fair

13 Poor

We heard neighbourhood concerns at the outset, initially adding two on-site parking spaces above required in response to neighbours comments., but are currently providing only the required parking at the suggestion of the Planning staff, anticipating Council's wishes to prioritize preserving trees. Landscape design has been revised to show all surface parking is permeable as well as some sections near entry.

Summary of Variances: (based on RJ zoning – low density)

These are variances to R-J, not a site specific zone. ALL of these come out of siting throughout the property to retain as many trees as possible, from both building siting and driveway location. Setbacks for windows, building separation based on rooms and property width. Note on the contextual plan that all neighbouring buildings, primarily the Coop townhouses are set back considerably from property lines. Most of these setbacks are for rooms that have additional windows facing another way, or are screened well from neighbours.

Following ADP recommendations we also added windows on side elevations where suitable, and amended the siding 'band' height and incorporated it with the belly band.

Note we will also build to Energuide 80. The builder is a registered Built Green Builder.

We hope you can support this application, we feel that this type of project, over single family subdivision, allows the best fit to retain trees and topography of lot and keeps affordability in the housing, we look forward to presenting our project as we have to the community.

Sincerely,

Ron McNeil, AScT.

mbltr829

REGISTERED BUILDING DESIGNER S PO 0022



2272 Millstream Road, Victoria, BC V9B 6H2 Home Page http://mcneildesigns.bc.ca Phone/Phax (250) 474 - 2360 Email ron@mcneildesigns.bc.ca

October 10, 2016

Mayor and Council
City of Victoria,
Centennial Square, Victoria, BC
c/o by hand with revised drawing sets,
via --

Re: Revisions & Requested Variances, for Rezone/DP 3031 Jackson St, Victoria, BC

Dear Mayor and Council,

I write on behalf of my clients, Mr & Mrs B Canfield, and their builder Brothers Home Building, who wish to rezone a large parcel for 10 townhouses.

This site is central to two commercial centers, Mayfair and Hillside, plus smaller corner stores, making walking to these within 15 minutes possible. Jackson street is also just a short walk from Quadra where bus service is excellent. Jackson Street is also an identified bicycle route so we are served by all sustainable travel methods, and those methods support a density higher than single family dwelling.

Jackson street is very well suited to higher density being a connector to arterial roadways, bus routes, cycle routes.

There are not often larger lots in the city anymore and so this is an appropriate opportunity to develop higher density without demolition of much existing housing stock

We have also carefully considered the topography and trees, following arborist's advice on which trees are the healthiest and easiest to protect, and then situated the units to best practice. You will see a large portion of property near the road is left untouched to retain a lot of what neighbours have come to know in way of greenspace and leaving a wide berth for the largest tree.

Owners have recently also enlisted a civil engineer to explore site servicing, and to date it appears much of it can be directed below the driveway to avoid root zones.

While our submission was a result of consultation with community association and neighborhood, we have also revised some aspects after receiving feedback from the planning department;

Now that the Senior Planners have taken on our file some of the previously noted concerns contained in the City's July 10/16 letter, have been resolved. We are of the view that density is not seen as an issue since we believe it is now viewed we are equivalent to R- K except for setbacks as a result of saving trees.

Although our original submission included an Arborist's report the report didn't reach the reviewing departments during initial review. Once we became aware of the problem, we resubmitted the report and it has been circulated. We further believe the report clearly indicates we have developed our proposal is such a way to save a majority of trees. Our Arborist has been in touch with the Parks Department personnel in this regard.

We have removed two parking spaces, at the suggestion of the Planning staff, so as to preserve an additional two trees. We initially added the two on-site parking spaces in response to neighbours comments. We have been advised that the saving of two additional trees is where the emphasis should be placed.

2

Plans have had some corrections and clarification to address almost all of the concerns for missing information. We have made clear the bulk of the deficiencies for setbacks and height are variances we wish to pursue as they are a result of building position and driveway configuration all stemming from tree preservation.

In response to earlier Staff comments we note that this project does not require an Architect as no block has more that four units and the proposal is therefore meeting the Architect's Act exemptions.

Building changes were made in minor aspects as garage doors and some other features for the interior units. We have redesigned the front unit a second time to enforce the appearance of a single family dwelling on the street facade, we had to make this a slightly larger unit than the others, as well as make it a complete departure from the other units in plan.

As we have numerous revisions throughout the drawings, bubbles were detracting from readability so we hope this letter characterizes them and we can submit fewer sheets by not submitting bubbled sets. We look forward to cooperatively working with staff to ensure we proceed efficiently from here on in.

Summary of Variances: (unless new zone based on RK is created)

Block 2 height, variance of 1.44m, due to steep terrain and meeting a common driveway. Block 3 height, variance of 0.17m, due to steep terrain and meeting a common driveway. Building Separation, smallest separation is 5.76m, variance of 1.74m, to facilitate building positions that save more trees. Building Setbacks, to facilitate building positions that save more trees.

We hope you can support this application, we feel that this type of project, over single family subdivision, allows the best fit to retain trees and topography of lot and keeps affordability in the housing, we look forward to presenting our project as we have to the community.

Sincerely,

Ron McNeil, AScT.

mbltr813





2272 Millstream Road, Victoria, BC V9B 6H2 Home Page http://mcneildesigns.bc.ca

Phone/Phax (250) 474 - 2360 Email ron@mcneildesigns.bc.ca

June 01, 2016

Mayor and Council City of Victoria, Centennial Square, Victoria, BC c/o via emailed pdf

Re: Rezoning, DP for 10 Townhouses, 3031 Jackson St, Victoria, BC

Dear Mayor and Council,

I write on behalf of my clients, Mr & Mrs B Canfield, and their builder Brothers Home Building, we wish to rezone a large parcel for 10 townhouses.

This site is central to two commercial centers, Mayfair and Hillside, plus smaller corner stores, making walking to these within 15 minutes possible. Jackson street is also just a short walk from Quadra where bus service is excellent. Jackson Street is also an identified bicycle route so we are served by all sustainable travel methods, and those methods support a density higher than single family dwelling.

Jackson street is very well suited to higher density being a connector to arterial roadways, bus routes, cycle routes.

There are not often larger lots in the city anymore and so this is an appropriate opportunity to develop higher density without demolition of much existing housing stock

We have also carefully considered the topography and trees, following arborist's advice on which trees are the healthiest and easiest to protect, and then situated the units to best practice. You will see a large portion of property near the road is left untouched to retain a lot of what neighbours have come to know in way of greenspace and leaving a wide berth for the largest tree.

As the project successfully progresses we will also require servicing, etc to do the same and minimize impact on the many trees retained.

We hope you can support us, we feel that this type of project, over single family subdivision, allows the best fit to trees and topography of lot and keeps affordability in the housing, we look forward to presenting our project as we have to community.

Sincerely.

Ron McNeil, AScT. mbltr805





Talbot Mackenzie & Associates

Consulting Arborists

March 23, 2017

Brian Canfield 289 Marine Drive Pt. Roberts, Washington 98281

Re: Proposed service corridor for 3031 Jackson Street

As requested, we reviewed the proposal to service the property by way of a single corridor that would run along the proposed driveway access. We concur with the proposed design and agree that the most suitable and practical location to install the underground services is along the driveway alignment.

Garry oak trees are located on either side of this corridor and where they could potentially be impacted by the service trench.

- Garry oaks #741, 746 and 749, on either side of the driveway near units #1 and #2
- Garry oaks #767 and 766 on the north side of the driveway near unit #3 and #768, 769, 770, 771 and 772 on the south side of the driveway opposite unit #3

We determined and outlined in the spreadsheet that accompanied our December 05, 2016 tree removal summary that oaks #746, 767, 768, 769 and 770 should be removed due to these and other anticipated construction impacts. We further indicated that it is unlikely that #749 could not be retained due to its location in relation to the driveway footprint,

The degree of impact on the remaining trees is dependant on the number of services that will be installed within the corridor, the degree of separation between each service and the depth of excavation required.

If it is determined that a wide, deep corridor is required, we recommend relocating the easement to one side of the corridor. Such a relocation may result in the loss of trees on one side of the corridor but would increase the chance of protecting the trees on the other side of this corridor.

On this site, if a wide corridor is required and in locations where trees on both sides of this corridor cannot be adequately protected, we would suggest:

- Where the service corridor enters the property and near unit #1 & 2, run the
 trench down the south side of the driveway which would result in the removal
 oak #749. This tree has already been identified as a tree that may not survive due
 to other construction related impacts.
- The service trench should cross the driveway and run along the north side of the driveway where it passes unit #3. Garry oak #767 which has already been identified in our spreadsheet for removal and one additional oak #766 would be removed.

..../2

Box 48153 RPO Uptown Victoria, BC V8Z 7H6 Ph: (250) 479-8733 ~ Fax: (250) 479-7050 Email: treehelp@telus.net March 23, 2017

Proposed service corridor for 3031 Jackson Street

Page 2

In some instances, to reduce the width of the required corridor, individual services can be stack or services encased to reduce the separation between individual services. A decision regarding the removal of these trees can be made prior to construction or made as field decision at the time of excavation.

Please do not hesitate to call us at (250) 479-8733 should you have any further questions. Thank You.

Yours truly,

Talbot Mackenzie & Associates

In Illi

Tom Talbot & Graham Mackenzie

ISA Certified, & Consulting Arborists

Enclosures: Tree removal list, Possible service location diagram

Disclosure Statement

Arborists are professionals who examine trees and use their training, knowledge and experience to recommend techniques and procedures that will improve their health and structure or to mitigate associated risks.

Trees are living organisms, whose health and structure change, and are influenced by age, continued growth, climate, weather conditions, and insect and disease pathogens. Indicators of structural weakness and disease are often hidden within the tree structure or beneath the ground. It is not possible for an Arborist to identify every flaw or condition that could result in failure nor can he/she guarantee that the tree will remain healthy and free of risk.

Remedial care and mitigation measures recommended are based on the visible and detectable indicators present at the time of the examination and cannot be guaranteed to alleviate all symptoms or to mitigate all risk posed.

Box 48153 RPO Uptown Victoria, BC V8Z 7H6 Ph: (250) 479-8733 ~ Fax: (250) 479-7050 Email: treehelp@telus.net

Key to Headings in Resource Table

d.b.h. – *diameter at breast height* - diameter of trunk, measured in centimetres at 1.4 metres above ground level

CRZ – *critical root zone* - estimated optimal size of tree protection zone based on tree species, condition and age of specimen and the species tolerance to root disturbance. Indicates the radial distance from the trunk, measured in metres.

Crown spread – indicates the diameter of the crown spread measured in metres to the dripline of the longest limbs.

Condition health/structure -

- Good no visible or minor health or structural flaw
- Fair health or structural flaw present that can be corrected through normal arboricultural or horticultural care.
- Poor significant health or structural defects that compromise the longterm survival or retention of the specimen.

Tree status – Planned status of tree retention within proposed development

- Retain Retention of tree proposed
- · Possible Retention possible with precautions
- · Remove Removal required or recommended
- Unlikely Retention may not be possible based on tree location and unless detailed mitigation strategies employed during construction.
- Removed Tree has been removed previously

Relative Tolerance – relative tolerance of the selected species to development impacts.

TREE RESOURCE 3031 Jackson (Tree Removal and Impacts)

Tree #	d.b.h. (cm)	PRZ	CRZ	Species	Crown Spread(m)	Condition Health	Condition Structure	Status	Remarks / Recommendations
0770	36	6.5	3.6	Garry oak	4	Poor	Fair	Remove	Ivy covered, large deadwood, little live foliage visible.
0783	34	6.1	3.4	Garry oak	9	Dead	Dead	Remove	Dead tree next to house.
0784	22, 27	N/A	N/A	Pacific dogwood	N/A	Dead	Dead	Removed	Dead snag, ivy covered. Failed and removed previously.
0786	48	8.6	4.8	Garry oak	5	Fair/Poor	Poor	Unlikely	Main stem failed historically, large cavity in remaining stem. Remove.
0787	30	5.4	3.0	Garry oak	5	Fair	Fair	Unlikely	Corrected lean, minor girdling from power line.
0791	37	6.7	3.7	Garry oak	6	Good	Good	Unlikely	Leaning toward neighbouring property.
0792	52	9.4	5.2	Garry oak	10	Poor	Poor	Remove	Covered in dense ivy, no live foliage visible. Unlikely to be alive
0793	109	19.6	10.9	Garry oak	14	Fair/poor	Fair/poor	Remove	Mature tree with large historic pruning wounds, recent limb failrue, large deadwood, end- weighted limbs. Resistograph test if retained.
0799	57	10.3	5.7	Garry oak	10	Fair	Poor	Remove	Large cavity at lower trunk, large deadwood, rooted in rock.
0800	17, 21	5.6	3.0	Garry oak	12	Good	Fair	Remove	Co-dominant, deadwood, rooted in rock.
0801	20	3.6	2.0	Garry oak	8	Fair	Fair	Remove	Rooted in rock.
0803	18	3.2	1.8	Garry oak	6	Fair	Fair	Remove	Rooted in rock, twig dieback.
0811	16	2.9	1.6	Garry oak	8	Good	Good	Remove	Rooted in rock.
0812	21	3.8	2.1	Garry oak	9	Good	Good	Remove	Rooted in rock.

Prepared by: Talbot Mackenzie & Associates ISA Certified, and Consulting Arborists Phone: (250) 479-8733 Fax: (250) 479-7050 email: Treehelp@telus.net

Page 256 of 463

MULCHING TO REDUCE SOIL COMPACTION

33.47

52.1

consultation with a consulting arbarist.

9) 1.0M ht (min) hedging in front of parking area(s)

ggrage.

HARDSCAPE FINISHES:

8) Type 1 bicycle parking within each separate garage. Type 2 bicycle parking within each separate

QP coloured concrete, George

Inilay Jole

42



Talbot Mackenzie & Associates

Consulting Arborists

March 11, 2016

Brian Canfield 289 Marque Drive Pt. Roberts, Washington 98281

Re: Arborist review for 3031 Jackson Street

During our recent March 07, 2016 site visit we inspected and reviewed the health and structure of the trees on the property that were previously examined by us on September 20, 2009.

We also reviewed the concept plan and preliminary drawings for the townhouse development that is proposed to be constructed on this property.

During our examination we assigned each tree a status, based on its health and structural condition and its location within the property as it relates to the building and driveway footprints, service corridor and areas of other construction impacts.

Tree status - Planned status of tree retention within proposed development

- Retain Retention of tree proposed
- · Possible retain Retention possible with precautions
- Remove Removal required or recommended
- Unlikely Retention is unlikely based on the trees location in relation to the buildings, driveway or servicing.

Since the date of our original tree assessment several trees have died or failed, specifically Garry oak #0783 and Dogwood #0784. The canopies of others have become so heavily infested with English Ivy vine that there is little live foliage remaining or they will no longer be viable once the ivy has been removed, specifically Garry oak #0753, 0757, 0758, 0759, 0760, 0768, 0769, 0770, 0792.

The following information was compiled regarding the tree resource:

- 1. Trees that are located where thee is an excellent opportunity for their retention
 - a. Garry oak #0742, 0743, 0744, 0745, 0748, 0750, 0752, 0773, 0774, 0776, 0780, 0782, 0788, 0789, 0790, 0795, 0840, 0805, 0806, 0807, 0808, 0810.
 - b. Douglas-fir #0754, 0755
 - c. Horse chestnut #0751
 - d. Flowering plum #1 (not tagged, located on the municipal frontage.

.../2

Box 48153 RPO Uptown Victoria, BC V8Z 7H6 Ph: (250) 479-8733 ~ Fax: (250) 479-7050 Email: treehelp@telus.net

- 2. Trees that are located where they will be impacted but their retention is possible, based on how effectively the construction impacts can be mitigated.
 - a. Garry oak #0741, 0747, 0753, 0756, 0766, 0767, 0771, 0772, 0794, 0802
 - b. Ash #0777.
 - c. Douglas-fir #0778,
 - d. Monterey cypress #0779, 0796, 0797, 0798.
- 3. Trees having health or structural defects or that are located where their retention is not possible.
 - a. Garry oak #0746, 0757, 0758, 0759, 0760, 0761, 0762, 0763, 0764, 0765, 0768, 0769, 0770, 0783 (dead tree), 0792, 0793, 0799, 0800, 0801, 0803, 0811, 0812.
- Trees that are located outside of the construction footprints but where there
 retention is unlikely due to the anticipated impacts.
 - a. Garry oak #0749, 0786, 0787, 0791, 0809.
 - b. Douglas-fir #0775

The ability to retain trees that are near the area of construction impacts and designated as possible or unlikely will depend on the impact that is anticipated for each tree and the options for the possible mitigation of these impacts.

The potential impacts on the site related to the tree resource may include:

- 1. The location of the building footprint as it related to the critical root zones of the tree.
- The proposed depth of excavation and any over excavation required on the outside of footprint.
- The size and spread of the tree canopy as it relates to the location of and height of the building units and the subsequent canopy pruning that may be required.
- 4. Any blasting and rock removal that may be required to establish a level grade for the building units, driveway and parking areas.
- The footprint for the common driveway access and driveways to the individual units and the options for realignment to favour tree retention.
- 6. Any changes to the site grade that may be required for the driveway and building footprints or for landscape improvements
- The location of the service corridors and connections in relation to the trees critical root zones and the location and size of any onsite storm water management that may be required.
- Any accessory building, sidewalks, patios or pathways that may be constructed and the options for adjusting their location to favour tree retention.
- The removal of stumps that are in close proximity to trees that are to be retained.

Once the concept plan has been approved and the status of each tree is finalised we can prepare a tree impact and retention report for the purpose of mitigating the impact of the construction on the trees that are designated for retention based on these detailed plans.

.../3

Box 48153 RPO Uptown Victoria, BC V8Z 7H6 Ph: (250) 479-8733 ~ Fax: (250) 479-7050 Email: treehelp@telus.net March 11, 2016

Arborist review for 3031 Jackson Street

Page 3

Please do not hesitate to call us at 250-479-8733 should you have any further questions. Thank You.

Yours truly,

Talbot Mackenzie & Associates

1.065

Tom Talbot & Graham Mackenzie ISA Certified, & Consulting Arborists

cc: Eric Ruygrok - Brothers Home Building

Disclosure Statement

Arborists are professionals who examine trees and use their training, knowledge and experience to recommend techniques and procedures that will improve their health and structure or to mitigate associated risks.

Trees are living organisms, whose health and structure change, and are influenced by age, continued growth, climate, weather conditions, and insect and disease pathogens. Indicators of structural weakness and disease are often hidden within the tree structure or beneath the ground. It is not possible for an Arborist to identify every flaw or condition that could result in failure nor can he/she guarantee that the tree will remain healthy and free of risk.

Remedial care and mitigation measures recommended are based on the visible and detectable indicators present at the time of the examination and cannot be guaranteed to alleviate all symptoms or to mitigate all risk posed.

Key to Headings in Resource Table

d.b.h. – *diameter at breast height* - diameter of trunk, measured in centimetres at 1.4 metres above ground level

CRZ – *critical root zone* - estimated optimal size of tree protection zone based on tree species, condition and age of specimen and the species tolerance to root disturbance. Indicates the radial distance from the trunk, measured in metres.

Crown spread – indicates the diameter of the crown spread measured in metres to the dripline of the longest limbs.

Condition health/structure -

- Good no visible or minor health or structural flaw
- Fair health or structural flaw present that can be corrected through normal arboricultural or horticultural care.
- Poor significant health or structural defects that compromise the longterm survival or retention of the specimen.

Relative Tolerance – relative tolerance of the selected species to development impacts.

Tree status - Planned status of tree retention within proposed development

- Retain Retention of tree proposed
- Possible retain Retention possible with precautions
- Remove Removal required or recommended
- Unlikely Retention is unlikely based on the trees location in relation to the building, driveway or servicing.

TREE RESOURCE for 3031 Jackson Street

Tree #	d.b.h. (cm)	PRZ	CRZ	Species	Crown Spread	Condition Health	Condition Structure	Relative Tolerance	Status	Remarks / Recommendations
no tag #1	26			Japanese Flowering plum	5	Good	Good	Moderate	Retain	Flush cut wounds, leaning. Located on municipal frontage.
0741	26	4.7	2.6	Garry oak	5	Fair/Poor	Fair	Good	Possible	Twig dieback, weeps over driveway, compacted soil at base.
0742	24	4.3	2.4	Garry oak	6	Fair/Good	Fair	Good	Retain	Co-dominant with 0743, weeps over sidewalk, history of limb failure.
0743	26	4.7	2.6	Garry oak	4	Fair	Fair	Good	Retain	Co-dominant with 0742, large deadwood, natural lean.
0744	20	3.6	2.0	Garry oak	3	Fair	Fair	Good	Retain	High crown, twig dieback.
0745	26, 33	8.8	4.9	Garry oak	5	Fair	Fair	Good	Retain	Co-dominant, small deadwood, cavity in upper canopy.
0746	37, 41	11.0	6.3	Garry oak	8	Fair	Fair	Good	Remove	Co-dominant, large deadwood, compacted soil at base.
0747	26, 42	10.4	5.8	Garry oak	8	Fair	Fair	Good	Possible	Co-dominant, large deadwod, twig dieback.
0748	61	11.0	6.1	Garry oak	10	Fair/poor	Good	Good	Retain	Close to northern property boundary, twig dieback, small deadwood, poor annual shoot elongation.
0749	23, 28, 30	11.0	6.0	Garry oak	8	Fair	Fair	Good	Unlikely	Tri-dominant, located along southern property line,tri-dominant, epicormic growth, poor annual shoot elongation. A portion of the trunk appears to be within the driveway footprint
0750	17	3.1	1.7	Garry oak	4	Fair	Fair	Good	Retain	Located along southern property line, small deadwood, ivy covered.
0751	24	4.3	2.4	Horse chestnut	5	Good	Good	Good	Retain	Located along southern property line. Rubbing adjacent Garry oak.
0752	29	5.2	2.9	Garry oak	7	Good	Good	Good	Retain	Located along southern property line. Rubbing adjacent Horse chestnut.
0753	24	4.3	2.4	Garry oak	2	Poor	Fair/poor	Good	Possible	Located along southern property line, asymmetric form, 100% ivy covered, little live foliage visible through ivy.
0754	29	5.2	4.4	Douglas-fir	5	Good	Good	Poor	Retain	Located along northern property line, may be shared tree with neighbour.

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TREE RESOURCE for 3031 Jackson Street

Tree #	d.b.h. (cm)	PRZ	CRZ	Species	Crown Spread	Condition Health	Condition Structure	Relative Tolerance	Status	Remarks / Recommendations
0755	27	4.9	4.1	Douglas-fir	5	Good	Fair	Poor	Retain	Located along northern property line, corrected lean, may be shared tree with neighbour.
0756	60	10.8	6.0	Garry oak	7	Good	Good	Good	Possible	Located along northern property line, Ivy covered, deadwood.
0757	30	5,4	3.0	Garry oak	4	Poor	Fair	Good	Remove	Ivy covered, little live foliage visible.
0758	36	6.5	3.6	Garry oak	4	Poor	Fair	Good	Remove	Covered in dead ivy, poor annual shoot elongation.
0759	23	4.1	2.3	Garry oak	6	Fair	Fair	Good	Remove	Covered in dead ivy, poor annual shoot elongation.
0760	42	7.6	4.2	Garry oak	6	Poor	Fair	Good	Remove	Ivy covered, some live foliage visible.
0761	27, 31	8,5	4.7	Garry oak	8	Fair	Fair	Good	Remove	Co-dominant, large deadwood, poor annual shoot elongation.
0762	37	6.7	3.7	Garry oak	8	Fair	Fair	Good	Remove	Large deadwood, twig dieback, poor annual shoot elongation.
0763	27, 27, 34	12.0	6.6	Garry oak	12	Fair/poor	Fair	Good	Remove	Epicormic growth, large deadwood, poor annual shoot elongation.
0764	18	3.2	1.8	Garry oak	5	Fair	Fair	Good	Remove	Twig dieback, poor annual shoot elongation.
0765	34	6.1	3.4	Garry oak	7	Fair	Fair	Good	Remove	Large deadwood, cavity at lower trunk.
0766	41	7.4	4.1	Garry oak	12	Fair	Fair	Good	Possible	Small deadwood, compaction at base.
0767	27	4.9	2.7	Garry oak	3	Poor	Poor	Good	Possible	Large deadwood, poor annual shoot elongation. Possible retention short term. Not good specimen
0768	26	4.7	2.6	Garry oak	8	Fair/poor	Fair	Good	Remove	Ivy covered, leaning, some live foliage visible, compaction at base from driveway.
0769	28	5,0	2.8	Garry oak	4	Fair/poor	Fair	Good	Remove	Ivy covered, leaning, some live foliage visible, compaction at base from driveway.
0770	36	6.5	3.6	Garry oak	4	Fair/Poor	Fair	Good	Remove	Ivy covered, large deadwood, some live foliage visible.

TREE RESOURCE for 3031 Jackson Street

Tree #	d.b.h. (cm)	PRZ	CRZ	Species	Crown Spread	Condition Health	Condition Structure	Relative Tolerance	Status	Remarks / Recommendations
0771	48	8.6	4.8	Garry oak	6	Good	Fair	Good	Possible	Ivy covered, leaning.
0772	28	5.0	2.8	Garry oak	8	Fair	Fair	Good	Possible	Ivy covered, small deadwood, weeping over driveway.
0773	40	7.2	4.0	Garry oak	7	Good	Fair	Good	Retain	Ivy covered, leaning over neighbour's yard.
0774	38	6.8	3.8	Garry oak	5	Fair	Fair	Good	Retain	lvy covered, high crown.
0775	26	4.7	3.9	Douglas-fir	4	Good	Poor	Poor	Unlikely	Ivy covered, young tree, suppressed.
0776	49	8.8	4.9	Garry oak	6	Fair	Fair	Good	Retain	Ivy covered, one-sided form over neighbour's yard.
0777	34	6.1	4.1	Ash	4	Good	Fair	Moderate	Possible	Located at edge of driveway, minor included bark, compaction at base.
0778	32	5.8	4.8	Douglas-fir	6	Good	Good	Poor	Possible	Located at edge of driveway, compaction at base.
0779	60	10.8	9.0	Monterey cypress	9	Good	Fair	poor	Possible	Located at edge of driveway, multiple stems, compaction at base, small hangers.
0780	34	6.1	4.1	Garry oak	9	Fair	Fair	Good	Retain	Twig dieback, grows close to cherry #0781.
0781	22	4.0	2.2	Cherry	6	Fair	Fair	Fair	Retain	Grows close to Garry oak #0780.
0782	13	2.3	1.3	Garry oak	3	Fair	Fair	Good	Retain	Leans over neighbour's yard, grows next to cherry #0781.
0783	34	6.1	3.4	Garry oak	9	Dead	Dead	N/A	Remove	Dead tree next to house.
0784	22, 27	N/A	N/A	Pacific dogwood	N/A	Dead	Dead	N/A	Failed	Dead snag, ivy covered. Failed and removed.
0786	48	8.6	4.8	Garry oak	5	Poor	Poor	Good .	Unlikely	Main stem failed historically, large cavity in remaining stem. Remove
0787	30	5.4	3.0	Garry oak	5	Fair	Fair	Good	Unlikely	Corrected lean, minor girdling from power line.

Prepared by:

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TREE RESOURCE for 3031 Jackson Street

Tree #	d.b.h. (cm)	PRZ	CRZ	Species	Crown Spread	Condition Health	Condition Structure	Relative Tolerance	Status	Remarks / Recommendations
0788	40	7.2	4.0	Garry oak	6	Fair	Fair	Good	Retain	Ivy covered, small deadwood, low live crown ratio, canopy leans over neighbouring property.
0789	42	7.6	4.2	Garry oak	4	Fair	Fair	Good	Retain	Ivy covered, small deadwood, low live crown ratio.
0790	31, 32	9.0	5.1	Garry oak	5	Fair	Fair	Good	Retain	Co-dominant, twig dieback, small deadwood, leaning toward neighbouring property.
no tag	multiple stems	N/A	N/A	Western Red cedar	N/A	Fair	Fair	Poor	Retain	Cedar hedge along southeast property line. Approximately 20 stems between 10-20 cm d.b.h.
0791	37	6.7	3.7	Garry oak	6	Good	Good	Good	Unlikely	Leaning toward neighbouring property.
0792	52	9.4	5.2	Garry oak	10	Poor	Poor	Good	Remove	Covered in dense ivy, no live foliage visible. Unlikely to be live
0793	109	19.6	10.9	Garry oak	14	Fair/poor	Fair/poor	Good	Remove	Mature tree with large historic pruning wounds, recent limb failrue, large deadwood, end-weighted limbs. Resistograph test if retained.
0794	79	14.2	7.9	Garry oak	8-	Fair/poor	Poor	Good	Possible	Mature tree, large dead/decayed stem, twig dieback, leans toward neighbours property. Resistograph test if retained. Could be retained short term.
0795	55	9.9	5.5	Garry oak	7	Fair	Good	Good	Retain	Twig dieback.
0796	34, 35, 66	19.0	16.0	Monterey cypress	18	Good	Fair	Poor	Possible	Northeast corner of property, crossing limbs, multiple stems.
0797	30	5.4	4.5	Monterey cypress	12	Good	Fair	Poor	Possible	Rubbing adjacent Cypress tree.
0798	46	8.3	6.9	Monterey cypress	10	Good	Fair	Poor	Possible	Previously topped, recent pruning wounds.
0799	57	10.3	5.7	Garry oak	10	Fair	Poor	Good	Remove	Large cavity at lower trunk, large deadwood, rooted in rock.
0800	17, 21	5,6	3.0	Garry oak	12	Good	Fair	Good	Remove	Co-dominant, deadwood, rooted in rock.
0801	20	3.6	2.0	Garry oak	8	Fair	Fair	Good	Remove	Rooted in rock.
0802	26	4.7	2.6	Garry oak	9	Fair	Fair	Good	Possible	Rooted in rock, deadwood.

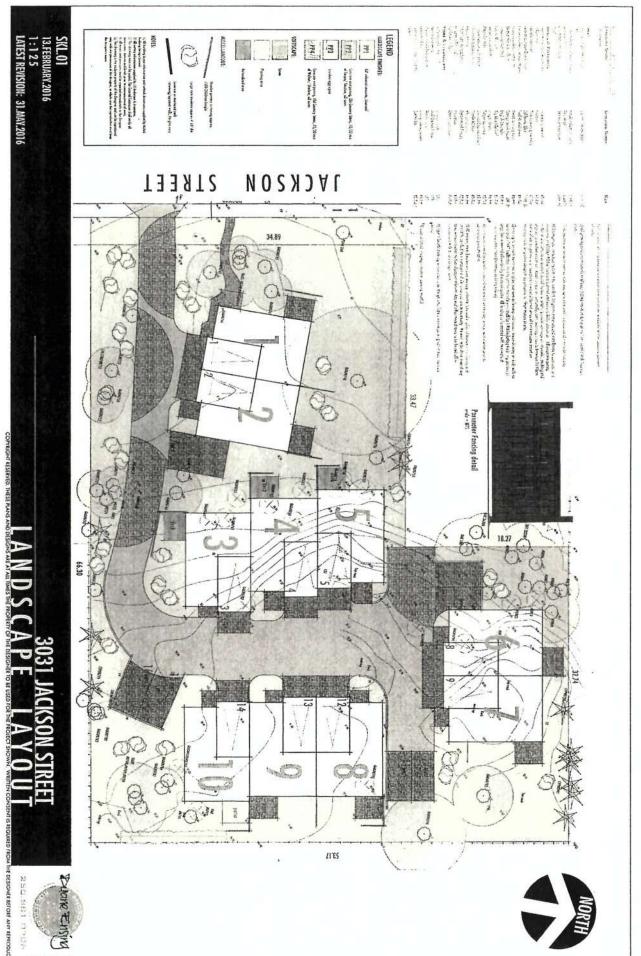
Prepared by:
Talbot Mackenzie & Associates
ISA Certified, and Consulting Arborists
Phone: (250) 479-8733
Fax: (250) 479-7050
email: Treehelp@telus.net

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TREE RESOURCE for 3031 Jackson Street

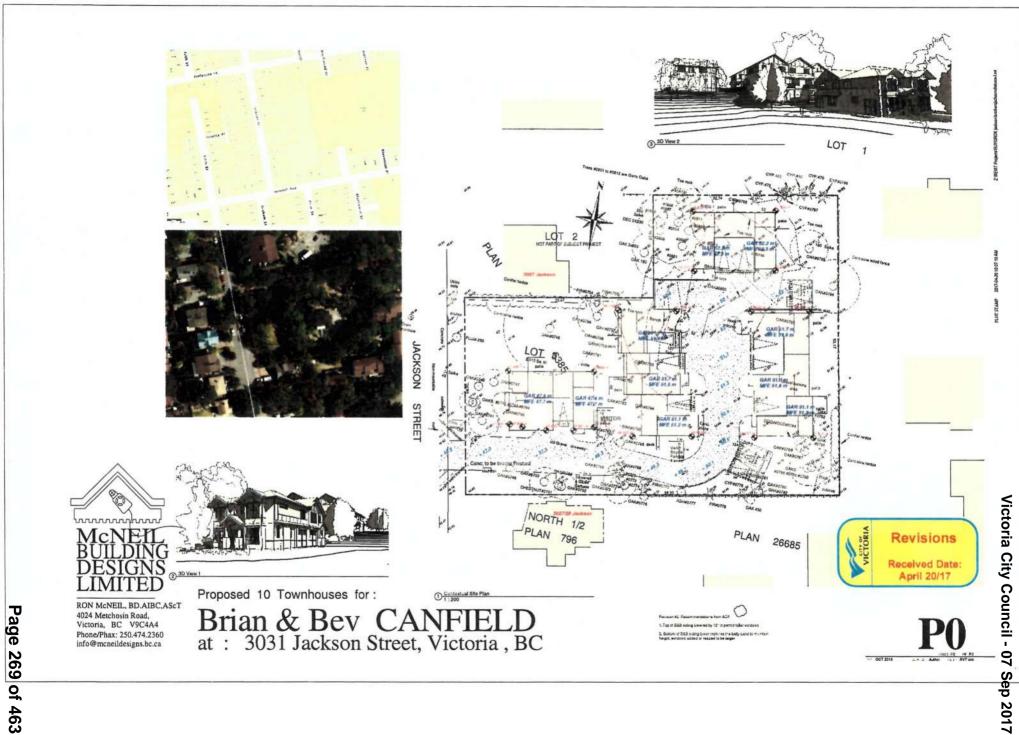
Tree #	d.b.h. (cm)	PRZ	CRZ	Species	Crown Spread	Condition Health	Condition Structure	Relative Tolerance	Status	Remarks / Recommendations
0803	18	3.2	1.8	Garry oak	6	Fair	Fair	Good	Remove	Rooted in rock, twig dieback.
0804	22	4.0	2.2	Garry oak	7	Fair	Fair	Good	Retain	Rooted in rock, high crown.
0805	29	5.2	2.9	Garry oak	12	Fair	Fair	Good	Retain	Rooted in rock, large deadwood, may be shared with neighbour.
0806	36	6.5	3.6	Garry oak	10	Fair	Fair	Good	Retain	Rooted in rock, may be shared with neighbour.
0807	14	2.5	1.4	Garry oak	8	Fair	Fair	Good	Retain	Rooted in rock.
0808	42	7.6	4.2	Garry oak	8	Fair	Fair	Good	Retain	Rooted in rock, located on northernmost property line.
0809	16	2.9	1.6	Garry oak	8	Good	Good	Good	Unlikely	Rooted in rock, small tree, located along northernmost property line.
0810	38	6,8	3.8	Garry oak	10	Good	Good	Good	Retain	Rooted in rock, located behind 0808, leaning over neighbouring property.
0811	16	2.9	1.6	Garry oak	8	Good	Good	Good	Remove	Rooted in rock,
0812	21	3.8	2.1	Garry oak	9	Good	Good	Good	Remove	Rooted in rock.

