UPDATED AMENDED AGENDA - VICTORIA CITY COUNCIL
MEETING OF THURSDAY, JUNE 8, 2017, AT 6:30 P.M.
Council Chambers, City Hall, 1 Centennial Square
Located on the traditional territory of the Esquimalt and Songhees People

Music performance provided by the Victoria Conservatory of Music, with Karen Chan and Kathy Zhang on piano.

A. APPROVAL OF AGENDA

B. READING OF MINUTES

1. Minutes from the daytime meeting held May 11, 2017

2. Minutes from the daytime meeting held May 25, 2017

3. Minutes from the evening meeting held May 25, 2017
Addenda
Late Item: Minutes

4. **Late Item:** Minutes from the daytime meeting held May 18, 2017
Addenda

C. REQUESTS TO ADDRESS COUNCIL

1. Julia Veintrop: Onsite Consumption, the Edibles Ban and the Opiate Crisis

2. **Late Item:** Marg Gardiner: Wastewater Conveyance
Addenda

3. **Late Item:** Idar Bergseth: Bike Lanes on Fort Street
Addenda

4. **Late Item:** Rob Simon: 600 Block Fort Street Bike Lanes
Addenda

D. PROCLAMATIONS

1. **Late Item:** "World Refugee Day" - June 20, 2017
Addenda

E. PUBLIC AND STATUTORY HEARINGS

1. Rezoning Application No. 00531 and Development Permit with Variances Application No. 000484 for 986, 988, and 990 Heywood Avenue and Associated Official Community Plan Amendment

Council is considering an application to allow for the construction of a four storey residential building.

a. **Public Hearing**
Official Community Plan Amendment
To include the rear portion of 986 Heywood Avenue in the Urban Residential Urban Place Designation.

b. **Rezoning Application No. 00531**
Addenda To rezone the land known as 986, 988 and 990 Heywood Avenue from the R3-AM-2 Mid-Rise Multiple Dwelling District Zone, to the R3-AM-3 Zone, Mid-Rise Multiple Dwelling Heywood District to permit a four-storey residential building.

New Zone: R3-AM-3, Mid-Rise Multiple Dwelling Heywood District

Legal description: Parcel A (DD 142967I) of Lots 22, 23, 48, and 49 of Lot 1694, Victoria City, Plan 24;
The southerly 24 feet of Lot 49 of Lot 1694, Victoria City, Plan 24; and
The northerly 26 feet of Lot 50, of Lot 1694, Victoria City, Plan 24.

Existing Zone: R3-AM-2 Zone, Mid-Rise Multiple Dwelling District

Late Item: Correspondence, Letter from Nickel Brothers, and Tree Preservation Measures Plan

c. **Development Permit Application No. 000484**
The Council of the City of Victoria will also consider issuing a development permit for the land known as 986, 988 and 990 Heywood Avenue, in Development Permit Area 16, General Form and Character, for the purposes of approving the general character of the multi-family residential development.

The Development Permit will vary the following requirements of the Zoning Regulation Bylaw, R3-AM-3 Zone, Mid-Rise Multiple Dwelling Heywood District:

- Increase the height from 12m to 14.28m;
- Increase the site coverage from 40% to 76%;
- Reduce the open site space from 50% to 17%;
- Reduce the minimum required front yard setback from 10.5m to 4.26m for the building and nil for the parkade;
- Reduce the minimum required rear yard setback from 7.14m to 7.0m for the building and 0.72 for the parkade;
- Reduce the north side yard setback from 7.14m to 5.46m for the building and 0.9 for the parkade;
- Reduce the south side yard setback from 7.14m to 2.46m for the building face and 0.57m for the parkade;
- Reduce the requirement for open site space adjacent to the street from 7.14m to 4.26m.

Close of Hearing - Consideration of Approval

d. **Bylaw Approval:** To consider approval of the application, a motion for Third Reading of the bylaws is in order:

1. Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 18) No. 17-043
2. Zoning Regulation Bylaw, Amendment Bylaw (No. 1096) No. 17-041

e. **Bylaw Approval:** To consider final approval of the application, a motion to Adopt the bylaws is in order:

1. Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 18) No. 17-043
2. Zoning Regulation Bylaw, Amendment Bylaw (No. 1096) No. 17-041
3. Housing Agreement (986, 988, and 990 Heywood Avenue) Bylaw (2017) No. 17-042

f. **Development Permit Approval:** To approve the development permit with variances, the following motion is in order:

That Council authorize the issuance of a Development Permit for Application No. 000531 for 986, 988 and 990 Heywood Avenue, in accordance with:

1. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
    a. Increase the height from 12m to 14.28m;
    b. Increase the site coverage from 40% to 76%;
    c. Reduce the open site space from 50% to 17%;
    d. Reduce the minimum required front yard setback from 10.5m to 4.26m for the building and nil for the parkade;

e. Reduce the minimum required rear yard setback from 7.14m to 7.0m for the building and 0.72 for the parkade;
f. Reduce the north side yard setback from 7.14m to 5.46m for the building and 0.9 for the parkade;
g. Reduce the south side yard setback from 7.14m to 2.46m for the building face and 0.57m for the parkade;
h. Reduce the requirement for open site space adjacent to the street from 7.14m to 4.26m.

2. Final plans to be generally in accordance with the plans identified above to the satisfaction of City staff.
3. That Council authorize the City Solicitor 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 staff. 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.
4. The Development Permit lapsing two years from the date of this resolution.

2. Rezoning Application No. 00542 for 141 Cambridge Street

Council is considering an application to increase the allowable floor area for a single family dwelling.

a. **Public Hearing**

Addenda **Rezoning Application No. 00542**

To rezone the land known as 141 Cambridge Street from the R1-B Zone, Single Family Dwelling District, to the R1-40 Zone, Cambridge 2 Single Family Dwelling District, to permit a single family dwelling with a roof deck and increased allowable floor area.

New Zone: R1-40 Zone, Cambridge 2 Single Family Dwelling District

Legal description: Lot 20, Fairfield Farm Estate, Victoria City, Plan 897

Existing Zone: R1-B Zone, Single Family Dwelling 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. 1093) No. 17-031

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. 1093) No. 17-031

3. Victoria Housing Strategy Implementation - Minimum Unit Size

Council is considering amending the zoning regulation bylaw, in order to reduce minimum residential unit sizes, as part of the Victoria Housing Strategy.

a. **Public Hearing**
Zoning Regulation Bylaw, Amendment Bylaw (No. 1101) No. 17-049
To amend the Zoning Regulation Bylaw to reduce minimum residential unit sizes to 33m2 in the following zones, to create consistency in unit sizes city-wide:

i. R3-G Zone, Garden Apartment District
ii. R3-L Zone, Low Density Multiple Dwelling District
iii. R3-S Zone, Special Multiple Dwelling District
iv. CR-G Zone, Commercial Residential Gorge Road District
v. CHP-R3 Zone, Cathedral Hill Precinct (Multiple Dwelling) District

The lands subject to the proposed bylaw are shown on the attached map (attachment pg 22-26).

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. 1101) No. 17-049

c. **Bylaw Approval:** To consider approval of the application, a motion to Adopt the bylaw is in order:
1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1101) No. 17-049

4. Zoning Regulation Bylaw, Clarifying Amendments - Secondary Suites, Duplexes, and Garden Suites

Council is considering amending the zoning regulation bylaw, in order to make clarifying amendments in regards to secondary suites, duplexes, and garden suites.

a. **Hearing**
Zoning Regulation Bylaw, Amendment Bylaw (No. 1102) – No. 17-050

The purpose of this Bylaw is to amend the Zoning Regulation Bylaw by removing reference to deleted Schedule J – Secondary Suites from the Table of Contents and from the R1-A, R1-B, R1-G, R1-G6, R1-G8, R1-35 and R1-39 Zones; amending the R-2 Zone, Two Family Dwelling District by adding the requirement that outdoor features

are subject to site coverage, height and setback regulations; and by adding a parking requirement for Garden Suites to Schedule C – Off-Street Parking.

This amendment bylaw will affect properties throughout the city, though these changes are editorial in nature, as policies have already been brought into effect following previous public hearings: removal of reference to Schedule J will affect most properties zoned for single family dwellings – those in the R1-A, R1-B or R1-G zones and other single family zones that refer to thesestandard zones with respect to permitted uses; and adding regulations for outdoor features will affect those properties currently zoned R-2, which is a standard zone occurring throughout the City. Adding parking requirements for Garden Suites to Schedule C – Off-Street Parking will not further affect any property as Schedule M – Garden Suites already contains the same parking requirements.

To check whether a particular property will be affected, please contact the Zoning Department at 250-361-0316 or zoning@victoria.ca. Zoning can also be found by looking up the property address on VicMap. To access VicMap, click the "VicMap" button on the homepage of the City of Victoria's website: www.victoria.ca.

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. 1102) No. 17-050

b. **Bylaw Approval:** To consider approval of the application, a motion to Adopt the bylaw is in order:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1102) No. 17-050

F. REQUESTS TO ADDRESS COUNCIL

G. UNFINISHED BUSINESS

H. REPORTS OF COMMITTEES

1. Committee of the Whole

a. Report from the June 8, 2017 COTW Meeting

Addenda

Late Item: Report

I. NOTICE OF MOTIONS

J. BYLAWS

1. **Bylaws for Land Use Contract Termination - Phase 1**

A report recommending first and second reading of Bylaw No.s 17-055, 17-056, 17-057, 17-058, 17-059, 17-060, 17-061, 17-062, 17-063, 17-064, 17-065, 17-066, 17-067.

a. Land Use Contract Discharge Bylaws

Addenda *Bylaws to discharge various land use contracts as follows:*

1. *Land Use Contract Discharge (104 Dallas Road) Bylaw No. 17-055*
2. *Land Use Contract Discharge (1177-1185 Fort Street) Bylaw No. 17-056*
3. *Land Use Contract Discharge (1964 Fort Street) Bylaw No. 17-057*
4. *Land Use Contract Discharge (1195 Fort Street) Bylaw No. 17-058*
5. *Land Use Contract Discharge (1022 Pandora Avenue) Bylaw No. 17-059*
6. *Land Use Contract Discharge (717 Market Street and 2735 Douglas Street) Bylaw No. 17-060*
7. *Land Use Contract Discharge (902 Caledonia and 1911 Quadra Street) Bylaw No. 17-061*
8. *Land Use Contract Discharge (1633 Hillside Avenue 3055 Scott Street) Bylaw No. 17-062*
9. *Land Use Contract Discharge (910 Government Street and 525 Broughton Street) Bylaw No. 17-063*
10. *Land Use Contract Discharge (1248 Fort Street) Bylaw No. 17-064*
11. *Land Use Contract Discharge (1112 Wharf Street) Bylaw No. 17-065*
12. *Land Use Contract Discharge (1720 Cook Street) Bylaw No. 17-066*
13. *Land Use Contract Discharge (1175 Cook Street) Bylaw No. 17-067*

Recommendation: First and Second Readings of Bylaw No.'s *17-055, 17-056, 17-057, 17-058, 17-059, 17-060, 17-061, 17-062, 17-063, 17-064, 17-065, 17-066, 17-067.*

Late Item: Bylaws
Amended Item: Bylaw No. 17-061

2. **Land Use Procedures Bylaw**

Addenda *A report recommending first, second, and third reading of Bylaw No. 17-054*

Late Item: Amended report

a. Land Use Procedures Bylaw, Amendment Bylaw (No. 5) No. 17-054

Addenda *A bylaw to:*

1. *clarify the application process for temporary use permits;*
2. *update application fees related to development applications;*
3. *eliminate or reduce application fees for developments with affordable housing;*
4. *delegate approvals of certain types of encroachments to staff; and*

5. *make housekeeping and process consistency amendments.*

Recommendation: First, Second, and Third Readings of Bylaw No. 17-054.

Late Item: Bylaw

3. **Bylaws for Rezoning Application No. 00458 for 149 Montreal Street**
Following the execution of the Restrictive Covenant, final adoption of Bylaw No. 17-015 can occur.

a. Zoning Regulation Bylaw, Amendment Bylaw (No. 1071) No. 17-015
A bylaw to rezone the land known as 149 Montreal Street.

Recommendation: Adoption of Bylaw No. 17-015.

K. CORRESPONDENCE

1. Letter from the Ministry of Finance
A letter dated April 19, 2017, responding to the City's correspondence indicating support for Private Member's Bill C-323, An Act to Amend the Income Tax Act (Rehabilitation of Historic Property).

2. Letter from the District of Highlands
A letter dated April 27, 2017, responding to a presentation from Councillors Alto and Madoff on the future of McPherson Playhouse and the Royal Theatre.