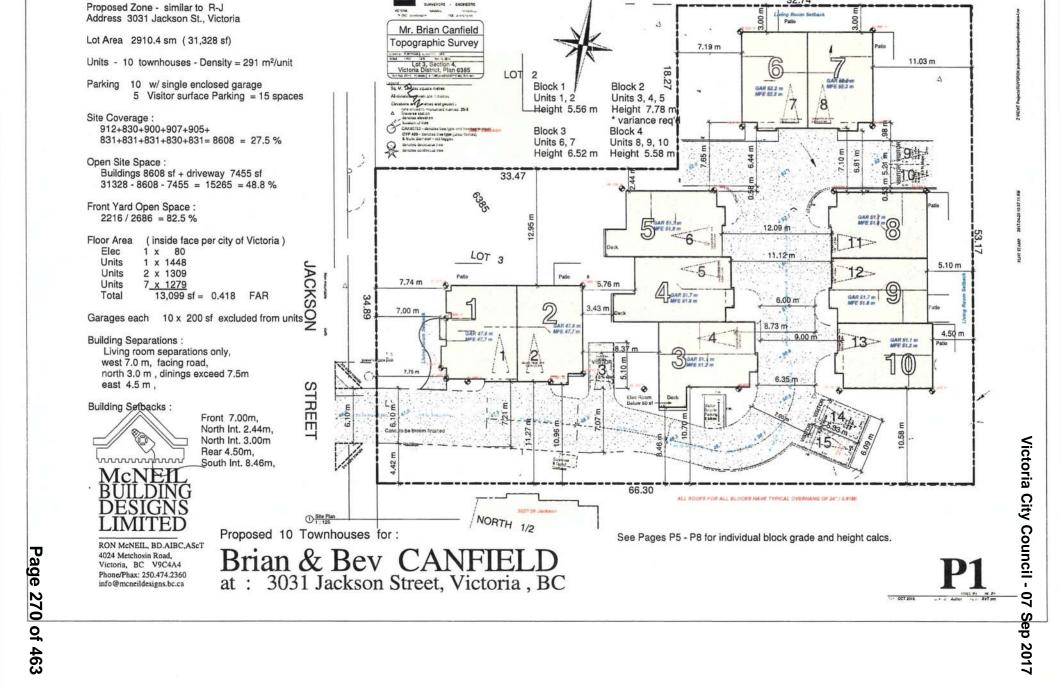
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Sep 2017

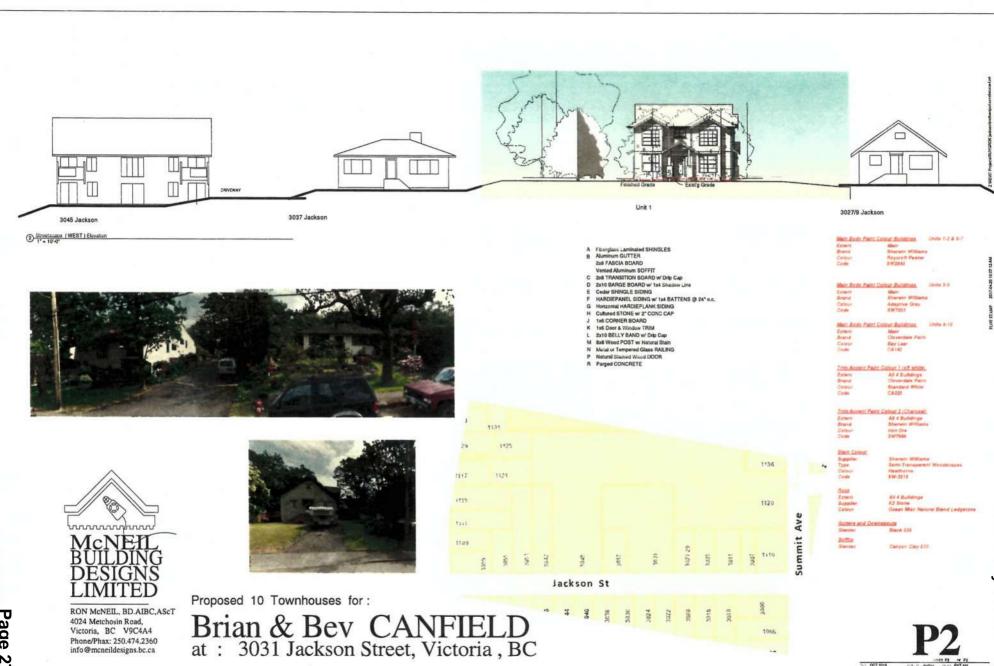






JE ANDERSON & ASSOCIATES

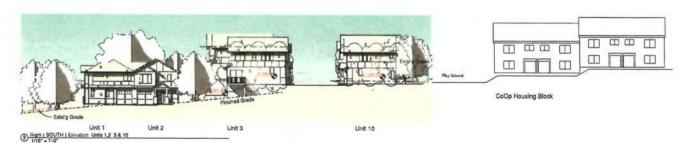
Project Data:



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Victoria City Council - 07 Sep 2017







A Fiberglass Lummated SHINGLES
B Alumnum GUTTER
226 FASCA BOARD
Vented Alumnum SOFFIT
Under Alumnum SOFFIT
210 BARGE BOARD W Drip Cap
210 BARGE BOARD W This Shadow Line
E Cadu SHINGLE SIDING
HARDIEFANEL SIDING
HARDERANEL SIDING

- F HARDIEPANEL SIDING W 1x4 BATTEI
 G Horizontal HARDIEPLANK SIDING
 H Cultured STONE W 2" CONC CAP
 J 1x6 CORNER BOARD
- K 1x6 Door & Window TRIM
 L 2x10 BELLY BAND w/ Drip Cap
 M 8x8 Wood POST w/ Natural Stain
 N Metal or Tempered Glass RAILING
- P Natural Stained Wood DOOR
 R Parged CONCRETE





4024 Metchosin Road, Victoria, BC V9C4A4 Phone/Phax: 250.474.2360 info@mcneildesigns.bc.ca



Proposed 10 Townhouses for:

Brian & Bev CANFIELD at: 3031 Jackson Street, Victoria, BC

P3

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07

Sep 2017





Main Bash Paint Colour Buildings Extent Main Brand Claverdale Fail Colour Bay Lear Cade CA12

Alf 4 Buildings

Guidant and Dismissions Glanter Black 525

Canyon City 616

A Fiborglass Laminated SHINGLES
B Aluminum GUTTER

2x8 FASCIA BOARD Vented Aluminum SOFFIT

C 2x8 TRANSITION BOARD w/ Drip Cap
D 2x10 BARGE BOARD w/ 1x4 Shadow Line

E Cedar SHINGLE SIDING

F HARDIEPANEL SIDING w/ 1x4 BATTENS @ 24" o.c. G. Horizontal HARDIEPLANK SIDING

H Cultured STONE w/ 2" CONC CAR J 1x6 CORNER BOARD

K 1x5 Door & Window TRIM

L 2x10 BELLY BAND w/ Drip Cap

M 8x8 Wood POST w/ Natural Stain

N Metal or Tempered Glass RAILING P Natural Stained Wood DOOR

R Parged CONCRETE



1 Rear (EAST) Elevation Units 10.9.6 & 7



Driveway Elevation Units 3.4.5 & 6/7

Unit 4

Unit 5

Unit 6 Section

Unit 6 Section Unit 8 Unit 9 Unit 10

3 Linveway Elevation Units 6/7 & 8,9,10

RON McNEIL, BD.AIBC, AScT 4024 Metchosin Road, Victoria, BC V9C4A4 Phone/Phax: 250.474.2360 info@mcneildesigns.bc.ca

Proposed 10 Townhouses for:

Brian & Bev CANFIELD at: 3031 Jackson Street, Victoria, BC

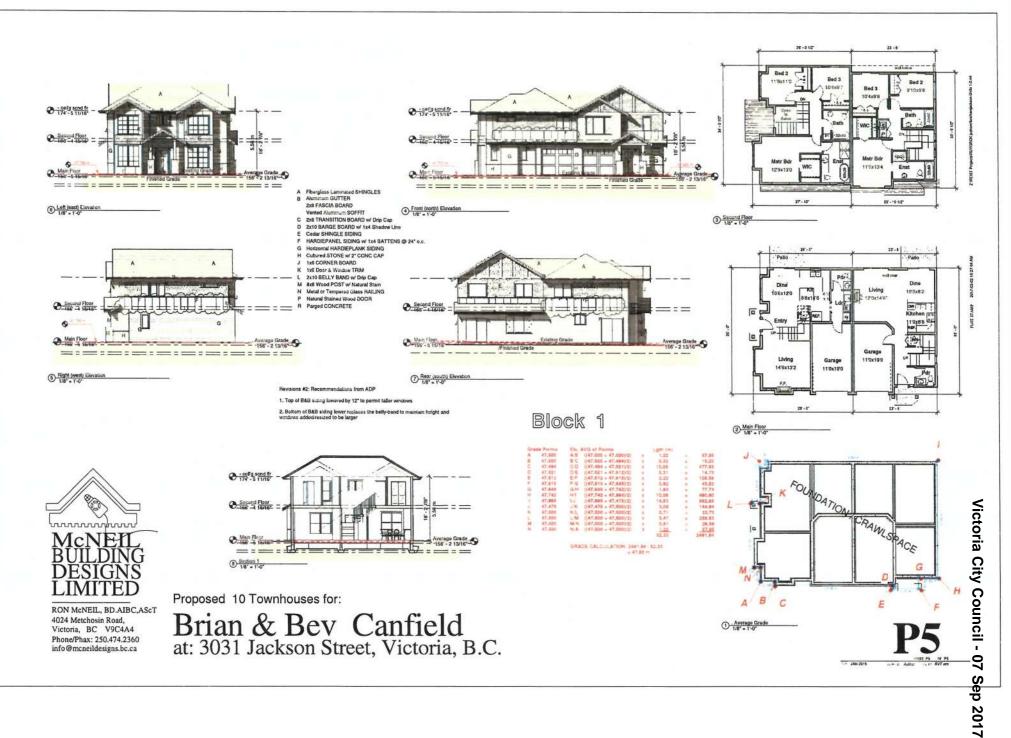
Reviews #2 Resummendations from ACP

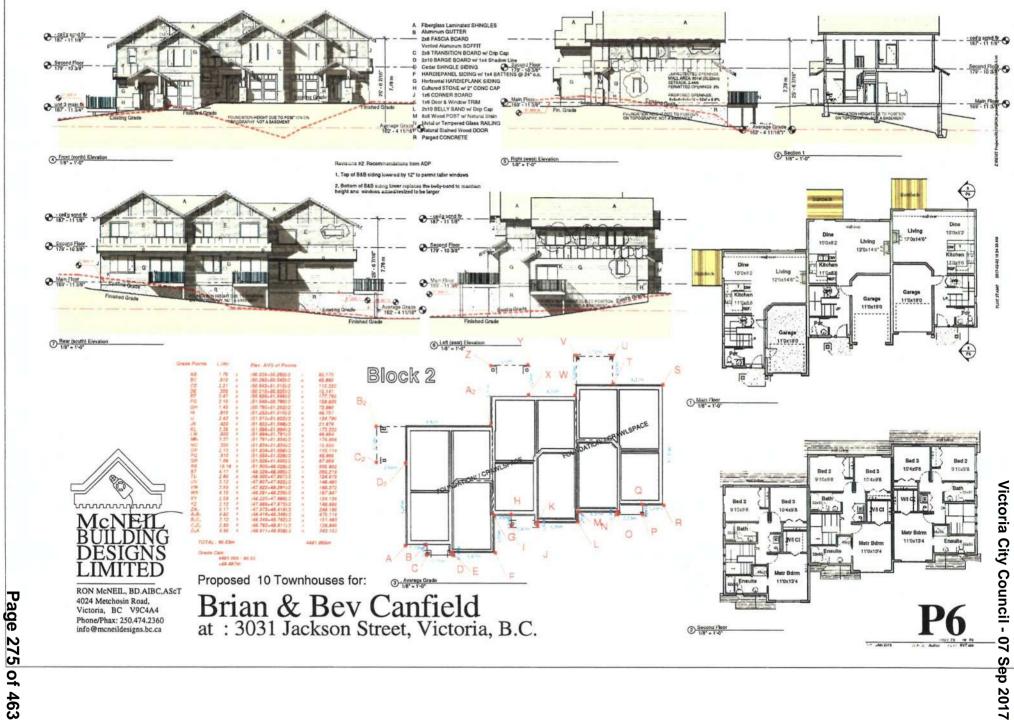
1. Top of BAB siding lowersuby 12" to certicitate windows

2. Bottom of B&B siding lower replaces the beilg-band to maintain height, windows accord or resided to be larger.



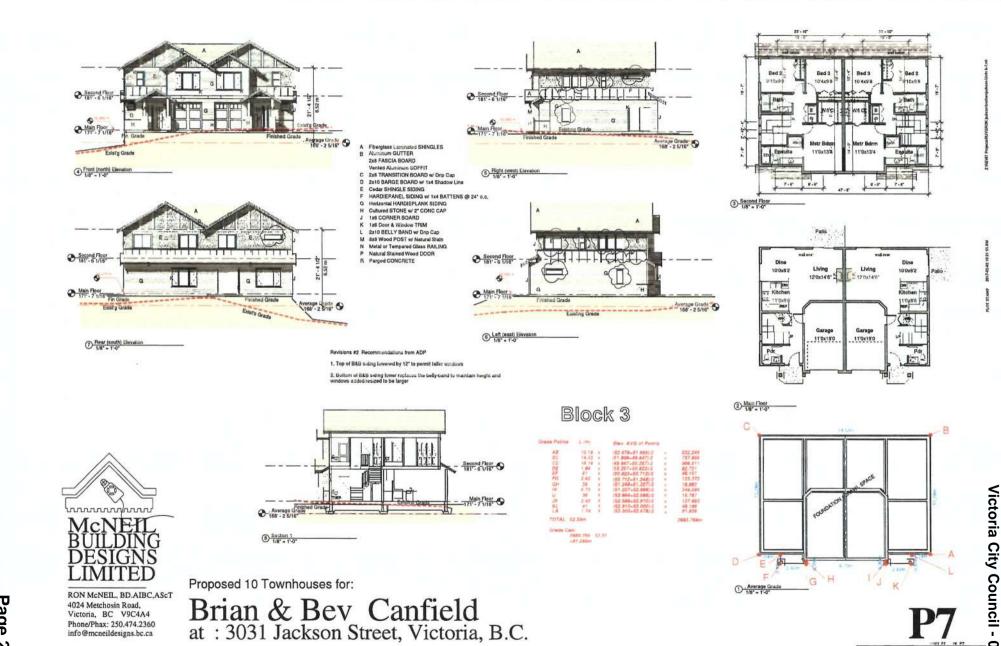








info@mcneildesigns.bc.ca



9

Sep 2017



70 :: Jahannik Banik jigi beriken isika : skr02 :: landscape layout ::

Sep 2017

Delivered by email to caluc@victoria.ca 30 May 2016

Dear Mayor and Council

Re: Community Meeting for proposed development at 3031 Jackson Street

I am writing on behalf of the Hillside Quadra Neighbourhood Action Committee (NAC), which acts as the CALUC for our neighbourhood.

On 25 April 2016, 26 members of the Hillside Quadra community as well as two members of the NAC Executive met with Ron McNeil, of McNeil Building Designs, Eric Ruygrok of Brothers Home Construction, and property owner Beverly Canfield to discuss a proposed development at the above address in Victoria.

The proponents indicated that the proposed development would involve removing the existing house on the property and replacing it with four buildings containing a total of ten townhouses, each with a single garage. They indicated that their intent is to build affordable homes costing in the range of \$525,000 per unit. Each townhouse would have three bedrooms and two bathrooms. The proposed development would require rezoning of the property from R1B Single Family Dwelling to a site specific zone.

The proponents indicated that an arborist has assessed the site. There are currently 62 trees on the site. The proposed design entails the removal of 21 trees. Of these, only one was assessed as being in good condition, with the rest assessed as failing. The proponents indicated that while the property is large enough to be divided into five residential lots, developing these lots would entail removing many more trees.

During the community meeting, neighbours expressed concerns about parking and traffic, the number of units proposed, siting and design, impacts on trees, stormwater management, noise and view, and the overall approach. They also mentioned an alleged covenant.

NAC also received comments from two community members by email; these comments are incorporated into this letter.

Parking and Traffic

The proposed development would have 10 garages and 8 additional parking spots, as well as bicycle racks, and would meet the parking requirements of the City. One meeting participant indicated this was adequate. Many others, however, expressed concern about the potential for the proposed development to add to existing problems with street parking. They suggested that, as most households have two vehicles, all the on-site parking would be used by residents, and visitors would have to park on the street. Parking is allowed on both sides of the 3000 block of Jackson Street and there is not enough room for two cars to pass.

Meeting participants also expressed concern about the potential for the proposed development to add to existing traffic problems. They indicated that Jackson is heavily used by parents dropping off and picking up students at Quadra Elementary School. It is also a bicycle route and the only entrance onto Finlayson for the residential area bounded by Hillside and Finlayson. Residents currently have difficulty getting out of their own driveways, and asked how the street would be able to handle the additional vehicles associated with the proposed development. One community member suggested that the hill and sight lines are more of an issue for driveway access and egress than anything else.

There was general agreement among the attendees that the neighbourhood is concerned about the extra vehicle traffic. Several meeting participants asked NAC to convey to the City that the neighbourhood demands that a traffic survey be carried out to assess the potential impacts of proposed development

Number of Units

Many meeting participants indicated that they would prefer fewer homes be built on the site, and if necessary at a higher price per unit. This would reduce the number of vehicles and add more housing at the higher end to the area. One community member indicated that proposed development 'seeks to dramatically shift the neighborhood away from single family homes as the standard.'

Siting and Design

Meeting participants indicated that they did not like the design of the building closest to the street – which is oriented so that the side of the building faces the street. They recommended that this building be turned so that the front doors face the street. The proponent noted, however, that this design modification would entail removing more trees. Meeting participants therefore recommended that the building closest to the street and containing two townhouses be eliminated in order to preserve more trees and the existing green space at the front of the property.

One community member took issue with the number of variances requested 'in order to permit construction of structures of a size and in locations not currently permitted.' Another was concerned that the proposed buildings are much higher than the adjacent homes. Yet another indicated that he was less concerned about the type of units on the site, as long as the number of units remains small and the height is no more than three typical residential stories.

Impacts on Trees

Meeting participants supported the stated intention of the proponent to retain as much green space and as many of the trees as possible. Many indicated that they value the trees and the parkland appearance of the site. One community member suggested that trees cut down should be replaced at a ratio of at least 2:1, and that the site be inspected by a biologist to ensure there are no endangered species present

Stormwater Management

Neighbours indicated that there is currently no storm drain along Jackson Street and expressed concern about the potential for an increase in paved surface on the property and for increased flooding related to the development. The proponents indicated that, while they have not yet developed the stormwater management plan for the site, they plan to have some retention on site and are considering the use of permeable paving.

Noise and View

Neighbours expressed concern about noise related to the proposed development, impacts on their existing views, and overall negative impacts on the neighbourhood. Several residents expressed concern about blasting and the potential for damage to their properties.

Overall Approach

One community member indicated that, while he accepts that higher density is inevitable, he is looking for more forward-looking and progressive development proposals. He noted, for example, that the proposal for 3031 Jackson Street does not include incentives to reduce vehicle use and encourage cycling. Another community member suggested the proposal should address the multi-unit design guidelines (DPA 16), particularly regarding pedestrian and street-oriented design. Buildings should have a minimum amount of south facing roofs for solar energy installation.

Alleged Covenant on the Property

Several meeting participants indicated that they believe – based on conversations with the previous owner – that there is a covenant on the property. City staff indicate, however, that there are no restrictions on title for this property.

It is the practice of the Hillside Quadra Neighbourhood Action Committee not to take a position on a proposed development, but to convey the comments and concerns of the neighbourhood as expressed at the community meeting. I believe this letter accurately represents that discussion.

Thank you for considering this input from the residents of Hillside Quadra regarding the proposed development.

Sincerely,

Jenny Fraser CALUC Chair, Hillside Quadra

Noraye Fjeldstad

From:

Tristen Weiss

Sent:

Wednesday, September 28, 2016 9:29 AM

To: Subject: nag@quadravillagecc.com; Citizen Engagement; Councillors; Damian Graham

Feedback on development proposal for 3031 Jackson Street

To whom it may concern,

RE: Development of 3031 Jackson Street.

Our family has resided at 3020 Jackson Street for the past 14 years. It is a great area in a great city!

We were so happy to be included in the developers proposal for 3031 Jackson and to be able to share our views about the use of said property.

After hearing from the developers we have a few concerns that we feel could be reasonably addressed by a conscientious developer who values the continued success of the community we all enjoy each day.

1) **Vehicle Traffic/Parking concerns**- The proposed 10 units will bring to our street a **minimum** of 10 more vehicles. That assumes that people only have one vehicle.

The developer's idea that they will attract people who will *choose alternative transportation* (bicycles) was clearly thought up by someone who has not actually riden the steep climb up Jackson street (I do it daily but I think I am one of three on the whole street) nor were there any suggestions as to why/how this development would actually attract those types of buyers. (communal gardens, rain catchment systems, passive or energy efficient housing).

Jackson Street right now brings a lot of vehicle traffic looking to avoid the Quadra/Finlayson intersection not to mention people dropping their children off at Quadra Elementary School. The proposed developments high density and minimal parking will only exacerbate this problem.

The present estimate that each unit needs only one car space seems truly out of touch with most household's needs. Not to mention the fact that most people's garages are filled with things other than cars.

2) Loss of greenspace- What the developer's pictures don't show is how beautiful the the lower portion of the property is with its beautiful Garry Oaks. When people come by to visit they ask if is a park. It is hard to understand why someone wouldn't want to preserve this gorgeous piece of land?? Why not a communal gardening spot and some guest parking? Rain water harvesting? Children play area?

Build the units on the back portion of the lot and retain the beautiful entrance to the property.

Here is a great shot:



3) **Fitting in with the neighbourhood**- Our area is filled with single family homes. We are a single family and came to this area because of that. *Of course the Co-Op housing development is an exception but it provides the community with affordable housing* and they have lots of parking. The density of this proposal really isn't fitting for this neighbourhood.

A **possible solution** brought up at the meeting was to only have 8 units or less in the upper area of the proposed development and the lower area for extra guest parking spaces or greenspace.

We would hate to sound like people who are anti-development. We of course realize that many people want to move to this beautiful area and we know there needs to be places for them. But in 20 years how nice would it be to get to the top of Jackson street and be treated to a view of trees.

Thanks so much for taking the time to read this, Tristen, Damian, and Paisley From:

Jonathan Tinney

Sent:

Wednesday, October 19, 2016 2:02 PM

To:

Alec Johnston; Alison Meyer

Subject:

FW: 3031 Jackson Street - rezoning application

Follow Up Flag:

Follow up

Flag Status:

Flagged

For the file.

From: Ben Isitt (Councillor)

Sent: Wednesday, October 19, 2016 12:50 PM

To: Rosemary Pecorelli Jonathan Tinney <JTinney@victoria.ca>

Subject: RE: 3031 Jackson Street - rezoning application

Thank you for providing this input on this land-use application, Rosemary.

I am copying the City's Director of Planning to ensure that your letter is included in the correspondence file relating to this proposal, when it is considered by City Council.

Ben

Ben Isitt
Victoria City Councillor and CRD Director
Email. <u>bisitt@victoria.ca</u> / Tel. 250.882.9302
Web. <u>www.BenIsitt.ca</u>

From: Rosemary Pecorelli

Sent: Tuesday, October 18, 2016 1:21 PM

To: engage@vic.ca; Councillors **Cc:** nag@quadravillagecc.com

Subject: 3031 Jackson Street - rezoning application

The words of Maria Rosina Pagnotta (myself) who has no computer access - submitted at my request by my daughter

To all concerned: in response to the CALUC meeting held on April 25 regarding the rezoning of the above mentioned property it is noted that all the concerns of the residents were captured in the minutes. From this it is still our concern as to why this would even be on the table for negotiation. **Every single homeowner that was invited to the meeting was opposed to the project going through.** Why are we, the residents, even asked to come forward with our concerns if no one is willing to listen to us. It appears that this is just a formality to show that all the steps have been taken which are set out in the City bylaws. These concerns that were brought up are very legitimate concerns, not only to the residents surrounding the proposed property, but to the individuals and children which use Jackson street as the main access route to the school. We, the residents, didn't just pick these concerns out of a hat — they are true and just. It seems that the meeting was just a waste of our time and effort.

The City seriously needs to do a traffic assessment to Jackson Street – especially now that school is back in session. When I inquired about it I learned that no assessment was done. It should not be up to the

existing residents to ask for this – the City should have automatically stepped up and provided this without question. Traffic has picked up immensely now that school is back in session and is already an issue without 10 more townhouses. We should be thinking of the safety of our people first.

*(I have now noted that a traffic assessment was done in the first week of October – now for the results – how do we find out the outcome)

The parking will be an added burden to the heavy traffic. It will just escalate whichever way you look at. There are already cars parked on both sides of the street on a daily basis and makes it very difficult to drive through, especially if there is another vehicle coming the opposite way....there is virtually no where to go but try and swerve into a near driveway and allow them to pass through. Turning on Jackson from Finlayson is already a concern as cars are parked on Jackson almost at the stop sign and turning on from Finlayson is very tight. The leaves have started to pile up along the curbs which makes it virtually impossible to park – and it's not just the trees that are proposed to be removed from the site!!! It's all the way down the street.

It is very frustrating to say the lease that this project is even being considered especially with all these concerns from the residents. I, Maria Rosina Pagnotta have resided in the same home at 3027 Jackson Street for the past 60 years. My bedroom window faces the driveway to the property -I will be 90 years old in December and go to bed peacefully every night by 9:00pm. This is going to have a huge impact on my remaining years on this earth. The cars going back and forth up and down the driveway at any given time will be so disruptive to my sleep and health.

One more thing in closing......it is noted by the residents that there was a "Lisa Helps" sign on this lawn (3031 Jackson) during the campaign – so a Lisa helps supporter. And according to her missionit says:

She is leading a transformation at City Hall in order to foster a more innovative, proactive and responsive culture to meet and exceed the needs of residents and the business community.

Thank you for your attention to my concerns Maria Rosina Pagnotta 3027 Jackson Street

*was written a few weeks ago but held off in sending pending any new business to this project that may come to our attention i.e. the traffic assessment being one thing

On Feb 14, 2017, at 10:15 AM, Phillip Chambers <

I am writing about a recent update on the plans for the above noted development which was provided in an email from the Hillside Quadra Neighbourhood Action Committee on February 10th.

While I was unable to attend the previous meeting last year held with our community regarding this development, I had heard there were concerns raised about green space, parking and the close proximity of the proposed buildings to our property. I am copying in a couple of our members that were in attendance.

Upon review of the update provided, I do see some positives. The units should be quite nice and there is a reasonable amount of green space on the street at least. However, we have some concerns.

Parking ... the plan shows 10 townhouses and only 5 visitor parking spaces. As I expect the majority of 3 bedroom homes have a least two vehicles, this plan would result in up to 10 additional cars parked on the street, without adding in peak demands for visitors. I do not believe that anyone that lives on Jackson Street would find this acceptable.

Proximity to the Property Line ... It does not appear our concerns on how close these units are to our property were acted upon at all. The northern most units are only 3 meters from our property and the eastern most units between 4.5 and 5.1 meters.

This is very concerning for us living next door, particularly when you take into consideration the height of the units. Simply put, these new units will be staring down at us ... forever. I am interested in knowing what is prescribed by the City as a set-back ... is this typical or within what is laid out in by-laws, or is this something the developer needs the City to approve a variance for?

Process ... I am not an expert in the process for having plans approved by the City. That said, it appears the only opportunity for community feedback comes after the developer does a bunch of more work. It feels like any feedback that late in the process will not be taken seriously and that the developer's plans will be supported by yourself, and with your recommendation, approved by Council.

Could you please explain how and where our concerns are best voiced, and that when they are, it will not be too late to affect change.

It seems to me these issues could be remedied by reducing the number of units in the proposed development.

Thank you for your consideration.

Phillip Chambers
President - Wilderness Park Housing Cooperative

From: Ben Isitt (Councillor)

Sent: Monday, August 22, 2016 1:04 PM

To: Downtown Neighbourhood Association <

>; Jonathan Tinney

<JTinney@victoria.ca>

Cc: Councillors < Councillors@victoria.ca > Subject: Re: re-zoning proposal 3031 Jackson

Thank you for providing this input on this land-use application, Sandra.

I am copying the City's Director of Planning to ensure that your letter is included in the correspondence file relating to this proposal.

Ben

On Aug 22, 2016, at 12:44 PM, Sandra Meigs < ______ wrote

August 22, 2016

Re: Re-zoning application 3031 Jackson Street

Dear Members of the City Council of Victoria,

I am writing to express my concerns about the proposal for development of the lot at 3031 Jackson. I have lived and own the home at 3011 Jackson since April 2011. I love my home, the neighborhood, and the environment in the area, particularly the Garry Oaks, of which I have 3 on my property. I have reviewed the plans and will outline my concerns below.

The scale of these 10 town houses is beyond that of anything on the Summit Hill end of Jackson St, including the housing co-op next door to it. NO house on Jackson, that I am aware of, has a garage. Everyone here parks in the street, in a driveway, or, as at the co-op, in a lot. Proposing 10 garages on one lot is out of character for the neighborhood. As first story structures, visible from the side on Jackson St. (in units 1 & 2), they will stand out like sore thumb, or shall I say be sores in our eyes. This type of garage, even if only for 1 car, is more in character with a suburban dwelling and is certainly not part of our current streetscape.

Units 1 & 2 are particularly large and tower above the already large house at 3027/29 Jackson. I am not only concerned about developing 3031 Jackson in this manner, but also in setting a precedent for tearing down existing properties and building monster houses and monster developments.

I am especially concerned for the protection of the Garry Oaks on the property. In the drawings, the trees are depicted close to the corners of the architectural structures. These trees have extensive root systems. I am not confident that the architectural plan protects the trees. Garry Oaks are very sensitive to environmental factors, and hard to propagate for that reason. Indeed, that is why they are protected. In relation to this fact, an extensive part of this development

involves development of the structure below grade, which involves blasting. Not only am I concerned with blasting noise and vibration caused on adjacent properties, but also more significantly, on the affect the blasting will have on the trees. Once those trees are gone, they are gone and the neighborhood character is gone.

This neighborhood is a rocky terrain. Many of the houses here have been built to accommodate the rocks and the variety in the shifting slope of any given lot. My house has large exposed rocks underneath it, visible in the crawl space. In 2012 I planned a large renovation of the garage in my back yard and my contractor at the time told me he could not guarantee his estimate because he did not know how extensive the blasting would be until he started doing it. (Needless to say, I cancelled my plans.) In other words, we simply do not know what is underneath that property at 3031 Jackson.

I certainly would not want to see any development take place there without knowing that the city's arborist has looked at the Garry Oaks and has approved the building and blasting plan.

This neighborhood is one of Victoria's gems. No development that threatens the character and sensitive and beautiful environment around here should be permitted.

Please keep me up to date on this proposal.

Sincerely,

Sandra Meigs

3011 Jackson St.

cc. Hillside Neighborhood Action Group

cc. Mayor Lisa Helps

both hard copies and emails of this letter will be sent

Chloe Tunis

From: Joe Carr <

Sent: Sunday, August 28, 2016 3:03 PM

To: Chloe Tunis

Subject: Development of 3031 Jackson St

Dear Cloe,

As a nearby resident and property owner to the development proposed for 3031 Jackson Street, I would like to submit some comments about the proposal submitted by the owner and developer of the townhouse project. Please pass my comments onto the Committee of the Whole, or whichever body reviews and rules on this proposal.

Jackson Street is a quiet residential street in Victoria. It's rare to see a house being sold on our two block long street, and even rarer to see development, in-fill, or re-development.

A modest 1950s-era house at 3031 Jackson Street is situated on a huge lot at the top of the hill. Currently, the lot is park-like, covered in a grove of mature Garry Oaks. This property has a development proposal to replace the single house with 10 townhouses.

I'm not against development or in-filling when it is done right, and respects the character of the neighborhood, however I feel this proposed development plan fails on several important fronts.

Why don't I like this development?

- It lacks imagination the units are just little wooden boxes with limited, dark living space for the occupants
- 2. It doesn't contribute anything to the neighboring properties or improve the street scape
- 3. It imposes yet more traffic onto our residential street
- 4. Ten townhouses is too dense for this location
- 5. The developer's plans tell me they are keeping their risk low by minimizing what they spend on the units, and maximizing the number of units to be offered for sale. I support the concept of the investors making money, but they also need to give benefits to the neighborhood, not just build, sell, and move onto the next project.

What do I want to see?

- 1. Fewer units and bigger, better-designed homes that people will want to live in for years to come
- 2. More expensive units offering luxury features, better finishing on the outside, innovative building methods
- 3. Better siting of the units to take advantage of the potential views from the high points of the property, even if this means removing more trees
- 4. Rotate the units fronting Jackson Street so they are parallel to the street, compliment the existing houses, rather than hiding them away in the trees at odd angles
- 5. Build energy efficiency into every unit and maximize natural light to inside spaces

Online copy of my comments, complete with media (not included in this email:

Very truly yours,

Joseph Carr 3046 Jackson Street From: Mary Chudley

Sent: Wednesday, September 28, 2016 12:44 PM

Cc: Lisa Helps (Mayor) < mayor@victoria.ca>

Subject: RE: Feedback on development proposal for 3031 Jackson Street

Dear Tristen,

On behalf of Mayor Helps thank you for your email regarding 3031 Jackson Street.

I can confirm that the City of Victoria has received an application for this address and staff have provided feedback to the applicant. Staff will review revised plans in the coming months.

Your email will be attached to the file for this address and shared with Council again when it comes before a Committee of the Whole meeting of Council.

Up to date information on the application can also be found on the City's Development Tracker App.

I am copying the City's Planning Department, as well, to add more information is necessary.

Sincerely,

Mary Chudley
Correspondence Coordinator
Citizen Engagement and Strategic Planning
City of Victoria
1 Centennial Square, Victoria BC V8W 1P6









From: Tristen Weiss [mailto: Sent: Wednesday, September 28, 2016 9:29 AM

To: nag@quadravillagecc.com; Citizen Engagement < engage@victoria.ca >; Councillors

< Councillors@victoria.ca>; Damian Graham <

Subject: Feedback on development proposal for 3031 Jackson Street

To whom it may concern,

RE: Development of 3031 Jackson Street.

Our family has resided at 3020 Jackson Street for the past 14 years. It is a great area in a great city!

We were so happy to be included in the developers proposal for 3031 Jackson and to be able to share our views about the use of said property.

After hearing from the developers we have a few concerns that we feel could be reasonably addressed by a conscientious developer who values the continued success of the community we all enjoy each day.

1) **Vehicle Traffic/Parking concerns-** The proposed 10 units will bring to our street a **minimum** of 10 more vehicles. That assumes that people only have one vehicle.

The developer's idea that they will attract people who will *choose alternative* transportation (bicycles) was clearly thought up by someone who has not actually riden the steep climb up Jackson street (I do it daily but I think I am one of three on the whole street) nor were there any suggestions as to why/how this development would actually attract those types of buyers. (communal gardens, rain catchment systems, passive or energy efficient housing).

Jackson Street right now brings a lot of vehicle traffic looking to avoid the Quadra/Finlayson intersection not to mention people dropping their children off at Quadra Elementary School. The proposed developments high density and minimal parking will only exacerbate this problem.

The present estimate that each unit needs only one car space seems truly out of touch with most household's needs. Not to mention the fact that most people's garages are filled with things other than cars.

2) Loss of greenspace- What the developer's pictures don't show is how beautiful the the lower portion of the property is with its beautiful Garry Oaks. When people come by to visit they ask if is a park. It is hard to understand why someone wouldn't want to preserve this gorgeous piece of land?? Why not a communal gardening spot and some guest parking? Rain water harvesting? Children play area?

Build the units on the back portion of the lot and retain the beautiful entrance to the property.

Here is a great shot:



3) **Fitting in with the neighbourhood-** Our area is filled with single family homes. We are a single family and came to this area because of that. *Of course the Co-Op housing development is an exception but it provides the community with affordable housing* and they have lots of parking. The density of this proposal really isn't fitting for this neighbourhood.

A **possible solution** brought up at the meeting was to only have 8 units or less in the upper area of the proposed development and the lower area for extra guest parking spaces or greenspace.

We would hate to sound like people who are anti-development. We of course realize that many people want to move to this beautiful area and we know there needs to be places for them. But in 20 years how nice would it be to get to the top of Jackson street and be treated to a view of trees.

Thanks so much for taking the time to read this, Tristen, Damian, and Paisley

From:

Ben Isitt (Councillor)

Sent:

Monday, May 01, 2017 1:42 PM

To:

Noraye Fjeldstad; Councillors

Subject:

FW: Email to Mayor and Council re: 3031 Jackson St proposal

From: Victoria Mayor and Council Sent: June 2, 2016 6:21 PM

Subject: RE: Email to Mayor and Council re: 3031 Jackson St proposal

Dear Barb,

Thank you for your email regarding the development proposal for 3031 Jackson Street. Your email has been shared with Mayor and Council and staff in development services. I apologize for the delay in providing a response.

At this time, the City of Victoria has not received an application for this address. If and when the City does received an application, staff will conduct a comprehensive review of the proposal, which will include potential impacts on neighbouring properties and overall fit with the neighbourhood.

Once an application has been received by the City of Victoria, your email will be attached to the file for this address and shared with Council again when it comes before a Committee of the Whole meeting of Council.

If the applicant will be applying for a rezoning, once an application is received up to date information on the application can also be found on the City's Development Tracker App.

Sincerely,

Bridget Frewer Correspondence Coordinator Citizen Engagement and Strategic Planning City of Victoria 1 Centennial Square, Victoria BC V8W 1P6









From: Barb Doyle

Sent: Tuesday, May 17, 2016 8:17 AM

To: Councillors < Councillors@victoria.ca>; Citizen Engagement < engage@victoria.ca>; nag@quadravillagecc.com

Subject: 3031 Jackson St proposal

To Mayor and Council

Thank you for the opportunity to express my concern regarding this development that shares three boarders with the co-operative housing development that I live in.

I have grave concerns about the the variance regarding property lines and buildings that the developer is requesting of 5 to 7 feet. This will make the proposed buildings far too close to our property line and mirror the horrible developments that are occurring throughout the lower mainland.

Bylaws and regulations are put in place for a reason and developers need to adhere to them. Usually the bylaws and zoning regulations are there to keep neighbors happy. Variances creates further antagonism. Increasing shared noise issues as well as privacy issues.

They are already taking out oak trees that everyone else has to get a special permit to remove and they are asking for a change in zoning to a multi family dwellings.

Barbara Doyle Unit 12 1120 Summit Ave

I

From:

nag@guadravillagecc.com

Sent:

Monday, May 01, 2017 9:52 AM

To:

Noraye Fjeldstad

Subject:

From Trinity MacRae Fwd: RE: Proposed Development at 3031 Jackson

Importance:

High

----- Original Message ------

Subject: RE: Proposed Development at 3031 Jackson

Date: Mon, 1 May 2017 08:11:59 -0700

From: "Trinity MacRae"

To: <councillors@victoria.ca>

Dear Mayor and Council,

I understand the proposal for re-development of 3031 Jackson Street is going to the City of Victoria Committee of the Whole this Thursday May 4th. I want to ensure my letter (below), originally *sent and received by yourselves on May 22nd of 2016*, is indeed included in the correspondence file and thus, reviewed and considered. I am one of the 38 cooperative owners of Wilderness Park Co-op; we are direct neighbours to 3031 Jackson and have grave concerns! In addition to my personal letter from last year, you will also find my signature included in a package sent this year by our Cooperative, outlining our concerns in more detail. I hope my correspondence is respected and taken seriously when making decisions on this matter. Thank you in advance.

Sincerely,

Trinity MacRae #20-1120 Summit Avenue Victoria BC V8T 2P7

From: Trinity MacRae

Sent: May-22-16 2:20 PM To: 'councillors@victoria.ca'

Cc: 'engage@victoria.ca'; 'nag@quadravillagecc.com' **Subject:** Proposed Development at 3031 Jackson

May 22, 2016

RE: Proposed Development at 3031 Jackson St

To Mayor and Council,

Thank you for the opportunity to express my concerns regarding the proposed rezoning and development at 3031 Jackson Street. The property shares three borders with Wilderness Park Co-op (1120 Summit Ave / 3045 Jackson St) where I have been a Member since 2009, raising my Son and enjoying a quiet, community lifestyle.

My main concern is about the requested variances. Municipal rules are in place for a reason and developers need to adhere to them. Changing set rules for this developer will have a negative effect on our neighbouring property and lifestyle. My unit (#20) is directly to the south of their existing driveway and parking lot; as it is we can already hear tenants speaking when they are outside and/or on their deck, from our back yard or when lying in bed at night. I feel like developing any closer than whatever the normal distance is is unfair to the established neighbours. It will make the townhouses far too close to our property line, take away the thin tree line that helps with noise pollution and offers a nice view, reduce our privacy, and give neighbours direct sightlines into my private fenced back yard as well as our Coops common area, gardens, and playground. Furthermore, building this close will mirror the dense urban developments that are occurring throughout the lower mainland; not at all appropriate for this old Victoria neighbourhood!

In addition, the number of 10 townhouses alarms me for the sheer number of people and cars it will add onto a small piece of land and an already busy street.

Usually bylaws and zoning regulations are there to keep neighbors happy. Variances create further antagonism, increasing shared noise issues as well as privacy concerns. I understand the Developer is are already taking out Oak trees that others have to get a special permit to remove? And, they are asking for a change in zoning from single to multifamily dwellings! With all due respect, please consider the established lifestyle in our neighbourhood and at least deny the request to reduce building distances.

Respectfully,

Trinity and Jack MacRae Unit #20 1120 Summit Avenue Victoria BC V8T2P7

From:

Ben Isitt (Councillor)

Sent:

Monday, May 01, 2017 1:41 PM

To:

Noraye Fjeldstad; Councillors

Subject:

FW: Email to Mayor and Council re: Development Proposal 3031 Jackson

From: Victoria Mayor and Council Sent: June 3, 2016 8:36 AM

Subject: FW: Email to Mayor and Council re: Development Proposal 3031 Jackson

Dear Rob,

Thank you for your email regarding the development proposal for 3031 Jackson Street. Your email has been shared with Mayor and Council and staff in development services.

At this time, the City of Victoria has not received an application for this address. If and when the City does received an application, staff will conduct a comprehensive review of the proposal, which will include potential impacts on neighbouring properties and overall fit with the neighbourhood.

Once an application has been received by the City of Victoria, your email will be attached to the file for this address and shared with Council again when it comes before a Committee of the Whole meeting of Council.

If the applicant will be applying for a rezoning, once an application is received up to date information on the application can also be found on the City's <u>Development Tracker App</u>.

Sincerely,

Bridget Frewer
Correspondence Coordinator
Citizen Engagement and Strategic Planning
City of Victoria
1 Centennial Square, Victoria BC V8W 1P6









From: Robert Anderson I

Sent: Friday, May 27, 2016 7:05 AM

To: Citizen Engagement < engage@victoria.ca >; Councillors < Councillors@victoria.ca >

Subject: Fwd: Development Proposal 3031 Jackson

Good Morning,

As a neighbor to a development on Jackson street, I have been encouraged to send you my comments.

The essential item to state is that the 3031 Jackson proposal is asking for special zoning in order to permit the excessive developing that the zoning system is intended to manage.

Zoning is intended to manage privacy, water, sewer, storm, and ecological factors. Please consider rejecting this project on this basis.

As well, I have been advised by my neighbors that much of the property had been designated as a memorial and placed under a property covenant to restrict building. The memorial was reportedly placed by a previous owner to honour his deceased spouse.

Thank you for your attention to this matter.

Regards,

Rob Anderson 3025 Jackson Street Victoria, BC V8T 3Z7

Sent from my iPhone

Begin forwarded message:

From: Jenny Fraser

Date: May 11, 2016 at 1:25:31 AM EDT

To:

Subject: Fwd: Development Proposal 3031 Jackson

Robert,

I have attempted to capture your comments in the letter from the Hillside Quadra Neighbourhood Action Committee to the City. I would urge you, however, to send your comments directly to City Hall. Send to both Citizen Engagementengage@victoria.ca and to Mayor and Council councillors@victoria.ca.

Begin forwarded message:

From: "Laura Taylor"

Subject: Fw: Development Proposal 3031 Jackson

Date: 20 April, 2016 8:50:24 PM PDT

To: "Jenny Fraser" |

Jenny - an email with comments on the proposal.

----Original Message---- From: Robert Anderson

Sent: Wednesday, April 20, 2016 3:45 PM

To: nag@quadravillagecc.com

Subject: Development Proposal 3031 Jackson

Jenny,

Please accept this email as a response to the proposal regarding 3031 Jackson Street. I do not support the proposal or any part of the plan as presented. I am unable to attend the public meeting on 25 April and would like this message to

stand as my opinion.

The project has provided a list of variances which are requested in order to build ten townhouses. The variances are requested in order to permit construction of structures of a size and in locations not currently permitted. The number and depth of changes underscore the fact that this project is far from what would be considered acceptable.

As the home owner of 3025 Jackson, I can see this will have only a negative impact on my property. I do not support the changes to the zoning. There would be significant detrimental impacts as noted from the planning requests and absolutely no benefit to the neighborhood.

As well, I believe there is a Civil covenant on the property that prevents building over a large portion of the property as a memorial to a previous resident.

The project seeks to dramatically shift the neighborhood away from single family homes as the standard. The project does not respect the long term good of the neighborhood and the owners of 3031 Jackson will not have to deal with the consequences of their project as they won't be living in the proposed building.

My recommendation is to strenuously deny each part of the project.

Sincerely,

Rob Anderson 3025 Jackson Email -

This email has been checked for viruses by Avast antivirus software. https://www.avast.com/antivirus

From:

Ben Isitt (Councillor)

Sent: To: Monday, May 01, 2017 1:41 PM Noraye Fjeldstad; Councillors

Subject:

FW: re-zoning proposal 3031 Jackson

From: Sandra Meigs

Sent: August 22, 2016 12:43 PM

To: Marianne Alto (Councillor); Chris Coleman (Councillor); Ben Isitt (Councillor); Jeremy Loveday (Councillor); Margaret

Lucas (Councillor); Pam Madoff (Councillor); Charlayne Thornton-Joe (Councillor); Geoff Young (Councillor)

Cc: nag@quadravillagecc.com

Subject: re-zoning proposal 3031 Jackson

August 22, 2016

Re: Re-zoning application 3031 Jackson Street

Dear Members of the City Council of Victoria,

I am writing to express my concerns about the proposal for development of the lot at 3031 Jackson. I have lived and own the home at 3011 Jackson since April 2011. I love my home, the neighborhood, and the environment in the area, particularly the Garry Oaks, of which I have 3 on my property. I have reviewed the plans and will outline my concerns below.

The scale of these 10 town houses is beyond that of anything on the Summit Hill end of Jackson St, including the housing co-op next door to it. NO house on Jackson, that I am aware of, has a garage. Everyone here parks in the street, in a driveway, or, as at the co-op, in a lot. Proposing 10 garages on one lot is out of character for the neighborhood. As first story structures, visible from the side on Jackson St. (in units 1 & 2), they will stand out like sore thumb, or shall I say be sores in our eyes. This type of garage, even if only for 1 car, is more in character with a suburban dwelling and is certainly not part of our current streetscape.

Units 1 & 2 are particularly large and tower above the already large house at 3027/29 Jackson. I am not only concerned about developing 3031 Jackson in this manner, but also in setting a precedent for tearing down existing properties and building monster houses and monster developments.

I am especially concerned for the protection of the Garry Oaks on the property. In the drawings, the trees are depicted close to the corners of the architectural structures. These trees have extensive root systems. I am not confident that the architectural plan protects the trees. Garry Oaks are very sensitive to environmental factors, and hard to propagate for that reason. Indeed, that is why they are protected. In relation to this fact, an extensive part of this development involves development of the structure below grade, which involves blasting. Not only am I concerned with blasting noise and vibration caused on adjacent properties, but also more significantly, on the affect the blasting will have on the trees. Once those trees are gone, they are gone and the neighborhood character is gone.

This neighborhood is a rocky terrain. Many of the houses here have been built to accommodate the rocks and the variety in the shifting slope of any given lot. My house has large exposed rocks underneath it, visible in the crawl space. In 2012 I planned a large renovation of the garage in my back yard and my contractor at the time told me he could not guarantee his estimate because he did not know how extensive the blasting would be until he started doing it. (Needless to say, I cancelled my plans.) In other words, we simply do not know what is underneath that property at 3031 Jackson.

I certainly would not want to see any development take place there without knowing that the city's arborist has looked at the Garry Oaks and has approved the building and blasting plan.

This neighborhood is one of Victoria's gems. No development that threatens the character and sensitive and beautiful environment around here should be permitted.

Please keep me up to date on this proposal.

Sincerely,

Sandra Meigs

3011 Jackson St.

cc. Hillside Neighborhood Action Group

cc. Mayor Lisa Helps

both hard copies and emails of this letter will be sent

From:

Ben Isitt (Councillor)

Sent: To: Monday, May 01, 2017 1:40 PM Noraye Fjeldstad; Councillors

Subject:

FW: Feedback on development proposal for 3031 Jackson Street

From: Tristen Weiss

Sent: September 28, 2016 9:28 AM

To: nag@quadravillagecc.com; Citizen Engagement; Councillors; Damian Graham

Subject: Feedback on development proposal for 3031 Jackson Street

To whom it may concern,

RE: Development of 3031 Jackson Street.

Our family has resided at 3020 Jackson Street for the past 14 years. It is a great area in a great city!

We were so happy to be included in the developers proposal for 3031 Jackson and to be able to share our views about the use of said property.

After hearing from the developers we have a few concerns that we feel could be reasonably addressed by a conscientious developer who values the continued success of the community we all enjoy each day.

1) **Vehicle Traffic/Parking concerns**- The proposed 10 units will bring to our street a **minimum** of 10 more vehicles. That assumes that people only have one vehicle.

The developer's idea that they will attract people who will *choose alternative transportation* (bicycles) was clearly thought up by someone who has not actually riden the steep climb up Jackson street (I do it daily but I think I am one of three on the whole street) nor were there any suggestions as to why/how this development would actually attract those types of buyers. (communal gardens, rain catchment systems, passive or energy efficient housing).

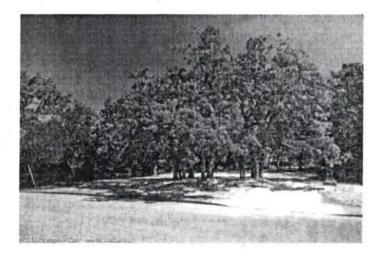
Jackson Street right now brings a lot of vehicle traffic looking to avoid the Quadra/Finlayson intersection not to mention people dropping their children off at Quadra Elementary School. The proposed developments high density and minimal parking will only exacerbate this problem.

The present estimate that each unit needs only one car space seems truly out of touch with most household's needs. Not to mention the fact that most people's garages are filled with things other than cars.

2) **Loss of greenspace**- What the developer's pictures don't show is how beautiful the the lower portion of the property is with its beautiful Garry Oaks. When people come by to visit they ask if is a park. It is hard to understand why someone wouldn't want to preserve this gorgeous piece of land?? Why not a communal gardening spot and some guest parking? Rain water harvesting? Children play area?

Build the units on the back portion of the lot and retain the beautiful entrance to the property.

Here is a great shot:



3) **Fitting in with the neighbourhood**- Our area is filled with single family homes. We are a single family and came to this area because of that. *Of course the Co-Op housing development is an exception but it provides the community with affordable housing* and they have lots of parking. The density of this proposal really isn't fitting for this neighbourhood.

A **possible solution** brought up at the meeting was to only have 8 units or less in the upper area of the proposed development and the lower area for extra guest parking spaces or greenspace.

We would hate to sound like people who are anti-development. We of course realize that many people want to move to this beautiful area and we know there needs to be places for them. But in 20 years how nice would it be to get to the top of Jackson street and be treated to a view of trees.

Thanks so much for taking the time to read this, Tristen, Damian, and Paisley

From:

Ben Isitt (Councillor)

Sent: To: Monday, May 01, 2017 1:40 PM Noraye Fjeldstad; Councillors

Subject:

FW: 3031 Jackson Street - rezoning application

From: Rosemary Pecorelli

Sent: October 18, 2016 1:21 PM **To:** engage@vic.ca; Councillors **Cc:** nag@quadravillagecc.com

Subject: 3031 Jackson Street - rezoning application

The words of Maria Rosina Pagnotta (myself) who has no computer access - submitted at my request by my daughter

To all concerned: in response to the CALUC meeting held on April 25 regarding the rezoning of the above mentioned property it is noted that all the concerns of the residents were captured in the minutes. From this it is still our concern as to why this would even be on the table for negotiation. Every single homeowner that was invited to the meeting was opposed to the project going through. Why are we, the residents, even asked to come forward with our concerns if no one is willing to listen to us. It appears that this is just a formality to show that all the steps have been taken which are set out in the City bylaws. These concerns that were brought up are very legitimate concerns, not only to the residents surrounding the proposed property, but to the individuals and children which use Jackson street as the main access route to the school. We, the residents, didn't just pick these concerns out of a hat – they are true and just. It seems that the meeting was just a waste of our time and effort.

The City seriously needs to do a traffic assessment to Jackson Street – especially now that school is back in session. When I inquired about it I learned that no assessment was done. It should not be up to the existing residents to ask for this – the City should have automatically stepped up and provided this without question. Traffic has picked up immensely now that school is back in session and is already an issue without 10 more townhouses. We should be thinking of the safety of our people first.

*(I have now noted that a traffic assessment was done in the first week of October – now for the results – how do we find out the outcome)

The parking will be an added burden to the heavy traffic. It will just escalate whichever way you look at. There are already cars parked on both sides of the street on a daily basis and makes it very difficult to drive through, especially if there is another vehicle coming the opposite way....there is virtually no where to go but try and swerve into a near driveway and allow them to pass through. Turning on Jackson from Finlayson is already a concern as cars are parked on Jackson almost at the stop sign and turning on from Finlayson is very tight. The leaves have started to pile up along the curbs which makes it virtually impossible to park – and it's not just the trees that are proposed to be removed from the site!!! It's all the way down the street.

It is very frustrating to say the lease that this project is even being considered especially with all these concerns from the residents. I, Maria Rosina Pagnotta have resided in the same home at 3027 Jackson Street for the past 60 years. My bedroom window faces the driveway to the property – I will be 90 years old in December and go to bed peacefully every night by 9:00pm. This is going to have a huge impact on my remaining years on this earth. The cars going back and forth up and down the driveway at any given time will be so disruptive to my sleep and health.

One more thing in closing......it is noted by the residents that there was a "Lisa Helps" sign on this lawn (3031 Jackson) during the campaign – so a Lisa helps supporter. And according to her missionit says:

She is leading a transformation at City Hall in order to foster a more innovative, proactive and responsive culture to meet and exceed the needs of residents and the business community.

Thank you for your attention to my concerns Maria Rosina Pagnotta 3027 Jackson Street

*was written a few weeks ago but held off in sending pending any new business to this project that may come to our attention i.e. the traffic assessment being one thing

1

March 7/2017

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

I am writing this letter on behalf and with the permission of the members of the Wilderness Park Co-op, a community consisting of 38 units housing @ 90 inhabitants, bordering the proposed development at 3031 Jackson st.(Folder#REZ00520). We would like to express some concerns that we feel we need the council to be aware of that will impact our environment.

We are thankful that we have members who are on the mailing list of the Hillside-Quadra Neighbourhood Action Committee, otherwise we may have missed our opportunity to address the proposed 10 unit development @ 3031 Jackson st which our Co-op borders on 3 of it's sides. We would imagine that both the residents of the area and the developer would wish to resolve any issues early in this process rather than later to respect everyone's time and resources.

The developer has requested a number of variances that we are concerned about as we are the immediate neighbours on the North, East and South sides of the subject property.

The most notable variances affecting us are:

- relaxation of the property setbacks on the North property line which involves units 6 and 7. The request is for a relaxation from the prescribed 7.5m as laid out in zone R-J to a setback of 3.0m, which is a significant request.
- relaxation of the property setback on the East property line which involves units 8-10. This is also prescribed to be 7.5m in the applicable zone with the request to be relaxed to 5.1m for units 8 & 9 and 4.5m for unit 10.

Our concerns with these 2 relaxation requests revolve around the proximity to our property lines, which will be a considerable adjustment from the current residence, which is @ 13m from our property line. Units 8-10 will have a significant impact on our community due to the fact that this particular location shares a fence line with our Co-op's communal space that is used for gatherings throughout the year and we currently enjoy the feeling of reasonable privacy from our immediate neighbour. This area is also the home of our well-used playground that will only have a buffer of 4.5m with the current proposal, this is to the rear of the buildings non-inclusive of the rear patio area.

The developer is citing tree preservation as the primary driver for the siting of the proposed building layout. This seems counter intuitive to many of us, if tree preservation is paramount perhaps reducing the number of units and providing ample spacing from neighbours would achieve the desired result.

Our wish would be for just that, a reduction of the number of units and the preservation of the prescribed setbacks of 7.5m as laid out in zone R-J.

This would achieve a number of positives in our eyes:

- as the 3031 property is a sloping site West towards Jackson st, the 7.5m placement would reduce the perception of height over us due to the natural grade.
- tree preservation would be achieved through fewer units taking advantage of natural buffering of irreplaceable mature trees dotting both properties.
- reducing the number of units will reduce the number of required parking spaces as zoning requires 1.5 spaces per unit. A later paragraph will explain the parking concerns.

The reason for concerns around the parking is based upon the fact that most households today are multi-vehicle (most often 2), to this we can attest as our Co-op members often need to park off property due to insufficient on site parking spaces. Assuming 10 units are built and 15 parking spaces are available, and the majority of households have 2 vehicles the excess will be required to park on Jackson street which already has many vehicles parked on it. Should the development reduce the units from 10 to perhaps 8, 12 spaces would be required on site with the possibility of adding more on site parking as these spaces could be placed strategically with tree preservation in mind.

With the area density being increased by this development, which frankly has already been largely achieved due to the Co-op itself , street parking will become increasingly taxed and consideration needs also to be given to visitors to these dwellings.

In the developer's letter to council (October 10/2016), he noted that Jackson is already an arterial connector which I don't argue, the problem lies in the fact that it is currently very busy at peak hours and it has been of such a concern in the past that the city has already installed traffic calming speed humps along the street in an effort to bring the traffic speeds down over the apex of Jackson st. Adding density to this neighbourhood will compound the traffic issues that are present when attempting to turn onto Finlayson rd.

We recognize there is potential on this site and there is likely to be development occurring at some point in the future and don't wish to come across as NIMBYs but we feel we need to make our concerns known as we comprise a significant portion of the Summit Park neighbourhood.

There were a number of our members that attended the initial community association meeting where Mr. McNeil spoke on behalf of the development, and we found most if not all the seats full of SFD homeowners from the area who also had concerns surrounding the proposed application.

Respectfully, Graeme Tuck

22-1120 Summit ave Victoria, BC V8T 2P7 We, the members of Wilderness Park Co-op, hereby acknowledge with our signatures that we are in full support of the attached letter outlining our concerns regarding the proposed development @ 3031 Jackson st (Folder#REZ00520).

Christian Prohom #38 Chush BIL Arthor Kingman * 4 BUNNIE KINGMA #4 Annabelle Harrington # 8 Mike Harrington # 8 Barb Doyle #12 Ray Adrian #12 Kary Greggy #14 Cameron Young 1414 Scott Frelyte #10 Cidalia Alvernaz #18 Emma Alvernáz #18 Pan Richardson # 26 DAVE RICHARDSON # 26. & a Keith-Meerlowy Judith Keith-Murray #11

16055 FOW ha Milan Louny tox 21/50 MOS! H ZEH FISO WHE DOBET

Dorothy # 9
Sprandall Jane # 15

SMcGress Sue #5

SMcGress DHNE # 3

Phila OBrun Sheila D'Brien #1.

DMacRae TRINITY MACRAE #20.

Betty Kash BFFFY KASK #33

Caughe Per Canyne Pellenh #2

Jennifer Tuck #22

The A Devin Henson #16

From:

Ben Isitt (Councillor)

Sent:

Monday, May 01, 2017 1:39 PM

To:

Noraye Fjeldstad

Cc: Subject: Councillors FW: 3031 Jackson

From: Mario Pagnotta

Sent: April 3, 2017 4:00 PM To: Ben Isitt (Councillor) Subject: 3031 Jackson

Another bullshit excuse from the city of Victoria .doug from public works said today they will not be reprinting the yellow lines on Jackson st for there is no manpower to do the work and they are 5 years behind add on that the corrupt mayor helps won't requse herself from the 3031 developement vote when her election signs were all over that property before she was elected I guess I'm going to the news with this one!

Sent from my iPhone

Steve and Janice Bailey 3037 Jackson St. Victoria BC V8T 3Z7

Re: Zoning Regulation Bylaw, Admendment Bylaw (No. 1111) No. 17-082

To Victoria City Council:

My sister and I live adjacent to the proposed development site (3031 Jackson St.) and we are writing to ask that the council reject the application.

Herein are our comments and objections relating to this planned development:

The townhouse buildings will overlook our property; this will lead to a loss of privacy and will certainly impact on the peaceful enjoyment of our home and garden. The buildings will be visually overbearing, particularly as the land increases in elevation from the back of our property to the area that will contain two of the four buildings.

Parking on Jackson Street will be negatively impacted. There will be an inevitable increase in congestion, noise and pollution, as Jackson St. is already used as a thoroughfare by traffic coming off of, or going to, Finlayson St. Adding 10 townhouses to our street will greatly add to this.

We object to the loss of the park-like front area of 3031 Jackson St. This area is often admired by passerby's, some even commenting that they did not realize there was a 'park' there. The character of the neighbourhood will be diminished by such a loss.

Yours sincerely,

Page 315 of 463

Pamela Martin

From: Ross Fowlie

Sent: Tuesday, September 05, 2017 9:36 PM

To: Public Hearings **Subject:** 3031 jackson street

In response to the development at 3031 Jackson st. I have troubles understanding that a lot this size would have too ask for variances for set backs from neighboring properties. It only stands to reason that the developers are trying to put to many units on this site. The number of units will also cause a great deal difficulty for parking on Jackson St. I cannot support this proposal as presented.

Ross Fowlie, 3045 Jackson St.

Pamela Martin

From:

Sent: Wednesday, September 06, 2017 8:43 AM

To: Public Hearings

Cc: beverly Hamilton

Subject: City Council Meetings 7 September

From

Robert Anderson and Beverly Hamilton Owners of 3025 Jackson Street Victoria BC V8T3Z7

Dear Victoria City staff,

Regarding the Council Meeting Thursday September 7, 2017 6:30pm to be held at Council Chambers, Victoria City Hall, 1 Centennial Square, Victoria BC;

We have asked our tenants who currently occupy 3 Jackson to attend the meeting on our behalf so that they can collect information about he proposed changes and raise any concerns. Our tenants' names are **Robyn and Alex Mirlin.**

Our current concerns are:

- What changes will be made to handle the rain water and water run off onto Jackson street as there are no storm drains?
- Will 3.43m of space between Unit 2 and Unit 4 be sufficient for fire access?
- Will there be sufficient parking on the property to accommodate the additional units?

Thank you for your attention to this matter.

Respectfully,

Robert Anderson and Beverly Hamliton

email: cell:

3 Ravenglass Cres London, Ontario N6G4K1

Lacey Maxwell

From: Joe Carr

Sent: September 7, 2017 1:24 PM **To:** Victoria Mayor and Council

Subject: Fwd: Development of 3031 Jackson St

Since Alec is away, please forward my comments to Council ASAP.

Thank you, Joe Carr

From: Alec Johnston sajohnston@victoria.ca

Date: September 7, 2017 at 10:43 AM

To: Joe Carr

Subject: Automatic reply: Development of 3031 Jackson St

I am away from the office until Tuesday, September 12th. If this email

is urgent, please call 250-361-0212 and your enquiry will be

redirected. Thank you

From: Joe Carr

Date: September 7, 2017 at 10:43 AM

To: ajohnston@victoria.ca

Subject: Development of 3031 Jackson St

Alec Johnston,

I would like to submit the following comments about the proposed development at 3031 Jackson Street as a resident living on the same block. Please pass on my comments to Council at the Public Hearing to be held this evening, since I won't be attending.

Fewer units (5-6) should be built and an upscale design with more living space should be used. Green initiatives should be incorporated into the design, including solar PV to offset electricity use, electric vehicle charge points, and passive solar heating.

Sincerely yours, Joseph Carr 3046 Jackson St

Pamela Martin

From: Public Hearings

Subject: FW: Public Hearing for development of 3031 Jackson St.

----- Forwarded message -----

From: **Allison Bottomley**

Date: Wed, Sep 6, 2017 at 12:47 PM

Subject: Public Hearing for development of 3031 Jackson St. To: publichearings@victoria.ca, mayorandcouncil@victoria.ca

Cc: nag@quadravillagecc.com

Dear Mayor and Council,

Our family moved across the street from 3031 Jackson St. two years ago from James Bay. We are delighted to call this neighbourhood and the wider Hillside-Quadra area home. We love the neighbourhood's scale, character, green spaces, amenities and diversity.

We consider ourselves lucky to be able to live in this neighbourhood within this beautiful city. We recognize the pressures facing our region around access to housing and affordability. We are not in opposition to development or to appropriate levels of densification within the city's neighbourhoods. We support initiatives that provide opportunities for families to live within the city core and that make progressive and positive contributions to our community and social fabric.

Our family does, however, share many of the concerns and questions our neighbours have raised regarding the development proposal for 3031 Jackson St. We urge Council to consider these questions in their deliberations and to ensure their decisions will enhance the unique character of our neighbourhood and make a positive contribution to the future of this area and the city.

- 1) The trees and green space. As laid out in the City of Victoria's Official Community Plan, the Vision and Strategic Directions outlined for this neighbourhood recognize the regionally significant sensitive ecosystem at Summit Park, and call for the protection, enhancement and renewal of the significant stand of Garry Oak woodlands in the area of the park. As has already been pointed out, 3031 Jackson St. contains a significant number of Garry Oak trees; any development of this property should do whatever is feasible to protect as much of this ecosystem as possible.
- 2) Neighbourhood and city planning. The city is changing rapidly and this area is no exception. Development and increasing density have long been part of the history of this neighbourhood. However, Hillside-Quadra is not scheduled for a new Neighbourhood Plan until 2019, with the last one having been drafted in 1996.

While many things have changed in the intervening 20+ years, some principles seem to have remained the same, with both the Official Community Plan and the old Neighbourhood Plan (1996) giving some insight into the City's own objectives for this part of the city, including plans for growth, the need for housing, and the objective to ensure that redevelopment is compatible with the established scale and character of the neighbourhood. We encourage Council to be guided by their own planning processes and policies in making decisions about this development, while being aware of the lack of an official current neighbourhood plan accompanied by community input at this time.

3) Traffic and transportation. Jackson St. is the only access off Finlayson St. into the neighbourhood and is much utilized for drop off and pick up of children at École Quadra School. As such it serves as a traffic artery for the community.

This section of Jackson St. is also part of the current City-designated bike route. Increased traffic volume with limited visibility does not lend itself to a quality cycling experience for most riders.

The proposed driveway for the development is at the crest of the hill on Jackson St., where visibility is already an identified issue. Parking demands on the street are likely to increase with the addition of 10 extra dwellings, even with garages and visitor parking in place.

The developer has suggested that residents will be encouraged by the site's location to cycle as a primary means of transportation, thus mitigating traffic and parking concerns. We see nothing, however, within the proposal's design that include incentives for cycling or other amenities that might proactively attract residents interested in sustainability (garden spaces, rain catchment systems or energy efficiencies/alternative energy) and alternative transportation.

We have concerns about the increase to traffic, parking and visibility that would occur as a result of this development. Even with traffic-calming speed humps already in place, we are concerned that Jackson St. is becoming a busier and higher-volume traffic artery than it is meant to be. Situated as it is at the crest of a steep hill, with two-way traffic, parking on both sides, and limited visibility, additional impact on the street raises safety concerns, especially for children, pedestrians and cyclists in our otherwise quiet neighbourhood.

4) Community benefit. In our opinion, if changes to the proposed zoning are to be made, it should be because the proposal provides a contribution and benefit to the community, not primarily for private benefit. The zoning system is in place to manage development in the best interests of the community. Rezoning and significant variance requests should be granted if a proposal meets an identified important community need; supports the City's own policy objectives for housing (including affordability), sustainability or other policy directions, as laid out through its planning processes; or offers innovative design ideas and visioning that enhance the identity and livability of a community or neighbourhood.

We understand the need for more housing stock and the limited availability of land for development with the city core. We would love to share our neighbourhood with others who want to live here. But following on the concerns and questions raised above, and those of our neighbours, we ask: What is the community benefit being offered by the proposed development? Does it sufficiently offset the concerns of the neighbourhood to have a net positive impact on the community? Are there other development options that could better meet the needs of the community?

Thank you for your consideration of our concerns and questions.

The Bottomley Johnson Family - Allison, Brad, Aldous and Clara

3024 Jackson St.

REPORTS OF COMMITTEES

- Committee of the Whole May 4, 2017
 - 6. Rezoning Application No.00520 for 3031 Jackson Street & Development Permit with Variances Application No. 000475 for 3031 Jackson Street (Hillside/Quadra)

Motion:

It was moved by Councillor Alto, seconded by Councillor Lucas:

1. Rezoning Application No.00520 for 3031 Jackson Street

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No.00520 for 3031 Jackson Street, subject to staff working with the applicant to increase the rear yard setbacks, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

- Submission of a sanitary sewer impact assessment to the satisfaction of the Director of Engineering and Public Works, determining if the increase in density results in a need for sewage attenuation, and if sewage attenuation is necessary, preparation of legal agreements to the satisfaction of the City Solicitor and the Director of Engineering and Public Works.
- 2. Preparation of a Housing Agreement to ensure that future Strata Bylaws cannot prohibit the rental of units, executed by the applicant to the satisfaction of City Staff.
- 2. Development Permit with Variances Application No. 000475 for 3031 Jackson Street That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00520, if it is approved, consider the following motion:

"That Council authorize the issuance of development Permit Application No. 000475 for 3031 Jackson Street, in accordance with:

- 1. Plans date stamped February 3, 2017.
- Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce site width from 75.00m to 53.17m
 - ii. reduce front setback from 7.50m to 7.00m
 - iii. reduce the rear setback from 7.50m to 4.50m (to unit 10)
 - iv. reduce the side setback (north) from 7.50m to 2.44m (to Unit 5) and to 3.00m (to Units 6 and 7) and to 7.19m (to Unit 6)
 - v. reduce building separation space from 7.5m to 5.76m between Unit 2 and Unit 4
- 3. Retention of an International Society of Arboriculture certified arborist during construction to ensure the tree protection plan is followed.
- 4. The Development Permit lapsing two years from the date of this resolution."

Carried

For: Mayor Helps, Councillors Alto, Coleman, Loveday, Lucas, Thornton-Joe, and

Young

Opposed: Councillor Isitt and Madoff

4. LAND USE MATTERS

4.3 Rezoning Application No.00520 for 3031 Jackson Street & Development Permit with Variances Application No. 000475 for 3031 Jackson Street (Hillside/Quadra)

Committee received reports dated April 20, 2017, from the Director of Sustainable Planning and Community Development regarding an application to allow for the construction of ten, two-storey townhouses.

Committee discussed:

- Concerns about the proposed tree loss to accommodate the proposal.
- The current proposal vs. what could be developed within the allowable zoning and policies.

Motion:

It was moved by Mayor Helps, seconded by Councillor Lucas:

Rezoning Application No.00520 for 3031 Jackson Street & Development Permit with Variances Application No. 000475

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No.00520 for 3031 Jackson Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

- Submission of a sanitary sewer impact assessment to the satisfaction of the Director of Engineering and Public Works, determining if the increase in density results in a need for sewage attenuation, and if sewage attenuation is necessary, preparation of legal agreements to the satisfaction of the City Solicitor and the Director of Engineering and Public Works.
- 2. Preparation of a Housing Agreement to ensure that future Strata Bylaws cannot prohibit the rental of units, executed by the applicant to the satisfaction of City Staff.

Development Permit with Variances Application No. 000475 for 3031 Jackson Street

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00520, if it is approved, consider the following motion:

"That Council authorize the issuance of development Permit Application No. 000475 for 3031 Jackson Street, in accordance with:

- 1. Plans date stamped February 3, 2017.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce site width from 75.00m to 53.17m
 - ii. reduce front setback from 7.50m to 7.00m
 - iii. reduce the rear setback from 7.50m to 4.50m (to unit 10)
 - iv. reduce the side setback (north) from 7.50m to 2.44m (to Unit 5) and to 3.00m (to Units 6 and 7) and to 7.19m (to Unit 6)
 - v. reduce building separation space from 7.5m to 5.76m between Unit 2 and Unit 4
- 3. Retention of an International Society of Arboriculture certified arborist during construction to ensure the tree protection plan is followed.