3. Letter from the District of Summerland
A letter dated April 27, 2017, regarding a resolution passed by the Summerland Council supporting the City of Victoria's resolution for the extension of taxation authority for vacant and derelict buildings to local governments.

4. Letter from Greater Victoria Public Library
A letter dated May 2, 2017, regarding an opportunity to discuss a joint process to establish a branch name for the new branch in James Bay.

5. Letter from the Ministry of Natural Gas Development and Minister Responsible for Housing
A letter dated May 5, 2017, responding to the City's request for an extended authority to introduce the vacant home tax to local governments across the province.

6. Letter from the Union of BC Municipalities
A letter dated May 17, 2017, responding to the 2016 resolutions put forward by Victoria Council and endorsed by the UBCM membership at Convention.

7. Letter from the Capital Regional District

A letter dated May 23, 2017, addressed to Premier Christy Clark requesting the Province deliver on its climate action reporting commitments to support local and regional governments to reduce greenhouse gas emissions.

8. Letter from the Wastewater Treatment Project Board

A letter dated May 31, 2017, responding to Victoria Council's resolutions regarding the construction of the wastewater treatment facility.

9. Addenda **Late Item:** Letter from the Victoria Community Action Plan on Discrimination

A letter dated May 8, 2017 asking the City of Victoria take action to ensure that all City-endorsed public consultations with respect to land use and development be carried out in a manner that upholds the City's commitment to non-discrimination.

L. NEW BUSINESS

1. Addenda **Late Item:** MOTION TO CLOSE THE JUNE 15, 2017 SPECIAL COUNCIL MEETING TO THE PUBLIC

That Council convene a closed meeting at 8:30 a.m. on June 15, 2017, 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)(i)the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

M. QUESTION PERIOD

N. ADJOURNMENT

MINUTES – VICTORIA CITY COUNCIL

MEETING OF THURSDAY, MAY 11, 2017, AT 1:59 P.M

PLACE OF MEETING:	Council Chambers, City Hall
PRESENT:	Mayor Helps in the Chair, Councillors Alto, Coleman, Loveday, Lucas, Madoff, Thornton-Joe, and Young
ABSENT:	Councillor Isitt
STAFF PRESENT:	J. Johnson - City Manager; J. Jenkyns - Deputy City Manager; C. Coates - City Clerk; P. Bruce - Fire Chief; S. Thompson - Director, Finance; J. Tinney - Director of Sustainable Planning & Community Development; T. Soulliere - Director of Parks, Recreation and Facilities; T. Zworski - City Solicitor; J. Paul - Assistant Director, Engineering; N. Johnson - Manager, Bylaw and Licensing Services; C. Mycroft - Manager, Executive Operations; A. K. Ferguson - Recording Secretary.

Motion:
It was moved by Councillor Coleman, seconded by Councillor Loveday, 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)(f) 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;*
- *Section 90(1)(g) litigation of potential litigation affecting the municipality.*

Carried Unanimously

Motion:
It was moved by Councillor Alto, seconded by Councillor Coleman, that Item No. 5 be deferred to the May 18, 2017 Closed Council meeting.

Carried Unanimously

APPROVAL OF CLOSED AGENDA

Motion:
It was moved by Councillor Alto, seconded by Councillor Coleman, that Council approve the closed agenda.

Amendment:
It was moved by Councillor Alto, seconded by Councillor Coleman, that Council approve the closed agenda with the following amendment:

Consent Agenda:
Item No. 1 - Minutes from the closed Meeting held March 16, 2017

Item No. 2 - Minutes from the closed Meeting held April 13, 2017

Item No. 3 - Minutes from the closed Committee of the Whole meeting held April 27, 2017

Item No. 4 - Minutes from the closed Meeting held April 27, 2017

On the amendment:
Carried Unanimously

Main motion as amended:
That Council approve the closed agenda with the following amendment:

Consent Agenda:
Item No. 1 - Minutes from the closed Meeting held March 16, 2017

Item No. 2 - Minutes from the closed Meeting held April 13, 2017

Item No. 3 - Minutes from the closed Committee of the Whole meeting held April 27, 2017

Item No. 4 - Minutes from the closed Meeting held April 27, 2017

On the main motion as amended:
Carried Unanimously

CLOSED CONSENT AGENDA

Motion:
It was moved by Councillor Coleman, seconded by Councillor Alto, that the following items be approved without further debate:

1. **Minutes from the closed Meeting held March 16, 2017**
   Motion:
   It was moved by Councillor Coleman, seconded by Councillor Alto, that Council adopt the Minutes from the closed Council Meeting held March 16, 2017

2. **Minutes from the closed Meeting held April 13, 2017**
   Motion:
   It was moved by Councillor Coleman, seconded by Councillor Alto, that Council adopt the Minutes from the closed Council Meeting held April 13, 2017

3. **Minutes from the closed Committee of the Whole meeting held April 27, 2017**
   Motion:
   It was moved by Councillor Coleman, seconded by Councillor Alto, that Council adopt the Minutes from the closed Committee of the Whole Meeting held April 27, 2017

4. **Minutes from the closed Meeting held April 27, 2017**
   Motion:
   It was moved by Councillor Coleman, seconded by Councillor Alto, that Council adopt the Minutes from the closed Council Meeting held April 27, 2017

NEW BUSINESS

5. **Legal Advice**
   Council received a confidential report dated May 10, 2017 from the City Solicitor regarding legal advice.

   The discussion and motion were recorded and kept confidential.

ADJOURNMENT

Motion:
It was moved by Councillor Loveday, seconded by Councillor Lucas, that the Closed Council meeting adjourn.

Time: 2:44 p.m.

Carried Unanimously

CERTIFIED CORRECT:

CITY CLERK

MAYOR

DRAFT

MINUTES – VICTORIA CITY COUNCIL

MEETING OF THURSDAY, MAY 25, 2017, AT 12:03 P.M.

PLACE OF MEETING: Council Chambers, City Hall

PRESENT: Mayor Helps in the Chair, Councillors Alto, Coleman, Loveday, Lucas, Madoff, Thornton-Joe, and Young

ABSENT: Councillor Isitt

STAFF PRESENT: J. Jenkyns - Deputy City Manager; C. Coates - City Clerk; C. Havelka – Deputy City Clerk; C. Royle – Deputy Fire Chief; S. Thompson - Director, Finance; T. Soulliere – Director, Parks, Recreation and Facilities; A. Hudson – Assistant Director, Community Planning; T. Zworski - City Solicitor; C. Moffatt – Assistant City Solicitor; L. Millburn – Senior Planner, Housing Policy; C. Mycroft - Manager, Executive Operations; A. K. Ferguson - Recording Secretary.

Motion:
It was moved by Councillor Madoff, seconded by Councillor Lucas, 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)(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;*
- *Section 90(1)(c) labour relations or other employee relations;*
- *Section 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.*

Carried Unanimously

APPROVAL OF CLOSED AGENDA

Motion:
It was moved by Councillor Lucas, seconded by Councillor Loveday, that Council approve the closed agenda.

Carried Unanimously

NEW BUSINESS

1. Appointment

Council received a confidential report dated May 9, 2017, from City Clerk regarding an appointment.

The discussion and motion were recorded and kept confidential.

Staff were excused at 12:05 p.m.

2. **Labour Relations**
   Council received a verbal update from the Mayor.

   No staff were present for the discussion.

Staff retuned to the meeting at 12:51 p.m.

3. **Legal Advice**
   Council received a confidential report dated May 12, 2017 from the City Solicitor providing legal advice

   The discussion was recorded and kept confidential.

4. **Legal Advice**
   Council received a confidential report dated May 23, 2017 from the City Solicitor providing legal advice

   The discussion was recorded and kept confidential.

ADJOURNMENT

Motion:
It was moved by Councillor Alto, seconded by Councillor Coleman, that the Closed Council meeting adjourn.

Time: 1:50 p.m.

Carried Unanimously

CERTIFIED CORRECT:

CITY CLERK

MAYOR

DRAFT

MINUTES – VICTORIA CITY COUNCIL

MEETING OF THURSDAY, MAY 25, 2017, AT 6:30 P.M.

PLACE OF MEETING:	Council Chambers, City Hall
PRESENT:	Mayor Helps in the Chair, Councillors Alto, Coleman, Loveday, Lucas, Madoff, Thornton-Joe, and Young
ABSENT:	Councillor Isitt
STAFF PRESENT:	J. Jenkyns - Deputy City Manager; C. Coates - City Clerk; C. Royle – Deputy Fire Chief; A. Hudson – Assistant Director of Community Planning; A. Meyer – Assistant Director of Development Services; J. Paul – Assistant Director of Engineering & Public Works; S. Thompson – Director of Finance; T. Soulliere – Director of Parks, Recreation, & Facilities; C. Havelka – Deputy City Clerk; C. Mycroft – Manager of Executive Operations; M. Harris – Strategic Planning and Communications Advisor; P. Martin - Council Secretary.

APPROVAL OF AGENDA

The City Clerk outlined amendments to the agenda.

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

Carried Unanimously

The Youth Poet Laureate, Maita Cienska performed a song she had written.

READING OF MINUTES

Motion:
It was moved by Councillor Alto, seconded by Councillor Coleman, that the minutes from the evening meeting held May 11, 2017 be adopted:

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

1. **Diane McNally: June Orca Month in the City of Victoria**
   Outlined why Council should proclaim June 2017 as "Orca Awareness Month".

2. **Chris Grieve: Long Standing Issues with Derelict Property at 2018 Stanley Avenue**
   Outlined concerns relating to the derelict property at 2018 Stanley Avenue.

PROCLAMATIONS

Motion:
It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that the following Proclamation be endorsed:

1. "Victims and Survivors of Crime Week" – May 28 to June 3, 2017

Carried Unanimously

Motion:
It was moved by Councillor Madoff, seconded by Councillor Alto, that the following Proclamation be endorsed:

1. "ALS Awareness Month" – June 2017

Carried Unanimously

Motion:
It was moved by Councillor Loveday, seconded by Councillor Lucas, that the following Proclamation be endorsed:

1. "Orca Awareness Month" – June 2017

Carried Unanimously

Motion:
It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that the following Proclamation be endorsed:

1. "Parachute's Safe Kids Week" – June 5 to 11, 2017

Carried Unanimously

Motion:
It was moved by Councillor Alto, seconded by Councillor Lucas, that the following Proclamation be endorsed:

1. "Built Green Day" – June 7, 2017

Carried Unanimously

Motion:
It was moved by Councillor Loveday, seconded by Councillor Coleman, that the following Proclamation be endorsed:

1. "Access Awareness Day" – June 3, 2017

Carried Unanimously

Motion:
It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that the following Proclamation be endorsed:

1. "Doug Hudlin Awareness Day" – June 11, 2017

Carried Unanimously

Motion:
It was moved by Councillor Lucas, seconded by Councillor Coleman, that the following Proclamation be endorsed:

1. "National Tourism Week" – May 28 to June 3, 2017

Carried Unanimously

PUBLIC AND STATUTORY HEARINGS

1. Rezoning Application No. 00552 for 695 Alpha Street

1. **Public Hearing**
   Rezoning Application No. 00552
   To rezone the land known as 695 Alpha Street from the C-1 Zone, Limited Commercial District, to the C1-CC Zone, Limited Commercial (Cannabis) District, to permit a storefront cannabis retailer.

   New Zone: C1-CC, Limited Commercial (Cannabis) District

   Legal description: Amended Lot 3 (DD 174908I), Block 2, Section 4, Victoria District, Plan 865

   Existing Zone: C-1 Zone, Limited Commercial District

   Alison Meyer (Assistant Director of Development Services): Advised that the application is to allow for the retail sale of cannabis.

Mayor Helps opened the public hearing at 6:48 p.m.

Alex Robb (General Manager of Trees Dispensary): Provided information regarding the application, advising that their request to rezone is in line with the City's policy and supports the City's Official Community Plan.

Mayor Helps closed the public hearing at 6:55 p.m.

2. **Bylaw Approval**

Motion:
It was moved by Councillor Loveday, seconded by Councillor Alto, that the following bylaw **be given third reading:**
1.Zoning Regulation Bylaw, Amendment Bylaw (No. 1089) No. 17-026

Council discussed the following:
- *Concerns relating to potential future changes to cannabis regulations made by the Federal Government.*

Carried

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

3. **Bylaw Approval**

Motion:
It was moved by Councillor Loveday, seconded by Councillor Alto, that the following bylaw **adopted:**
1.Zoning Regulation Bylaw, Amendment Bylaw (No. 1089) No. 17-026

Carried

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

REPORTS OF COMMITTEES

1. Committee of the Whole – May 18, 2017

1. Liquor Licence Application No.000227 for 820 Yates Street (Downtown)

Motion:
It was moved by Councillor Coleman, seconded by Councillor Alto, that Council direct staff to provide the following response to the Liquor Licensing Agency:
1. Council, after conducting a review with respect to the location of the establishment and the person capacity and hours of liquor service, supports the application of Zambri's Merchant, located at 820 Yates Street to add an Entertainment Endorsement to their Food-Primary Liquor License.