4. The Development Permit lapsing two years from the date of this resolution."

Committee discussed:

- Concerns about the proposals lack of alignment with the development permit area guidelines for enhancing the neighbourhood's character.
- The concerns raised by neighbours and the proposals alignment with various policies and plans.
- Issues of the rear yard setbacks and proximity to neighbouring boundaries.

<u>Amendment</u>: It was moved by Councillor Young, seconded by Mayor Helps, that the motion be amended as follows:

Rezoning Application No.00520 for 3031 Jackson Street & Development Permit with Variances Application No. 000475

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No.00520 for 3031 Jackson Street, **subject to staff working with the applicant to increase the rear yard setbacks**, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

- Submission of a sanitary sewer impact assessment to the satisfaction of the Director of Engineering and Public Works, determining if the increase in density results in a need for sewage attenuation, and if sewage attenuation is necessary, preparation of legal agreements to the satisfaction of the City Solicitor and the Director of Engineering and Public Works.
- 2. Preparation of a Housing Agreement to ensure that future Strata Bylaws cannot prohibit the rental of units, executed by the applicant to the satisfaction of City Staff.

Development Permit with Variances Application No. 000475 for 3031 Jackson Street

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00520, if it is approved, consider the following motion:

"That Council authorize the issuance of development Permit Application No. 000475 for 3031 Jackson Street, in accordance with:

- 1. Plans date stamped February 3, 2017.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - vi. reduce site width from 75.00m to 53.17m
 - vii. reduce front setback from 7.50m to 7.00m
 - viii. reduce the rear setback from 7.50m to 4.50m (to unit 10)
 - ix. reduce the side setback (north) from 7.50m to 2.44m (to Unit 5) and to 3.00m (to Units 6 and 7) and to 7.19m (to Unit 6)
 - x. reduce building separation space from 7.5m to 5.76m between Unit 2 and Unit 4
- 3. Retention of an International Society of Arboriculture certified arborist during construction to ensure the tree protection plan is followed.
- 4. The Development Permit lapsing two years from the date of this resolution."

Committee discussed:

 Various concerns with the current proposal and opportunities to enhance the proposal's suitability for the neighbourhood and applicable site guidelines.

On the amendment: CARRIED UNANIMOUSLY 17/COTW

Main motion as amended:

Rezoning Application No.00520 for 3031 Jackson Street & Development Permit with Variances Application No. 000475

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No.00520 for 3031 Jackson Street, subject to staff working with the applicant to increase the rear yard setbacks, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

- Submission of a sanitary sewer impact assessment to the satisfaction of the Director of Engineering and Public Works, determining if the increase in density results in a need for sewage attenuation, and if sewage attenuation is necessary, preparation of legal agreements to the satisfaction of the City Solicitor and the Director of Engineering and Public Works.
- 2. Preparation of a Housing Agreement to ensure that future Strata Bylaws cannot prohibit the rental of units, executed by the applicant to the satisfaction of City Staff.

Development Permit with Variances Application No. 000475 for 3031 Jackson Street

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00520, if it is approved, consider the following motion:

"That Council authorize the issuance of development Permit Application No. 000475 for 3031 Jackson Street, in accordance with:

- 1. Plans date stamped February 3, 2017.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - xi. reduce site width from 75.00m to 53.17m
 - xii. reduce front setback from 7.50m to 7.00m
 - xiii. reduce the rear setback from 7.50m to 4.50m (to unit 10)
 - xiv. reduce the side setback (north) from 7.50m to 2.44m (to Unit 5) and to 3.00m (to Units 6 and 7) and to 7.19m (to Unit 6)
 - xv. reduce building separation space from 7.5m to 5.76m between Unit 2 and Unit 4
- Retention of an International Society of Arboriculture certified arborist during construction to ensure the tree protection plan is followed.
- 4. The Development Permit lapsing two years from the date of this resolution."

On the main motion as amended: CARRIED 17/COTW

For:

Mayor Helps, Councillors Alto, Coleman, Lucas, and Young

Against: Councillors Isitt, Madoff, and Thornton-Joe

Councillor Young excused himself from the meeting at 9:48 a.m. due to a pecuniary conflict of interest as he lives near the subject site being considered in the next item.



Committee of the Whole Report For the Meeting of May 4, 2017

To:

Committee of the Whole

Date:

April 20, 2017

From:

Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject:

Development Permit with Variances Application No. 000475 for 3031

Jackson Street

RECOMMENDATION

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00520, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 000475 for 3031 Jackson Street, in accordance with:

- 1. Plans date stamped February 3, 2017.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce site width from 75.00m to 53.17m
 - ii. reduce front setback from 7.50m to 7.00m
 - iii. reduce the rear setback from 7.50m to 4.50m (to unit 10)
 - iv. reduce the side setback (north) from 7.50m to 2.44m (to Unit 5) and to 3.00m (to Units 6 and 7) and to 7.19m (to Unit 6)
 - v. reduce building separation space from 7.5m to 5.76m between Unit 2 and Unit 4
- 3. Retention of an International Society of Arboriculture certified arborist during construction to ensure the tree protection plan is followed.
- 4. The Development Permit lapsing two years from the date of this resolution."

LEGISLATIVE AUTHORITY

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

In accordance with Section 498 of the *Local Government Act*, Council may issue a Development Variance Permit that varies a *Zoning Regulation Bylaw* provided the permit does not vary the use or density of land from that specified in the *Zoning Regulation Bylaw*.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit with Variances Application for the property located at 3031 Jackson Street. The proposal is to replace an existing house on a large lot (2910m²) with 10 two-storey townhouses. The proposed units incorporate single-car garages and five visitor parking stalls are provided in three locations on the site. The units are situated to retain the majority of Gary Oak trees and trees of other species that occupy the site.

The variances are related to a reduced lot width, reduced front, side and rear yard setbacks, as well as, reduced separation spaces between townhouse units.

The following points were considered in assessing this application:

- the Development Permit Application with Variances No. 000475 is generally consistent with the Design Guidelines for Multi-Unit Residential, Commercial and Industrial Development (2012) prescribed within Development Permit Area 16
- the requested setback variances are supportable with sufficient distance and privacy maintained from the adjacent townhouse/garden suite development
- the separation space variances are supportable as sufficient distance and privacy is maintained amongst the units within the development
- the requested site width variance is supportable as the lot depth of 66.4m is significantly greater than that of a standard lot.

BACKGROUND

Description of Proposal

The proposal is for the replacement of an existing house on a large lot (2910m²) with 10 two-storey townhouses. The proposed units incorporate single-car garages and five visitor parking stalls are provided in three locations on the site. The units are situated to retain the majority of Gary Oak trees and trees of other species that occupy the site. A number of variances are requested for building setbacks, building separation spaces, and site width.

Specific details include:

- traditional architectural building design with pitched roofs and gables
- two and three unit clusters of townhouses accessed by an "L"-shaped driveway
- a front yard orientation and single-family dwelling appearance to the townhouse unit closest to the street
- retention of large Gary Oaks and open space on the northwest corner of the property along Jackson Street
- private open space in the form of a patio or deck for each unit.

Building materials include:

- Hardieplank siding
- cedar shingle siding
- · cultured stone
- fibreglass laminated shingles
- groomed concrete.

Landscaping elements include:

- concrete unit pavers
- perimeter fencing
- privacy screens
- replacement trees for trees that are removed
- lawn, planting areas and naturalized areas.

The proposed variances are related to:

- reduced site width based on width required per dwelling unit
- · reduced front, rear and north side yard setbacks
- · reduced building separation spaces

Sustainability Features

The applicant advised in a letter to staff dated December 12, 2016 that the units will be built to Energuide 80 rating and that the builder is a registered Built Green Builder.

Existing Site Development and Development Potential

The large lot (2910.7m²) is occupied by a single-family dwelling. The existing house was built in 1942 and is in fair condition. It is not identified on the Heritage Register.

Under the current R1-B Zone, Single Family Dwelling District, the property could be subdivided for a number of single-family dwelling lots with single-family dwellings of up to 300m² and two-storeys in height. Based on the lot area, up to five lots (including panhandle lots) may be possible.

Community Consultation

Consistent with the Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications, the applicant has consulted the Hillside Quadra CALUC at a Community Meeting held on April 25, 2016. A letter dated May 30, 2016 is attached to this report.

Advisory Design Panel

The application was referred to the Advisory Design Panel (ADP) on December 21, 2016. The Panel was asked to comment on the following aspects of the proposal:

- prominence of the garages
- rear and side façade treatments
- paving materials.

The minutes from the meeting are attached for reference and the following motion was carried (unanimous):

"That the Advisory Design Panel recommend to Council that Development Permit Application No. 000475 for 3130 Jackson Street be approved with recommendations as proposed:

increase glazing at exterior corners, the second floor and secondary frontages, and [provide additional] information on the landscape plan to [allow for] review or comment."

In response to the ADP recommendation, the applicant revised the plans to increase the amount of glazing, particularly on the south elevations of Units 3 and 10 where there is the greatest setback from adjacent properties. On the other secondary frontages, piano style windows were added to provide additional glazing while minimizing potential overlook to adjacent properties. The landscape plan was also revised to provide more information on the location of proposed plantings.

ANALYSIS

Development Permit Area and Design Guidelines

The Official Community Plan (OCP) includes these properties in Development Permit Area (DPA) 16, General Form and Character. The objectives of this DPA include:

- To integrate commercial, industrial and multi-unit residential buildings in a manner that is complementary to established place character in a neighbourhood or other area, including heritage character.
- To enhance the place character of established areas and their streetscapes through high quality of architecture, landscape and urban design that responds to each distinctive setting through sensitive and innovative interventions.
- To achieve more livable environments through considerations for human-scaled design, quality of open spaces, privacy impacts, safety and accessibility.

With respect to the *Design Guidelines for Multi-Unit Residential, Commercial and Industrial Development (2012)*, the siting of the townhouses mitigates the loss of Gary Oaks and other trees on the property and preserves existing vegetation where possible. The two-storey with pitched roof and gables form and character of the townhouses is in keeping with the existing place character. The proposed materials including HardiePlank, cedar shingles and cultured stone are high quality and appropriate for the site with its numerous trees, rock outcroppings and varied topography. The townhouse unit closest to Jackson Street has an entrance and orientation to the street reflective of a single-family dwelling.

The requested setback variances are supportable with sufficient distance and privacy maintained from the adjacent townhouse/garden suite development. Similarly, the separation space variances are supportable as sufficient distance and privacy is maintained amongst the units within the development. The requested site width variance is supportable as the lot depth of 66.4m is significantly greater than that of a standard lot.

CONCLUSIONS

The Development Permit Application with Variances No. 000475 is generally consistent with the Design Guidelines for Multi-Unit Residential, Commercial and Industrial Development (2012) prescribed within Development Permit Area 16. Staff recommend that Council consider supporting this application.

ALTERNATE MOTION

That Council decline Development Permit with Variances Application No. 000475 for the property located at 3031 Jackson Street.

Respectfully submitted,

Afec Johnston

Senior Planner

Development Services Division

Jonathan Tinney, Director

Sustainable Planning and Community

Development Department

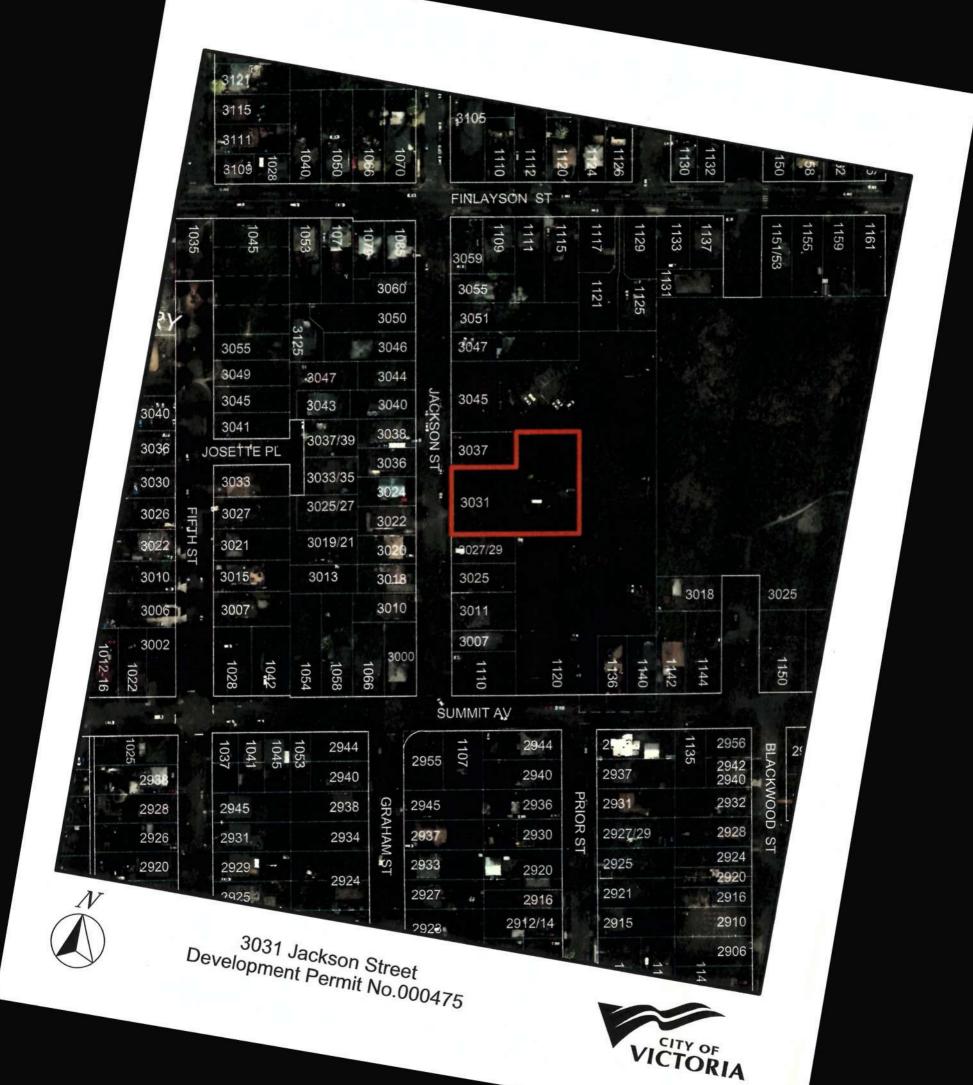
Report accepted and recommended by the City Manager:

Date:

Apr.725,2017

List of Attachments:

- Subject Map
- Aerial Map
- Letters from the applicant to Mayor and Council dated January 12, 2017, October 10, 2016 and June 1, 2016
- Arborist report dated March 23, 2017 and March 11, 2016
- Plans date stamped April 20, 2017
- Community Association Land Use Committee Comments dated May 30, 2016
- Advisory Design Panel Report dated December 21, 2016
- Minutes of the Advisory Design Panel meeting on December 21, 2016
- Neighbourhood Correspondence





2272 Millstream Road, Victoria, BC V9B 6H2 Home Page http://mcneildesigns.bc.ca Phone/Phax (250) 474 - 2360 Email ron@mcneildesigns.bc.ca

January 12, 2017

Mayor and Council
City of Victoria,
#1 Centennial Square, Victoria, BC
c/o emailed to Brain Sikstrom, Planner
via --

Re: Rezone & DP for 10 townhouses at 3031 Jackson St, Victoria, BC

Dear Mayor and Council,

I write on behalf of my clients, Mr. & Mrs B Canfield, and their builder, Brothers Home Building, who wish to rezone a large parcel for 10 townhouses. A property in Mrs Canfields family since the 1940's.

This site is central to two commercial centers, Mayfair and Hillside, plus smaller corner stores, making walking to these within 15 minutes possible. Jackson street is also just a short walk from Quadra where bus service is excellent. Jackson Street is also an identified bicycle route so we are served by all sustainable travel methods, and those methods support a density higher than single family dwelling. Jackson street is very well suited to slightly higher density being a connector to arterial roadways, bus routes, cycle routes.

We met with the NAG twice, once informal and once formally, we had delivered a letter to the door of the immediate neighbours outlining our intent to develop the property and invited them to contact our Consultant (Dean Strongitharm) if they had any questions. No calls to the Consultant came as a result. Subsequently, Dean went door to door in the immediate neighbourhood offering to discuss any thoughts the neighbours might have. The formal NAG meeting had a presentation by McNeil Designs, the comments received from both the NAG meetings and the neighbourhood canvass have been acted upon and are now incorporated in the submitted proposal. Part of their concerns focused on the appearance of the front units from the street, the changes were made, and were recently supported by ADP. Other concerns were off street parking and we have arrived at our present position after significant dialogue and direction from the Planning Dept.

There are not often larger lots in the city anymore and so this is an appropriate opportunity to develop comprehensively without demolition of much existing housing stock. Five fee simple lots under current zone would not leave nearly as many trees. Townhouses give the most flexibility in siting, by varying position and block size. We were commended by ADP on how we sited the buildings and driveways around trees, and have retained a fairly large portion of the lot near road.

We are of the view that density is not seen as paramount issue since we believe it is equivalent to R-J except for setbacks as a result of saving trees. We further believe the arborist report clearly indicates we have developed our proposal is such a way to save a majority of trees. Our Arborist has been in touch with the Parks Department personnel in this regard.

Page 2

We have also carefully considered the topography and trees, following arborist's advice on which trees are the healthiest and easiest to protect, and then situated the units to best practice. You will see a large portion of property near the road is left untouched to retain a lot of what neighbours have come to know in way of greenspace and leaving a wide berth for the largest tree.

Gary Oak Tree Summary: (excluding over grown shrubs and fruit trees shown on site plan)

Tree total:

59

Trees removed:

23

Condition of removed trees:

3 Healthy 7 Fair

13 Poor

We heard neighbourhood concerns at the outset, initially adding two on-site parking spaces above required in response to neighbours comments., but are currently providing only the required parking at the suggestion of the Planning staff, anticipating Council's wishes to prioritize preserving trees. Landscape design has been revised to show all surface parking is permeable as well as some sections near entry.

Summary of Variances: (based on RJ zoning – low density)

These are variances to R-J, not a site specific zone. ALL of these come out of siting throughout the property to retain as many trees as possible, from both building siting and driveway location. Setbacks for windows, building separation based on rooms and property width. Note on the contextual plan that all neighbouring buildings, primarily the Coop townhouses are set back considerably from property lines. Most of these setbacks are for rooms that have additional windows facing another way, or are screened well from neighbours.

Following ADP recommendations we also added windows on side elevations where suitable, and amended the siding 'band' height and incorporated it with the belly band.

Note we will also build to Energuide 80. The builder is a registered Built Green Builder.

We hope you can support this application, we feel that this type of project, over single family subdivision, allows the best fit to retain trees and topography of lot and keeps affordability in the housing, we look forward to presenting our project as we have to the community.

Sincerely,

Ron McNeil, AScT.

mbltr829

HEGISTERED BUILDING BESIGNER 5 BO DOZZ



2272 Millstream Road, Victoria, BC V9B 6H2 Home Page http://mcneildesigns.bc.ca Phone/Phax (250)474-2360 Email ron@mcneildesigns.bc.ca

October 10, 2016

Mayor and Council
City of Victoria,
Centennial Square, Victoria, BC
c/o by hand with revised drawing sets,
via --

Re: Revisions & Requested Variances, for Rezone/DP 3031 Jackson St, Victoria, BC

Dear Mayor and Council,

I write on behalf of my clients, Mr & Mrs B Canfield, and their builder Brothers Home Building, who wish to rezone a large parcel for 10 townhouses.

This site is central to two commercial centers, Mayfair and Hillside, plus smaller corner stores, making walking to these within 15 minutes possible. Jackson street is also just a short walk from Quadra where bus service is excellent. Jackson Street is also an identified bicycle route so we are served by all sustainable travel methods, and those methods support a density higher than single family dwelling.

Jackson street is very well suited to higher density being a connector to arterial roadways, bus routes, cycle routes.

There are not often larger lots in the city anymore and so this is an appropriate opportunity to develop higher density without demolition of much existing housing stock

We have also carefully considered the topography and trees, following arborist's advice on which trees are the healthiest and easiest to protect, and then situated the units to best practice. You will see a large portion of property near the road is left untouched to retain a lot of what neighbours have come to know in way of greenspace and leaving a wide berth for the largest tree.

Owners have recently also enlisted a civil engineer to explore site servicing, and to date it appears much of it can be directed below the driveway to avoid root zones.

While our submission was a result of consultation with community association and neighborhood, we have also revised some aspects after receiving feedback from the planning department;

Now that the Senior Planners have taken on our file some of the previously noted concerns contained in the City's July 10/16 letter, have been resolved. We are of the view that density is not seen as an issue since we believe it is now viewed we are equivalent to R- K except for setbacks as a result of saving trees.

Although our original submission included an Arborist's report the report didn't reach the reviewing departments during initial review. Once we became aware of the problem, we resubmitted the report and it has been circulated. We further believe the report clearly indicates we have developed our proposal is such a way to save a majority of trees. Our Arborist has been in touch with the Parks Department personnel in this regard.

We have removed two parking spaces, at the suggestion of the Planning staff, so as to preserve an additional two trees. We initially added the two on-site parking spaces in response to neighbours comments. We have been advised that the saving of two additional trees is where the emphasis should be placed.

2

Plans have had some corrections and clarification to address almost all of the concerns for missing information. We have made clear the bulk of the deficiencies for setbacks and height are variances we wish to pursue as they are a result of building position and driveway configuration all stemming from tree preservation.

In response to earlier Staff comments we note that this project does not require an Architect as no block has more that four units and the proposal is therefore meeting the Architect's Act exemptions.

Building changes were made in minor aspects as garage doors and some other features for the interior units. We have redesigned the front unit a second time to enforce the appearance of a single family dwelling on the street facade, we had to make this a slightly larger unit than the others, as well as make it a complete departure from the other units in plan.

As we have numerous revisions throughout the drawings, bubbles were detracting from readablility so we hope this letter characterizes them and we can submit fewer sheets by not submitting bubbled sets. We look forward to cooperatively working with staff to ensure we proceed efficiently from here on in.

Summary of Variances: (unless new zone based on RK is created)

Block 2 height, variance of 1.44m, due to steep terrain and meeting a common driveway. Block 3 height, variance of 0.17m, due to steep terrain and meeting a common driveway. Building Separation, smallest separation is 5.76m, variance of 1.74m, to facilitate building positions that save more trees. Building Setbacks, to facilitate building positions that save more trees.

We hope you can support this application, we feel that this type of project, over single family subdivision, allows the best fit to retain trees and topography of lot and keeps affordability in the housing, we look forward to presenting our project as we have to the community.

Sincerely,

Ron McNeil, AScT.

mbltr813



2272 Millstream Road, Victoria, BC V9B 6H2 Home Page http://mcneildesigns.bc.ca Phone/Phax (250) 474 - 2360 Email ron@mcneildesigns.bc.ca

June 01, 2016

Mayor and Council
City of Victoria,
Centennial Square, Victoria, BC
c/o
via emailed pdf

Re: Rezoning, DP for 10 Townhouses, 3031 Jackson St, Victoria, BC

Dear Mayor and Council,

I write on behalf of my clients, Mr & Mrs B Canfield, and their builder Brothers Home Building, we wish to rezone a large parcel for 10 townhouses.

This site is central to two commercial centers, Mayfair and Hillside, plus smaller corner stores, making walking to these within 15 minutes possible. Jackson street is also just a short walk from Quadra where bus service is excellent. Jackson Street is also an identified bicycle route so we are served by all sustainable travel methods, and those methods support a density higher than single family dwelling.

Jackson street is very well suited to higher density being a connector to arterial roadways, bus routes, cycle routes.

There are not often larger lots in the city anymore and so this is an appropriate opportunity to develop higher density without demolition of much existing housing stock

We have also carefully considered the topography and trees, following arborist's advice on which trees are the healthiest and easiest to protect, and then situated the units to best practice. You will see a large portion of property near the road is left untouched to retain a lot of what neighbours have come to know in way of greenspace and leaving a wide berth for the largest tree.

As the project successfully progresses we will also require servicing, etc to do the same and minimize impact on the many trees retained.

We hope you can support us, we feel that this type of project, over single family subdivision, allows the best fit to trees and topography of lot and keeps affordability in the housing, we look forward to presenting our project as we have to community.

Sincerely.

Ron McNeil, AScT. mbltr805





Talbot Mackenzie & Associates

Consulting Arborists

March 23, 2017

Brian Canfield 289 Marine Drive Pt. Roberts, Washington 98281

Re: Proposed service corridor for 3031 Jackson Street

As requested, we reviewed the proposal to service the property by way of a single corridor that would run along the proposed driveway access. We concur with the proposed design and agree that the most suitable and practical location to install the underground services is along the driveway alignment.

Garry oak trees are located on either side of this corridor and where they could potentially be impacted by the service trench.

- Garry oaks #741, 746 and 749, on either side of the driveway near units #1 and #2
- Garry oaks #767 and 766 on the north side of the driveway near unit #3 and #768, 769, 770, 771 and 772 on the south side of the driveway opposite unit #3

We determined and outlined in the spreadsheet that accompanied our December 05, 2016 tree removal summary that oaks #746, 767, 768, 769 and 770 should be removed due to these and other anticipated construction impacts. We further indicated that it is unlikely that #749 could not be retained due to its location in relation to the driveway footprint,

The degree of impact on the remaining trees is dependant on the number of services that will be installed within the corridor, the degree of separation between each service and the depth of excavation required.

If it is determined that a wide, deep corridor is required, we recommend relocating the easement to one side of the corridor. Such a relocation may result in the loss of trees on one side of the corridor but would increase the chance of protecting the trees on the other side of this corridor.

On this site, if a wide corridor is required and in locations where trees on both sides of this corridor cannot be adequately protected, we would suggest:

- Where the service corridor enters the property and near unit #1 & 2, run the
 trench down the south side of the driveway which would result in the removal
 oak #749. This tree has already been identified as a tree that may not survive due
 to other construction related impacts.
- The service trench should cross the driveway and run along the north side of the driveway where it passes unit #3. Garry oak #767 which has already been identified in our spreadsheet for removal and one additional oak #766 would be removed.

..../2

Box 48153 RPO Uptown Victoria, BC V8Z 7H6 Ph: (250) 479-8733 ~ Fax: (250) 479-7050 Email: treehelp@telus.net March 23, 2017

Proposed service corridor for 3031 Jackson Street

Page 2

In some instances, to reduce the width of the required corridor, individual services can be stack or services encased to reduce the separation between individual services. A decision regarding the removal of these trees can be made prior to construction or made as field decision at the time of excavation.

Please do not hesitate to call us at (250) 479-8733 should you have any further questions. Thank You.

Yours truly,

Talbot Mackenzie & Associates

Tom Talbot & Graham Mackenzie ISA Certified, & Consulting Arborists

Enclosures: Tree removal list, Possible service location diagram

Disclosure Statement

Arborists are professionals who examine trees and use their training, knowledge and experience to recommend techniques and procedures that will improve their health and structure or to mitigate associated risks.

Trees are living organisms, whose health and structure change, and are influenced by age, continued growth, climate, weather conditions, and insect and disease pathogens. Indicators of structural weakness and disease are often hidden within the tree structure or beneath the ground. It is not possible for an Arborist to identify every flaw or condition that could result in failure nor can he/she guarantee that the tree will remain healthy and free of risk.

Remedial care and mitigation measures recommended are based on the visible and detectable indicators present at the time of the examination and cannot be guaranteed to alleviate all symptoms or to mitigate all risk posed.

Box 48153 RPO Uptown Victoria, BC V8Z 7H6 Ph: (250) 479-8733 ~ Fax: (250) 479-7050 Email: treehelp@telus.net

Key to Headings in Resource Table

d.b.h. – *diameter at breast height* - diameter of trunk, measured in centimetres at 1.4 metres above ground level

CRZ – *critical root zone* - *e*stimated optimal size of tree protection zone based on tree species, condition and age of specimen and the species tolerance to root disturbance. Indicates the radial distance from the trunk, measured in metres.

Crown spread – indicates the diameter of the crown spread measured in metres to the dripline of the longest limbs.

Condition health/structure -

- Good no visible or minor health or structural flaw
- Fair health or structural flaw present that can be corrected through normal arboricultural or horticultural care.
- Poor significant health or structural defects that compromise the longterm survival or retention of the specimen.

Tree status – Planned status of tree retention within proposed development

- Retain Retention of tree proposed
- Possible Retention possible with precautions
- · Remove Removal required or recommended
- Unlikely Retention may not be possible based on tree location and unless detailed mitigation strategies employed during construction.
- Removed Tree has been removed previously

Relative Tolerance – relative tolerance of the selected species to development impacts.

TREE RESOURCE 3031 Jackson (Tree Removal and Impacts)

Tree #	d.b.h. (cm)	PRZ	CRZ	Species	Crown Spread(m)	Condition Health	Condition Structure	Status	Remarks / Recommendations
0746	37, 41	11.0	6.3	Garry oak	8	Fair	Fair	Remove	Co-dominant, large deadwood, compacted soil at base.
0749	23, 28, 30	11.0	6.0	Garry oak	8	Fair	Fair	Unlikely	Tri-dominant, located along southern property line,tri-dominant, epicormic growth, poor annual shoot elongation. A portion of the trunk appears to be within the driveway footprint
0757	30	5.4	3.0	Garry oak	4	Fair/Poor	Fair	Remove	Ivy covered, little live foliage visible.
0758	36	6.5	3.6	Garry oak	4	Fair/Poor	Fair	Remove	Covered in dead ivy, poor annual shoot elongation.
0759	23	4.1	2.3	Garry oak	6	Fair/Poor	Fair	Remove	Covered in dead ivy, poor annual shoot elongation.
0760	42	7.6	4.2	Garry oak	6	Poor	Fair	Remove	Ivy covered, little live foliage visible.
0761	27, 31	8.5	4.7	Garry oak	8	Fair	Fair	Remove	Co-dominant, large deadwood, poor annual shoot elongation.
0762	37	6.7	3.7	Garry oak	8	Fair	Fair	Remove	Large deadwood, twig dieback, poor annual shoot elongation.
0763	27, 27, 34	12.0	6.6	Garry oak	12	Fair/poor	Fair	Remove	Epicormic growth, large deadwood, poor annual shoot elongation.
0764	18	3.2	1.8	Garry oak	5	Fair	Fair	Remove	Twig dieback, poor annual shoot elongation.
0765	34	6.1	3.4	Garry oak	7	Fair	Fair	Remove	Large deadwood, cavity at lower trunk.
0766	41	7.4	4.1	Garry oak	12	Fair	Fair	Possible	Small deadwood, compaction at base.
0767	27	4.9	2.7	Garry oak	3	Poor	Poor	Remove	Large deadwood, poor annual shoot elongation. Possible retention short term. Not good specimen
0768	26	4.7	2.6	Garry oak	8	Poor	Fair	Remove	Ivy covered, leaning, little live foliage visible, compaction at base from driveway.
0769	28	5.0	2.8	Garry oak	4	Poor	Fair	Remove	Ivy covered, leaning, little live foliage visible, compaction at base from driveway.

TREE RESOURCE 3031 Jackson (Tree Removal and Impacts)

Tree #	d.b.h. (cm)	PRZ	CRZ	Species	Crown Spread(m)	Condition Health	Condition Structure	Status	Remarks / Recommendations
0770	36	6.5	3.6	Garry oak	4	Poor	Fair	Remove	Ivy covered, large deadwood, little live foliage visible.
0783	34	6.1	3.4	Garry oak	9	Dead	Dead	Remove	Dead tree next to house.
0784	22, 27	N/A	N/A	Pacific dogwood	N/A	Dead	Dead	Removed	Dead snag, ivy covered. Failed and removed previously.
0786	48	8.6	4.8	Garry oak	5	Fair/Poor	Poor	Unlikely	Main stem failed historically, large cavity in remaining stem. Remove.
0787	30	5.4	3.0	Garry oak	5	Fair	Fair	Unlikely	Corrected lean, minor girdling from power line.
0791	37	6.7	3.7	Garry oak	6	Good	Good	Unlikely	Leaning toward neighbouring property.
0792	52	9.4	5.2	Garry oak	10	Poor	Poor	Remove	Covered in dense ivy, no live foliage visible. Unlikely to be alive
0793	109	19.6	10.9	Garry oak	14	Fair/poor	Fair/poor	Remove	Mature tree with large historic pruning wounds, recent limb failrue, large deadwood, end- weighted limbs. Resistograph test if retained.
0799	57	10.3	5.7	Garry oak	10	Fair	Poor	Remove	Large cavity at lower trunk, large deadwood, rooted in rock.
0800	17, 21	5.6	3.0	Garry oak	12	Good	Fair	Remove	Co-dominant, deadwood, rooted in rock.
0801	20	3.6	2.0	Garry oak	8	Fair	Fair	Remove	Rooted in rock.
0803	18	3.2	1.8	Garry oak	6	Fair	Fair	Remove	Rooted in rock, twig dieback.
0811	16	2.9	1.6	Garry oak	8	Good	Good	Remove	Rooted in rock.
0812	21	3.8	2.1	Garry oak	9	Good	Good	Remove	Rooted in rock.

07 Sep 2017



Talbot Mackenzie & Associates

Consulting Arborists

March 11, 2016

Brian Canfield 289 Marque Drive Pt. Roberts, Washington 98281

Re: Arborist review for 3031 Jackson Street

During our recent March 07, 2016 site visit we inspected and reviewed the health and structure of the trees on the property that were previously examined by us on September 20, 2009.

We also reviewed the concept plan and preliminary drawings for the townhouse development that is proposed to be constructed on this property.

During our examination we assigned each tree a status, based on its health and structural condition and its location within the property as it relates to the building and driveway footprints, service corridor and areas of other construction impacts.

Tree status - Planned status of tree retention within proposed development

- Retain Retention of tree proposed
- Possible retain Retention possible with precautions
- Remove Removal required or recommended
- Unlikely Retention is unlikely based on the trees location in relation to the buildings, driveway or servicing.

Since the date of our original tree assessment several trees have died or failed, specifically Garry oak #0783 and Dogwood #0784. The canopies of others have become so heavily infested with English Ivy vine that there is little live foliage remaining or they will no longer be viable once the ivy has been removed, specifically Garry oak #0753, 0757, 0758, 0759, 0760, 0768, 0769, 0770, 0792.

The following information was compiled regarding the tree resource:

- 1. Trees that are located where thee is an excellent opportunity for their retention
 - a. Garry oak #0742, 0743, 0744, 0745, 0748, 0750, 0752, 0773, 0774, 0776, 0780, 0782, 0788, 0789, 0790, 0795, 0840, 0805, 0806, 0807, 0808, 0810.
 - b. Douglas-fir #0754, 0755
 - c. Horse chestnut #0751
 - d. Flowering plum #1 (not tagged, located on the municipal frontage.

.../2

- 2. Trees that are located where they will be impacted but their retention is possible, based on how effectively the construction impacts can be mitigated.
 - a. Garry oak #0741, 0747, 0753, 0756, 0766, 0767, 0771, 0772, 0794, 0802
 - b. Ash #0777.
 - c. Douglas-fir #0778,
 - d. Monterey cypress #0779, 0796, 0797, 0798.
- Trees having health or structural defects or that are located where their retention is not possible.
 - Garry oak #0746, 0757, 0758, 0759, 0760, 0761, 0762, 0763, 0764, 0765, 0768, 0769, 0770, 0783 (dead tree), 0792, 0793, 0799, 0800, 0801, 0803, 0811, 0812.
- 4. Trees that are located outside of the construction footprints but where there retention is unlikely due to the anticipated impacts.
 - a. Garry oak #0749, 0786, 0787, 0791, 0809.
 - b. Douglas-fir #0775

The ability to retain trees that are near the area of construction impacts and designated as possible or unlikely will depend on the impact that is anticipated for each tree and the options for the possible mitigation of these impacts.

The potential impacts on the site related to the tree resource may include:

- 1. The location of the building footprint as it related to the critical root zones of the tree.
- 2. The proposed depth of excavation and any over excavation required on the outside of footprint.
- The size and spread of the tree canopy as it relates to the location of and height of the building units and the subsequent canopy pruning that may be required.
- 4. Any blasting and rock removal that may be required to establish a level grade for the building units, driveway and parking areas.
- 5. The footprint for the common driveway access and driveways to the individual units and the options for realignment to favour tree retention.
- 6. Any changes to the site grade that may be required for the driveway and building footprints or for landscape improvements
- The location of the service corridors and connections in relation to the trees critical root zones and the location and size of any onsite storm water management that may be required.
- Any accessory building, sidewalks, patios or pathways that may be constructed and the options for adjusting their location to favour tree retention.
- 9. The removal of stumps that are in close proximity to trees that are to be retained.

Once the concept plan has been approved and the status of each tree is finalised we can prepare a tree impact and retention report for the purpose of mitigating the impact of the construction on the trees that are designated for retention based on these detailed plans.

.../3

Box 48153 RPO Uptown Victoria, BC V8Z 7H6 Ph: (250) 479-8733 ~ Fax: (250) 479-7050 Email: treehelp@telus.net March 11, 2016

Arborist review for 3031 Jackson Street

Page 3

Please do not hesitate to call us at 250-479-8733 should you have any further questions. Thank You.

Yours truly,

Talbot Mackenzie & Associates

1115

Tom Talbot & Graham Mackenzie ISA Certified, & Consulting Arborists

cc: Eric Ruygrok - Brothers Home Building

Disclosure Statement

Arborists are professionals who examine trees and use their training, knowledge and experience to recommend techniques and procedures that will improve their health and structure or to mitigate associated risks.

Trees are living organisms, whose health and structure change, and are influenced by age, continued growth, climate, weather conditions, and insect and disease pathogens. Indicators of structural weakness and disease are often hidden within the tree structure or beneath the ground. It is not possible for an Arborist to identify every flaw or condition that could result in failure nor can he/she guarantee that the tree will remain healthy and free of risk.

Remedial care and mitigation measures recommended are based on the visible and detectable indicators present at the time of the examination and cannot be guaranteed to alleviate all symptoms or to mitigate all risk posed.

Key to Headings in Resource Table

d.b.h. – *diameter at breast height* - diameter of trunk, measured in centimetres at 1.4 metres above ground level

CRZ – *critical root zone* - *e*stimated optimal size of tree protection zone based on tree species, condition and age of specimen and the species tolerance to root disturbance. Indicates the radial distance from the trunk, measured in metres.

Crown spread – indicates the diameter of the crown spread measured in metres to the dripline of the longest limbs.

Condition health/structure -

- Good no visible or minor health or structural flaw
- Fair health or structural flaw present that can be corrected through normal arboricultural or horticultural care.
- Poor significant health or structural defects that compromise the longterm survival or retention of the specimen.

Relative Tolerance – relative tolerance of the selected species to development impacts.

Tree status – Planned status of tree retention within proposed development

- · Retain Retention of tree proposed
- Possible retain Retention possible with precautions
- · Remove Removal required or recommended
- Unlikely Retention is unlikely based on the trees location in relation to the building, driveway or servicing.

TREE RESOURCE for 3031 Jackson Street

Tree #	d.b.h. (cm)	PRZ	CRZ	Species	Crown Spread	Condition Health	Condition Structure	Relative Tolerance	Status	Remarks / Recommendations
no tag #1	26			Japanese Flowering plum	5	Good	Good	Moderate	Retain	Flush cut wounds, leaning. Located on municipal frontage.
0741	26	4.7	2.6	Garry oak	5	Fair/Poor	Fair	Good	Possible	Twig dieback, weeps over driveway, compacted soil at base.
0742	24	4.3	2.4	Garry oak	6	Fair/Good	Fair	Good	Retain	Co-dominant with 0743, weeps over sidewalk, history of limb failure.
0743	26	4.7	2.6	Garry oak	4	Fair	Fair	Good	Retain	Co-dominant with 0742, large deadwood, natural lean.
0744	20	3.6	2.0	Garry oak	3	Fair	Fair	Good	Retain	High crown, twig dieback.
0745	26, 33	8.8	4.9	Garry oak	5	Fair	Fair	Good	Retain	Co-dominant, small deadwood, cavity in upper canopy.
0746	37, 41	11.0	6.3	Garry oak	8	Fair	Fair	Good	Remove	Co-dominant, large deadwood, compacted soil at base.
0747	26, 42	10.4	5.8	Garry oak	8	Fair	Fair	Good	Possible	Co-dominant, large deadwod, twig dieback.
0748	61	11.0	6.1	Garry oak	10	Fair/poor	Good	Good	Retain	Close to northern property boundary, twig dieback, small deadwood, poor annual shoot elongation.
0749	23, 28, 30	11.0	6.0	Garry oak	8	Fair	Fair	Good	Unlikely	Tri-dominant, located along southern property line,tri-dominant, epicormic growth, poor annual shoot elongation. A portion of the trun appears to be within the driveway footprint
0750	17	3.1	1.7	Garry oak	4	Fair	Fair	Good	Retain	Located along southern property line, small deadwood, ivy covered.
0751	24	4.3	2.4	Horse chestnut	5	Good	Good	Good	Retain	Located along southern property line. Rubbing adjacent Garry oak.
0752	29	5.2	2.9	Garry oak	7	Good	Good	Good	Retain	Located along southern property line. Rubbing adjacent Horse chestnut.
0753	24	4.3	2.4	Garry oak	2	Poor	Fair/poor	Good	Possible	Located along southern property line, asymmetric form, 100% ivy covered, little live foliage visible through ivy.
0754	29	5.2	4.4	Douglas-fir	5	Good	Good	Poor	Retain	Located along northern property line, may be shared tree with neighbour.

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TREE RESOURCE for 3031 Jackson Street

Tree #	d.b.h. (cm)	PRZ	CRZ	Species	Crown Spread	Condition Health	Condition Structure	Relative Tolerance	Status	Remarks / Recommendations
0755	27	4.9	4.1	Douglas-fir	5	Good	Fair	Poor	Retain	Located along northern property line, corrected lean, may be shared tree with neighbour.
0756	60	10.8	6.0	Garry oak	7	Good	Good	Good	Possible	Located along northern property line, Ivy covered, deadwood.
0757	30	5.4	3.0	Garry oak	4	Poor	Fair	Good	Remove	Ivy covered, little live foliage visible.
0758	36	6.5	3.6	Garry oak	4	Poor	Fair	Good -	Remove	Covered in dead ivy, poor annual shoot elongation.
0759	23	4.1	2.3	Garry oak	6	Fair	Fair	Good	Remove	Covered in dead ivy, poor annual shoot elongation.
0760	42	7.6	4.2	Garry oak	6	Poor	Fair	Good	Remove	Ivy covered, some live foliage visible.
0761	27, 31	8.5	4.7	Garry oak	8	Fair	Fair	Good	Remove	Co-dominant, large deadwood, poor annual shoot elongation.
0762	37	6.7	3.7	Garry oak	8	Fair	Fair	Good	Remove	Large deadwood, twig dieback, poor annual shoot elongation.
0763	27, 27, 34	12.0	6.6	Garry oak	12	Fair/poor	Fair	Good	Remove	Epicormic growth, large deadwood, poor annual shoot elongation.
0764	18	3.2	1.8	Garry oak	5	Fair	Fair	Good	Remove	Twig dieback, poor annual shoot elongation.
0765	34	6.1	3.4	Garry oak	7	Fair	Fair	Good	Remove	Large deadwood, cavity at lower trunk.
0766	41	7.4	4.1	Garry oak	12	Fair	Fair	Good	Possible	Small deadwood, compaction at base.
0767	27	4.9	2.7	Garry oak	3	Poor	Poor	Good	Possible	Large deadwood, poor annual shoot elongation. Possible retention short term. Not good specimen
0768	26	4.7	2.6	Garry oak	8	Fair/poor	Fair	Good	Remove	lvy covered, leaning, some live foliage visible, compaction at base from driveway.
0769	28	5.0	2.8	Garry oak	4	Fair/poor	Fair	Good	Remove	Ivy covered, leaning, some live foliage visible, compaction at base from driveway.
0770	36	6.5	3.6	Garry oak	4	Fair/Poor	Fair	Good	Remove	Ivy covered, large deadwood, some live foliage visible.

TREE RESOURCE for 3031 Jackson Street

Tree #	d.b.h. (cm)	PRZ	CRZ	Species	Crown Spread	Condition Health	Condition Structure	Relative Tolerance	Status	Remarks / Recommendations
0771	48	8.6	4.8	Garry oak	6	Good	Fair	Good	Possible	Ivy covered, leaning.
0772	28	5.0	2.8	Garry oak	8	Fair	Fair	Good	Possible	Ivy covered, small deadwood, weeping over driveway.
0773	40	7,2	4.0	Garry oak	7	Good	Fair	Good	Retain	Ivy covered, leaning over neighbour's yard.
0774	38	6.8	3.8	Garry oak	5	Fair	Fair	Good	Retain	. Ivy covered, high crown.
0775	26	4.7	3.9	Douglas-fir	4	Good	Poor	Poor	Unlikely	Ivy covered, young tree, suppressed.
0776	49	8.8	4.9	Garry oak	6	Fair	Fair	Good	Retain	Ivy covered, one-sided form over neighbour's yard.
0777	34	6.1	4.1	Ash	4	Good	Fair	Moderate	Possible	Located at edge of driveway, minor included bark, compaction at base.
0778	32	5.8	4.8	Douglas-fir	6	Good	Good	Poor	Possible	Located at edge of driveway, compaction at base.
0779	60	10.8	9.0	Monterey cypress	9	Good	Fair	poor	Possible	Located at edge of driveway, multiple stems, compaction at base, small hangers.
0780	34	6.1	4.1	Garry oak	9	Fair	Fair	Good	Retain	Twig dieback, grows close to cherry #0781.
0781	22	4.0	2.2	Cherry	6	Fair	Fair	Fair	Retain	Grows close to Garry oak #0780.
0782	13	2.3	1.3	Garry oak	3	Fair	Fair	Good	Retain	Leans over neighbour's yard, grows next to cherry #0781.
0783	34	6.1	3.4	Garry oak	9	Dead	Dead	N/A	Remove	Dead tree next to house.
0784	22, 27	N/A	N/A	Pacific dogwood	N/A	Dead	Dead	N/A	Failed	Dead snag, ivy covered. Failed and removed.
0786	48	8.6	4.8	Garry oak	5	Poor	Poor	Good	Unlikely	Main stem failed historically, large cavity in remaining stem. Remov
0787	30	5.4	3.0	Garry oak	5	Fair	Fair	Good	Unlikely	Corrected lean, minor girdling from power line.

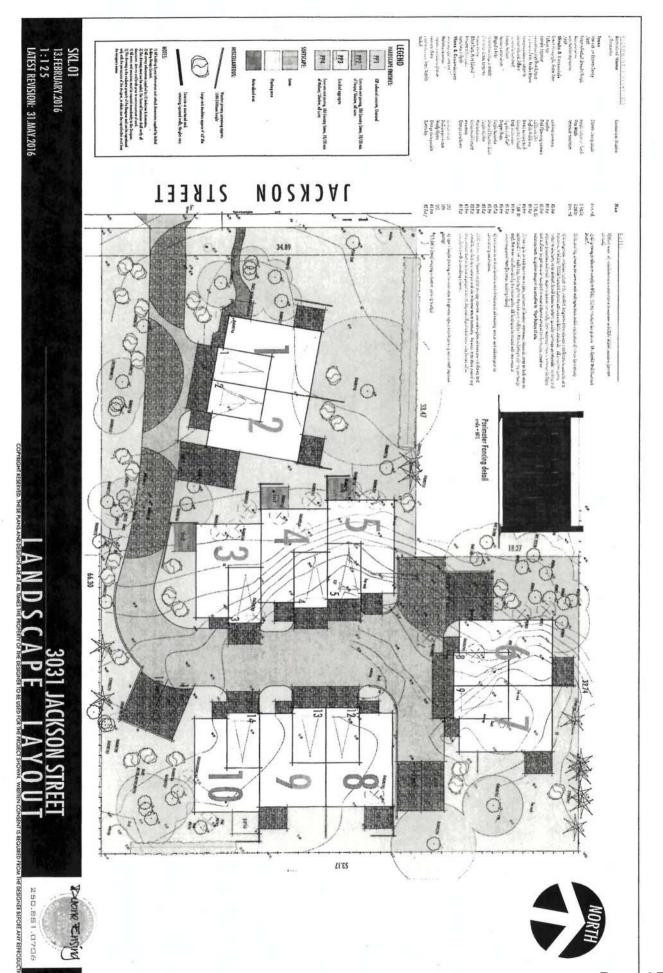
TREE RESOURCE for 3031 Jackson Street

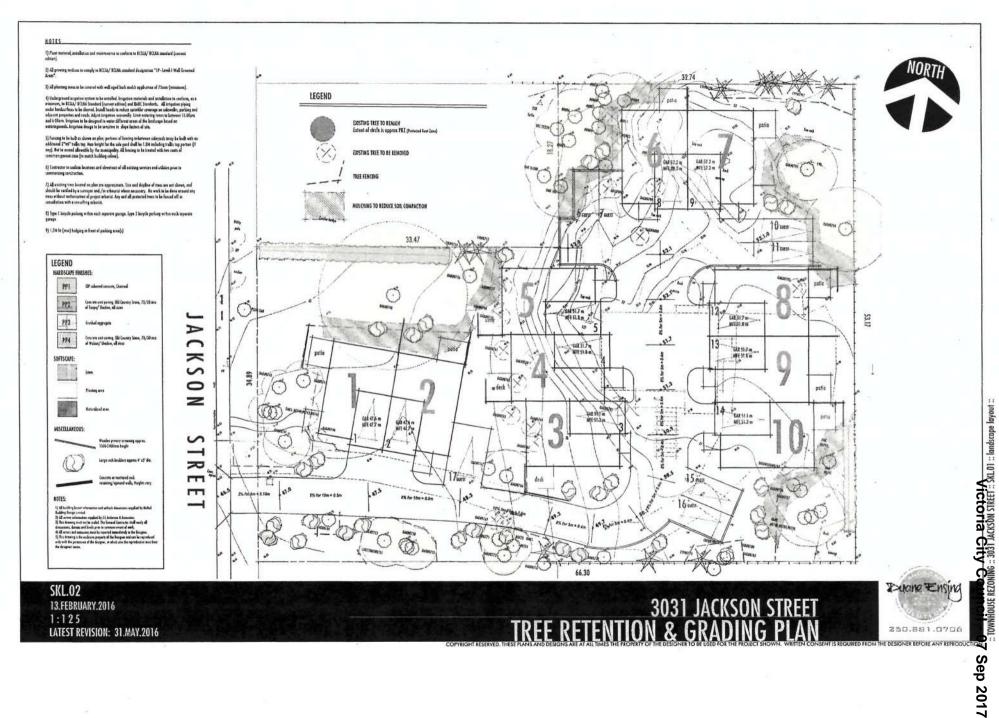
Tree #	d.b.h. (cm)	PRZ	CRZ	Species	Crown Spread	Condition Health	Condition Structure	Relative Tolerance	Status	Remarks / Recommendations
0788	40	7.2	4.0	Garry oak	6	Fair	Fair	Good	Retain	Ivy covered, small deadwood, low live crown ratio, canopy leans ove neighbouring property.
0789	42	7.6	4.2	Garry oak	4	Fair	Fair	Good	Retain	Ivy covered, small deadwood, low live crown ratio.
0790	31, 32	9.0	5.1	Garry oak	5	Fair	Fair	Good	Retain	Co-dominant, twig dieback, small deadwood, leaning toward neighbouring property.
no tag	multiple stems	N/A	N/A	Western Red cedar	N/A	Fair	Fair	Poor	Retain	Cedar hedge along southeast property line. Approximately 20 stems between 10-20 cm d.b.h.
0791	37	6.7	3.7	Garry oak	6	Good	Good	Good	Unlikely	Leaning toward neighbouring property.
0792	52	9.4	5.2	Garry oak	10	Poor	Poor	Good	Remove	Covered in dense ivy, no live foliage visible. Unlikely to be live
0793	109	19.6	10.9	Garry oak	14	Fair/poor	Fair/poor	Good	Remove	Mature tree with large historic pruning wounds, recent limb failrue, large deadwood, end-weighted limbs. Resistograph test if retained.
0794	79	14.2	7.9	Garry oak	8-	Fair/poor	Poor	Good		Mature tree, large dead/decayed stem, twig dieback, leans toward neighbours property. Resistograph test if retained. Could be retained
0795	55	9.9	5.5	Garry oak	7	Fair	Good	Good	Retain	Twig dieback.
0796	34, 35, 66	19.0	16.0	Monterey cypress	18	Good	Fair	Poor	Possible	Northeast corner of property, crossing limbs, multiple stems.
0797	30	5.4	4.5	Monterey cypress	12	Good	Fair	Poor	Possible	Rubbing adjacent Cypress tree.
0798	46	8.3	6,9	Monterey cypress	10	Good	Fair	Poor	Possible	Previously topped, recent pruning wounds.
0799	57	10.3	5.7	Garry oak	10	Fair	Poor	Good	Remove	Large cavity at lower trunk, large deadwood, rooted in rock.
0800	17, 21	5.6	3.0	Garry oak	12	Good	Fair	Good	Remove	Co-dominant, deadwood, rooted in rock.
0801	20	3.6	2.0	Garry oak	8	Fair	Fair	Good	Remove	Rooted in rock.
0802	26	4.7	2.6	Garry oak	9	Fair	Fair	Good	Possible	Rooted in rock, deadwood.

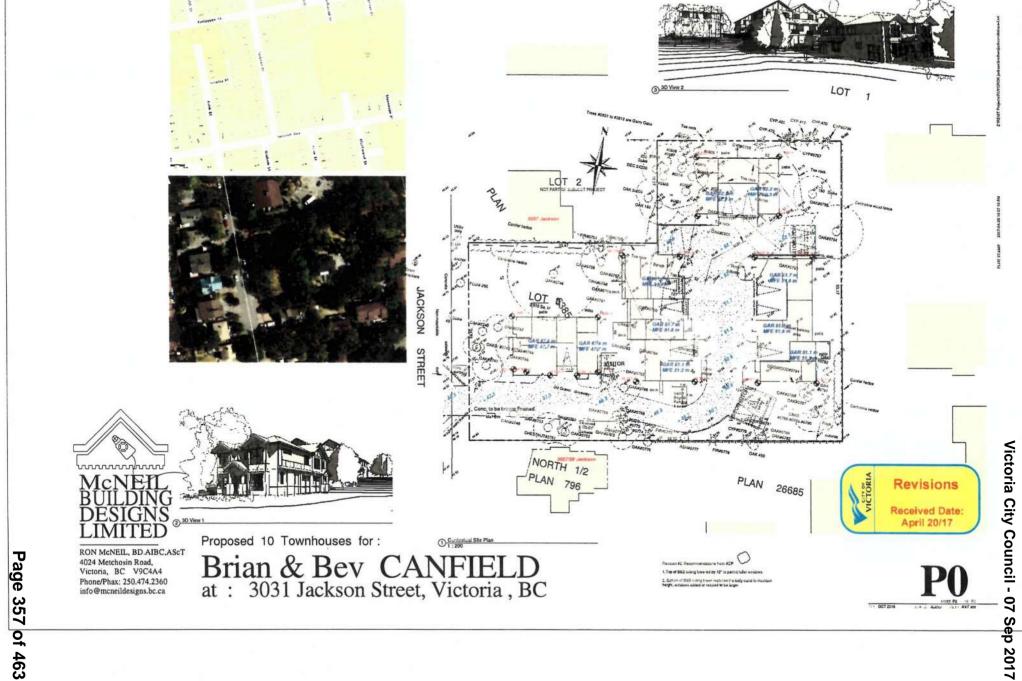
TREE RESOURCE for 3031 Jackson Street

Tree #	d.b.h. (cm)	PRZ	CRZ	Species	Crown Spread	Condition Health	Condition Structure	Relative Tolerance	Status	Remarks / Recommendations
0803	18	3.2	1.8	Garry oak	6	Fair	Fair	Good	Remove	Rooted in rock, twig dieback.
0804	22	4.0	2.2	Garry oak	7	Fair	Fair	Good	Retain	Rooted in rock, high crown.
0805	29	5.2	2.9	Garry oak	12	Fair	Fair	Good	Retain	Rooted in rock, large deadwood, may be shared with neighbour.
0806	36	6.5	3.6	Garry oak	10	Fair	Fair	Good	Retain	Rooted in rock, may be shared with neighbour.
0807	14	2.5	1.4	Garry oak	8	Fair	Fair	Good	Retain	Rooted in rock.
0808	42	7.6	4.2	Garry oak	8	Fair	Fair	Good	Retain	Rooted in rock, located on northernmost property line.
0809	16	2.9	1.6	Garry oak	8	Good	Good	Good	Unlikely	Rooted in rock, small tree, located along northernmost property line.
0810	38	6.8	3.8	Garry oak	10	Good	Good	Good	Retain	Rooted in rock, located behind 0808, leaning over neighbouring property.
0811	16	2.9	1.6	Garry oak	8	Good	Good	Good	Remove	Rooted in rock.
0812	21	3.8	2.1	Garry oak	9	Good	Good	Good	Remove	Rooted in rock.

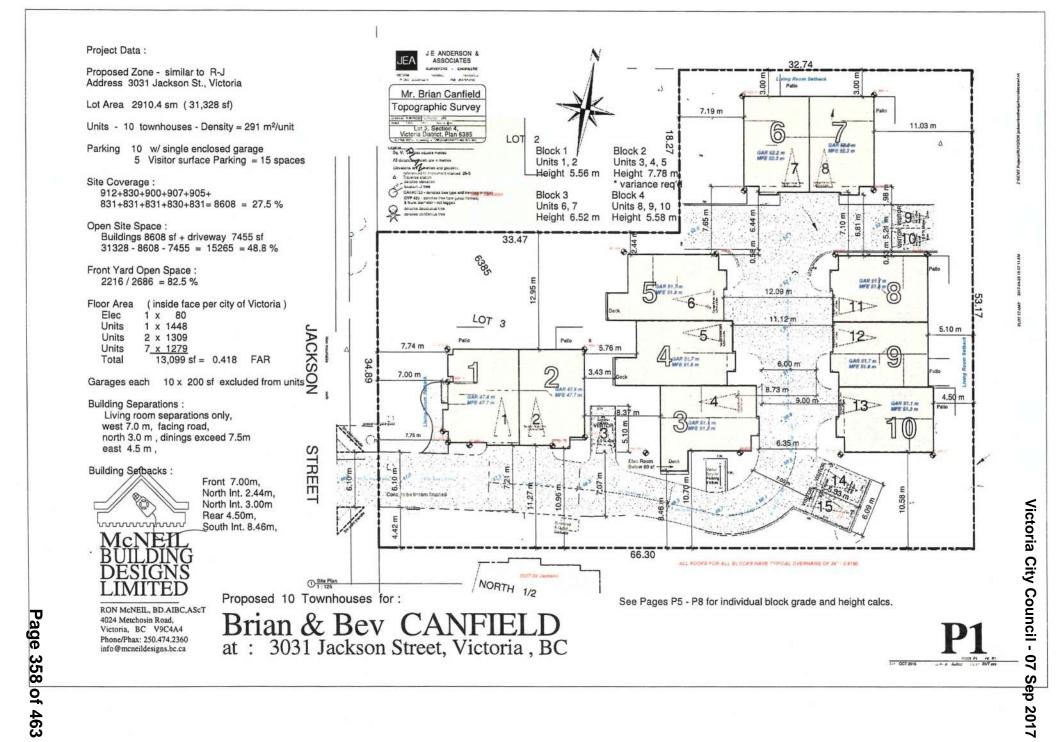
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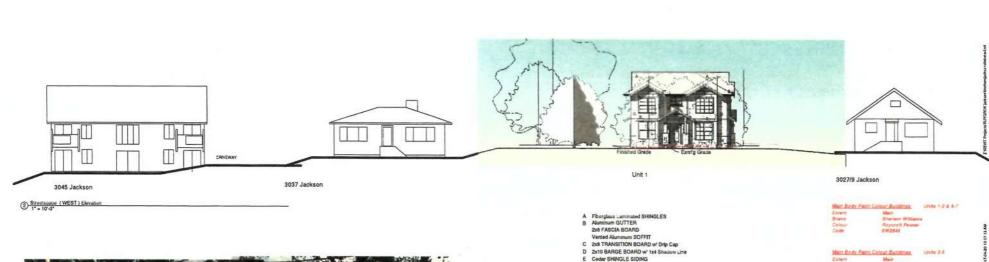






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1131

1125 1117 1115 1120 1110 1109 Jackson St

HARDIEPANEL SIDING W 1x4 BATTENS @ 24" o.c.

G Horizontal HARDIEPLANK SIDING H Cultured STONE w/ 2" CONC CAP J 1x6 CORNER BOARD K 1x6 Door & Window TRIM
L 2x10 BELLY BAND w/ Drip Cap M 8x8 Wood POST w/ Natural Stain N Metal or Tempered Glass RAILING P Natural Stained Wood DOOR R Parged CONCRETE

RON McNEIL, BD.AIBC, AScT 4024 Metchosin Road, Victoria, BC V9C4A4 Phone/Phax: 250.474.2360 info@mcneildesigns.bc.ca

Proposed 10 Townhouses for:

Brian & Bev CANFIELD at: 3031 Jackson Street, Victoria, BC

Canyon Clay 510

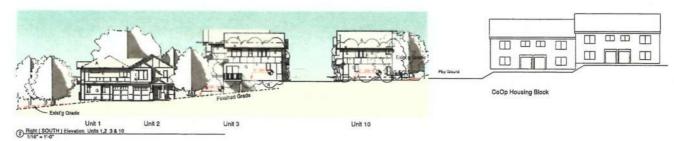
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Victoria City Council - 07 Sep 2017



Canyon Clay 310





A Fberglass Lamenada SHNQLES
Alammann QUTTER
2x8 FASCIA BOARD
Vested Alaminum SDFFIT
C 2x8 TRANSTION BOARD w/ 1x4 Shadow Line
C 2x8 TRANSTION BOARD w/ 1x4 Shadow Line
C clad SHNQLE SIDNING
F HARDIEFPANEL SIDINING w/ 1xx8 BATTENS @ 24* o.c.
Horizontal HARDIEFPANEN SIDINING
I cultured STONE w/ 2* CONC CAP
J 1x6 CORNER BOARD
K 1x6 Doer & Window TRIM
L 2x10 BELLY BAND w/ Drip Cap
M 8x8 Wood POST w/ Natural Stain
Metal of "interpreted Glass PALLING

P Natural Stained Wood DOOR
R Parged CONCRETE





RON McNEIL, BD.AIBC,AScT 4024 Metchosin Road, Victoria, BC V9C4A4 Phone/Phax: 250.474.2360 info@mcneildesigns.bc.ca



Proposed 10 Townhouses for:





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3

Main Besty Parce Gelour Buildings - Units 1 2 4 4 7

Stain Colour Supplier Type Colour Code

AS 4 Buildings K2 Stone Dream Mat. Natural Bland Ledgard

Suttern and Dominious Genter Black 529

Canyon Clay 515

A Fiberglass Laminated SHINGLES 8 Aluminum GUTTER 2x8 FASCIA BOARD

Verted Aluminum SOFFIT

C 2x8 TRANSITION BOARD w/ Drip Cap D 2x10 BARGE BOARD w/ 1x4 Shadow une Cedar SHINGLE SIDING

F HARDIEPANEL SIDING w/ 1x4 BATTENS @ 24" o.c.

G Horizonial HARDIEPLANK SIDING

H Gutured STONE w/ 2" CONC CAP J 1x6 CORNER BOARD

K 1x6 Door & Window TRIM

L 2x10 BELLY BAND w/ Drip Cap M 8x8 Wood POST w Natural Stain

P Natural Stained Wood DOOR

R Parged CONCRETE









RON McNEIL, BD.AIBC, AScT 4024 Metchosin Road, Victoria, BC V9C4A4 Phone/Phax: 250.474.2360 info@mcneildesigns.bc.ca

Proposed 10 Townhouses for:

Brian & Bev CANFIELD at: 3031 Jackson Street, Victoria, BC

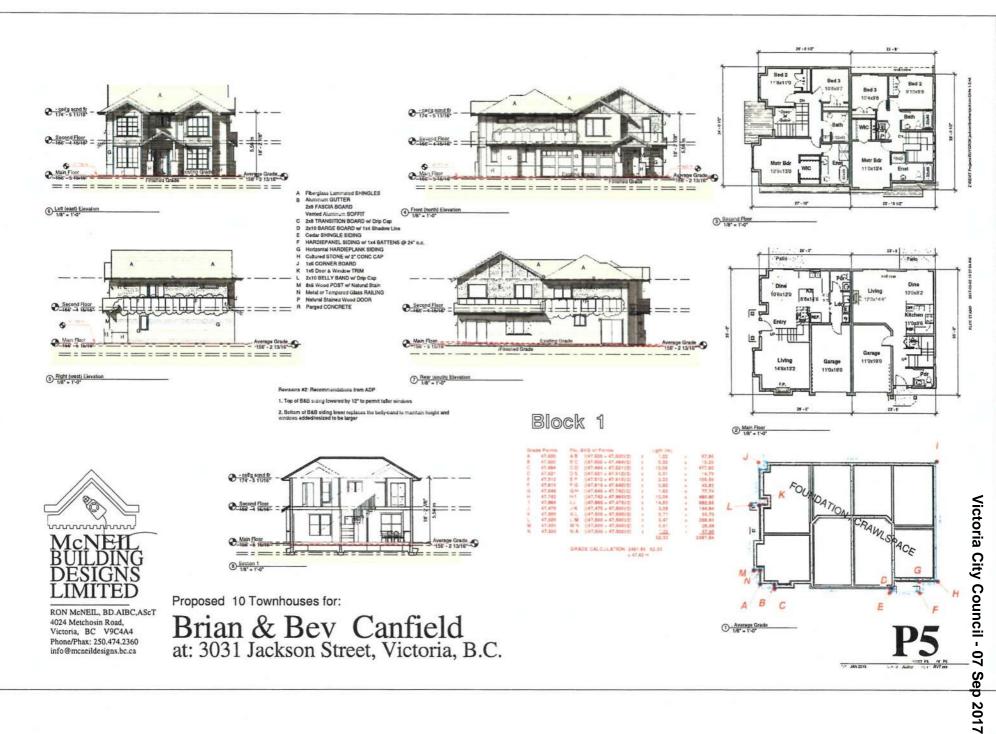
Revision #2, Recommendations from ACP

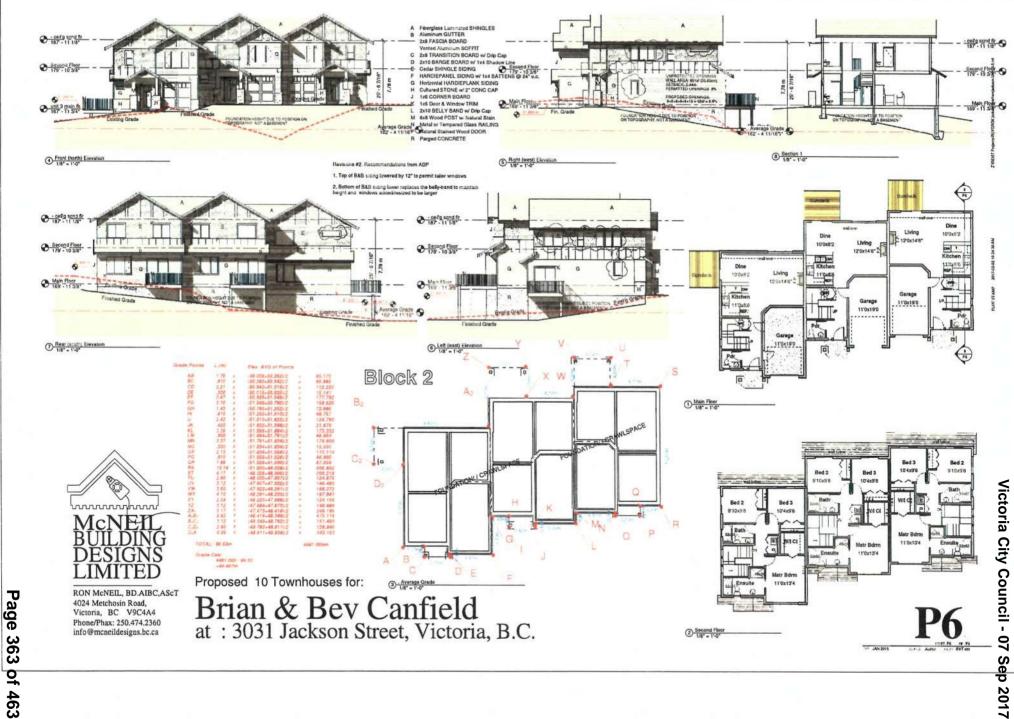
1.7 op ut 888 siding lowers by 18° to permit taker windows 2. Bottom of B&B siding lower replaces the belly-band to maintain height, windows access or reaced to be larger

Victoria City Council - 07 Sep 2017

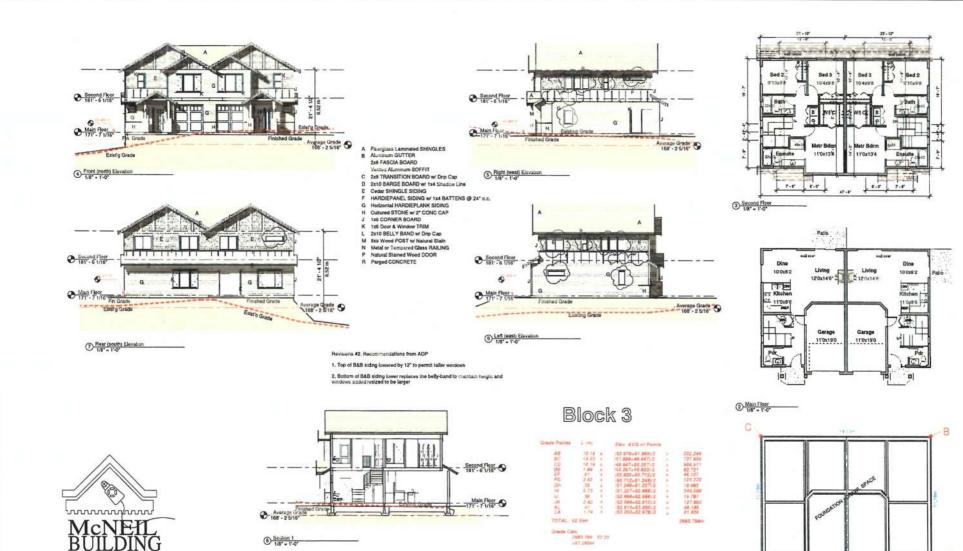


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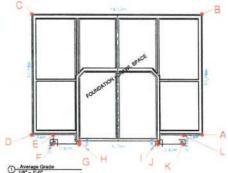




Proposed 10 Townhouses for: RON McNEIL, BD.AIBC, AScT 4024 Metchosin Road,

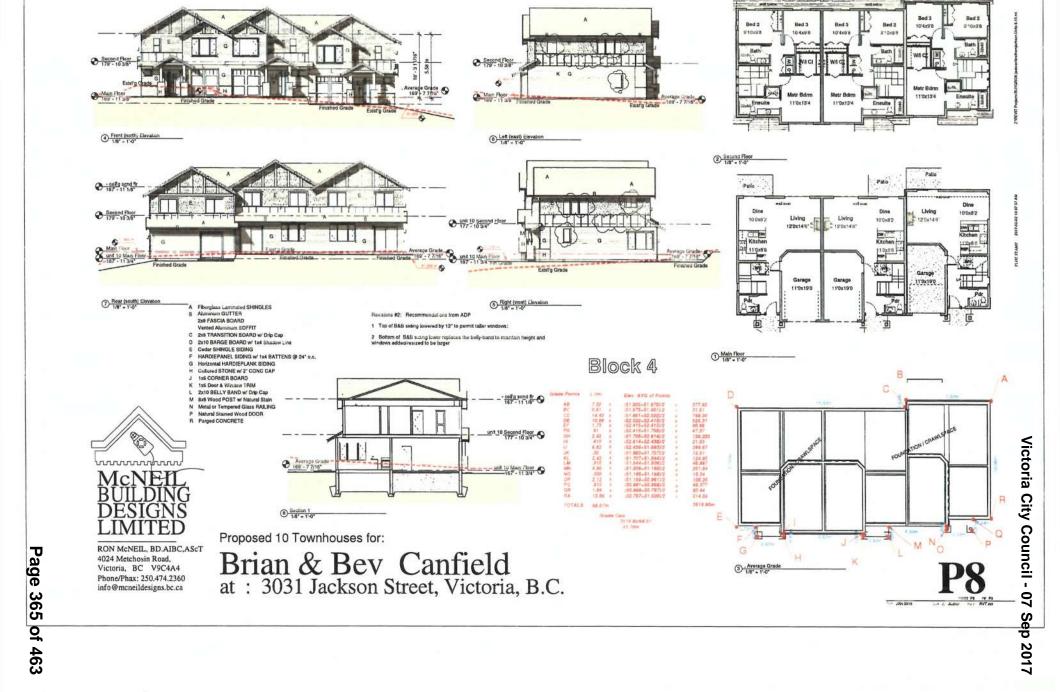
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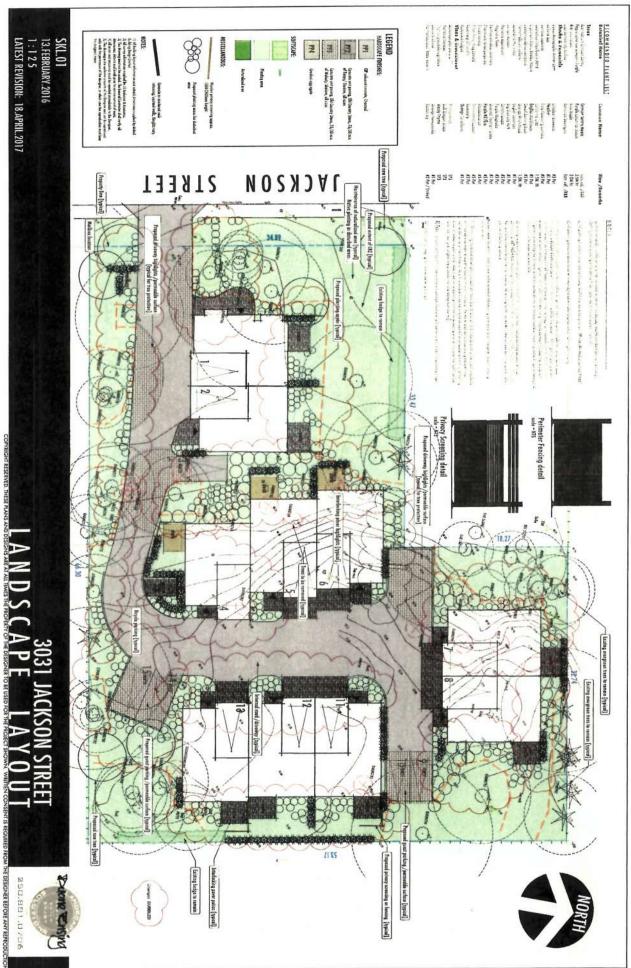
Brian & Bev Canfield at: 3031 Jackson Street, Victoria, B.C.