Providing the following comments on the prescribed considerations:
a. The impact of noise on the community in the vicinity of the establishment has been considered and is not expected to be appreciatively different than that generated by the existing operations. It is understood that there is no change to the existing approved occupant load or hours of operation.
b. If the application is approved, the impact on the community is expected to be positive, as the approval supports the long term viability of the business in the community. Approval is not expected to be disruptive to the community.
c. The views of residents were solicited via a mail out to neighbouring property owners and occupiers within 50 metres of the licensed location and a notice posted at the property. The City received 3 letters in support of the application.
d. Council recommends the issuance of the license as the requested change benefitting the business is compatible with the neighbourhood.

Carried Unanimously

2. Earth Charter

Motion:
It was moved by Councillor Loveday, seconded by Councillor Alto, that Council endorse the Earth Charter and Earth Charter Cities Manifesto and directs staff to communicate this endorsement to the Earth Charter International Secretariat.

Carried Unanimously

3. Rezoning Application No. 00536 & Development Permit Application No. 000485 for 1745 Rockland Avenue (Rockland)

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

Rezoning Application No. 00536 for 1745 Rockland Avenue
That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No.00536 for 1745 Rockland Avenue, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

Development Permit Application No. 000485 for 1745 Rockland Avenue
That Council consider the following motion after the Public Hearing for Rezoning Application No. 00536, if it is approved:

"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. Liquor Licence Application No.000224 for 832 Fort Street (Downtown)

Motion:
It was moved by Councillor Coleman, seconded by Councillor Loveday, that Council direct staff to provide the following response to the Liquor Control and Licensing Branch:
1. Council, after conducting a review with respect to the location of the establishment and the person capacity and hours of liquor service, supports the application of Terroir Tea Merchant, located at 832 Fort Street to obtain a new Liquor Primary License permitting service from 12:00 pm until 11:00 pm seven days a week for an occupant load not in excess of 24 persons.

Providing the following comments on the prescribed considerations:
a) The impact of noise on the community in the vicinity of the establishment has been considered and is not expected to be appreciatively different than that generated by the existing operations. Itis understood that the total licensed capacity of 24 persons is distributed such that the outdoor space provides four licensed seats and the remaining 20 seats are within the building and the hours in which licenced service is permitted is 12:00 pm until 11:00 pm seven days a week.
b) If the application is approved, the impact on the community is expected to be negligible given the size and hours of the business.
c) The views of residents were solicited via a mail out to neighbouring property owners and occupiers within 50 metres of the licensed location and a notice posted at the property. The City received two letters in support of the application, one of which was from the Downtown Residents Association.
d) Council recommends the issuance of the license as it is expected to increase the economic viability of the business.

Carried Unanimously

5. Development Summit 2017

Motion:
It was moved by Councillor Alto, seconded by Councillor Lucas:

1. That Council receive this Development Summit Action Plan status report for information.
2. That Council direct staff to:
   a. Continue to implement the short-term and mid-term actions identified within the 2016 Development Summit Action Plan; and
   b. Hold a development workshop in 2017 and a development summit in 2018.

Carried Unanimously

6. Land Use Procedures Bylaw Amendments - Temporary Use Permits, CALUC Review Implementation, Fee Updates and Housekeeping

Motion:
It was moved by Councillor Coleman, seconded by Councillor Alto, that Council direct staff to bring forward amendments to the Land Use Procedures Bylaw to implement the following changes:
1. Clarify terminology and application process for Temporary Use Permits.
2. Update Pre-Application Fees to fulfil Council's previous direction with regard to revisions to the Community Association Land Use Committee (CALUC) Procedures for Processing Official Community Plan Amendment, Rezoning, Variance, Temporary Use Permit and Liquor License Applications.
4. General update to fees related to processing development applications as described in Table 3 (Development Application Fee Update Comparison Table) of this report.
5. Undertake a number of housekeeping and process consistency amendments as described in this report.
6. Include a review of these fees as part of the annual review of the Development Cost Charges.
7. With respect to amendments to existing legal agreements as outlined in page 7 of the report, charge an additional $500 fee + City's Legal Costs.

Carried Unanimously

Motion:
It was moved by Councillor Coleman, seconded by Councillor Alto:
3. Eliminate development application fees associated with affordable non-profit housing.

Carried

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

2. Committee of the Whole – May 25, 2017

1. Gas Tax Strategic Priorities Fund Application Intake

Motion:
It was moved by Councillor Loveday, seconded by Councillor Alto, that Council:
1. Direct staff to submit the following applications under the Gas Tax Strategic Priorities Fund:
   a. Two capital infrastructure applications in the following priority order:
      i. Crystal Pool Replacement $6 million
      ii. Cycling Network Implementation $6 million
   b. One capacity building application for Asset Management Practices, Procedures, and Training Plan $150,000
2. Authorize the Mayor and the City Clerk to execute any agreements related to a successful grant application.

Carried Unanimously

2. Council Member Motion; B4Stage4 Declaration

Motion:
It was moved by Councillor Lucas, seconded by Councillor Coleman, that Council endorse the Canadian Mental Health Association's B4Stage4 Declaration as attached to the May 19, 2017 Council Member Motion.

Carried Unanimously

3. Tax Incentive Program Application No. 00027 for 506 Fort Street (Downtown)

Motion:
It was moved by Councillor Alto, seconded by Councillor Coleman, that Council instruct the City Solicitor to prepare a Tax Exemption Bylaw for 506 Fort Street for 4 years, pursuant to Section 392 of the *Local Government Act,* with the following conditions:
1. That a covenant identifying the tax exemption be registered on the title to the property and any possible future strata titles.
2. That the final costs of seismic upgrading be verified by the Victoria Civic Heritage Trust.
3. That Council reaffirm the City's Tax Incentive Program Policy (Program Conditions, 3.6) that states City Council approval of the tax exemption must occur prior to the commencement of any work on the proposed project.
4. That staff work with the applicant to achieve a voluntary agreement that the units remain rental in perpetuity.
5. That staff work with the applicant to achieve voluntary agreement that the units not be used for short-term vacation rentals.

Carried

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

Councillor Loveday withdrew from the meeting at 7:04 p.m.

4. Update on Rezoning Application No. 00487 and Development Permit Application No. 000434 for 1144, 1148, 1152, and 1154 Johnson Street and 1406 Chambers Street

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

Rezoning Application No. 00487
1. That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00487 for 1144, 1148, 1152 and 1154 Johnson Street and 1406 Chambers Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council, and a Public Hearing date be set.
2. Preparation of the following documents, executed by the applicant to the satisfaction of City Staff:
   a. Housing Agreement to secure the rental of 10 units in perpetuity and that future strata bylaws cannot prohibit from renting residential strata units
   b. Statutory Right-of-Way of 2.45m on Johnson Street and 3.37m on Chambers Street for sidewalk realignment.
3. The applicant provide an amenity contribution in the amount of $43,056.00 toward the Local Amenities Reserve Fund in accordance with the *City of Victoria Density Bonus Policy* and to the satisfaction of City Staff.
4. Following consideration of Rezoning Application No. 00487, if approved, that Council authorize staff to prepare and enter into an Encroachment Agreement for a fee of $750 plus $25 per m^2 of exposed shored face during construction, to the satisfaction of the City staff.

Development Permit Application No. 000434
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. 00487, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 000434 for 1144, 1148, 1152 and 1154 Johnson Street, and 1406 Chambers Street, 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

Councillor Lucas withdrew from the meeting at 7:05 p.m. due to a potential pecuniary conflict of interest with the following item, as she works in the hotel and food service industry that holds liquor licences.

Councillor Loveday returned to the meeting at 7:05 p.m.

5. Liquor Policy Review

Motion:
It was moved by Councillor Alto, seconded by Councillor Thornton-Joe, that Council direct staff to amend the Liquor Licencing Policy and Fee Bylaw to incorporate the following direction:

1. Communicate to the Liquor Control and Licencing Branch (LCLB) that the City of Victoria will continue to receive all Liquor Licence applications, however, staff will, on Council's behalf, "opt out" of providing comments for the following types of applications:
   a. Liquor Primary with licensed service up to 10:00 pm and having an occupant load less than 31 persons.
   b. Manufacturer with Lounge Endorsement, Special Event Area, or Picnic Area with licensed service up to 10:00 pm and having an occupant load less than 31 persons.
   c. An extension to hours of licensed service for all licence types up to 3:00 am on New Year's Eve.
   d. The addition of an Entertainment Endorsement to any Food Primary with licensed service up to 12:00 am.
2. Direct staff to update the Liquor Licencing Fee Bylaw and return to Council for first reading no later than July 30, 2017 to:
   a. Introduce an Application Fee of $200 for receiving the application types listed in 1 above that are referred to the City by LCLB.
   b. Consolidate the current two step fee into one $750 fee, which includes public notification costs, for application types requiring a Council resolution.
   c. Remove the fee of $25.00 for a staff assessment of a special occasion liquor licence as it is unnecessary due to current LCLB process.
   d. Maintain the fee of $40.00 for a staff assessment of licence applications for a temporary change to a liquor licenses' terms and conditions
3. Set the public notification radius to 100 metres and maintain the notification period of 30 days.
4. That staff report back on the implications and opportunities of creating Good Neighbour Agreements with all Food Primaries open after midnight, directly adjacent to residential properties.

Carried Unanimously

Councillor Lucas returned to the meeting at 7:06 p.m.

6. Municipal Finance Authority Survey Regarding Socially Responsible Investing
The Municipal Finance Authority of BC provided the City of Victoria with a survey to be submitted, regarding Socially Responsible Investing. Listed below are the four questions asked by the survey:

Question 1: Would your Municipality / Regional District be interested in investing in a socially responsible pooled investment fund if offered by the Municipal Authority of BC? (If "No" is selected, you may skip to Question 4.)

Question 2: Would your organization accept the following requirements of participation in a socially responsible (SRI) fund:

a) Funds must remain on deposit for a minimum period of 3 years to allow the fund to defray costs and ensure viability.

b) Confirm your understanding that an SRI-type fund has reduced diversification and attracts higher fees relative to traditional pooled funds.

c) Confirm commitment, prior to investing, either through a council resolution or an investment policy, that specifically allows for investment in an SRI-type fund.

d) A representative from your organization must be willing to participate upon request in an "advisory group" to define the parameters of such fund.

Question 3: What is the dollar amount your organization would be willing to invest in an SRI fund?

Question 4: Do you have any additional comments you would like to share with the MFA about Socially Responsible Investing?

Motion:
It was moved by Councillor Alto, seconded by Councillor Loveday, that Council:
1. Direct staff to answer yes to question 1,
2. Direct staff to answer yes to 'agree to all' for question 2, subject to clarification from MFA, more specifically what is meant by SRI,
3. Direct staff to determine and report back to Council on a proposed amount for question 3.
4. Question 4: send CRD recently adopted Socially Responsible Investment (SRI) clause to the MFA for information and consideration and thank the MFA for taking the steps for exploring Socially Responsible Investment options.

Carried

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

7. Council Member Motion: Dogs off Leash, Location Specific and Time-Limited Pilot Project

Motion:
It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that 1-6 be referred to staff to report back on the June 8, 2017 quarterly update on the implications of undertaking this work in 2017:

1. That Fisherman's Wharf Park allow dogs off leash from 6:30-8:30am as a one year pilot project.
2. That Gonzales Beach allow dogs on the beach from 6:30-8:30am during the summer months as a pilot project.
3. The feedback be gathered on both of these pilot projects through the regular channels that citizens communicate with council, specifically mayorandcouncil@victoria.ca.
4. That Council evaluate the Gonzales Beach pilot project in the fall of 2017 based on input received.
5. That Council evaluate the Fisherman's Wharf pilot project in the late spring of 2018 based on feedback received.
6. That dogs off leash be allowed in Spencer Park from 6:30-8:30am as a pilot project.