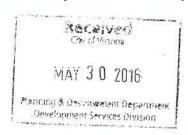
Victoria City Council - 07

Sep 2017





Sep 2017



Delivered by email to caluc@victoria.ca 30 May 2016

Dear Mayor and Council

Re: Community Meeting for proposed development at 3031 Jackson Street

I am writing on behalf of the Hillside Quadra Neighbourhood Action Committee (NAC), which acts as the CALUC for our neighbourhood.

On 25 April 2016, 26 members of the Hillside Quadra community as well as two members of the NAC Executive met with Ron McNeil, of McNeil Building Designs, Eric Ruygrok of Brothers Home Construction, and property owner Beverly Canfield to discuss a proposed development at the above address in Victoria.

The proponents indicated that the proposed development would involve removing the existing house on the property and replacing it with four buildings containing a total of ten townhouses, each with a single garage. They indicated that their intent is to build affordable homes costing in the range of \$525,000 per unit. Each townhouse would have three bedrooms and two bathrooms. The proposed development would require rezoning of the property from R1B Single Family Dwelling to a site specific zone.

The proponents indicated that an arborist has assessed the site. There are currently 62 trees on the site. The proposed design entails the removal of 21 trees. Of these, only one was assessed as being in good condition, with the rest assessed as failing. The proponents indicated that while the property is large enough to be divided into five residential lots, developing these lots would entail removing many more trees.

During the community meeting, neighbours expressed concerns about parking and traffic, the number of units proposed, siting and design, impacts on trees, stormwater management, noise and view, and the overall approach. They also mentioned an alleged covenant.

NAC also received comments from two community members by email; these comments are incorporated into this letter.

Parking and Traffic

The proposed development would have 10 garages and 8 additional parking spots, as well as bicycle racks, and would meet the parking requirements of the City. One meeting participant indicated this was adequate. Many others, however, expressed concern about the potential for the proposed development to add to existing problems with street parking. They suggested that, as most households have two vehicles, all the on-site parking would be used by residents, and visitors would have to park on the street. Parking is allowed on both sides of the 3000 block of Jackson Street and there is not enough room for two cars to pass.

Meeting participants also expressed concern about the potential for the proposed development to add to existing traffic problems. They indicated that Jackson is heavily used by parents dropping off and picking up students at Quadra Elementary School. It is also a bicycle route and the only entrance onto Finlayson for the residential area bounded by Hillside and Finlayson. Residents currently have difficulty getting out of their own driveways, and asked how the street would be able to handle the additional vehicles associated with the proposed development. One community member suggested that the hill and sight lines are more of an issue for driveway access and egress than anything else.

There was general agreement among the attendees that the neighbourhood is concerned about the extra vehicle traffic. Several meeting participants asked NAC to convey to the City that the neighbourhood demands that a traffic survey be carried out to assess the potential impacts of proposed development

Number of Units

Many meeting participants indicated that they would prefer fewer homes be built on the site, and if necessary at a higher price per unit. This would reduce the number of vehicles and add more housing at the higher end to the area. One community member indicated that proposed development 'seeks to dramatically shift the neighborhood away from single family homes as the standard.'

Siting and Design

Meeting participants indicated that they did not like the design of the building closest to the street – which is oriented so that the side of the building faces the street. They recommended that this building be turned so that the front doors face the street. The proponent noted, however, that this design modification would entail removing more trees. Meeting participants therefore recommended that the building closest to the street and containing two townhouses be eliminated in order to preserve more trees and the existing green space at the front of the property.

One community member took issue with the number of variances requested 'in order to permit construction of structures of a size and in locations not currently permitted.' Another was concerned that the proposed buildings are much higher than the adjacent homes. Yet another indicated that he was less concerned about the type of units on the site, as long as the number of units remains small and the height is no more than three typical residential stories.

Impacts on Trees

Meeting participants supported the stated intention of the proponent to retain as much green space and as many of the trees as possible. Many indicated that they value the trees and the parkland appearance of the site. One community member suggested that trees cut down should be replaced at a ratio of at least 2:1, and that the site be inspected by a biologist to ensure there are no endangered species present

Stormwater Management

Neighbours indicated that there is currently no storm drain along Jackson Street and expressed concern about the potential for an increase in paved surface on the property and for increased flooding related to the development. The proponents indicated that, while they have not yet developed the stormwater management plan for the site, they plan to have some retention on site and are considering the use of permeable paving.

Noise and View

Neighbours expressed concern about noise related to the proposed development, impacts on their existing views, and overall negative impacts on the neighbourhood. Several residents expressed concern about blasting and the potential for damage to their properties.

Overall Approach

One community member indicated that, while he accepts that higher density is inevitable, he is looking for more forward-looking and progressive development proposals. He noted, for example, that the proposal for 3031 Jackson Street does not include incentives to reduce vehicle use and encourage cycling. Another community member suggested the proposal should address the multi-unit design guidelines (DPA 16), particularly regarding pedestrian and street-oriented design. Buildings should have a minimum amount of south facing roofs for solar energy installation.

Alleged Covenant on the Property

Several meeting participants indicated that they believe – based on conversations with the previous owner – that there is a covenant on the property. City staff indicate, however, that there are no restrictions on title for this property.

It is the practice of the Hillside Quadra Neighbourhood Action Committee not to take a position on a proposed development, but to convey the comments and concerns of the neighbourhood as expressed at the community meeting. I believe this letter accurately represents that discussion.

Thank you for considering this input from the residents of Hillside Quadra regarding the proposed development.

Sincerely,

Jenny Fraser CALUC Chair, Hillside Quadra



Advisory Design Panel Report For the Meeting of December 21, 2016

To:

Advisory Design Panel

Date:

December 21, 2016

From:

Brian Sikstrom, Senior Planner

Subject:

Rezoning Application No. 000475 and Development Permit No. 00520 for 3031

Jackson Street

RECOMMENDATION

Recommend to Council that Development Permit with Variances Application No. 00520 for property approved with changes recommended by the Advisory Design Panel.

EXECUTIVE SUMMARY

The Advisory Design Panel (ADP) is requested to review a Development Permit Application with Variances for 3031 Jackson Street and provide advice to Council.

The purpose of this report is to present the Advisory Design Panel with information, analysis and recommendations regarding a Rezoning and Development Permit with Variances Application for the property at 3031 Jackson Street.

The proposal is to replace an existing house on a large lot (2910m²) with ten two-storey townhouses. The proposed units incorporate single car garages and five visitor parking stalls are provided in three locations on the site. The units are situated to retain the majority of Gary Oak and trees of other species that occupy the site. A number of variances are requested for building setbacks and separation spaces.

A Rezoning Application from the R1-B Zone, Single Family Dwelling District to the R-J Zone, Low Density Attached Dwelling District is required to permit the proposed use and density. A Development Permit Application is required for the proposed general form and character of the development including the siting, form, exterior design and finish of the buildings as well as landscaping.

The following policy documents were considered in assessing this Application:

- Advisory Design Guidelines for Buildings, Signs and Awnings (1981)
- Design Guidelines for Multi-Unit Residential, Commercial and Industrial Development (2012)
- Guidelines for Fences, Gates and Shutters (2010)

Staff request that the ADP review the proposal with regard to its consistency with the Design Guidelines for Multi-Unit Residential, Commercial and Industrial Development (2012) and give specific attention to the unit entrances and garage doors, rear and side building facades as well as the paving materials for parking and driveways and the entrances to the townhouses.

BACKGROUND

Project Details

Applicant:

Beverly and Brian Canfield

Architect:

Ron McNeil

McNeil Building Designs Limited

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

Heritage Status:

N/A

The following data table compares the proposal with the existing R-J Zone, Low Density Attached Dwelling District. An asterisk is used to identify where the proposal is less stringent than the existing Zone.

Zoning Criteria	Proposal	Zone Standard RJ
Site area (m²) - minimum	2910.70	555.00
Site Width (m) - minimum	53.17*	75.00
Density (Number of Dwelling Units on a Lot) - maximum	10 (1 per 291.07m²)	10 units (1 per 277.5m²)
Total floor area (m²) - maximum	1309.18	N/A
Floor space ratio – maximum	0.42	N/A
Height (m) - maximum	5.56 (Units 1,2) 7.78 (Units 3,4,5) 6.52 (Units 6,7) 5.58 (Units 8,9,10)	8.50
Storeys - maximum	2	N/A
Open site space %	48.80	N/A
Site coverage % - maximum	27.50	40.00
Setbacks (m) minimum – Front (Jackson Street) Rear (east)	7.0* 4.50*	7.50 7.50

Zoning Criteria	Proposal	Zone Standard RJ
Side (north)	2.44* (Unit 5) 7.19* (Unit 6) 3.00* (Units 6,7)	7.50
Side (south)	8.46	7.50
Separation Space (m) - minimum	3.43* (Units 2,4) 9.00* (Units 3,4,5 and 8,9,10) 6.81* (Units 7,8,9,10)	5.00 to 15
Parking – minimum	15	15 (1.5 per dwelling unit)
Visitor parking (minimum) included in the overall units	5	2
Bicycle parking stalls (minimum)	10 Class 1 6 Class 2	10 6

Description of Proposal

The proposal is to replace an existing house on a large lot (2910m²) with ten two-storey townhouses. The proposed units incorporate single car garages and five visitor parking stalls are provided in three locations on the site. The units are situated to retain the majority of Gary Oaks and other species of trees that occupy the site. A number of variances are requested for site width, building setback and separation spaces.

Building and site design elements include:

- traditional architectural building design with pitched roofs and gables
- two and three unit clusters of townhouses accessed by an "L"-shaped driveway
- all units are family-oriented with three upper floor bedrooms
- a front yard orientation and single-family dwelling appearance to the townhouse unit closest to the street
- retention of large Gary Oaks and open space on the northwest corner of the property along Jackson Street
- private open space in the form of a patio or deck for each unit.

Building materials include:

- Hardieplank siding
- cedar shingle siding
- cultured stone
- fibreglass laminated shingles
- groomed concrete

Landscaping elements include:

- concrete unit pavers
- perimeter fencing

- privacy screens
- large rock boulders
- · replacement trees for trees that are removed
- lawn, planting areas and naturalized areas.

Sustainability Features

The applicant advised in a letter dated December 12, 2016 that the units will be built to Energuide 80 rating and that the builder is a registered Built Green Builder.

Consistency with Design Guidelines

The OCP includes these properties in Development Permit Area (DPA) 16, General Form and Character. The objectives of this DPA include:

- To integrate commercial, industrial and "multi-unit residential buildings in a manner that
 is complementary to established place character in a neighbourhood or other area,
 including heritage character.
- To enhance the place character of established areas and their streetscapes through high
 quality of architecture, landscape and urban design that responds to each distinctive
 setting through sensitive and innovative interventions.
- To achieve more livable environments through considerations for human-scaled design, quality of open spaces, privacy impacts, safety and accessibility.

With respect to the *Design Guidelines for Multi-Unit Residential, Commercial and Industrial Development (2012)*, the siting of the townhouses mitigates the loss of Gary Oaks and other trees on the property and preserves existing vegetation where possible. The form and character of the townhouses' two-storey pitched roof and gables is in keeping with the existing place character. The proposed materials including HardiePlank, cedar shingles and cultured stone are high quality and appropriate for the site with its numerous trees, boulders and varied topography. The townhouse unit closest to Jackson Street has an entrance and orientation to the street reflective of a single-family dwelling.

The requested setback variances are supportable with sufficient distance and privacy maintained from the adjacent townhouse/garden suite development. Similarly, the separation space variances are supportable as sufficient distance and privacy is maintained amongst the units within the development.

ISSUES

The issues associated with this project are:

- · prominence of garages
- · rear and side façade treatments
- paving materials

ANALYSIS

The applicant has responded to staff comments on the prominence of the single car garages incorporated into each unit by adding windows to the garage doors. While this has improved their appearance, the garage doors are sited forward from the front door of each unit. Staff have also noted that the rear and side facades of the townhouse buildings are largely blank,

windowless and featureless, and the treatment of these facades should be enhanced. Permeable paving materials for parking and pedestrian areas should also be considered.

The ADP is invited to comment on these aspects of the proposal and any other suggestions for building and landscaping design improvements.

OPTIONS

- Recommend to Council that Development Permit Application No.00520 for 3031 Jackson Street be approved as presented.
- Recommend to Council that Development Permit Application No. 00520 for 3031 Jackson Street be approved with changes recommended by the Advisory Design Panel.
- Recommend to Council that Development Permit Application No. 00520 for 3031
 Jackson Street does not sufficiently meet the applicable design guidelines and polices and should be declined.

CONCLUSION

The Development Permit Application with Variances No. 00520 is generally consistent with the Design Guidelines for Multi-Unit Residential, Commercial and Industrial Development (2012) prescribed within Development Permit Area 16. The Application can benefit from a review by the Advisory Design Panel for further design improvements, especially in relation to reducing the prominence of garage doors and the appearance of the rear and side facades of the townhouse buildings.

ATTACHMENTS

- Aerial Map
- Zoning Map
- Plans for ADP date stamped December 14, 2016
- Applicant's letters dated December 12, 2016.

cc: Applicant

S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\DP\DP000381\ADP REPORT TEMPLATE.DOC

MINUTES OF THE ADVISORY DESIGN PANEL MEETING HELD WEDNESDAY DECEMBER 21, 2016 AT 12 P.M.

1. THE CHAIR CALLED THE MEETING TO ORDER AT 12:08 P.M.

Panel Members Present:

Christopher Rowe; Renee Lussier; Justin

Gammon; Cynthia Hildebrand; Ann Katherine

Murphy; Jesse Garlick

Absent:

Mike Miller; Patricia Graham; Erica Sangster

Staff Present:

Mike Wilson, Senior Planner, Urban Design

Brian Sikstrom, Senior Planner

Charlotte Wain - Senior Planner, Urban Design Quinn Anglin - Secretary, Advisory Design Panel

2. MINUTES

2.1 Minutes from the Meeting held October 26, 2016.

Action:

It was moved by Justin Gammon, seconded by Renee Lussier, that the Minutes of the Meeting of Advisory Design Panel held October 26, 2016 be approved.

CARRIED UNANIMOUSLY

3. APPLICATIONS

3.1 Development Permit with Variances Application No. 00025 for 848 Yates Street

Development Permit with Variances application proposing construction of a 21 storey (two tower) mixed use building with commercial and townhouses at grade and residential above.

Applicant Meeting attendees:

GRAEME CLENDENAN

DAVE CHARD PETER KREUK

MARK WHITEHEAD

CHARD DEVELOPOMENTS LTD.

CHARD DEVELOPMENTS LTD.

DURANTE KREUK LTD. MCM ARCHITECTS

Ms. Wain provided the Panel with a brief introduction of the Application and the areas that Council is seeking advice on, including the following:

the massing and design of the two towers

- the street wall on Yates Street
- the pedestrian interface along Johnson Street
- the design of the through-block walkway
- opportunities to create communal amenity space on level 3 of the podium roof.

Dave Chard and Mark Whitehead then provided the panel with a detailed presentation of the site and context of the proposal.

Peter Kruek then provided the Panel with a detailed presentation of the landscape plan proposal.

Erica Sangster joined the meeting at 12:14pm

Questions of clarification were asked by the Panel on the following;

Charlotte Wain clarified an item in reference to changes made from the previous application for the proposal; which included an office use on Johnson Street (which has a 0.5m setback), with the switch to an amenity space it is now considered a residential use and triggers a variance from 3.5m to 2.34 on the Johnson Street frontage which did not get captured on the staff report.

- whether the amenity space mentioned could in the future change use to retail without variance; yes, it could
- the space adjacent to the through block walkway and how to define it from the private spaces
- how the private and public realm work together
- the rationale for one dark building and one light building
- how the buildings respond to the different context on Johnson and Yates Streets
- the composition of fenestration and applying horizontal bands in opposition of vertical bands to the buildings in response to massing breaks for setback requirements
- the application of glass wrapping around and descending to create a vertical relationship to a building that will have a primarily horizontal feel given the setbacks
- · who will regulate and maintain the planting; the neighbour
- · the gates and whether they are suitable or not
- the removal of the planting for safety concerns as a consequence of problems with drugs and needles being left in the area
- how the towers read together when travelling from the East along Yates Street, and looking down the hill; there are 3 developments proposals that will shadow these buildings if they go forward as proposed
- the loss of parking; this application does not require a parking variance as this particular zone does not have a parking requirement
- whether alternate applications were explored for the highly visible side elevations
- the rational of potentially designing one building higher and one lower; the challenges with this were related to how the upper floors became highly inefficient without requesting variances.

Panel Members discussed:

- the perception of the design being stacked boxes, but not feeling it is fully committed to that; there doesn't seem to be a lot of proportional activity. The breaks and horizontal banding that represent the required setbacks seem to be a literalness that is taking away from the project as a result
- no issues with the massing and articulation of the project, more with the coherence to the overall composition
- how materials and cladding should enhance the sense of verticality in a stronger fashion
- alternative color choices or material refinement to be considered to bring the project together more successfully
- that the project appears to have become so complex that it has lost its cohesion
- concerns with the base of the buildings more so than the towers
- further vertical integration could be explored as there is opportunity for a stronger solution
- the Yates Street façade not being articulated as well as the Johnson Street façade
- the heights of the buildings that can be processed as a variance
- that regardless of what way the City grows up around the project, the two towers should relate to each other
- the residential street front units appearing to not have enough privacy given the concerns with security, so it doesn't perform as a successful residential space
- needing more detail in the articulation of the street front entrances, the composition feels constrained
- that it is exciting to see these style of projects coming into the City
- the living habitat space on the podium roof being very successful
- how the gates and fences at the amenity level could be gated as needed and are not permanent, they could be installed or removed if they are no longer required
- that the mid block walkway is not a major throughway
- how the north facing amenity space is not helping Johnson Street since it functions
 as people only looking out to the street from the inside and nothing more. Better
 use of this area would be a new restaurant or similar alternative that would invite
 efforts to encourage vibrancy and social activity at the street level.

Action:

MOVED / SECONDED

It was moved by Justin Gammon, seconded by Cynthia Hildebrand, that the Advisory Design Panel recommend to Council Development Permit with Variances Application No. 00025 for 848 Yates Street be approved with recommendations as proposed;

- Consider the use of materials and composition of fenestration to enhance the vertical expression of both buildings
- Stronger expression of the base on both towers (Yates & Johnson Streets) and improved integration of the retail use façade on Yates Street with residential use above

Support of the gated midblock walkway

CARRIED

3.2 Development Permit Application No. 00520 and Rezoning Application No. 000475 for 3031 Jackson Street

Development Permit and Rezoning application proposing the construction of 10 attached dwelling (townhouse) units.

Applicant Meeting attendees:

RON MCNEIL ERIC RUYGROK MCNEIL DESIGNS REPRESENTING OWNERS

Mr. Sikstrom provided the Panel with a brief introduction of the Application and the areas that Council is seeking advice on, including the following:

- prominence of garages
- · rear and side façade treatments
- paving materials

Ron McNeil then provided the panel with a detailed presentation of the site and context of the proposal

Questions of clarification were asked by the Panel on the following;

- the banding on the project; was done as the second level is stepped back from the bottom level to help visually address issues with height and break the massing up from the neighbours
- where the windows are as a result of the banding on the windowsill; they sit at about 3'6"
- the possibility of adding windows around the corner in the units for a dining room areas; yes there is
- whether there was opportunity for more windows / higher windows to bring in more light, offer some variation on otherwise blank walls; yes, they are open to suggestions in reference to this
- the material used in the driveway and parking areas; and if there was opportunity for it to be permeable
- what the privacy screens are intended to look like; they will be the same as the perimeter fencing and approx. 5 ft. in height and likely 8 ft. panels
- how the landscaping plan was incomplete; there is a provided list of plants but no indication of where they are located
- the ability to see where the existing trees are but no outline for the planting plan
- if there was consideration of rain guards given the steep slopes of the topography;
 they had explored this option but the site is very rocky and the arborist had
 concerns with the oak trees and excessive water

Panel Members discussed:

- whether the Planning Department was satisfied with the projects sensitivity to the neighbourhood
- if the project is fitting with the streetscape, also from a landscape perspective
- the sensitivity to the neighbourhood, ecosystem and neighbours
- lack of information from the landscape design because the landscaping plan was incomplete; there is a provided list of plants but no indication of where they are located
- the ability to see where the existing trees are, but not any indication provided for the new planting plan
- the opportunity for improvements to the application of the band in the centre of the buildings
- encouraging the applicant to add more windows at corner rooms and exterior corner rooms and increase the amount of glazing into bedrooms particularly on secondary frontages

Action:

MOVED / SECONDED

It was moved by Erica Sangster, seconded by Justin Gammon, that the Advisory Design Panel recommends to Council Development Permit Application No. 00520 for 3130 Jackson Street be approved with recommendations as proposed;

- Increase glazing at exterior corners, the second floor and secondary frontages
- In-sufficient information on the landscaping plan to provide review or comment

CARRIED

Renee Lussier recused herself for a pecuniary interest.

3.3 Development Permit Application No. 00013 and Rezoning Application No. 00519 for 71- 75 Montreal Street

Development Permit and Rezoning Application proposing the construction of a 2 storey, 19 unit strata building.

Applicant Meeting attendees:

LEONARD COLE
BEV WINDJACK
PETER DE HOOG
NICOLE BASICH
URBAN CORE DEVELOPMENTS
LADR
DE HOOG & KIERULF ARCHITECTS
DE HOOG & KIERULF ARCHITECTS

Mr. Wilson provided the Panel with a brief introduction of the Application and the areas that Council is seeking advice on.

Peter De Hoog then provided the panel with a detailed presentation of the site and context of the proposal

Bev Windjack then provided the Panel with a detailed presentation of the landscape plan proposal.

Questions of clarification were asked by the Panel on the following;

 the number of one bedrooms in the project; there are 15 one bedrooms units, 1 one bedroom with den unit and 3 two bedroom units

Panel Members discussed:

- the challenges with affordable housing in James Bay and how the application is successful in providing a high quality, more affordable housing solution for the neighbourhood
- that the scale is successful, access to street activity is done well
- the façades and materials
- the durability of materials at ground level, these could look tired in time and especially at grade with having multiple units accessing the building and causing greater wear and tear
- the 9ft ceilings being a nice touch which allows the opportunity to offset windows in ways that they would not be able to otherwise

Action:

MOVED / SECONDED

It was moved by Jesse Garlick, seconded by Anne Katherine Murphy, that the Advisory Design Panel recommend to Council Development Permit Application No. 00013 for 71 – 75 Montreal Street be approved as proposed;

CARRIED

3.	ADJOURNMENT
	The Advisory Design Panel meeting of December 21, 2016 adjourned at 2:21 pm.
	Christopher Rowe, Chair

Alicia Ferguson

Subject:

RE: Proposed Development at 3031 Jackson

From: Trinity MacRae Sent: May-22-16 2:20 PM To: 'councillors@victoria.ca'

Cc: 'engage@victoria.ca'; 'nag@quadravillagecc.com'
Subject: Proposed Development at 3031 Jackson

May 22, 2016

RE: Proposed Development at 3031 Jackson St

To Mayor and Council,

Thank you for the opportunity to express my concerns regarding the proposed rezoning and development at 3031 Jackson Street. The property shares three borders with Wilderness Park Co-op (1120 Summit Ave / 3045 Jackson St) where I have been a Member since 2009, raising my Son and enjoying a quiet, community lifestyle.

My main concern is about the requested variances. Municipal rules are in place for a reason and developers need to adhere to them. Changing set rules for this developer will have a negative effect on our neighbouring property and lifestyle. My unit (#20) is directly to the south of their existing driveway and parking lot; as it is we can already hear tenants speaking when they are outside and/or on their deck, from our back yard or when lying in bed at night. I feel like developing any closer than whatever the normal distance is is unfair to the established neighbours. It will make the townhouses far too close to our property line, take away the thin tree line that helps with noise pollution and offers a nice view, reduce our privacy, and give neighbours direct sightlines into my private fenced back yard as well as our Coops common area, gardens, and playground. Furthermore, building this close will mirror the dense urban developments that are occurring throughout the lower mainland; not at all appropriate for this old Victoria neighbourhood!

In addition, the number of 10 townhouses alarms me for the sheer number of people and cars it will add onto a small piece of land and an already busy street.

Usually bylaws and zoning regulations are there to keep neighbors happy. Variances create further antagonism, increasing shared noise issues as well as privacy concerns. I understand the Developer is are already taking out Oak trees that others have to get a special permit to remove? And, they are asking for a change in zoning from single to multifamily dwellings! With all due respect, please consider the established lifestyle in our neighbourhood and at least deny the request to reduce building distances.

Respectfully,

Trinity and Jack MacRae Unit #20 1120 Summit Avenue Victoria BC V8T2P7

NO. 17-082

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Zoning Regulation Bylaw to rezone land known as 3031 Jackson Street from the R1-B Zone, Single Family Dwelling District to the R-J Zone, Low Density Attached Dwelling District.

The Council of The Corporation of the City of Victoria enacts the following provisions:

- 1 This Bylaw may be cited as the "ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1111)".
- The land known as 3031 Jackson Street, legally described as Lot 3, Section 4, Victoria District, Plan 6385 and shown hatched on the attached map, is removed from the R1-B Zone, Single Family Dwelling District, and placed in the R-J Zone, Low Density Attached Dwelling District.

READ A FIRST TIME the	10 th	day of	August	2017
READ A SECOND TIME the	10 th	day of	August	2017
Public hearing held on the		day of		2017
READ A THIRD TIME the		day of		2017
ADOPTED on the		day of		2017

CITY CLERK MAYOR



Appendix 1 to Bylaw No.17-082



3031 Jackson Street Rezoning No.00520



REPORTS OF COMMITTEES

- Committee of the Whole May 4, 2017
 - 5. Rezoning Application No. 00572 for 853 Cormorant Street (North Park)

Motion:

It was moved by Councillor Thornton-Joe, seconded by Councillor Lucas, that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00572 for 853 Cormorant Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

Carried

For:

Mayor Helps, Councillors Alto, Coleman, Isitt, Loveday, Lucas, Madoff, and

Thornton-Joe

Opposed:

Councillor Young

4. LAND USE MATTERS

4.2 Rezoning Application No. 00572 for 853 Cormorant Street (North Park)

Committee received a report dated April 28, 2017, from the Director of Sustainable Planning and Community Development regarding an application to allow for the retail sale of cannabis.

Motion:

It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00572 for 853 Cormorant Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

CARRIED 17/COTW

For:

Mayor Helps, Councillors Alto, Coleman, Isitt, Lucas, Madoff, and Thornton-

Joe

Against:

Councillor Young



Committee of the Whole Report For the Meeting of May 4, 2017

To:

Committee of the Whole

Date:

April 28, 2017

From:

Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject: Rezoning Application No. 00572 for 853 Cormorant Street

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00572 for 853 Cormorant Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

LEGISLATIVE AUTHORITY

In accordance with Section 479 of the Local Government Act, Council may regulate within a zone the use of land, buildings and other structures, the density of the use of the land, building and other structures, the siting, size and dimensions of buildings and other structures, as well as, the uses that are permitted on the land and the location of uses on the land and within buildings and other structures.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application for the property located at 853 Cormorant Street. The proposal is to rezone from the current CA-3 Zone, Central Area General Commercial District, to a site-specific zone in order to allow for the retail sale of cannabis.

The following points were considered in assessing this application:

- the proposal is consistent with the Core Residential designation in the Official Community Plan 2012
- the proposal is consistent with the Residential Mixed-Use District, 11-15 Storeys designation in the North Park Local Plan
- the proposal is currently consistent with the Storefront Cannabis Retailer Rezoning Policy in that there are no schools or permitted storefront cannabis retailers within 200m; however, there is a separate application advancing to Public Hearing for a storefront cannabis retailer within 200m measured by a straight line from lot line to lot line
- in this instance, a reduced distance from another storefront cannabis retailer may be warranted as both retailers are on separate blocks, separated by two secondary arterial roads, and more than 200m apart if one were to travel between the two locations.

BACKGROUND

Description of Proposal

This Rezoning Application is to allow for the retail sale of cannabis in an existing building. The following differences from the standard zone are being proposed and would be accommodated in the new zone:

- storefront cannabis retailer would be a permitted use
- only one storefront cannabis retailer would be permitted to operate on the property at a time
- the storefront cannabis retailer would be restricted to a maximum floor area of 155m², which is in keeping with the size of the existing operation.

All other requirements within the CA-3 Zone, Central Area General Commercial District, remain the same.

Sustainability Features

The applicant has not identified any sustainability features associated with this proposal.

Active Transportation Impacts

The applicant has not identified any active transportation impacts associated with this application.

Public Realm Improvements

No public realm improvements are proposed in association with this Rezoning Application.

Land Use Context

The area is characterized by residential apartment buildings and some small scale commercial uses.

Existing Site Development and Development Potential

The site is presently a two-storey commercial retail building. Under the current CA-3 Zone, Central Area General Commercial District, the property could be developed for various commercial purposes and mixed-used residential, to a maximum height of 15 metres.

Community Consultation

Consistent with the *Storefront Cannabis Retailer Rezoning* Policy, the requirement to arrange and participate in a Community Association Land Use Committee (CALUC) Community Meeting is waived unless the application involves construction of a new building; however, the application was referred to the North Park Neighbourhood Association CALUC. Also consistent with the Policy, the application has been referred to School District No. 61 and the Victoria Police Department. At the time of writing this report, no comments had been received.

ANALYSIS

Official Community Plan

The Official Community Plan, 2012 (OCP) identifies this property within the Core Residential urban place designation, within which commercial activities are an envisioned use.

Local Area Plans

The *North Park Local Plan* identifies the property within the "Residential Mixed-Use District, 11-15 Storeys", within which active commercial uses are envisioned.

Storefront Cannabis Retailer Rezoning Policy

At the time of writing this report, the application complies with the *Storefront Cannabis Retailer Rezoning Policy*, as no permitted storefront cannabis retailers are within 200m of the property. An application for a storefront cannabis retailer at 851 Johnson Street is approximately 192m from the subject property and has been advanced to a Public Hearing. If the application at 851 Johnson Street were to be approved, this application at 853 Cormorant Street would be inconsistent with the policy; however, the two applications are on different blocks, separated by two secondary arterial roads, and more than 200m apart if traveling between the locations.

No public or independent elementary, secondary or high schools are within 200m of the property.

Regulatory Considerations

The application does not include any alterations to the existing building. Furthermore, it complies with the siting criteria of the relevant zone, and as such, there are no variances.

CONCLUSIONS

This proposal to permit the use of a storefront cannabis retailer is consistent with both the Official Community Plan and the North Park Local Plan in accommodating a variety of active retail uses. The proposal does not have any schools or permitted storefront cannabis retailers within 200m of the parcel. At the time of writing this report, an application at 851 Johnson Street for a storefront cannabis retailer that is within 200m of 853 Cormorant Street has been advanced by Council to Public Hearing; however, the policy does note that reduced separation distances may be warranted.

ALTERNATE MOTION

Option 1 - Defer

That Council defer Rezoning Application No. 00572 for the property located at 853 Cormorant Street until after the Public Hearing for Rezoning Application No. 00526 at 851 Johnson Street.

Option 2 - Decline

That Council decline Rezoning Application No. 00572 for the property located at 853 Cormorant Street.