Carried Unanimously

BYLAWS

a. Bylaws for Victoria Housing Strategy Implementation – Minimum Unit Sizes

Motion:
It was moved by Councillor Alto, seconded by Councillor Coleman, that the following bylaw **be given first and second reading:**
1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1101) No. 17-049*

Carried Unanimously

b. Bylaws for Rezoning Application No. 00516 for 1120, 1124, and 1128 Burdett Avenue

Motion:
It was moved by Councillor Coleman, seconded by Councillor Alto, that the following bylaw **be given first and second reading:**
1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1100) No. 17-047*

Carried

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

Motion:
It was moved by Councillor Alto, seconded by Councillor Coleman, that the following bylaw **be given first, second, and third reading:**
2. *Housing Agreement (1120, 1124, and 1128 Burdett Avenue) Bylaw (2017) No.17-048*

Carried

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

c. Bylaws for Rezoning Application No. 00542 for 141 Cambridge Street

Motion:
It was moved by Councillor Coleman, seconded by Councillor Lucas, that the following bylaw **be given first and second reading:**
1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1093) No. 17-031*

Carried Unanimously

d. Zoning Regulation Bylaw, Clarifying Amendments: Secondary Suites, Duplexes, and Garden Suites

Motion:
It was moved by Councillor Alto, seconded by Councillor Lucas, that the following bylaw **be given first and second reading:**
1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1102) No. 17-050*

Carried Unanimously

e. Bylaws for Rezoning Application No. 00513 and Development Permit for 701 Belleville Street.
Following the execution of the Statutory-Right-of-Way, final adoption of Bylaw No. 17-015 and Development Permit approval can occur.

Motion:
It was moved by Councillor Lucas, seconded by Councillor Alto, that the following bylaw **be adopted:**
1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1095) No. 17-034*

Carried

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

Motion:
It was moved by Councillor Lucas, seconded by Councillor Alto, that the following bylaw **be adopted:**
2. *Housing Agreement (701 Belleville Street) Bylaw (2017) No. 17-035*

Carried

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

Motion:
It was moved by Councillor Lucas, seconded by Councillor Alto, that Council authorize the issuance of Development Permit Application No. 000460 for 701 Belleville Street, subject to a Statutory Right-of-Way being registered on the title of the property to the satisfaction of the Director of Engineering and Public Works, 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

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

CORRESPONDENCE

1. Letter from the Ministry of Education
Council received a letter dated May 10, 2017, responding to the City's letter dated April 4, 2017 regarding funding for seismic mitigation at Victoria High School.

Motion:
It was moved by Councillor Alto, seconded by Councillor Lucas, that the correspondence dated May 10, 2017 from the Ministry of Education be received for information.

Carried Unanimously

2. Letter from the Capital Regional District

Council received a letter dated April 20, 2017 providing a motion recommended by the Capital Regional District Board regarding community energy and emissions inventory, for the City's information.

Motion:

It was moved by Councillor Alto, seconded by Councillor Lucas, that the correspondence dated April 20, 2017 from the Capital Regional District be received for information.

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: 7:15 p.m.

Carried Unanimously

CERTIFIED CORRECT:

_____ _____

CITY CLERK MAYOR

DRAFT

MINUTES – VICTORIA CITY COUNCIL

MEETING OF THURSDAY, MAY 18, 2017, AT 10:41 A.M.

PLACE OF MEETING: Council Chambers, City Hall

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

ABSENT: Councillors Alto, Isitt, and Thornton-Joe

STAFF PRESENT: J. Johnson – City Manager; J. Jenkyns – Deputy City Manager; C. Coates – City Clerk; C. Havelka – Deputy City Clerk; P. Bruce – Fire Chief; S. Thompson – Director of Finance; T. Soulliere – Director of Parks, Recreation, & Facilities; F. Work – Director of Engineering & Public Works; J. Tinney – Director of Sustainable Planning & Community Development; A. Hudson – Assistant Director of Community Planning; A. Meyer – Assistant Director of Development Services; J. Potter – Manager of Engagement; C. Mycroft – Manager of Executive Operations; R. Morhart – Manager of Permits & Inspections; A. M. Ferguson – Recording Secretary

APPROVAL OF AGENDA

Motion:
It was moved by Councillor Madoff, seconded by Councillor Coleman, that Council approve the agenda.

Carried Unanimously

UNFINISHES BUSINESS

1. **Development Permit with Variances Application No. 00039 for 710 Belton Street**
Council received a report dated May 11, 2017, from the Director of Sustainable Planning and Community Development regarding a Development Permit with Variances Application for 710 Belton Avenue that was approved at the May 11, 2017, Council Meeting that requires a correction to the schedule related to the zoning bylaw.

2. **Development Permit with Variances Approval**

Motion:
It was moved by Councillor Coleman, seconded by Councillor Lucas, that Council authorize the issuance of Development Permit Application No. 00039 for 710 Belton Avenue in accordance with:

1. Plans date stamped February 28, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
    i. Schedule M, Section 2.d: reduce the separation space between a garden suite and a single-family dwelling from 2.40m to 2.10m.
3. The Development Permit lapsing two years from the date of this resolution.

Carried Unanimously

Motion:
It was moved by Councillor Lucas, seconded by Councillor Loveday, 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)(d) matter that, under another enactment, is such that the public must be excluded from the meeting;*
- *Section 90(1)(e) 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;*
- *Section 90(1)(f) 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;*
- *Section 90(1)(g) litigation or potential litigation affecting the municipality.*

Carried Unanimously

Councillor Coleman was not present at the time the closed meeting convened.

APPROVAL OF CLOSED AGENDA

Motion:
It was moved by Councillor Lucas, seconded by Councillor Loveday, that Council approve the closed agenda.

Councillor Coleman joined the meeting at 10:48 a.m.

Carried Unanimously

READING OF CLOSED MINUTES

1. **Minutes from the Closed Council Meeting held May 4, 2017**
   It was moved by Councillor Coleman, seconded by Councillor Lucas, that Council adopt the Minutes from the closed Council Meeting held May 4, 2017.

   Carried Unanimously

UNFINISHED BUSINESS

1. **Law Enforcement**
   Council received a verbal update from the Acting Police Chief regarding law enforcement.

   The discussion was recorded and kept confidential.

CORRESPONDENCE

1. **Letter from the Ombudsperson**
   Council received a confidential letter dated March 14, 2017, from the Ombudsperson regarding outcomes of an investigation.

   The discussion and motion were recorded and kept confidential.

NEW BUSINESS

2. **Land**
   Council received a confidential report dated April 28, 2017, from the Head of Strategic Real Estate regarding a land item.

   The discussion and motion were recorded and kept confidential.

DRAFT

3. Potential Litigation

Council received a verbal update from the City Manager regarding potential litigation.

The discussion was recorded and kept confidential.

4. Law Enforcement Continued…

Council received a verbal update from the City Manager providing information regarding law enforcement

The discussion was recorded and kept confidential.

ADJOURNMENT

Motion:

It was moved by Councillor Coleman, seconded by Councillor Loveday, that the Closed Council meeting adjourn.

Time: 11:30 a.m. **Carried Unanimously**

CERTIFIED CORRECT:

CITY CLERK MAYOR

DRAFT

JBNA

James Bay Neighbourhood Association

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

www.jbna.org

May 8th, 2017

Mayor Helps,
City of Victoria.

Dear Mayor Helps,

This letter is to request that the City of Victoria Partner with JBNA to host a Clover-Ogden Conveyance Forum, wherein the parameters of, and concerns about, the possible conveyance routing proposed to serve the Wastewater Treatment Plant System are identified and discussed.

Our request recognizes the following:

- with the *"harbour crossing"* sub-project underway, the need for a Clover to Ogden conveyance discussion is timely, and needed in the next few weeks before RFPs are issued and contracts let;
- the CRD-Westland Environmental Impact Study (Part 2, June 2010, p.140) recognizes residents' desire for *"input in the route selection process of the conveyance pipeline"*;
- the CRD-Stantec Alignment Evaluation report (November 2010) provides significant technical review of the sea-bed, bedrock, and land formations, and includes significant discussion on drilling, tunneling, and trenching;
- although the CRD studies to date reference alternate conveyance routes/techniques, a weighing of costs, advantages and impacts has not been done;
- the CRD recognizes the *"need to evaluate bank erosion prior to finalizing forcemain alignment"* at or near Douglas and Dallas (see attached excerpt);

"WILL NEED TO EVALUATE BANK EROSION PRIOR TO FINALIZING FORCEMAIN ALIGNMENT. POSSIBLY THE CYCLE TRACK AND FORCEMAIN WILL DEVIATE IN THIS AREA"
CRD QUOTE

- the need for a later discussion, namely a "design" review, in a few months' time when the design is **at the 30% design stage;** and
- the need to respect the terms of the Beacon Hill Park Trust.

. . . 2

Although two or three possible routings or conveyance systems have been explored, as referenced in the aforementioned 2010 reports, the intent of the discussion forum would not be to either design or recommend a particular routing or system. The objective would be to identify the issues and parameters for consideration in the development of conveyance options and to identify specialist and resident concerns that would need to be assessed and weighed.

This discussion would be a precursor to the CoV Staff review of any construction program, as suggested in the June 2010 Environmental Impact Study.

Attached you will find the resident letter supporting routing discussions, and a list of subject matter specialists who could be invited to contribute to the discussion. In previous communications, the name of a forum facilitator was proposed. As a neighbourhood which will be most impacted by the conveyancing, no matter which routing, **JBNA requests the opportunity to appoint two representatives to participate at the discussion table to forward the interests and concerns of the James Bay community.**

The Clover-Ogden Conveyance Forum, hosted by the City of Victoria in partnership with JBNA, could be held in a timely manner. It is the City of Victoria, Mayor and Council, which is responsible for our land base. It is JBNA, as the James Bay land use consultative body, which can draw on residents for input and assistance. A jointly sponsored forum would provide confidence to residents that quality of life and land-base impacts have been considered.

To facilitate the timelines set for the project, the dates we suggest for the early discussion forum are the **afternoon of June 12th or June 13th.**

Thank you for considering this request. We look forward to receiving what we would expect to be a positive response and to partnering with the City on this Dallas Bluffs Conveyance Forum.

Yours truly

Marg Gardiner
President, JBNA

Cc: CoV Councilors, JBNA Board

Attachments: WCAC letter of May 6th, 2017
List of suggested participants

Suggested Invitation List of Forum Participants

City of Victoria

Fraser Work, B.Eng., M.Sc.	Director, Engineering & Public Works, CoV
Jonathan Tinney, B.A., M.CRP.	Director, Sustainable Dev & Community Planning, CoV

CRD

Reno Fiorante, Ph.D, P.Eng.	Sr. VP Water, Stantec Consulting Ltd.
Ken Madill, P.Eng.	Engineering Manager, Core Area Wastewater Project

Natural Resources Canada

Vaughn Barrie, Ph.D.	Research Scientist & Adjunct Prof U.Vic: Quaternary marine geology, shelf sedimentation processes, marine geohazards, ocean management, marine placers.
Garry Rogers, Ph.D.	Head, Earthquake Hazards, Natural Resources Canada. Leading authority on Canada's west coast earthquakes. Senior research scientist with the Geological Survey of Canada and a professor at the University of Victoria. Serves on the Canadian National Committee for Earthquake Engineering, which is responsible for earthquake provisions in the National Building Code, on advisory committees to the Earthquake Program of the US Geological Survey, the Southern California Earthquake Center, NEPTUNE Canada and the *New Zealand Journal of Geology and Geophysics* and as a national representative on the Pacific Tsunami Warning System.

University of Victoria

Kristin Morell, Ph.D.	Asst Prof. School of Earth and Ocean Science, Faulting & Structural Mapping, Tectonic geomorphology, landscape evolution, active tectonics, natural hazards.
Lucinda Leonard, Ph.D.	Asst Prof, Geophysicist, School of Earth and Ocean Science, VC Structural Dynamics, seismic and tsunami hazard assessment

Consultants and Contractors

Dave Murray, P.Eng.,AScT, CPESC	Kerr Wood Leidel Associates Ltd, Consultants to the City of Victoria, Dallas Bluffs Conservation Plan (October 2011) *
Harry Olynyk, P.Geo.	VP Terra Remote Sensing Inc, Lidar & Terrain Mapping
Mel Best, Ph.D, P.Geo.	Principal and Geophysicist, Bemex Consulting, Electrical, Seismic, GPR Survey Technologies.
Patrick Monaghan, Ph.D., P.Geo.	Consulting Geologist, Monaghan Petroleum Consulting, Quaternary geology and the earthquake hazard assessment of southern British Columbia.

JBNA: James Bay Land-Use and Environment stakeholder group

Two members to be selected by JBNA

* Note: Have not contacted this firm re possibility of participating

Seabed Pipeline Route Denied by Project Board

April 25, 2017

The Core Area Liquid Waste Management Committee (CALWMC) appears to have accepted the Stantec 6 page letter (March 13, 2017) citing reasons why CALWMC is not prepared to consider the seabed pipeline proposal. The 6 pages enumerate 6 points:

1. **Permitting:** While it is acknowledged permitting will be necessary (just as it will be for a land based route along Dallas Road: Migratory Bird Sanctuary, endangered species etc.) Stantec used as a reason not to consider the seabed proposal the disruption that would be caused to eelgrass beds. There are no known eelgrass beds along the proposed seabed route. In addition, Stantec's concern over the presumed lengthy permitting process is perhaps based on the amount of time taken to obtain a permit for the McLoughlin Outfall. The McLoughlin Outfall is a discharge facility and because it discharges in to the environment, it has a much more significant impact on the environment than a closed forcemain. Stantec may be unduly pessimistic, alluding to a potentially lengthy bureaucratic permitting process (EIA, DFO) without knowing what a timeline would be. The Nanaimo Outfall which was successfully completed in 2016 took less than 6 months to fully permit. The key shoreline crossings at Clover Pt and McLoughlin Pt where delays might be anticipated, could be considerably shortened because of the existing approvals.

2. **Protection from Wave-Action (and Current**s): A simple analogy with the installation of other seabed pipelines (eg. the Nanaimo Outfall) shows that proper ballasting and securing of a seabed pipeline is common practice and can be completed cost effectively and efficiently. Stantec has failed to present solid engineering reasons for their concerns. Wave and current effects can be quickly simulated and used in engineering design. There is nothing unique or alarming about conditions along the proposed route. We have referenced all available data sources and the wave conditions cited in the Stantec rebuttal have never been recorded in the subject area whereas 90 m wave lengths (as cited) are not uncommon at the western entrance to the Juan de Fuca Straits from the effect of Pacific Ocean swells 100 kms to the west. The Stantec reference does not address local conditions. Wave and current data modellers through the Department of Engineering at the University of Victoria (West Coast Wave Initiative – WCWI) and Dynamic Systems Analysis (DSA) are available at short notice to engage and collaborate.

3. **Ship anchors:** The proposed route is north and well outside shipping lanes. According to a marine construction contractor consulted to discuss potential problems which may arise from the emergency deployment of ships anchors, rip rapping, trenching and berm construction could fully protect a seabed pipeline over the short distance crossing the entrance to the outer harbour. While this might add marginally to the cost of a seabed pipeline, the additional engineering costs are probably a fraction of what will be required to successfully construct a land-based route on geotechnically vulnerable parts of Dallas Road.

4. **Location of a fault line:** The Stantec reference to the Geological Survey of Canada document authored by Dr. Barrie *et al* is misinterpreted and is unnecessarily alarmist in terms of inferring a 95 to 150 cm vertical displacement along a fault 50 kms to the east of Victoria. From my discussions with Dr. Barrie, an inferred fault in the Victoria area shown in the publication, likely occurs to the south of the proposed subsea pipeline route. The exact location of this fault, if it

exists, will be the subject of a 3-line seismic survey planned for later this year. It is unfortunate that Stantec did not discuss the seabed proposal with Dr. Barrie at the Geological Survey of Canada, whereupon Stantec would have found support for the seabed proposal in preference to the Dallas Road trenching on the basis of anticipated seismicity. The concern is less to do with displacements along a fault as opposed to ground motions propagated from an earthquake where the focus of the earthquake will likely be in the Victoria area. Literature suggests that constrained trenched land-based pipelines are more susceptible to rupture from surface ground waves than loosely constrained seabed pipelines: Kershenbaum, *et al*, 1998 "Subsea Pipeline Behaviour Under Seismic Impact". Proc. 8th International Offshore and Polar Engineering Conference.

5. **Repair and maintenance:** Discussions held with an experienced marine construction and barge equipment contractor have indicated that a proposed seabed pipeline in a water depth of approximately 35 metres would not lead to operational access problems. Certainly the Stantec reference to the Comox Valley Regional District pipeline on Balmoral Beach is completely inappropriate. The Comox pipeline failure and subsequent issues associated with its repair are entirely related to the pipeline being located along the foreshore. This has no bearing on the proposed seabed pipeline located in a water depth of 35 metres. A rupture in any forcemain would likely be a serious event: a rupture in a 48" forcemain located in a trench along Dallas Road would have equally if not more dire consequences than a release from a seabed pipeline.

6. Cost implications: "*Based on our high-level estimate of the capital costs we are confident that Mr. Gunton's sea bed pipeline proposal would be more expensive to construct and maintain than the land-based option approved by the CRD Board as part of the Core Area Wastewater Treatment Project. - Stantec"* . This quote is troubling in that we have repeatedly requested capital cost details from CRD. Stantec's statement as quoted implies that they have cost data on which to make the comparison and yet they have not released the data. In order to obtain an independent opinion, discussions were recently held with a major local marine construction and barging company experienced in laying pipelines on the seabed. The contracting company considers itself to be qualified to construct a seabed forcemain based on successfully completing a seabed pipeline project on time and on budget in the Nanaimo area. From these discussions, it is estimated that the project could be completed within 6 months and for approximately double the cost of the Nanaimo Outfall. Unlike the Nanaimo Outfall, a CRD seabed forcemain would not require diffusers nor would it require the use of construction techniques used in deep water because of the shallower water depths planned for the route. Other construction concerns were also discussed but none would preclude a seabed route. A rough estimate of double the Nanaimo costs would be a first order estimate and therefore a cost of $30+/- million for the entire seabed route is a number which could be used for comparison purposes with a land-based route. CRD has not published a cost estimate for the Dallas trenching but an estimate of $36+/- million for the Harbour Drilling- Tunnelling has been published. This would suggest that the Stantec higher capital cost rationale for not pursuing the seabed route is not valid and in fact, there is a strong likelihood that a seabed pipeline would result in savings of tens of millions of dollars.

The CALWMC appears prepared to accept the six Stantec points without further discussion and considers the matter closed. Mayor Helps and City of Victoria Council have not yet responded to the

request for a City co-sponsored forum of independent technical subject experts to review conveyance alternatives and specifically the six points of concern discussed above. There are very real risks associated with trenching along the Dallas Bluffs, along the sea wall, drilling and tunnelling a challenging harbour crossing, as well as the risks of future exposure and rupture of the pipeline along the land route through slope failure and the significant disruption associated with two years of land-based construction. Additionally, potential capital cost savings have not been explored.

John E. Gunton

[redacted]

Dear Mayor and Council:

I have reviewed the report going to the Committee of the Whole on June 8, 2017 and am very disappointed that staff are recommending against addressing the concerns that the lower Fort St businesses have raised regarding the loss of parking stalls in the 600 block of Fort St.

The staff report advises against the additional infrastructure costs of $500,000 to accommodate businesses' requests for preservation of 8 parking spots on the North side of 600-block of Fort St. Yet it is silent to the fact that each parking spot could result in $15,000 in parking revenue to the city and help to maintain revenue for individual businesses in the area (otherwise those accessing goods and services are forced to go to multi-modal transportation friendly business districts). Please see the sections below:

'As reported to Council in December 2016, there is an option to spend additional funds to accommodate parking on the North side of the 600 Block of Fort by modifying the sidewalk and relocating assets, in order to increase the curb-to-curb pavement. This would create a total of 8 new on-street parking stalls on the north side and 1 taxi zone. The cost of this option is estimated at near $500,000 or approximately $60,000 per stall. This option alleviates some of the parking pressures in the vicinity of the Bay Centre and 600 block businesses, which are still served by parking on the south side, and nearby. Due to the significant costs of this portion of work, and the removal of pedestrian amenity in this busy foot-traffic location, staff consider this option to be unaffordable and a departure from the priorities outlined in the OCP. Therefore, this option has not been included in the "complete streets" design, but is presented for Council's consideration.'

I think its odd that in the same report, in a section discussing the 700 block of Fort St, the report clearly states the impact of the loss of parking revenue.

Existing Mid-Block Crosswalk in the 700 Block: Staff reviewed the option of diverting the bike lanes around the existing bulb out. Although possible, there would be a loss of an additional 2 on-street parking stalls. The value of these parking stalls is approximately $15,000 each per year, or a total of $30,000 per year. The cost savings from diverting bikes around the bulb is approximately $60,000, so the payback is only 2 years, plus the benefit of the additional on-street parking. Therefore, the current design does not support a diversion of the bike lanes around the existing bulb out.

According to your own report, the 600-block of Fort represents the area with the most parking demand, yet the proposal is sacrificing parking revenue of 8 stalls @ $15,000 each which is $120,000 per year. Another way to look at it would be that the breakeven for the additional infrastructure cost is less then 5 years with parking revenues being $600,000 in that time. After 10 years, the 8 spots provide $1.2 million parking revenue, which almost pays for the bike lanes themselves and in 15 years pays for the costs of the bike lane and additional infrastructure cost. Would that not be a fairer way to represent the impact of decision in the report? With the addition of the 8 stalls on the north side of the 600-block Fort Street, staff could then say in the report, that businesses may become more supportive of the plan and attempts will have been made to address their concerns.

Again, I question why the cost of parking revenue impacts is mentioned in the earlier section of the report yet is specifically silent in the section about the parking impact for the 600 block of Fort St except to say that it is '*unaffordable'.*

I must point out, that an issue raised at every engagement session with 600-block Fort St businesses was the concern that the Yarrow Building represents a busy and significant health services centre. Accessibility to the services in the building is an issue. While staff might dismiss the costs of 8 stalls in the 600-block, it puts in place challenges for someone with limited mobility issues attempting to access services at the Yarrow Building. I would hope it wasn't deliberately left out of your evaluation.

I would suggest that the $500,000 infrastructure modification can be justified as a cost to ensure ease of access for those with mobility challenges to these medical services without even needing to contemplate the additional revenue gained by the 8 spots. The goods and services downtown should be accessible for those of all ages and abilities, regardless of how they arrive downtown, be it bike, bus or car.

I just don't see the logic nor the explanation on why these points raised above are absent from report unless there is a deliberate attempt to provide incomplete information to Council Member via a biased report. I still feel the original study /proposal presented to Council misrepresented the fact the "Businesses on Fort St are supportive of the bike lanes. Efforts by a limited number of business owner to consult with Fort St businesses resulted in 99% feeling that they were not even engaged. Our consultation with business owners can be summarized as most businesses have serious concerns with a significant majority being in outright opposition to the bike lanes.

My wife and I participated in the engagement workshop held by the City in February of this year. A simple premise of engagement is to ensure that all input received is fairly reflected to the decision makers. This report fails to do that. I am hoping that Council members consider the comments above.

Sincerely
Rob Simon
Paul Mara Jewellers

"WORLD REFUGEE DAY"

WHEREAS *World Refugee Day, 20 June every year, is dedicated to bringing attention to the plight of the world's refugees; and the City of Victoria is extremely proud of our long successful history of welcoming refugees, settling, retaining and continuing to welcome refugees to our community; and*

WHEREAS *Canada is signatory to the 1951 Convention and its 1967 Protocol; and*

WHEREAS *in 2000, the United Nations General Assembly established June 20th as World Refugee Day; Since 2001, people around the world have celebrated the day with events that honour the world's more than 20 million refugees and raise awareness around refugee issues; and*

WHEREAS *on 20 June 2017, the City of Victoria and it's people join the rest of the world as they commemorate the strength, courage, and resilience of millions of refugees; and*

NOW, THEREFORE *I do hereby proclaim the day June 20th, 2017 as "**WORLD REFUGEE DAY"** 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 8th day of June, Two Thousand and Seventeen.*

_____

LISA HELPS
MAYOR
CITY OF VICTORIA
BRITISH COLUMBIA

Sponsored by:
Kate Longpre
Community Integration Coordinator
Inter-Cultural Association of Greater Victoria

CITY OF VICTORIA

Committee of the Whole Report
For the Meeting of June 8, 2017

To:	Committee of the Whole	**Date:**	May 29, 2017
From:	Chris Coates, City Clerk		
Subject:	Proclamation "World Refugee Day" June 20, 2017		

RECOMMENDATION

That the World Refugee Day Proclamation be forwarded to the June 8, 2017 Council meeting for Council's consideration.

EXECUTIVE SUMMARY

Attached as Appendix A is the requested World Refugee Day Proclamation. Council has recently established policy addressing Proclamation requests. The policy provides for:

- A staff report to Committee of the Whole.
- Each Proclamation request requiring a motion approved at Committee of the Whole prior to forwarding it to Council for their consideration.
- Staff providing Council with a list of Proclamations made in the previous year.
- Council voting on each Proclamation individually.
- Council's consideration of Proclamations is to fulfil a request rather than taking a position.