Respectfully submitted,

Michael Angrove

Planner

Development Services

Jonathan Tinney Director

Sustainable Flanning and Community

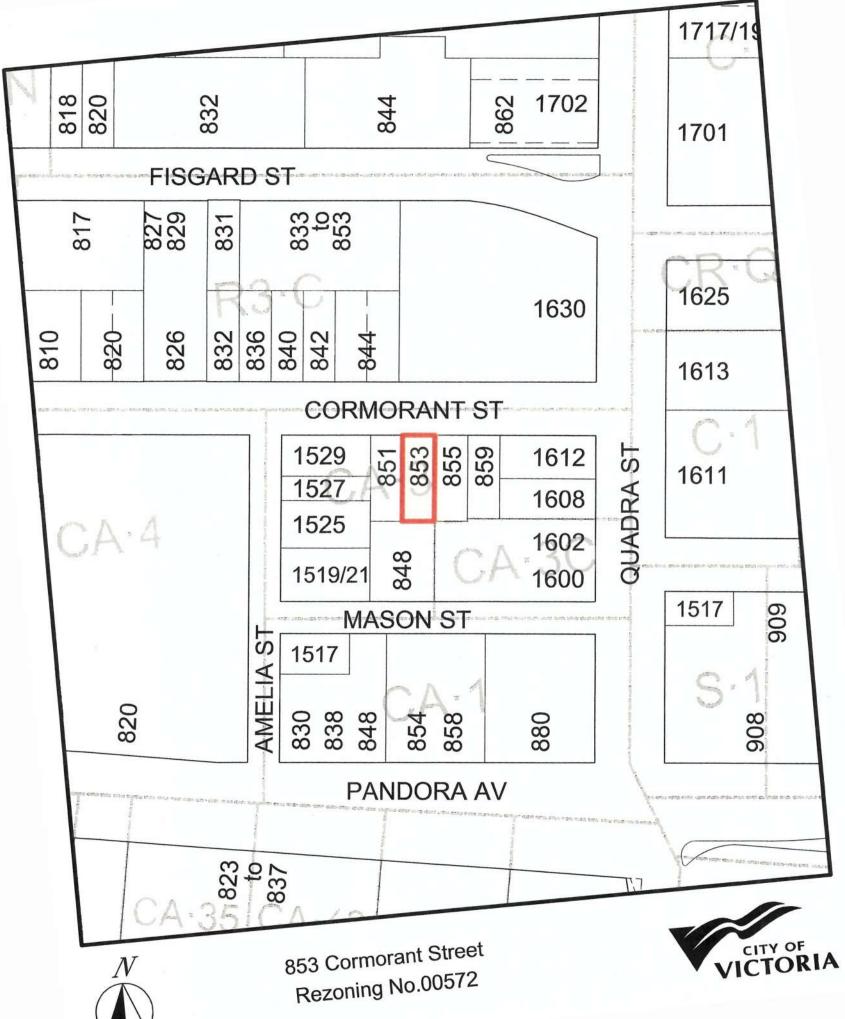
Development Department

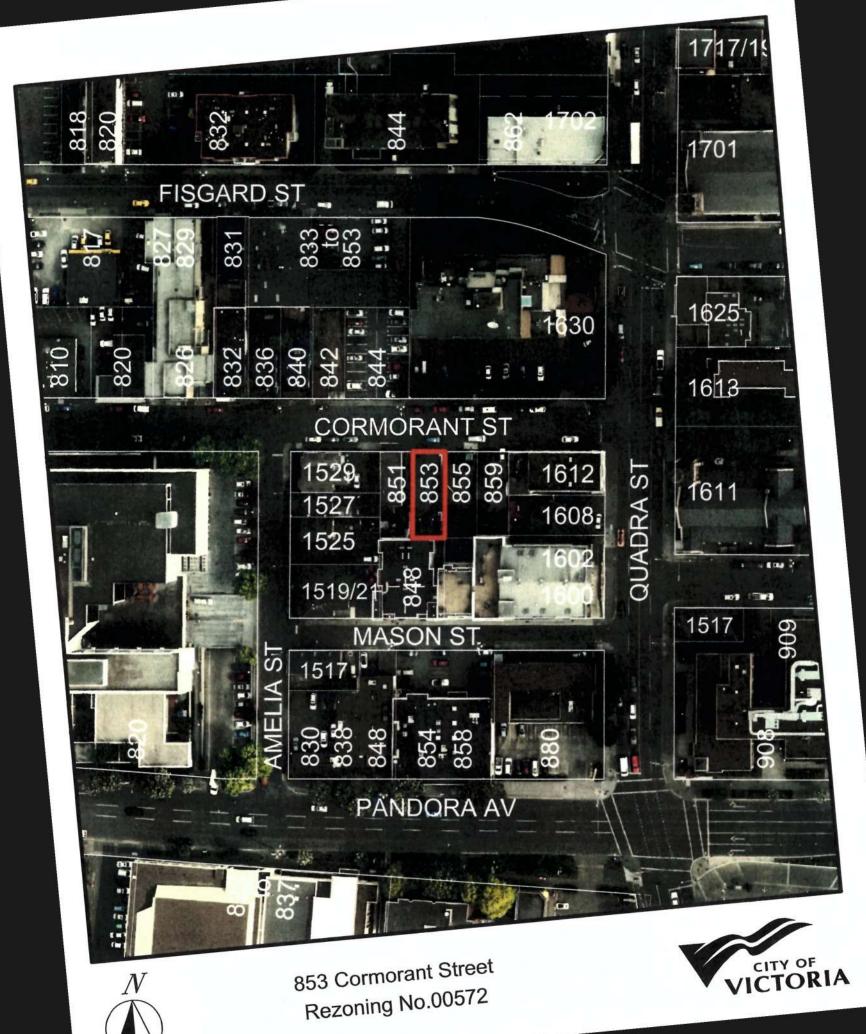
Report accepted and recommended by the City Manager:

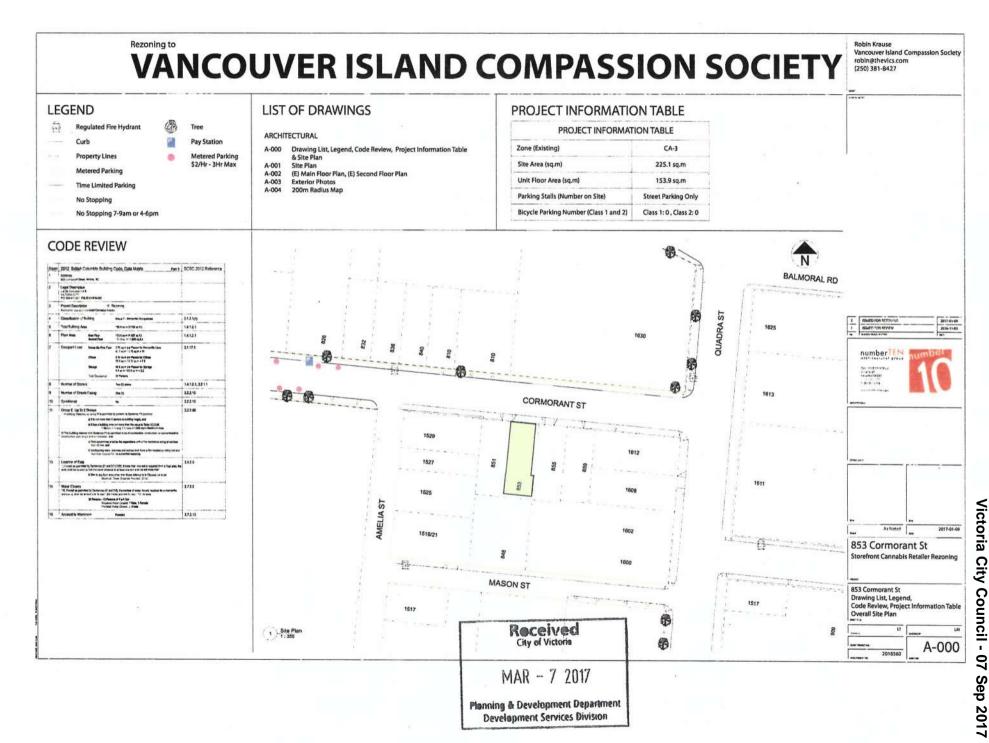
Date: April 28, 2017

List of Attachments

- Subject Map
- Aerial Map
- Plans dated/date stamped March 07, 2017
- Letter from applicant to Mayor and Council dated February 28, 2017







Victoria City Council - 07 Sep 2017

Page 394 of 463

Robin Krause Vancouver Island Compassion Society robin@thevics.com (250) 381-8427

1 25







West Face of Building

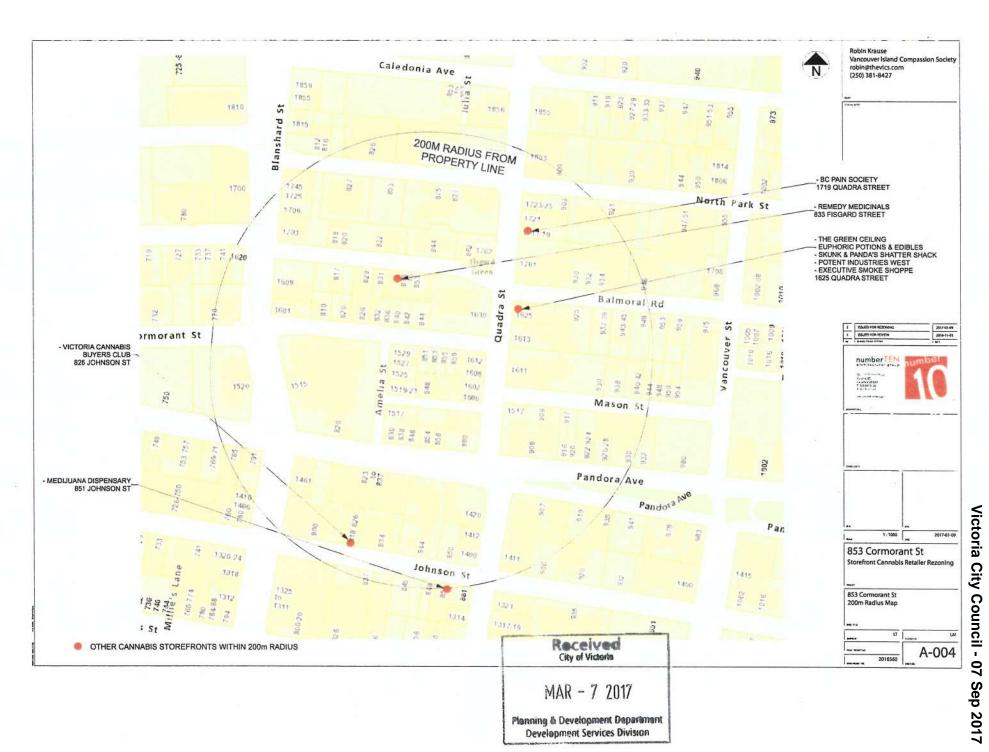
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MAR - 7 2017

Planning & Development Department Development Services Division

Robin Krause
Vancouver Island Compassion Society
robin@thevics.com
(250) 381-8427

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February 28, 2017

City Hall 1 Centennial Square Victoria, BC V8W 1P6

Re: Storefront Cannabis Retailer Rezoning for 853 Cormorant St. (Zone CA-3)
The Vancouver Island Compassion Society (VICS)

Dear Mayor and Council, City of Victoria,

The Vancouver Island Compassion Society (VICS) is applying to the City of Victoria to rezone the property at 853 Cormorant St. in order to come into compliance with the Storefront Cannabis Retailer Rezoning requirements.

Description of proposal:

The VICS, a 17-year-old non-profit society, is the owner of a two storey commercial/residential building located at 853 Cormorant Street. The doctor-recommended only dispensary has been operating at this location for over 12 years without a public complaint. It is located on the ground floor with the main entrance at the front, and a side door that permits wheelchair access (controlled by bell, peep-hole and CCTV).

City policy:

The proposal conforms to the Storefront Cannabis Retailer policy with the exception of its proximity to four other storefronts. As measured in a straight line by Google Maps from closest lot line to closest lot line, the approximate distances are as follows:

- ~72 metres (129 metres via foot) to the Green Ceiling, 1625 Quadra St., and The Great Canadian Canna Mall, 1627 Quadra St.
- ~127 Metres (178 metres by foot) to the BC Pain Society, 1719 Quadra St.
- ~137 metres (370 metres via foot) to Victoria Cannabis Buyer's Club, 826 Johnson St.
- ~192 metres (297 metres via foot) to Medijuana Dispensary, 851 Johnson St.

(Note: the drawings reflect a fifth dispensary which has since closed)

Project benefits and amenities:

Economic benefits include: non-profit society allows for some of the lowest prices to clients; all office and operational materials are sourced from local businesses; employs six staff.

Environmental benefits include: lighting energy conservation retrofit; recycling of plastics and electronics; scent-free work environment.



The Vancouver Island Compassion Society

Social benefits include: consistent low-key presence in the community; health promotion; society member information evenings; up to two public events annually for society members.

Amenities include:

- wheelchair accessible building
- wheelchair accessible washroom
- · separate waiting area with unobstructed windows and numerous tropical plants
- water cooler
- loaner book library
- · notice board for member use
- pamphlets and information from local health and community services
- free condoms
- clothing donation bin

Neighbourhood:

The proposal is a two-storey building among a row of mostly two-storey houses that have typically been converted to businesses. The neighbourhood includes a handful of alternative medical clinics; it is directly beside an acupuncture clinic that offers a discount to our doctor-recommended clients. The society continues to operate in a very low-key fashion as it has for the past 12 years; policy does not allow ingestion on site or in the neighbourhood.

Impacts:

Over 12 years, the society has established a professional relationship with the neighbourhood and street community, adding eyes and a daily presence to maintain community safety. A needle check and garbage pickup (sidewalk wash if necessary) occurs daily.

Design and development permit guidelines:

The current site of 853 Cormorant Street has a CA-3 zoning which allows for the use of the premises as retail sales and under the zoning requirements does not require any off-street parking for a retail use. While no schools fall within a 200m radius there are four existing dispensaries within the radius. BC Pain Society (~127m), Victoria Cannabis Buyers Club (~137m), Medijuana Dispensary (~192m), and The Green Ceiling (~72m), which encompasses Euphoric Potions & Edibles, Skunk & Panda's Shatter Shack, Potent Industries West and Executive Smoke Shoppe of the Great Canadian Canna Mall, all fall within the 200m radius. (Note: the drawings reflect a fifth dispensary which has since closed)

Safety and security:

Addressing Crime Prevention Through Environmental Design (CPTED), the proposal footprint occupies the entire site except for the side alley that provides access to the wheelchair access side door; this side door has a light, bell, peep scope and CCTV. The front entrance is within a small recessed overhang, with light, that has had a wrought iron gate added to the building front to provide safe egress/access for staff, and to prevent inconsiderate members of the public from leaving garbage, feces, needles, etc.

Large front windows have a layer of Plexiglas and provide a clear view to the street. Front and side doors have controlled lighting. Building design with a long central corridor allows visibility from back to front of building.

Transportation:

The proposal has no off-street parking available. Staff has to park on the street or in paid lots. Clients bringing a vehicle have one-hour parking in the immediate vicinity, with multi-hour meter parking down the block by the Ministry of Health and two-hour parking on Quadra St.

The proposal has no bicycle parking outside; there is room indoors for staff to store bicycles. A request to the City of Victoria, in mid-2000's, to provide an area for outdoor bicycle lock up was denied due to insufficient room on the sidewalk at the front of the building.

Heritage: The building is not heritage status.

We hope that this meets with your approval.

The Vancouver Island Compassion Society

From: Alex Tang
Sent: Monday, August 28, 2017 5:32 PM

To: Public Hearings
Cc: Elizabeth Spratt

Subject: rezoning No.00572 853 Cormorant street

too many cannabis retailer and to close to our building 1630 Quadra street. It is terrible for our kids and Uvic student in our building.

you can move it across the Vic PD by the police.

The Vancouver Island Compassion Society (VICS) is not a non-profit organization. They are not Government approved. They are just another Cannabis store. please shut it down and move it away. We have over 100 resident in the building. we can smell the cannabis smoke from time to time. We hired a full time cleaner to look after our building an keep it clean in the surrounding area. http://thevics.com/

No Cannabis, No CA-81Zone.

Thank you Alex Tang

1



SECRETS INVESTIGATIONS

406 – 1630 Quadra Street Victoria, BC, V8W 3J5, Canada

E-Mail:

To: The City of Victoria Regarding Zoning Regulation Bylaw, Amendment Bylaw (No 1106 No. 17-069) August 28th 2017 AUG 29 2017

Planning & Development Department
Pevelopment Services Division

To Whom it May Concern:

I live in the Sandpiper building at 1630 Quadra street which faces the 800 block of Cormorant.

I hope that cool and reasoned attention will be given to the fact that we are already ringed in the area with these medicinal marijuana and similar accepted areas of retail. Why should one small area have to contend with an over amount of this kind of retail?

First of all, the Sandpiper building is a nice building that could change if an abundance of such services are allowed to move into one area. It can affect property value. Current similar retail areas have already proven to attract a certain clientele not always completely law abiding.

Since we have had them, the area nearby has become cluttered and often the homeless people are being exploited by the generated activity. It is changing the nature of our community.

I strive to be inclusive but I also think it is important to draw a line when negative activity is observed.

Surely a neighborhood should only receive a quota of these kinds of businesses.

Sincerely,

Leanne m fones
Leanne M. Jones

From: Drew Tuesday, August 29, 2017 1:58 PM Sent:

To: **Public Hearings**

Subject: Fwd: Returned mail: see transcript for details

-----Date: Tue, 29 Aug 2017 16:28:37 -0400

Date: Tue, 29 Aug 2017 13:28:15 -0700

Subject: [External] Re:Rezone To Whom it may Concern

Regarding the rezoning of the property at 853 Cormorant Street, from the CA-3 Zone to a Ca-81 zone in order to facilitate the selling of an illegal drug (as of this writing).

My main objection to this change is the fact that at 1625 Quadra Street in what used to be the old Gazzola Tile shop which is a mere 91 meters from from this new application, what is the rational for opening one so close to the one on Quadra Street??

I hope council will give this a serious consideration to this rezoning application, and the need for this shop being so close to the Quadra pot shop?

Regards Andrew Pratt

(303-848 Mason St, Victoria)

From: Darlene McClure

Sent: Thursday, August 31, 2017 6:38 PM

To: Public Hearings

Subject: Lot 26, suburban lot 5 victoria city

No to cannabis retailer in our neighbourhood. We have too many in the area already !

Please no!!!!!

Darlene McClure 1630 Quadra street Victoria BC

From: Iu.hogan
Sent: Friday, September 01, 2017 1:32 PM

To: Public Hearings

Subject: Zoning Regulation Bylaw, Amendment Bylaw (No. 1106) No. 17-069: To rezone the land known as 853 Cormorant

Street from the CA-3 Zone, Central Area General Commercial District, to the CA-81 Zone, Central Area Commercial

(Cannabis) District, to permit a s...

Dear City of Victoria

Please allow the Vancouver Island Compassion Club to continue its invaluable *non-profit* work. They've been providing clean, safe cannabis for a long time without any problems.

Having a source of healthy product which we know is clean is vital. *And because it's a non-profit we know we aren't being gouged*. Their prices are very stable.

This little business deserves to continue being a good neighbour while providing us with safe medicine at reasonable prices.

Could it not be considered a model of good business?

Please ensure it doesn't have to be displaced.

We need it!

thanks,

f. hogan

please do not publicize my address or phone number. thanks.

ı

From: Public Hearings

Subject: FW: The Sandpiper - 853 Cormorant Street Rezoning

Attachments: 4310-853CormorantStChanges-Aug17.pdf

From: Kevin Vogt
Sent: Sunday, September 03, 2017 10:30 AM
To: Public Hearings < PublicHearings@victoria.ca>

Subject: Fwd: The Sandpiper - 853 Cormorant Street Rezoning

Hello, I'm responding to the request for input regarding proposed rezoning of 853 Cormorant Street.

I own the unit at 1630 Quadra Street, Apartment 606. My phone number is: Please keep my phone number and email address confidential, please don't disclose that information to the public.

I am in favor of the rezoning. If 853 Cormorant Street is rezoned to CA-81 Zone (Cannabis) District, that is fine with me.

Thank you, Kevin Vogt

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From: Jennifer Hutter
Sent: Monday, September 04, 2017 9:50 AM

To: Public Hearings

Subject: Regarding storefront Cannabis retailer

Hi there,

Regarding 853 Cormorant St rezoning, we would like to say that we do NOT want this lot or building rezoned. There are already three Cannabis and weed shops within a block radius. This is a neighborhood that is having families, children, and working people move into. We don't need another weed shop. We already have too many people smoking crack, leaving needles on the street, getting into our garbages at night, sleeping in front of our home and lighting up meth with foil. It's horrible.

Additional drug businesses will not help this problem. We need to move these people out of this neighborhood, not bring more people in. It's an epidemic here and more time should be being spent on the hundreds of people around this block doing drugs, loitering, breaking into homes and buildings, and littering and not opening another weed shop.

Please do NOT let this happen.

Sincerely,

Jennifer and Bodhi

1602 Quadra St. Victoria

1

From: Steve Wallace
Sent: Tuesday, September 05, 2017 12:42 PM

To: Public Hearings

Subject: Zoning Regulation Bylaw, Amendment Bylaw (No. 1106) No. 17

I am opposed to this development, and any other ones near 1814 Vancouver Street.

The supply of inventory for this business is from illegal sources.

This business is not able to follow appropriate business practises, ie. Have a bank account. Cash businesses attract robbers.

This business is too close to my school. A licensed, approved school, issuing high school credits to 17 year old student who attend classes a 2 block distance from the location.

I am also opposed to the <u>Trees shop</u> and the <u>Clean Leaf Shop</u> on the North Park block between Vancouver and Cook streets for the same reasons.

I am also opposed to the positioning of sandwich board type signs from these shops on the corner of the block at Vancouver and North park. These shops are too close to Wallace Driving School operating at 1814 Vancouver St. The street traffic and the number of crashes at the corner of North Park and Vancouver has increased this last year.

Joan Wallace B. H. EC. Cert Ed.

V.P. Driving School Association of the Americas, Western Canada.

Registered British Columbia Teacher.

From: Daniel Ellingsen

Sent: Wednesday, September 06, 2017 12:13 PM

To: Public Hearings

Subject: Proposed 853 Cormorant Street Zoning Change

Dear Victoria City Hall,

As a resident of the neighborhood in question (and only one block away) I must object to the proposed by-law change to allow for yet another cannabis shoppe. I feel there are more than enough in this area and that there is already enough retail choices available to users here in the downtown core.

Yours Truly,

Daniel Stephen Ellingsen

--

Daniel Ellingsen

A-862 Fisgard Street Victoria, BC V8W 1S1

"The bourgeoisie is not getting anywhere and the soccer ball is being kicked around the middle of the field."

Title of Martin Kippenberger painting, 1985.

1

From: richard goulet
Sent: Wednesday, September 06, 2017 12:56 PM

To: Public Hearings
Cc: richard goulet

Subject: Rezone of land known as 853 Cormorant Street from the Ca-3 Zone, Central Area General Commercial District, to the

CA-81 Zone, Central Area Commercial (Cannabis) District, to permit a storefront cannabis retailer.

As owners of a condo unit located in the building at 848 Mason Street, which is directly behind 853 Cormorant street, we are absolutely opposed to any such rezoning. We feel strongly that any such development will encourage and result in the use and distribution of other drugs in the area, ie: drug dealers and their clients meeting at the Cannabis outlet and congregating in and around the neighbourhood. This would also lead to increase traffic in the area, both pedestrian and vehicle.

There are safety issues to consider with respect to discarded needles and other drug paraphernalia. We would also foresee a total disrespect of private property, (smells from urination, vomiting, etc.).

We are concerned that property values will decrease just with the presence of the Cannabis outlet alone without even considering the potential for other drug use in the area. We would never consider investing in a condo unit knowing that there was a retail Cannabis outlet located nearby.

This area is currently multi use with several residences/ condo units nearby and the safety of the residents could also be an issue. What about the impact to tourism if the area becomes a drug haven? Let's not creat another Hastings Street. These outlets should only be approved in neighbourhoods where there is no residential component and where they can be monitored/ etc as appropriate.

Thank you Regards.

Rick and Sharon Goulet

Please do not share my email address.

Sent from my iPad

From: Charlotte Sutker

Sent: Thursday, September 07, 2017 11:27 AM

To: Public Hearings

Subject: Zoning Regulation Bylaw, Amendment Bylaw (No. 1106) No. 17-069 / input

We feel there are enough storefront cannabis retailers in Victoria and we say 'no' to another one planned for 853 Cormorant Street.

Thank you.

Charlotte Sutker

Marnie McKay (assistant to Charlotte Sutker)

Charlotte Sutker R. Psych. CPBC #0017 Psychotherapist Divorce Coach

P: ______

1517 Amelia Street Victoria, BC V8W 2J9

This electronic message is confidential and intended for the exclusive use of the person indicated as the recipient. If you receive this message in error, copying or forwarding or revealing its contents to anyone is strictly prohibited. Please notify the sender immediately. Thank you.

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NO. 17-069

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by creating the CA-81 Zone, Central Area Commercial (Cannabis) District, and to rezone land known as 853 Cormorant Street from the CA-3 Zone, Central Area General Commercial District to the CA-81 Zone, Central Area Commercial (Cannabis) District.

The Council of The Corporation of the City of Victoria enacts the following provisions:

- 1 This Bylaw may be cited as the "ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1106)".
- Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in the Table of Contents of Schedule "B" under the caption <u>PART 6 – Central Area Zones</u> by adding the following words:

"6.95 CA-81, Central Area Commercial (Cannabis)"

- The Zoning Regulation Bylaw is also amended by adding to Schedule B after Part 6.94 the provisions contained in Schedule 1 of this Bylaw.
- The land known as 853 Cormorant Street, legally described as Lot 26, Suburban Lot 5, Victoria City and shown hatched on the attached map, is removed from the CA-3 Zone, Central Area General Commercial District, and placed in the CA-81 Zone, Central Area Commercial (Cannabis) District.

READ A FIRST TIME the	10 th	day of	August	2017
READ A SECOND TIME the	10 th	day of	August	2017
Public hearing held on the		day of		2017
READ A THIRD TIME the		day of		2017
ADOPTED on the		day of		2017

CITY CLERK

MAYOR

Schedule 1

PART 6.95 – CA-81 ZONE, CENTRAL AREA COMMERCIAL (CANNABIS) DISTRICT

6.95.1 Permitted Uses in this Zone

The following uses are the only uses permitted in this Zone:

- a. Uses permitted in the CA-3 Zone, Central Area General Commercial District; and
- b. <u>Storefront cannabis retailer</u> provided that only one <u>storefront cannabis retailer</u> is permitted to operate on a single lot.

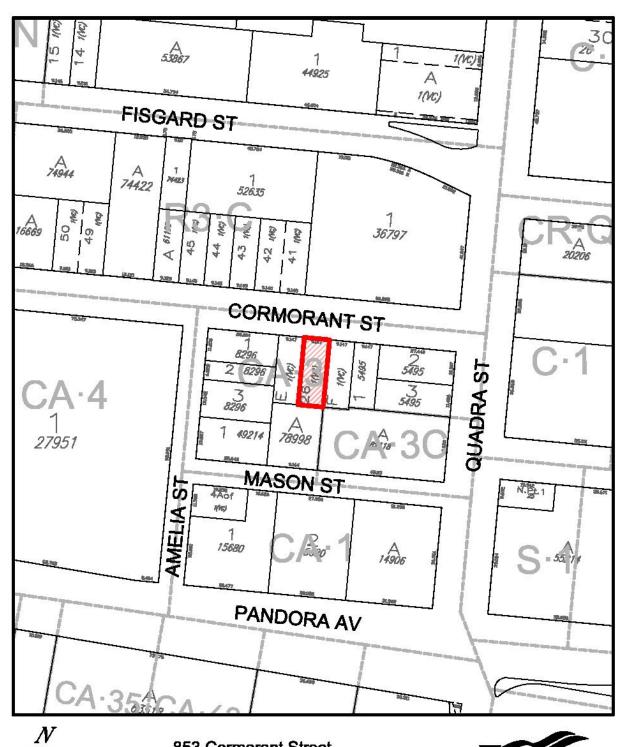
6.95.2 Size & Location of Uses

A storefront cannabis retailer must:

a. not occupy more than 200m²

6.95.3 General Regulations

b. Subject to the regulations in this Part 6.95, the regulations in the CA-3 Zone, Central Area General Commercial District apply in this Zone.





853 Cormorant Street Rezoning No.00572





RECEIVED
JUL 1 2 2017

File No. 0400-60/17

The Corporation of the District of Central Saanich

July 7, 2017

Mayor Lisa Helps & Council City of Victoria 1 Centennial Square Victoria, BC V8W 1P6

Dear Mayor Helps & Council:

Re: Royal McPherson Theatre Society

Thank you for your correspondence dated March 8, 2017 regarding the Royal McPherson Theatre Society and Councillor Alto's presentation to Council at the June 5, 2017 Regular Council Meeting.

At the July 19, 2017 Regular Council Meeting, the Municipal Council of the District of Central Saanich appointed Councillors Paltiel and Holman to represent Central Saanich Council at the meetings regarding alignment of ownership funding of the Royal Theater and the McPherson Playhouse.

Their contact information is as follows:

Councillor Alicia Holman Phone: 250-893-5070

E-Mail: alicia.holman@csaanich.ca

Councillor Niall Paltiel Phone: 250-514-8429

E-Mail: niall.paltiel@csaanich.ca

Should you require further information in this regard, please do not hesitate to call the undersigned at 250-544-4202.

Yours truly,

Liz Cornwell Corporate Officer

C: Councillor Alicia Holman Councillor Niall Paltiel

1903 Mount Newton Cross Road, Saanichton, B.C. V8M 2A9
Phone: (250) 652-4444 Fax: (250) 652-0135

COMMITTEE OF THE WHOLE REPORT FROM THE MEETING HELD SEPTEMBER 7, 2017

For the Council Meeting of September 7, 2017, the Committee recommends the following:

2. Bylaw Officers

That Council approve the appointment of Shane MacDonald as a Bylaw Officer pursuant to section 2(a) of the Inspection Bylaw (06-061).

3. 2017 Second Quarter Report

That Council receive the Victoria Police Quarterly report for information.

That Council receive the 2017 Second Quarter report for information.

That Council direct staff to proceed with Google Translate Training for the front line service delivery positions identified in Appendix A of the report dated August 16, 2017, with subsequent "lunch and learn" opportunities. Utilize re-purposed equipment as required, deployed on a shared basis wherever possible. Schedule training sessions to minimize impact to service delivery and additional staffing costs.

4. Rezoning Application No. 00574 for 543 Herald Street (Downtown)

That Council decline Rezoning Application No. 00574 for the property located at 543 Herald Street.

5. Rezoning Application No. 00581 for 2018-2030 Douglas Street and 649 Pembroke Street (Rock Bay)

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00581 for 2018-2030 Douglas Street & 649 Pembroke Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

6. Rezoning Application No. 00570 for 2650-2654 Quadra Street (Hillside/Quadra) That Council decline Rezoning Application No. 00570 for the property located at 2650-

That Council decline Rezoning Application No. 00570 for the property located at 2650-2654 Quadra Street and refer the property to Bylaw Services to bring into compliance any unlawful construction and unlawful occupancy.

7. Rezoning Application No. 00590 for 608 Johnson Street (Downtown)

That Council decline Rezoning Application No. 00590 for the property located at 608 Johnson Street.

8. Temporary Use Permit No. 00004 for 1601 Douglas Street (Downtown)

That Council decline Temporary Use Permit Application No. 00004 for the property located at 1601 Douglas Street.

9. <u>Demolition of Heritage Registered Property Located at 1525 Shasta Place</u>

That Council:

- approve a 60-day temporary protection order for the property at 1525 Shasta Place, without consent of the owner to allow Council to give detailed consideration for further long-term protection options for the property and to negotiate possible resolutions with the property owner to protect the heritage registered property
- 2. direct staff to report back in 30 days with a progress report.

10. <u>Transgender, Gender Non-Binary, and Two-Spirit Equity and Inclusion Policy</u>

BE IT RESOLVED THAT Council approves the following policy statement: "The City of Victoria is committed to making civic facilities, operations and programs safe, inclusive, and equitable for people of all genders, gender identities, and gender expressions, and their communities In the City of Victoria, this may include but is not limited to:

- a) Signage and Literature
- b) Public Spaces (including washrooms and change-rooms)
- c) Human Resource Training and Staff Policies
- d) Programming (including "all-bodies" programming)
- e) Collaborative Public and Community Partnerships
- f) Forms and records and instruments of data collection and management."

That Council direct staff to report back as part of the next quarterly update and in the context of the next strategic plan on the following motion:

BE IT FURTHER RESOLVED THAT Council direct staff to report back with a plan to: Identify and change policies needed to make civic facilities, operations, and programs safe, inclusive, and equitable for people of all genders, gender identities, and gender expressions engage Transgender, Gender Non-Binary and Two-Spirit communities as such identification and changes are undertaken.



Council Report

For the Meeting of September 7, 2017

To:

Council

Date:

August 25, 2017

From:

Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject:

Update Report 2 - Development Permit with Variances Application No. 00025

for 848 and 852-856 Yates Street and 845 and 849 Johnson Street

RECOMMENDATION

That Council give first, second and third reading of the Housing Agreement Bylaw No. 17-091.

EXECUTIVE SUMMARY

The purpose of this report is to provide an update on the Council conditions set out in the motion moved by Council on May 11, 2017 (attached). The Housing Agreement Bylaw was not adopted concurrent with Council's authorization of Development Permit with Variances Application No. 00025 for 848 and 852-856 Yates Street and 845 and 849 Johnson Street and requires Council's adoption for the issuance of the permit.

The proposal is to construct a mixed-use building comprised of two towers, both at 21 storeys, with ground-floor retail facing Johnson Street and Yates Street and residential above.

Housing Agreement

A Housing Agreement (attached) has been prepared to ensure that future strata bylaws cannot restrict the age of occupants or prohibit strata owners from renting residential strata units.

CONCLUSIONS

The Application has been updated in response to the conditions set out by Council. Development Permit Application No. 00025 for 848 and 852-856 Yates Street and 845 and 849 Johnson Street is ready for issuance subject to adoption of the Housing Agreement Bylaw.

Respectfully submitted,

Miko Betanzo

Senior Planner - Urban Design Development Services Division JH

Jonathan Tinney, Director

Sustainable Planning and Community

Development Department

Report accepted and recommended by the City Manager

Date: Hug, 30, 2017

List of Attachments

- Housing Agreement Bylaw No. 17-091
- Housing Agreement
- · Council Minutes dated May 11, 2017.

No. 17-091

HOUSING AGREEMENT (848 YATES) BYLAW A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to authorize an agreement for rental housing for the lands known as 848 and 852-856 Yates Street and 845 and 849 Johnson Street, Victoria, BC.

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

Title

1 This Bylaw may be cited as the "HOUSING AGREEMENT (848 YATES) BYLAW (2017)".

Agreement authorized

- 2 The Mayor and the City's Corporate Administrator are authorized to execute the Housing Agreement
 - (a) substantially in the form attached to this Bylaw as Schedule A;
 - (b) between the City and 848 Yates Nominee Ltd. or other registered owners from time to time of the lands described in subsection (c); and
 - (c) that applies to the lands known as 848 and 852-856 Yates Street and 845 and 849 Johnson Street, Victoria, BC, legally described as:

PID 009-359-184, Lot 374 Victoria City;

PID 009-359-192, Lot 375 Victoria City;

PID 009-359-206, Lot 380 Victoria City;

PID 009-359-222, Lot 381 Victoria City.

READ A FIRST TIME the	day of	2017
READ A SECOND TIME the	day of	2017
READ A THIRD TIME the	day of	2017
ADOPTED on the	day of	2017

CITY CLERK

MAYOR

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

BETWEEN:

THE CORPORATION OF THE CITY OF VICTORIA

#1 Centennial Square Victoria, B.C. V8W 1P6 (the "City")

OF THE FIRST PART

AND:

848 YATES NOMINEE LTD.

(Inc. No. BC1036196) Suite 500 – 509 Richards Street Vancouver, BC V6B 2Z6

(the "Owner")

OF THE SECOND PART

AND:

COAST CAPITAL SAVINGS CREDIT UNION

Suite 400 – 645 Tyee Road Victoria, B.C. V6A 6X5

(as to priority)

(the "Existing Chargeholder")

OF THE THIRD PART

WHEREAS

- A. Under section 483 of the Local Government Act the City may, by bylaw, enter into a Housing Agreement with an owner regarding the occupancy of the housing units identified in the agreement, including but not limited to terms and conditions referred to in section 483(2) of the Local Government Act;
- B. The Owner is the registered owner in fee simple of lands in the City of Victoria, British

Columbia, with a civic address of 848 Yates Street and legally described as:

009-359-206 LOT 380, VICTORIA CITY;

009-359-192 LOT 375, VICTORIA CITY

009-359-184 LOT 374, VICTORIA CITY; and

009-359-222 LOT 381, VICTORIA CITY

(collectively the "Lands");

- B. The Owner has applied to the City for a development permit to alter the permitted height and number of storeys of the development permitted on the Lands;
- C. The Dwelling Units are intended to be stratified and therefore will be subject to the Strata Property Act (British Columbia) and the bylaws of the Strata Corporation, but the intent of this Housing Agreement is to ensure the perpetual availability of rental units (in addition to owner-occupied units);
- D. The City and the Owner wish to enter into this Agreement, as a Housing Agreement pursuant to section 483 of the Local Government Act, to establish the terms and conditions regarding the occupancy of the residential units identified in this Housing Agreement.

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

1.0 Definitions

1.1 In this Agreement:

"Development" means the proposed development of two mixed residential and commercial use towers on the Lands to include 224 Dwelling Units.

"Dwelling Unit" means a self-contained residential dwelling unit within the building that is/will be located on the Lands, and includes any dwelling unit that is developed on the Lands in future, whether as part of the Development or otherwise, and "Dwelling Units" means collectively all of such residential dwelling units located on the Lands.

"Immediate family" includes a person's husband, wife, child, mother, father, brother, sister, mother-in-law, father-in-law, grandparent, brother-in-law, sister-in-law, niece and nephew.

"Non-owner" means a person who occupies a Dwelling Unit for residential purposes,

other than the Owner of that Dwelling Unit, and other than a member of the Owner's Immediate family.

"Owner" includes a person who acquires an interest in the Lands or any part of the Lands and is thereby bound by this Agreement, as referred to in section 7.3.

"Tenancy Agreement" has the same meaning as under the Residential Tenancy Act.

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

1.2 In this Agreement:

- reference to any enactment includes any regulations, orders or directives made under the authority of that enactment; and
- (b) reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided.