A list of 2016 and 2017 Proclamations is provided as Appendix B in accordance with the new policy. Consistent with City Policy, Proclamations issued are established as fulfilling a request and does not represent an endorsement of the content of the Proclamation.

Respectfully submitted,

Chris Coates
City Clerk

Appendix A: Proclamation "World Refugee Day"
Appendix B: List of Previously Approved Proclamations

REPORTS OF COMMITTEES

2. Committee of the Whole – March 23, 2017

6. Rezoning Application No. 00531 & Development Permit with Variances Application No. 000484 for 986, 988 and 990 Heywood Avenue and Associated Official Community Plan Amendment (Fairfield)

Motion:
It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe:

Rezoning Application No. 00531
That Council instruct staff to prepare the necessary Official Community Plan Amendment Bylaw and the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00531 for 986, 988 and 990 Heywood Avenue, 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. Preparation of the following documents, executed by the applicant, to the satisfaction of City Staff:
   a. Housing Agreement to ensure that future strata bylaws cannot restrict the age of occupants or prohibit strata owners from renting residential strata units.
2. That Council, having provided the opportunity for consultation pursuant to Section 475(1) of the Local Government Act with persons, organizations and authorities it considers will be affected, specifically, those property owners and occupiers within a 100m radius of the subject property have been consulted at a Community Association Land Use Committee (CALUC) Community Meeting, consider whether the opportunity for consultation should be early and ongoing, and determine that no further consultation is required.
3. That Council, specifically consider whether consultation is required under Section 475(2)(b) of the Local Government Act, and determine that no referrals are necessary with the Capital Regional District Board, Councils of Oak Bay, Esquimalt and Saanich, the Songhees and Esquimalt First Nations, the School District Board and the provincial and federal governments and their agencies due to the nature of the proposed amendment.
4. That Council give first reading to the Official Community Plan Amendment Bylaw.
5. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2017-2021 Financial Plan and the Capital Regional District Liquid Waste Management Plan and the Capital Regional District Solid Waste Management Plan pursuant to Section 477(3)(a) of the Local Government Act and deem those Plans to be consistent with the proposed Official Community Plan Amendment Bylaw.
6. That Council give second reading to the Official Community Plan Amendment Bylaw.
7. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.

Development Permit with Variances Application No. 000484
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. 00531, if it is approved, consider the following motion:

"That Council authorize the issuance of a Development Permit for Application No. 000531 for 986, 988 and 990 Heywood Avenue, in accordance with:

1. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
   i. Increase the height from 12m to 14.28m;
   ii. Increase the site coverage from 40% to 76%;
   iii. Reduce the open site space from 50% to 17%;
   iv. Reduce the minimum required front yard setback from 10.5m to 4.26m for the building and nil for the parkade;

v. Reduce the minimum required rear yard setback from 7.14m to 7.0m for the building and 0.72 for the parkade;
vi. Reduce the north side yard setback from 7.14m to 5.46m for the building and 0.9 for the parkade;
vii. Reduce the south side yard setback from 7.14m to 2.46m for the building face and 0.57m for the parkade;
viii. Reduce the requirement for open site space adjacent to the street from 7.14m to 4.26m.

2. Final plans to be generally in accordance with the plans identified above to the satisfaction of City staff.
3. That Council authorize the City Solicitor to execute an Encroachment Agreement for a fee of $750, plus $25 per m^2 of exposed shored face during construction in a form satisfactory to staff. 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.
4. The Development Permit lapsing two years from the date of this resolution."

Carried Unanimously

Councillor Lucas withdrew from the meeting at 7:39 p.m. due to a pecuniary conflict of interest with the following item, as she is employed with a retail business that utilizes plastic bags.

5. LAND USE MATTERS

5.2 Rezoning Application No. 00531 & Development Permit with Variances Application No. 000484 for 986, 988 and 990 Heywood Avenue and associated Official Community Plan Amendment (Fairfield)

Committee received reports dated March 8, 2017, from the Director of Sustainable Planning and Community Development regarding an application to increase the density and allow multi-unit residential uses at this location and construct a four-storey, multi-unit residential building containing 21 residential units.

Motion: It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that Council instruct staff to prepare the necessary Official Community Plan Amendment Bylaw and the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00531 for 986, 988 and 990 Heywood Avenue, 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. Preparation of the following documents, executed by the applicant, to the satisfaction of City Staff:
   a. Housing Agreement to ensure that future strata bylaws cannot restrict the age of occupants or prohibit strata owners from renting residential strata units.
2. That Council, having provided the opportunity for consultation pursuant to Section 475(1) of the *Local Government Act* with persons, organizations and authorities it considers will be affected, specifically, those property owners and occupiers within a 100m radius of the subject property have been consulted at a Community Association Land Use Committee (CALUC) Community Meeting, consider whether the opportunity for consultation should be early and ongoing, and determine that no further consultation is required.
3. That Council, specifically consider whether consultation is required under Section 475(2)(b) of the *Local Government Act,* and determine that no referrals are necessary with the Capital Regional District Board, Councils of Oak Bay, Esquimalt and Saanich, the Songhees and Esquimalt First Nations, the School District Board and the provincial and federal governments and their agencies due to the nature of the proposed amendment.
4. That Council give first reading to the Official Community Plan Amendment Bylaw.
5. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2017-2021 Financial Plan and the Capital Regional District Liquid Waste Management Plan and the Capital Regional District Solid Waste Management Plan pursuant to Section 477(3)(a) of the *Local Government Act* and deem those Plans to be consistent with the proposed Official Community Plan Amendment Bylaw.
6. That Council give second reading to the Official Community Plan Amendment Bylaw.
7. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.

AND 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. 00531, if it is approved, consider the following motion:
"That Council authorize the issuance of a Development Permit for Application No. 000531 for 986, 988 and 990 Heywood Avenue, in accordance with:

1. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
   i. Increase the height from 12m to 14.28m;
   ii. Increase the site coverage from 40% to 76%;
   iii. Reduce the open site space from 50% to 17%;
   iv. Reduce the minimum required front yard setback from 10.5m to 4.26m for the building and nil for the parkade;
   v. Reduce the minimum required rear yard setback from 7.14m to 7.0m for the building and 0.72 for the parkade;
   vi. Reduce the north side yard setback from 7.14m to 5.46m for the building and 0.9 for the parkade;
   vii. Reduce the south side yard setback from 7.14m to 2.46m for the building face and 0.57m for the parkade;
   viii. Reduce the requirement for open site space adjacent to the street from 7.14m to 4.26m.
2. Final plans to be generally in accordance with the plans identified above to the satisfaction of City staff.
3. That Council authorize the City Solicitor to execute an Encroachment Agreement for a fee of $750, plus $25 per m^2 of exposed shored face during construction in a form satisfactory to staff. 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.
4. The Development Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY 17/COTW

Councillor Lucas withdrew from the meeting at 11:42 a.m. due to a pecuniary conflict of interest as she manages a retail store that supplies plastic bags to its customers.

Councillor Coleman withdrew from the meeting at 11:41 a.m.

Councillor Isitt returned to the meeting at 11:42 a.m.

Councillor Thornton-Joe withdrew from the meeting at 11:42 a.m.

Councillor Coleman and Thornton-Joe returned to the meeting at 11:44 a.m.

CITY OF VICTORIA

Committee of the Whole Report

For the Meeting of March 23, 2017

To:	Committee of the Whole	**Date:**	March 8, 2017
From:	Jonathan Tinney, Director, Sustainable Planning and Community Development		
Subject:	**Rezoning Application No. 00531 for 986, 988 and 990 Heywood Avenue and associated Official Community Plan Amendment**		

RECOMMENDATION

That Council instruct staff to prepare the necessary Official Community Plan Amendment Bylaw and the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00531 for 986, 988 and 990 Heywood Avenue, 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. Preparation of the following documents, executed by the applicant, to the satisfaction of City Staff:
   a. Housing Agreement to ensure that future strata bylaws cannot restrict the age of occupants or prohibit strata owners from renting residential strata units.
2. That Council, having provided the opportunity for consultation pursuant to Section 475(1) of the *Local Government Act* with persons, organizations and authorities it considers will be affected, specifically, those property owners and occupiers within a 100m radius of the subject property have been consulted at a Community Association Land Use Committee (CALUC) Community Meeting, consider whether the opportunity for consultation should be early and ongoing, and determine that no further consultation is required.
3. That Council, specifically consider whether consultation is required under Section 475(2)(b) of the *Local Government Act*, and determine that no referrals are necessary with the Capital Regional District Board, Councils of Oak Bay, Esquimalt and Saanich, the Songhees and Esquimalt First Nations, the School District Board and the provincial and federal governments and their agencies due to the nature of the proposed amendment.
4. That Council give first reading to the Official Community Plan Amendment Bylaw.
5. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2012-2016 Financial Plan and the Capital Regional District Liquid Waste Management Plan and the Capital Regional District Solid Waste Management Plan pursuant to Section 477(3)(a) of the *Local Government Act* and deem those Plans to be consistent with the proposed Official Community Plan Amendment Bylaw.
6. That Council give second reading to the Official Community Plan Amendment Bylaw.
7. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.

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 482 of the *Local Government Act*, a zoning bylaw may establish different density regulations for a zone, one generally applicable for the zone and the others to apply if certain conditions are met.

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 an Official Community Plan Amendment Application and Rezoning Application for the property located at 986, 988 and 990 Heywood Avenue. The proposal is to rezone from the R1-B Zone, Single Family Dwelling District and R3-AM2 Zone, Mid-Rise Multiple Dwelling District to a modified version of the R3-AM2 Zone in order to increase the density and allow multi-unit residential uses at this location.

The following points were considered in assessing this application:

- the application is consistent with the *Official Community Plan* (OCP) Urban Residential, which envisions density up to 1.2:1 floor space ratio (FSR) with potential bonus density up to a total of approximately 2:1 FSR in strategic locations for the advancement of plan objectives
- the application meets the objectives of the Placemaking policies and Density Bonus policy in the OCP which supports density towards the upper end of the scale in areas designated Urban Residential that significantly advance the plan objectives and are within 200m of a Large Urban Village
- the applicant has opted for the fixed rate density bonus amenity contribution, which equates to a financial contribution of $31,907.19.

BACKGROUND

Description of Proposal

This Rezoning Application is to increase the maximum density from 1.2:1 floor space ratio (FSR) in the R3-AM-2 Zone, Mid-Rise Multiple Dwelling District, to 1.6:1 FSR and to rezone a small portion at the rear of 986 Heywood Avenue from the R1-B Zone (Single Family Dwelling) to a modified version of the R3-AM2 Zone.

Additionally, a number of variances from the standard R3-AM-2 Zone are being proposed and will be discussed in relation to the concurrent Development Permit Application.

The request to amend the *Official Community Plan*, 2012, is necessary in order to amend a small portion (69.56m²) of the rear yard of 986 Heywood Avenue from the Traditional

Residential to the Urban Residential Urban Place Designation, consistent with the remainder of the properties.

Affordable Housing Impacts

The applicant proposes the creation of 21 new residential units which would increase the overall supply of housing in the area. A Housing Agreement is also being proposed which would ensure that future strata bylaws could not prohibit the rental of units, or the age of occupants.

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 applicant has identified a number of measures to support active transportation, which will be reviewed in association with the concurrent Development Permit Application for this property.

Public Realm Improvements

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

Land Use Context

The area is characterized by a mixture of buildings ranging from two-storey single family dwellings to four-storey multi-residential buildings. The subject site is adjacent to a three-storey building to the south (the Tweedsmuir), with a four-storey multi-residential building to the south-west fronting Park Boulevard. To the north are two-storey townhouses that front Oliphant Avenue. To the east in the rear of the property are predominantly two-storey single family dwellings.

Existing Site Development and Development Potential

The site is presently occupied by a single-family dwelling at 986 Heywood Avenue and a duplex at 988/990 Heywood Avenue. Although the property at 988/990 Heywood does have heritage character, it is not listed on the City's Heritage Register or hold Heritage Designation status. The applicant has explored opportunities to move and relocate the property, which would not be possible without impacting the boulevard trees along Heywood Avenue.

The majority of the subject site is in the R3-AM-2 Zone with only a small portion of the rear of 988 Heywood Avenue in the R1-B Zone. The properties could be developed as a four-storey multi-residential building with a density of 1.2:1 FSR. The zone allows for bonus density up to 1.6:1 FSR if parking is enclosed and 50% open site space is provided. Both parcels could also be developed as a duplex (as currently exists at 988/990 Heywood Avenue) or a single-family dwelling with secondary suite.

Data Table

The following data table compares the proposal with the existing R3-AM-2 Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal	Zone Standard R3-AM-2
Site area (m^2) - minimum	1463.6	920
Site area per unit (m^2) - minimum	54	33
Density (Floor Space Ratio) - maximum	1.6*	1.2
Total floor area (m^2) - maximum	2334.85	N/A
Height (m) - maximum	14.28*	12
Storeys - maximum	4	4
Site coverage % - maximum	76*	40
Open site space % - minimum	17*	30
Setbacks (m) - minimum:		
Front	Nil (parkade)* 4.26 (building) *	10.50
Rear	0.72 (parkade) * 7.0 (building) *	7.14
Side (north)	0.90 (parkade) * 5.46 (building) *	7.14
Side (south)	0.57 (parkade) * 2.46 (building) *	7.14
Open site space setback from a street (m) - minimum	4.26*	7.14
Parking - minimum	29	29
Visitor parking (minimum) included in the overall units	3	3
Bicycle parking Class 1 (minimum)	22	21
Bicycle parking Class 2 (minimum)	6	6

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the Fairfield Gonzales Community Association CALUC at a Community Meeting held on October 20, 2016. Notes from this meeting are attached to the report.

ANALYSIS

Official Community Plan

The OCP identifies the majority of the subject property as being located in the "Urban Residential" designation which envisions floor space ratios generally up to 1.2:1 FSR with increased density up to approximately 2:1 FSR. Policy 6.23 of the OCP notes that applications seeking density towards the upper-end of the scale will generally be supported when the proposal significantly advances Plan objectives and are located within 200m of Large Urban Villages, which the subject sites are consistent with. The OCP notes that within each designation, decisions about density and building scale for individual sites will be based on site-specific evaluations in relation to the site, block and local area context, and will include consideration of consistency with all relevant policies within the OCP and local area plans.

The OCP encourages a range of housing types, forms and tenures across the City and the proposal would provide 21 new dwellings in a combination of one and two-bedroom units, contributing towards the housing need for the home ownership end of the housing spectrum. Although no rental units are proposed, staff are recommending a Housing Agreement to ensure that future strata bylaws could not prohibit strata owners from renting residential strata units.

The proposal is consistent with the place-character features envisioned for the Urban Residential designation through the provision of primary doorways for three ground-oriented units facing the street and provision of parking located underground.

A small portion of the rear of 986 Heywood Avenue is identified in the Traditional Residential Urban Place Designation and late in the process it was identified that to ensure the entire parcel is in the same land use designation, an OCP Amendment of a technical nature is required. The *Local Government Act* (LGA) Section 475 requires Council to provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected by an amendment to the OCP. Consistent with Section 475 of the LGA, Council must further consider whether consultation should be early and ongoing. This statutory obligation is in addition to the Public Hearing requirements. In this instance, given the technical nature of the OCP amendment and that it relates to a small portion (69.56m²) and given the considerable consultation that has already taken place, staff recommend for Council's consideration that no further consultation be required.

Should Council support the OCP amendment, Council is required to consider consultation with the Capital Regional District Board; Councils of Oak Bay, Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District Board and the provincial government and its agencies. However, further consultation is not recommended as necessary for this amendment to the Urban Place Designation as this matter can be considered under policies in the OCP.

Council is also required to consider OCP Amendments in relation to the City's *Financial Plan* and the *Capital Regional District Liquid Waste Management Plan* and the *Capital District Solid Waste Management Plan*. This proposal will have no impact on any of these plans.

Density Bonus

The applicant proposes a FSR of 1.6:1. The contribution of a public amenity may justify extra density above the base density of 1.2:1 FSR. The proposal is eligible for the fixed-rate amenity contribution under the Council-approved density bonus policy. This would result in a bonus density of 592.85m² or $31,907.19. The applicant also has the option of conducting an

independent third-party economic analysis, but has opted for the fixed rate amount. The financial contribution would be payable at the time of building permit and would be allocated for future community amenities in the Fairfield neighbourhood.

Tree Preservation Bylaw

A number of mature trees, one of which is bylaw protected, are located on the neighbouring property to the east and the critical roots extend into the subject site. The underground parkade structure has been pulled back from the eastern boundary edge to mitigate impact to the trees. The applicant has included an arborist report that provides further details for protecting these trees including fencing during the construction phase, which would be monitored by City staff.

CONCLUSIONS

The proposal is consistent with the OCP as it relates to low-rise multi-unit residential development within the Urban Residential areas and furthers the goals in the OCP. Staff recommend for Council's consideration that Council advance the Application to a Public Hearing, subject to the preparation of legal agreements.

ALTERNATE MOTION

That Council decline Application No. 00516 for the property located at 986, 988 and 990 Heywood Avenue.

Respectfully submitted,

C. R. Wain

Charlotte Wain
Senior Planner - Urban Design
Development Services Division

Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

Date: March 16, 2017

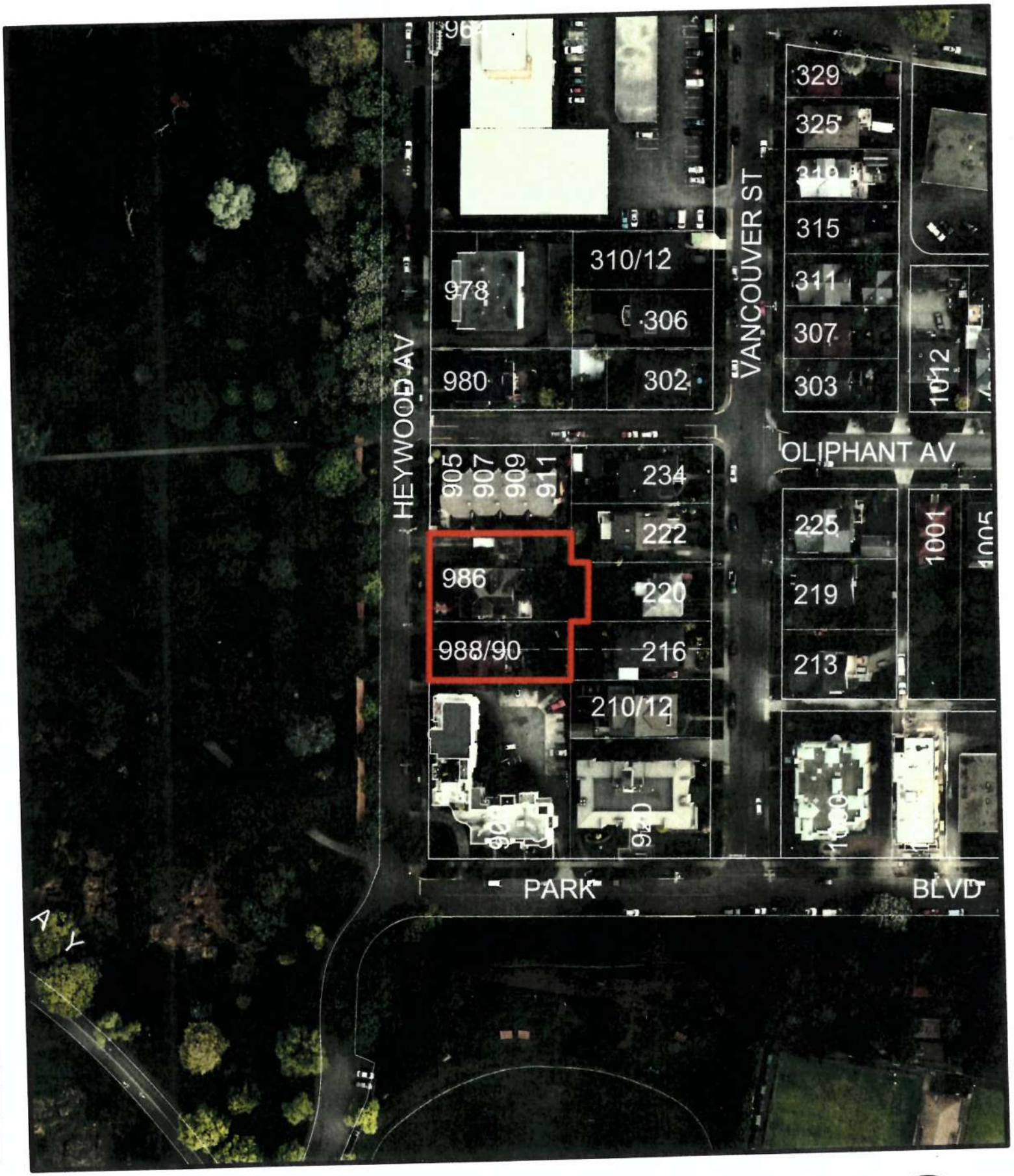
List of Attachments

- Subject Map
- Aerial Map
- Plans dated/date stamped February 27, 2017
- Tree Preservation Plan dated February 20, 2017
- Letter from applicant to Mayor and Council dated October 27, 2016
- Letter from architect dated March 6, 2017
- Staff report to Advisory Design Panel, dated January 6, 2017
- Minutes of January 25, 2017 Advisory Design Panel meeting
- Community Association Land Use Committee Comments dated October 20,2016
- Correspondence (Letters received from residents).

N

986 & 988 Heywood Avenue
Rezoning No.00531

CITY OF VICTORIA



N

986 & 988 Heywood Avenue
Rezoning No.00531

CITY OF VICTORIA

- SHEET LIST -

A000	COVER
A001	PROJECT DETAILS
A100	SITE PLAN
A200	PARKING LEVEL FLOOR PLAN
A201	MAIN LEVEL FLOOR PLAN
A202	2/3 LEVEL FLOOR PLANS
A203	PENTHOUSE LEVEL FLOOR PLAN
A204	ROOF PLAN
A300	W & N ELEVATIONS
A301	E & S ELEVATIONS
A400	SECTIONS
A401	SECTIONS
A500	PERSPECTIVE VIEWS
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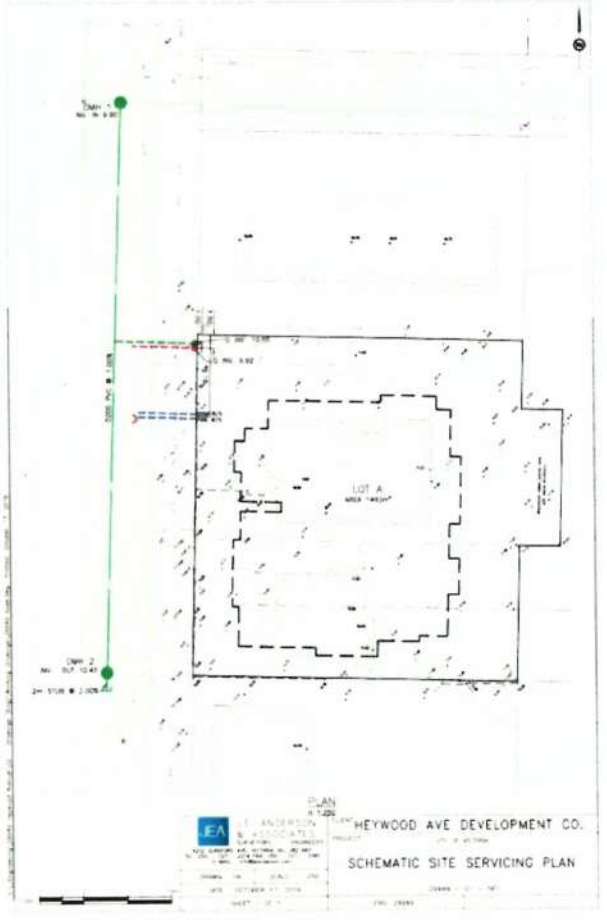

View of North West

View of South West

Project Location (Not to Scale)

ARCHITECT

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cmclean@seng.ca

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M3 MECHANICAL CONSULTANTS
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Contact:
Mark Williams
markwilliams@m3mech.ca

Revisions
Received Date:
February 27/17

Heywood Avenue Development Company

986-990 Heywood Avenue

ISSUED FOR REZONING & DP - 2017.02.24

1614	2/24/2017 2:59:15 PM
A000	2

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Victoria City Council - 08 Jun 2017

PROJECT DATA

CIVIC ADDRESS	986, 988, 990 Heywood Ave., Victoria, BC V8V 2Y6, V8V 4V4
LEGAL DESCRIPTION	PID 009-323-708 PLAN 24 VICTORIA PARCEL A (DD I 42967I) OF LOTS 22/23/48/49 OF LOT 1694 PID 009-324-437 LOT 49/50 PLAN 24 VICTORIA S PT 1694 & PT OF L50
ZONE	R3-AM-2, R1-B
PROJECT DESCRIPTION	MID-RISE MULTIPLE DWELLING NEW BUILD

CODE ANALYSIS

Building Area = 35m x 37m = 675m²
Therefore over 600m², ref Part 3.