2.0 No Restrictions on Rentals

- 2.1 The Owner covenants and agrees that the Owner shall not take any steps, or enter into any agreements, or impose any rules or regulations whatsoever, the effect of which would be to prevent or restrict the Owner of a Dwelling Unit from renting that Dwelling Unit to a Non-owner under the terms of a Tenancy Agreement.
- 2.2 Without limiting the generality of section 2.1, the Owner covenants and agrees that it will not make application to deposit a strata plan for or in respect of the Lands or a building on the Lands unless the strata bylaws in no way restrict rental of any Dwelling Unit to a Non-owner under the terms of a Tenancy Agreement.
- 2.3 For certainty, if the Lands or the Development on the Lands are subdivided under the Strata Property Act, the Dwelling Units within the Development may be occupied by the Owners of the strata lots.

3.0 Reporting

- 3.1 The Owner covenants and agrees to provide to the City, upon written request from the City's Director of Sustainability Planning and Community Development, a report in writing confirming:
 - the number, type and location by suite or strata lot number, of Dwelling Units that are being rented to Non-owners; and
 - (b) any changes or proposed changes to the Strata Corporation's bylaws that may affect the terms of this Agreement.

3.2 The Owner covenants and agrees:

- (a) to exercise its voting rights in the Strata Corporation against the passage of any bylaws that would restrict the availability for rental of any Dwelling Unit under the terms of a Tenancy Agreement unless this Agreement is amended; and
- (b) to notify the City of any proposed amendments to its strata bylaws.
- 3.3 The Owner acknowledges that it is within the City's sole discretion to consent or not to consent to modifications to this Agreement and that such consent may be withheld for any reason.

4.0 Notice to be Registered in Land Title Office

4.1 Notice of this Agreement ("Notice") will be registered in the Land Title Office by the City at the cost of the Owner in accordance with section 483(5) of the Local Government Act, and this Agreement is binding on the parties to this Agreement as well as all persons who acquire an interest in the Lands after registration of the Notice.

5.0 Liability

- 5.1 The Owner agrees to indemnify and saves harmless the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from all claims, demands, actions, damages, costs and liabilities, which all or any of them shall or may be liable for or suffer or incur or be put to by reason of or arising out of failure of the Owner to comply with the terms and conditions of this Agreement.
- 5.2 The Owner hereby releases and forever discharges the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from any and all claims, demands, actions, damages, economic loss, costs and liabilities which the Owner now has or hereafter may have with respect to or by reason of or arising out of the fact that the Lands are encumbered by and affected by this Agreement.

6.0 Priority Agreement

6.1 The Existing Chargeholder, as the registered holder of charges by way of a Mortgage and Assignment of Rents against the Lands, which said charges are registered in the Land Title Office at Victoria, British Columbia, under numbers CA5559346 and CA5559347, for and in consideration of the sum of One Dollar (\$1.00) paid by the City (the receipt whereof is hereby acknowledged), agrees with the City that upon filing of a Notice with the Land Title Office that the Lands are subject to this Agreement, pursuant to Section 483(5) of the Local Government Act, this Agreement shall be an encumbrance upon the Lands in priority to the said charges in the same manner and to the same effect as if Notice had been filed prior to the said charges.

7.0 General Provisions

Notice

- 7.1 If sent as follows, notice under this Agreement is considered to be received
 - (a) seventy-two (72) hours after the time of its mailing (by registered mail) or faxing, and
 - (b) on the date of delivery if hand-delivered,

to the City:

City of Victoria
#1 Centennial Square
Victoria, BC V8W 1P6
Attention: Director of Sustainability Planning and
Community Development
Fax: 250-361-0386

to the Owner:

848 Yates Nominee Ltd. Suite 500 – 509 Richards Street Vancouver, BC V6B 2Z6 Attention: David Chard Fax: (604) 682-4160

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

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

If normal mail service or facsimile service is interrupted by strike, work slow-down, force majeure, or other cause,

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

Time

7.2 Time is to be the essence of this Agreement.

Binding Effect

7.3 This Agreement will enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors, and permitted assignees. In accordance with section 483(6) of the *Local Government Act*, this Agreement and all obligations hereunder is binding on all who acquire an interest in the Lands, and the

Owner only during the Owner's ownership of any interest in the Lands, and with respect only to that portion of the Lands of which the Owner has an interest.

Waiver

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

Headings

7.5 The headings in this Agreement are inserted for convenience and reference only and in no way define, limit or enlarge the scope or meaning of this Agreement or any provision of it.

Language

7.6 Wherever the singular, masculine and neuter are used throughout this Agreement, the same is to be construed as meaning the plural or the feminine or the body corporate or politic as the context so requires.

Equitable Remedies

7.7 The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement and that the public interest strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement.

Cumulative Remedies

7.8 No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.

Entire Agreement

7.9 This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.

Further Assurances

7.10 Each of the parties will do, execute, and deliver, or cause to be done, executed, and delivered all such further acts, documents and things as may be reasonably required from time to time to give effect to this Agreement.

Amendment

7.11 This Agreement may be amended from time to time, by consent of the Owner and a bylaw duly passed by the Council of the City and thereafter if it is signed by the City and the Owner.

Law Applicable

7.12 This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.

No Derogation from Statutory Authority

- 7.13 Nothing in this Agreement shall:
 - (a) limit, impair, fetter or derogate from the statutory powers of the City all of which powers may be exercised by the City from time to time and at any time to the fullest extent that the City is enabled and no permissive bylaw enacted by the City, or permit, licence or approval, granted, made or issued thereunder, or pursuant to statute, by the City shall estop, limit or impair the City from relying upon and enforcing this Agreement; or
 - (b) relieve the Owner from complying with any enactment, including the City's bylaws, or any obligation of the Owner under any other agreement with the City.

Joint and Several

7.14 The Owner, if more than one, are jointly and severally obligated to perform and observe each and every of the covenants, warranties and agreements herein contained by the Owner to be observed and performed.

Counterpart

7.15 This Agreement may be executed in counterparts and delivered by facsimile or emailed PDF file, each of which will have the same effect as if all parties had signed the same document. Each counterpart shall be deemed to be an original. All counterparts shall be construed together and shall constitute one and the same Agreement.

Effective Date

7.16 This Agreement is effective as of the date of the signature of the last party to sign.

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7.16 This Agreement is effective as of the date of the signature of the last party to sign.

IN WITNESS WHEREOF the parties have hereunto set their hands as of the dates inscribed at a place within British Columbia:

THE CORPORATION OF THE CITY OF VICTORIA by its authorized signatories:)
MAYOR)
CITY CLERK)
Date signed:)
838 BROUGHTON HOLDINGS LTD., by its authorized signatory: David Chard Date signed: April 3, 2017)
COAST CAPITAL SAVINGS CREDIT UNION, by its authorized signatories:)
Print Name: William LI Sr. Manager, Commercial Credit)
Print Name: Sr. Manager, Commercial Credit)
Date signed: April 10, 2017	

PUBLIC AND STATUTORY HEARINGS

1. <u>Development Permit with Variances Application No. 00025 for 848, 852-856 Yates Street and 845 &</u> 849 Johnson Street

1. Hearing

Development Permit with Variances No. 00025

The Council of the City of Victoria will consider issuing a Development Permit with Variances for the land known as 848 and 852-856 Yates Street and 845 and 849 Johnson Street, in Development Permit Area 2 (HC) Core Business, for the purpose of approving the exterior design and finishes for the mixed-use building as well as landscaping.

The Development Permit will vary the following requirements of the Zoning Regulation Bylaw:

- Section 3.67.5(2) increase the building height from 30m to 59.7m; and
- Section 3.67.5(2) increase the number of storeys from 10 storeys to 21 storeys.

Legal description of the land:

Lot 374, Victoria City; Lot 375, Victoria City; Lot 380, Victoria City; and Lot 381, Victoria City.

Charlotte Wain (Senior Planner): Advised that the application is for a Development Permit with Variances for a 21-storey (two tower) mixed-use building.

Mayor Helps opened the public hearing at 7:08 p.m.

<u>David Chard (Chard Development):</u> Provided information regarding the application which would be mixed use building of commercial and residential. Also noted is the inclusion of 81 parking stalls designated for commercial parking.

<u>Project Architect:</u> Provided information regarding the improvements to mid-block walkway and specification on the height and setback of the proposed application.

<u>Project Landscaper:</u> Provided information regarding the landscaping of the mid-block walkway and the roof. A habitat garden for birds will also be included on the roofs.

Council discussed the following:

The voluntary inclusion of 81 parking stalls for commercial parking in the downtown core.

<u>Jane McGregor (CEO of the Victoria Conservatory of Music):</u> Expressed support for the application as it will enhance the neighbourhood.

<u>Dylan Willows (Yates Street):</u> Expressed support for the application as it will enhance the neighbourhood, and hope that they will work with the club to mitigate noise concerns.

<u>Jason Markus (Yates Street)</u>: Expressed concerns regarding the application due to the possible affect to an access door to their building.

<u>Debra Nelson (Yates Street):</u> Expressed concerns regarding the noise-proofing that would be provided with the buildings due to potential noise concerns in the neighbourhood.

<u>Dan Markus (Yates Street):</u> Expressed support for the application, but noted concerns relating to the access door to the neighbouring building.

Council discussed the following:

- Lack of consultation that occurred with the neighbouring building.
- How noise concerns in the neighbourhood would be communicated to potential purchasers.
- How the applicant is working with BC Housing to create housing affordability.
- That transient accommodation is not a permitted use.

Mayor Helps closed the public hearing at 7:58 p.m.

Councillor Loveday withdrew from the meeting at 7:58 p.m. and returned at 7:59 p.m.

2. Development Permit with Variances Approval

Motion:

It was moved by Councillor Thornton-Joe, seconded by Councillor Lucas, that Council authorize the issuance of Development Permit Application No. 00025 for 848 and 852-856 Yates Street and 845 and 849 Johnson Street in accordance with:

- 1. Plans date stamped April 27, 2017.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Section 3.67.5(2) increase the building height from 30m to 59.7m;
 - b. Section 3.67.5(2) increase the number of storeys from 10 storeys to 21 storeys;
- 3. Preparation and registration of the following documents, signed and executed by the applicant, to the satisfaction of the Director of Planning and Sustainable Development:
 - Section 219 covenant to ensure the security gates on the through block walkway remain open to the public between 7 a.m. and 10 p.m. in the form satisfactory to the City Solicitor;
 - b. Statutory Right-of-Way of a minimum of 1.22m along the western property line to allow for the expansion of the through-block walkway to the satisfaction of the Director of Planning;
 - c. Housing Agreement to ensure that future strata bylaws cannot restrict the age of occupants or prohibit strata owners from renting residential strata units.
- 4. Receipt of evidence that the application is in compliance with the Ministry of Environment's Environmental Management Act as it pertains to potentially contaminated sites;
- 5. That Council authorize the Mayor and City Clerk to execute an Encroachment Agreement for a fee of \$750, plus \$25 per m² of exposed shored face during construction in a form satisfactory to the Director of Engineering and Public Works. This is to accommodate shoring for construction of the underground parking structure if the method of construction involves anchor pinning into the public Right-of-Way;
- 6. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Director of Planning and Sustainable Development;
- 7. The Development Permit lapsing two years from the date of this resolution unless the permit holder substantially starts construction.

Amendment:

It was moved by Councillor Isitt, seconded by Councillor Madoff, that the motion be amended to add a new clause 3 (d), as follows:

d. Section 219 covenant to ensure that the Property Disclosure Statement for all potential purchasers clearly discloses the presence of a nightclub adjacent to the property.

On the amendment: Carried Unanimously

Council discussed the following:

- Whether the increase of height to 21 storeys is supportable.
- Noise mitigation for the building to minimize impacts of the nearby nightclub.
- The positive inclusion of parking for commercial uses in the downtown core.

Main motion as amended:

That Council authorize the issuance of Development Permit Application No. 00025 for 848 and 852-856 Yates Street and 845 and 849 Johnson Street in accordance with:

- 1. Plans date stamped April 27, 2017.
- 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
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 - b. Statutory Right-of-Way of a minimum of 1.22m along the western property line to allow for the expansion of the through-block walkway to the satisfaction of the Director of Planning;
 - c. Housing Agreement to ensure that future strata bylaws cannot restrict the age of occupants or prohibit strata owners from renting residential strata units.
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- 5. That Council authorize the Mayor and City Clerk to execute an Encroachment Agreement for a fee of \$750, plus \$25 per m² of exposed shored face during construction in a form satisfactory to the Director of Engineering and Public Works. This is to accommodate shoring for construction of the underground parking structure if the method of construction involves anchor pinning into the public Right-of-Way;
- 6. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Director of Planning and Sustainable Development;
- The Development Permit lapsing two years from the date of this resolution unless the permit holder substantially starts construction.

On the main motion as amended: Carried

For: Opposed: Mayor Helps, Councillors Alto, Coleman, Lucas, Thornton-Joe, and Young Councillors Isitt, Loveday, and Madoff

No. 17-091

HOUSING AGREEMENT (848 YATES) BYLAW A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to authorize an agreement for rental housing for the lands known as 848 and 852-856 Yates Street and 845 and 849 Johnson Street, Victoria, BC.

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

Title

1 This Bylaw may be cited as the "HOUSING AGREEMENT (848 YATES) BYLAW (2017)".

Agreement authorized

- The Mayor and the City's Corporate Administrator are authorized to execute the Housing Agreement
 - (a) substantially in the form attached to this Bylaw as Schedule A;
 - (b) between the City and 848 Yates Nominee Ltd. or other registered owners from time to time of the lands described in subsection (c); and
 - (c) that applies to the lands known as 848 and 852-856 Yates Street and 845 and 849 Johnson Street, Victoria, BC, legally described as:

PID 009-359-184, Lot 374 Victoria City;

PID 009-359-192, Lot 375 Victoria City;

PID 009-359-206, Lot 380 Victoria City;

PID 009-359-222, Lot 381 Victoria City.

READ A FIRST TIME the	day of	2017
READ A SECOND TIME the	day of	2017
READ A THIRD TIME the	day of	2017
ADOPTED on the	day of	2017

CITY CLERK

MAYOR

Schedule A

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

BETWEEN:

THE CORPORATION OF THE CITY OF VICTORIA

#1 Centennial Square Victoria, B.C. V8W 1P6 (the "City")

OF THE FIRST PART

AND:

848 YATES NOMINEE LTD.

(Inc. No. BC1036196) Suite 500 – 509 Richards Street Vancouver, BC V6B 2Z6

(the "Owner")

OF THE SECOND PART

AND:

COAST CAPITAL SAVINGS CREDIT UNION

Suite 400 – 645 Tyee Road Victoria, B.C. V6A 6X5

(as to priority)

(the "Existing Chargeholder")

OF THE THIRD PART

WHEREAS

- A. Under section 483 of the Local Government Act the City may, by bylaw, enter into a Housing Agreement with an owner regarding the occupancy of the housing units identified in the agreement, including but not limited to terms and conditions referred to in section 483(2) of the Local Government Act;
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Columbia, with a civic address of 848 Yates Street and legally described as:

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(collectively the "Lands");

- B. The Owner has applied to the City for a development permit to alter the permitted height and number of storeys of the development permitted on the Lands;
- C. The Dwelling Units are intended to be stratified and therefore will be subject to the Strata Property Act (British Columbia) and the bylaws of the Strata Corporation, but the intent of this Housing Agreement is to ensure the perpetual availability of rental units (in addition to owner-occupied units);
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"Immediate family" includes a person's husband, wife, child, mother, father, brother, sister, mother-in-law, father-in-law, grandparent, brother-in-law, sister-in-law, niece and nephew.

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other than the Owner of that Dwelling Unit, and other than a member of the Owner's Immediate family.

"Owner" includes a person who acquires an interest in the Lands or any part of the Lands and is thereby bound by this Agreement, as referred to in section 7.3.

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1.2 In this Agreement:

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 - the number, type and location by suite or strata lot number, of Dwelling Units that are being rented to Non-owners; and
 - (b) any changes or proposed changes to the Strata Corporation's bylaws that may affect the terms of this Agreement.

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- (a) to exercise its voting rights in the Strata Corporation against the passage of any bylaws that would restrict the availability for rental of any Dwelling Unit under the terms of a Tenancy Agreement unless this Agreement is amended; and
- (b) to notify the City of any proposed amendments to its strata bylaws.
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Owner only during the Owner's ownership of any interest in the Lands, and with respect only to that portion of the Lands of which the Owner has an interest.

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7.10 Each of the parties will do, execute, and deliver, or cause to be done, executed, and delivered all such further acts, documents and things as may be reasonably required from time to time to give effect to this Agreement.

Amendment

7.11 This Agreement may be amended from time to time, by consent of the Owner and a bylaw duly passed by the Council of the City and thereafter if it is signed by the City and the Owner.

Law Applicable

7.12 This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.

No Derogation from Statutory Authority

- 7.13 Nothing in this Agreement shall:
 - (a) limit, impair, fetter or derogate from the statutory powers of the City all of which powers may be exercised by the City from time to time and at any time to the fullest extent that the City is enabled and no permissive bylaw enacted by the City, or permit, licence or approval, granted, made or issued thereunder, or pursuant to statute, by the City shall estop, limit or impair the City from relying upon and enforcing this Agreement; or
 - (b) relieve the Owner from complying with any enactment, including the City's bylaws, or any obligation of the Owner under any other agreement with the City.

Joint and Several

7.14 The Owner, if more than one, are jointly and severally obligated to perform and observe each and every of the covenants, warranties and agreements herein contained by the Owner to be observed and performed.

Counterpart

7.15 This Agreement may be executed in counterparts and delivered by facsimile or emailed PDF file, each of which will have the same effect as if all parties had signed the same document. Each counterpart shall be deemed to be an original. All counterparts shall be construed together and shall constitute one and the same Agreement.

Effective Date

7.16 This Agreement is effective as of the date of the signature of the last party to sign.

Effective Date

7.16 This Agreement is effective as of the date of the signature of the last party to sign.

IN WITNESS WHEREOF the parties have hereunto set their hands as of the dates inscribed at a place within British Columbia:

THE CORPORATION OF THE CITY OF VICTORIA by its authorized signatories:	OF)))
MAYOR)))
CITY CLERK	}
Date signed:	,
848 YATES NOMINEE LID. ** 838 BROUGHTON HOLDINGS LTD., by its authorized signatory.	
David Chard Date signed: April 3, 2017	; -
COAST CAPITAL SAVINGS CREDIT UNION, by its authorized signatories:)
Print Name: William L1 Sr. Manager, Commercial Credit)
Print Name: Sr. Manager, Commercial Credit)
Date signed: April 10, 2017	



Council Report For the Meeting of September 7, 2017

To:

Council

Date:

August 28, 2017

From:

C. Coates, City Clerk

Subject:

Rezoning Application No. 00559 and Heritage Designation Application No. 000164

for 1402-1406 Douglas Street - Bylaw Introduction

RECOMMENDATION

That Council consider first and second readings of Zoning Regulation Bylaw, Amendment Bylaw (No. 1107) No. 17-070 and Heritage Designation (515 Foul Bay Road) Bylaw No. 17-077.

BACKGROUND

Attached for Council's initial consideration is a copy of the proposed Bylaws No. 17-070 and No. 17-077.

The matter first came before Council on May 11, 2017, where the following resolution was approved:

Rezoning Application No. 00559 for 1402-1406 Douglas Street

"That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00559 for 1402 Douglas Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set concurrent with the Heritage Designation Application for this property."

The matter of the Heritage Designation Application then came before Council on June 22, 2017, where the following resolution was approved:

Heritage Designation Application No. 000164 for 1402-1406 Douglas Street

"That Council approve the designation of the property located at 1402-1406 Douglas Street, pursuant to Section 611 of the Local Government Act, as a Municipal Heritage Site and that first and second reading of the Heritage Designation Bylaw be considered by Council and a Public Hearing date be set."

Respectfully submitted,

City Clerk

Deputy City Manager

enenjus

Report accepted and recommended by the City Manager

Date

List of Attachments:

- Zoning Regulation Bylaw, Amendment Bylaw (No. 1107) No. 17-070
- Heritage Designation (515 Foul Bay Road) Bylaw No. 17-077

NO. 17-070

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by creating the CA-82 Zone, Old Town Cannabis 2 District, and to rezone land known as 1402-1406 Douglas Street from the CA-3C Zone, Old Town District to the CA-82 Zone, Old Town Cannabis 2 District.

The Council of The Corporation of the City of Victoria enacts the following provisions:

- 1 This Bylaw may be cited as the "ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1107)".
- Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in the Table of Contents of Schedule "B" under the caption PART 6 Central Area Zones by adding the following words:

"6.96 CA-82 Old Town Cannabis 2"

- The Zoning Regulation Bylaw is also amended by adding to Schedule B after Part 6.95 the provisions contained in Schedule 1 of this Bylaw.
- The land known as 1402-1406 Douglas Street, legally described as The Easterly 60 Feet of Lot 671, Victoria City and shown hatched on the attached map, is removed from the CA-3C Zone, Old Town District, and placed in the CA-82 Zone, Old Town Cannabis 2 District.

READ A FIRST TIME the	day of	2017
READ A SECOND TIME the	day of	2017
Public hearing held on the	day of	2017
READ A THIRD TIME the	day of	2017
ADOPTED on the	day of	2017

CITY CLERK

MAYOR

Schedule 1

PART 6.96 – CA-82 ZONE, OLD TOWN CANNABIS 2 DISTRICT

6.96.1 Permitted Uses in this Zone

The following uses are the only uses permitted in this Zone:

- a. Uses permitted in the CA-3C Zone, Old Town District; and
- b. <u>Storefront cannabis retailer</u> provided that only one <u>storefront cannabis retailer</u> is permitted to operate on a single lot.

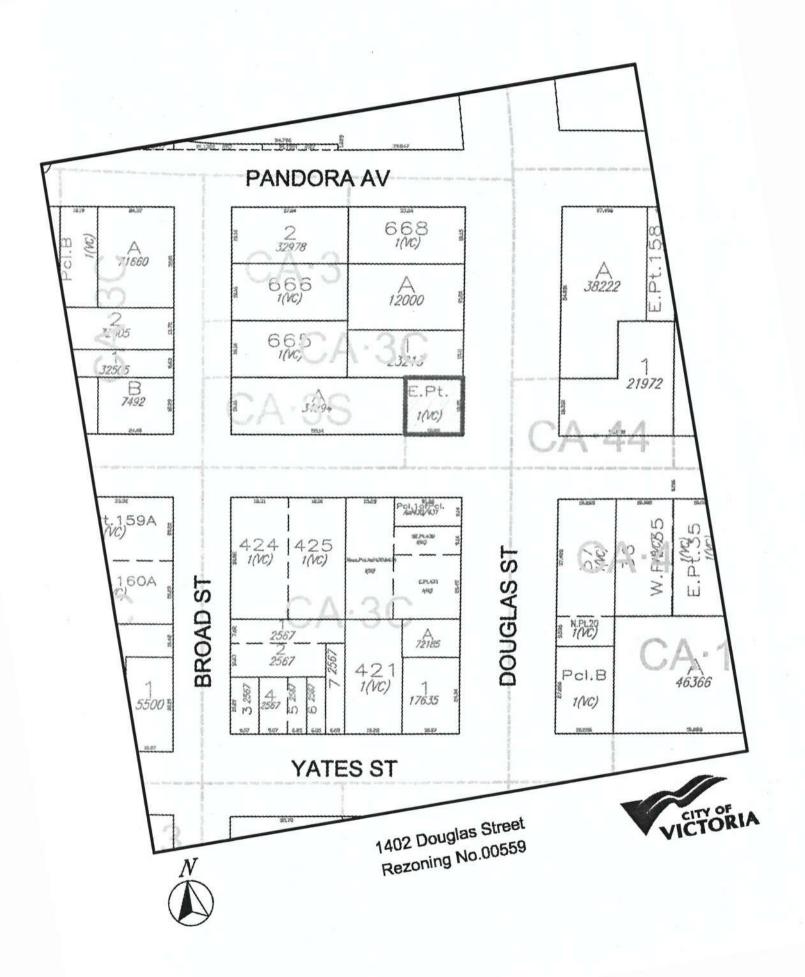
6.96.2 Size & Location of Uses

A storefront cannabis retailer must:

a. not occupy more than 200m2

6.96.3 General Regulations

b. Subject to the regulations in this Part 6.96, the regulations in the CA-3C Zone, Old Town District apply in this Zone.



NO. 17-077

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to designate the exterior of the building located at 515 Foul Bay Road to be protected heritage property.

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

- This Bylaw may be cited as the "HERITAGE DESIGNATION (515 FOUL BAY ROAD) BYLAW".
 - 2. The building located at 515 Foul Bay Road, legally described as Lot A (DD C82174), Section 68, Victoria District, Plan 12877, is designated to be protected heritage property.

READ A FIRST TIME the	day of	2017.
READ A SECOND TIME the	day of	2017.
Public Hearing held on the	day of	2017.
READ A THIRD TIME the	day of	2017.
ADOPTED on the	day of	2017.

CITY CLERK

MAYOR

NO. 17-070

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by creating the CA-82 Zone, Old Town Cannabis 2 District, and to rezone land known as 1402-1406 Douglas Street from the CA-3C Zone, Old Town District to the CA-82 Zone, Old Town Cannabis 2 District.

The Council of The Corporation of the City of Victoria enacts the following provisions:

- 1 This Bylaw may be cited as the "ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1107)".
- Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in the Table of Contents of Schedule "B" under the caption PART 6 Central Area Zones by adding the following words:

"6.96 CA-82 Old Town Cannabis 2"

- The Zoning Regulation Bylaw is also amended by adding to Schedule B after Part 6.95 the provisions contained in Schedule 1 of this Bylaw.
- The land known as 1402-1406 Douglas Street, legally described as The Easterly 60 Feet of Lot 671, Victoria City and shown hatched on the attached map, is removed from the CA-3C Zone, Old Town District, and placed in the CA-82 Zone, Old Town Cannabis 2 District.

READ A FIRST TIME the	day of	2017
READ A SECOND TIME the	day of	2017
Public hearing held on the	day of	2017
READ A THIRD TIME the	day of	2017
ADOPTED on the	day of	2017

CITY CLERK

MAYOR

PART 6.96 – CA-82 ZONE, OLD TOWN CANNABIS 2 DISTRICT

6.96.1 Permitted Uses in this Zone

The following uses are the only uses permitted in this Zone:

- a. Uses permitted in the CA-3C Zone, Old Town District; and
- b. <u>Storefront cannabis retailer</u> provided that only one <u>storefront cannabis retailer</u> is permitted to operate on a single lot.

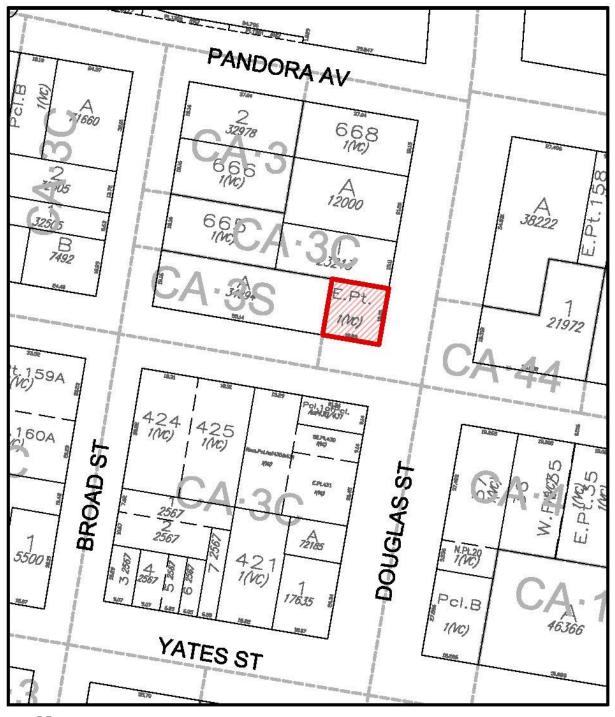
6.96.2 Size & Location of Uses

A storefront cannabis retailer must:

a. not occupy more than 200m²

6.96.3 General Regulations

b. Subject to the regulations in this Part 6.96, the regulations in the CA-3C Zone, Old Town District apply in this Zone.





1402 Douglas Street Rezoning No.00559



NO. 17-078

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to designate the exterior of the building located at 1402-1406 Douglas Street to be protected heritage property.

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

- 1. This Bylaw may be cited as the "HERITAGE DESIGNATION (1402-1406 DOUGLAS STREET) BYLAW".
 - 2. The building located at 1402-1406 Douglas Street, legally described as the easterly 60 feet of Lot 671, Victoria City, is designated to be protected heritage property.

READ A FIRST TIME the	day of	2017.
READ A SECOND TIME the	day of	2017.
Public Hearing Held On the	day of	2017.
READ A THIRD TIME the	day of	2017.
ADOPTED on the	day of	2017.

CITY CLERK MAYOR



Council Report For the Meeting of September 7, 2017

To:

Council

Date:

August 28, 2017

From:

Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject:

Correcting the Zoning of Residential Strata Buildings in Downtown Victoria

RECOMMENDATIONS

1. That Council consider first and second readings of Bylaw No. 17-084;

2. That Bylaw No. 17-084 be considered at a Public Hearing.

BACKGROUND

Currently, short term rentals (STR) are permitted in entire residential units where 'transient accommodation' is listed as a permitted use in zoning (primarily in downtown Victoria). The purpose of this report is to introduce bylaw amendments to remove short term rental use.

This matter came before Council on June 15, 2017 where the following resolutions were approved:

- 1. Prepare bylaw amendments for first reading to correct the zoning of residential strata property in Downtown Victoria, removing transient accommodation as a permitted use;
- Provide the following information to Council when the bylaw amendments are considered for first reading: (a) the number of buildings and units to which this change would apply; and (b) the resource requirements of initiating this change to the Zoning Regulation Bylaw; (c) legal non-conforming status;
- Convene a public hearing as part of the rezoning process to provide members of the
 public, including owners of residential strata property in Downtown Victoria, with the
 opportunity to provide input to Council prior to final consideration of the bylaw
 amendments;
- 4. Invite residential strata councils to indicate to the City whether they consent by mutual agreement to amending Housing Agreements registered on title, to clarify that provisions barring strata councils from introducing bylaws restricting rentals shall apply only to rentals under the Residential Tenancy Act, and that strata councils shall have the authority to introduce bylaws restricting transient accommodation and short-term rentals.
- 5. Prepare these bylaw amendments for Council's consideration on a priority basis, reflecting the severity of the housing affordability and housing availability crisis in Victoria.

Zoning Amendments

In accordance with directions 1, 3, and 5 to prepare zoning amendments, attached for Council's initial consideration are copies of an amendment to the *Zoning Regulation Bylaw* which, if approved, will remove short term rental as a permitted use in zones that currently permit transient accommodation, with the exception of home occupations, which permit use of up to 2 bedrooms as STRs within an occupied single-family home. Home occupation STRs allow homeowners to supplement their income with STRs without impacting the long-term rental market. Per previous Council direction, this use may be expanded to multi-family dwellings as part of future regulatory considerations to provide residents in other housing forms with equal opportunity to offset housing costs.

Additional Information for Council Consideration

Per direction 2, which directs staff to provide additional information on number of buildings/units affected, resource requirements, and legal non-conforming status, staff can share the following information:

- a) It is estimated that approximately 1700 residential units will be affected by this change; however, staff are unable to provide an exact number without a comprehensive inventory, which would be time and cost prohibitive in light of Council's direction to prepare these bylaws on a priority basis. Also, as emphasized in previous staff reports, these units will be affected in that their underlying zoning will change, but their right to operate a STR will continue due to legal non-conforming legislation.
- b) The resource considerations associated with this change involve the standard statutory public hearing notification expenses, as well as additional costs due to the complexity of enforcing regulations in buildings with multiple legal non-conforming operations in place. These financial impacts will be more fulsomely explored in staff's STR Enforcement Strategy report, coming forward to Council this fall.
- c) Currently, the City does not have an inventory nor precise addresses for STRs, and therefore are unable to estimate how many buildings will maintain legal non-conforming status. As legal non-conforming status will apply to all units within any building which currently has a STR operating within it, and given the proliferation of STR as reported anecdotally and evidenced by aggregate information provided to the City, it is reasonable to assume that a large number of buildings will be able to continue to operate STRs under legal non-conforming rules should this change take effect.

Amending Existing Housing Agreements

Item 4 directs staff to invite residential strata councils to indicate to the City whether they consent by mutual agreement to amend existing Housing Agreements to distinguish STR from long-term rental in strata rental provisions. The Housing Agreement template was changed to make this distinction in early 2017, and staff will provide communication to alert stratas of the opportunity to make amendments to existing agreements in Fall 2017.

PUBLIC FEEDBACK

To date, no formal public engagement on this matter has been undertaken; however, since Council began considering these issues in 2016, hundreds of items of correspondence have been received at the City expressing a broad range of opinion on the issue of rezoning and the acceptance of STRs in general. This correspondence will be included in the public hearing documents for Council consideration.

CHANGES AND CONSIDERATIONS

The Council motion specifies 'downtown' as the zoning area to be corrected, likely due to the fact that the majority of properties where both transient accommodation and residential use are permitted are typically located downtown. Other properties in the downtown core area and beyond will be affected by this amendment; however, short term rental as an accessory home occupation has been maintained where it is currently permitted. The proposed approach to the zoning amendments are recommended as the most thorough way to expedite Council's direction.

Respectfully submitted,

Lindsay Milburn

Senior Planner - Housing Policy

Jonathan Tinney, Director

Sustainable Planning and Community Development

Report accepted and recommended by the City Manager:

Date:

Attachments:

Appendix 1 – Bylaw No. 17-084 (Zoning Regulation Amendment Bylaw)

NO. 17-084

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Zoning Regulation Bylaw by amending the definition of Transient Accommodation, adding a definition for Short-Term Rental and prohibiting Short-Term Rentals in the entire City unless where expressly allowed.

The Council of The Corporation of the City of Victoria enacts the following provisions:

- 1 This Bylaw may be cited as the "ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1112)".
- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended:
 - (a) in section 17, by adding a new subsection (4) as follows:
 - "(4) Without limiting the generality of subsection (1), short-term rentals, whether as a principal or accessory use, are prohibited in all zones except
 - (a) where they are expressly permitted subject to regulations applicable in those zones;
 - (b) rental of no more than two bedrooms in a self-contained dwelling unit, as home occupation, provided that:
 - the self-contained dwelling unit is occupied by the operator of the shortterm rental; and
 - (ii) short-term rental complies with all regulations in Schedule D as if it were transient accommodation."
 - (b) in Schedule A Definitions by:
 - (i) deleting the words "vacation rentals" in the "Transient Accommodation" definition; and
 - (ii) adding a definition of "Short-Term Rental" immediately after the definition for "Setback" as follows:
 - ""Short-Term Rental" means the renting of a dwelling, or any portion of it, for a period of less than 30 days and includes vacation rentals."
- 3 This bylaw comes into force on adoption.

READ A FIRST TIME the	day of	2017
READ A SECOND TIME the	day of	2017
Public hearing held on the	day of	2017
READ A THIRD TIME the	day of	2017
ADOPTED on the	day of	2017

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Zoning Regulation Bylaw by amending the definition of Transient Accommodation, adding a definition for Short-Term Rental and prohibiting Short-Term Rentals in the entire City unless where expressly allowed.

The Council of The Corporation of the City of Victoria enacts the following provisions:

- 1 This Bylaw may be cited as the "ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1112)".
- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended:
 - (a) in section 17, by adding a new subsection (4) as follows:
 - "(4) Without limiting the generality of subsection (1), short-term rentals, whether as a principal or accessory use, are prohibited in all zones except
 - (a) where they are expressly permitted subject to regulations applicable in those zones:
 - (b) rental of no more than two bedrooms in a self-contained dwelling unit, as home occupation, provided that:
 - (i) the self-contained dwelling unit is occupied by the operator of the shortterm rental; and
 - (ii) short-term rental complies with all regulations in Schedule D as if it were transient accommodation."
 - (b) in Schedule A Definitions by:
 - (i) deleting the words "vacation rentals" in the "Transient Accommodation" definition; and
 - (ii) adding a definition of "Short-Term Rental" immediately after the definition for "Setback" as follows:

""Short-Term Rental" means the renting of a dwelling, or any portion of it, for a period of less than 30 days and includes vacation rentals."

This bylaw comes into force on adoption.

READ A FIRST TIME the	day of	2017
READ A SECOND TIME the	day of	2017
Public hearing held on the	day of	2017
READ A THIRD TIME the	day of	2017
ADOPTED on the	day of	2017