3.1.2.1 - Occupancy C - Residential, 4 storeys

3.1.1.2 - Storage garage permitted as a separate building

3.2.2.50 - GROUP C up to 6 storeys, sprinklered

3.2.2.50.2 - permitted to be combustible or non-combustible

Sewer, Rating - 1

FRR - 1hr for floors

STOREY	CLASSIFICATION	CONSTRUCTION TYPE	FRR
Parking Level	3.2.2.83	Non-Combustible	45min
Level 1	3.2.2.50	Combustible	1hr
Level 2	3.2.2.50	Combustible	1hr
Level 3	3.2.2.50	Combustible	1hr
Level 4	3.2.2.50	Combustible	1hr

FLOOR	AREA	AREA PER PERSON	OCCUPANT LOAD	EXIT WIDTH Table 3.4.3.2.A
Parking Level	1300m²	46 sqm/p	28	1100mm
Level 1	6 Units	2 per unit	12	1100mm
Level 2	6 Units	2 per unit	12	1100mm
Level 3	6 Units	2 per unit	12	1100mm
Level 4	3 Units	2 per unit	6	1100mm

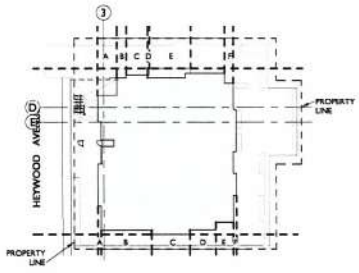
3.2.4.1 - Fire alarm req'd (sprinklered)

3.2.5.8.1 - Standpipe req'd (+3 storeys)

3.2.7.4 - Emergency power - 30min for lighting

3.2.7.8.3 a) & b)ii - Emergency power - 24h + 0.5h

	R3-AM-2 Zone Allowed/ Req'd		Proposed bldg.		Variance Req'd
# Storeys	4		4		-
Site Area	m²	sq. ft.	m²	sq. ft.	
Lot Area	-	-	1463.60	15,754.06	-
Site Coverage Main Building + Exposed Landscaped Portacle	40% max.		1,108.23	11,928.78	76% Yes
Open Site Space Main Building + Exposed Landscaped Portacle	30% min.		347.48	3,663.85	17% Yes
Open Site Space Front Yard	100%				100% -
Floor Areas (net incl. balconies)	m²	sq. ft.	m²	sq. ft.	
Parking Level	-	-	1114.26	12,001.71	-
Main Level	-	-	620.22	6,673.84	-
Level 2	-	-	614.50	6,609.04	-
Level 3	-	-	614.50	6,609.04	-
Penthouse Level	-	-	486.83	5,240.19	-
Total Floor Area	-	-	3,351.11	36,053.85	-
Total Floor Area minus Parking Level	-	-	2,334.85	25,152.13	-
Floor Space Ratio (FSR)	1.6		1.6		-
Units					
Total No. of Units	-		21		-
No. of 1 Bed Units	-		5		-
No. of 2 Bed Units	-		16		-
No. of Ground Orientated Units	-		6		-
Minimum Area of 1 Bed Unit	33.00	355.21	34.00	376.89	-
Minimum Area of 2 Bed Unit	-	-	91.20	979.22	-
Total Residential Floor Area	-	-	1934.00	20,709.76	-
Setbacks	m	ft	m	ft	
Front (West) lot line (Building face)	10.50	34.45	4.26	13.98	Yes
Front (West) lot line (Edge of fin)	10.50	34.45	3.76	12.34	Yes
Front (West) lot line (Balcony projection)	8.5	27.89	4.26	13.98	Yes
Front (West) lot line (Portacle face)	10.50	34.45	0.00	0.00	-
Long Rear (East) lot line (Building face)	7.14	23.45	11.87	38.94	-
Long Rear (East) lot line (Edge of fin)	7.14	23.45	11.21	38.42	-
Long Rear (East) lot line (Portacle face)	7.14	23.45	0.72	2.36	Yes
Short Rear (East) lot line (Building face)	7.14	23.45	7.59	23.95	-
Short Rear (East) lot line (Edge of fin)	7.14	23.45	7.14	23.45	Yes
Short Rear (East) lot line (Portacle face)	7.14	23.45	1.25	4.00	Yes
Exterior Sideyard (North) (Building face)	7.14	23.45	5.46	17.91	Yes
Exterior Sideyard (North) (Portacle face)	7.14	23.45	0.90	2.95	Yes
Interior Sideyard (South) (Building face)	7.14	23.45	2.46	8.07	Yes
Interior Sideyard (South) (Portacle face)	7.14	23.45	0.27	1.87	Yes
West Property Line to Street centre line	-	-	9.08	29.79	-
Height (Geodesic)	m	ft	m	ft	
Average Grade (Geodesic)	-	-	11.88	38.98	-
Building Height	13.00	39.37	14.30	46.85	Yes
Floor to ceiling heights Portacle (average)	-	-	2.95	9.68	-
Main Floor	-	-	2.74	9.00	-
Second Floor	-	-	2.74	9.00	-
Third Floor	-	-	2.74	9.00	-
Penthouse Floor	-	-	3.05	10.00	-
Parking					
Regular Stalls	-	-	28		-
Visitor Stalls	-	3	3		-
Disabled Stalls	-	-	1		-
Total Stalls (Ratio 1.4 x # units)	-	29	29		-
Exterior Storage	-	-	4		-
Bike Storage - Class 1 (100% per unit)	-	21	23 (12 No. horizontal)		-
Bike Storage - Class 2 (6 space rack)	-	6	6		-

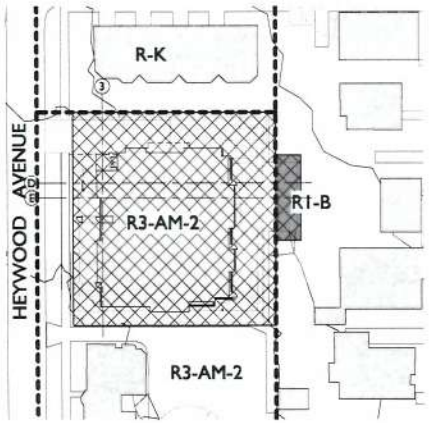


LIMITING DISTANCE PLAN

LIMITING DISTANCE CALCULATION

Table 3.2.3.1.D - Unprotected Opening Limits for a Building or Fire Compartment that is Sprinklered Throughout

SURFACE	DISTANCE TO PROPERTY LINE	DISTANCE TO CENTRE OF STREET	PERMITTED % AREA OF UNPROTECTED OPENINGS	ACTUAL % AREA OF UNPROTECTED OPENINGS
North				
A	1.17	-	100	15.03
B	3.47	-	100	8.09
C	5.41	-	89	5.0
D	5.30	-	100	23.14
E	3.07	-	100	8
F	11.09	-	100	44.16
Rule	7.49	-	75	75
South				
A	7.73	-	100	8
B	5.89	-	91	10.89
C	5.45	-	97	9.13
D	5.45	-	100	97.34
E	9.76	-	100	97.34
F	9.60	-	100	8
Rule	-	1.24	100	75



R1-B SINGLE FAMILY DWELLING

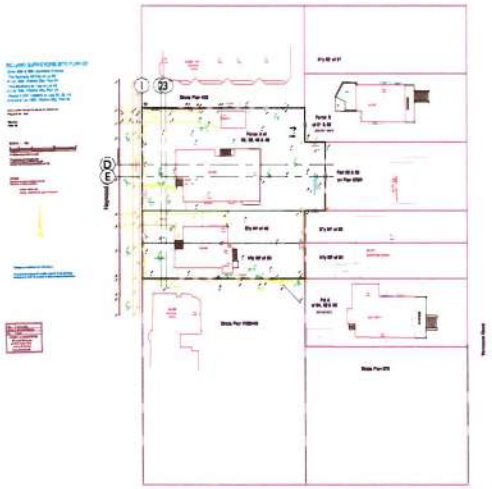
R-K MEDIUM DENSITY ATTACHED DWELLING

R3 - AM - 2 MID-RISE MULTIPLE DWELLING

LOT AREA - 1,463.60 m² / 15,754.74 sqft

PROPOSED AREA FOR RE-ZONING (R1-B to R3-AM-2) - 69.56 m² / 748.74 sqft

SITE ZONING PLAN



5 SITE SURVEY
1 : 500

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NO.	DESCRIPTION	DATE
2	DP Review Revisions	20 17.02.24
1	DP Review Revisions	2016. 7.06

DRAWING
PROJECT DETAILS

PROJECT
986-990 Heywood Avenue
Heywood Avenue Development Company

986-990 Heywood Avenue
Victoria, BC

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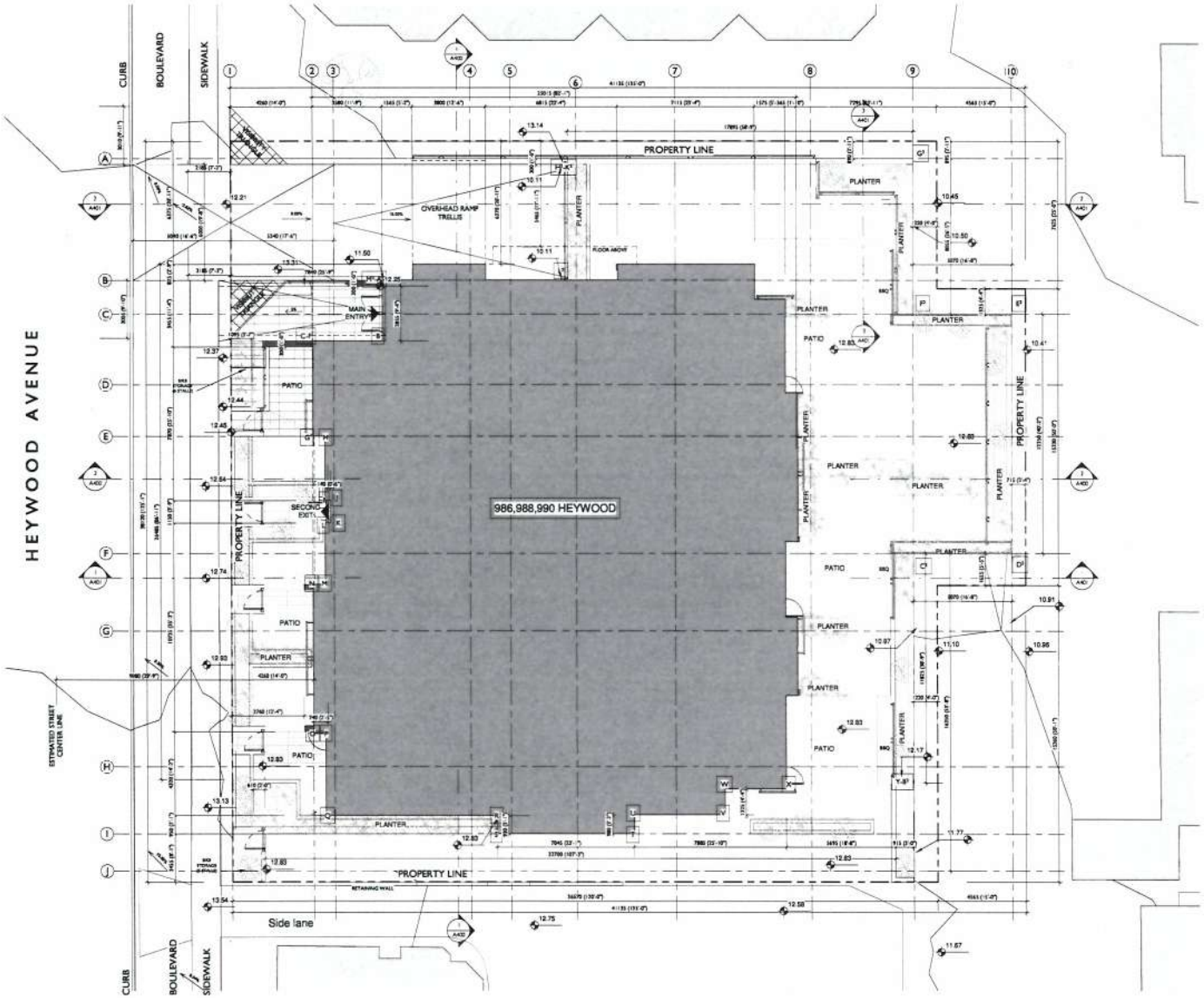
SCALE	As Indicated
PROJECT NUMBER 1614	Date 2017.02.24
DRAWING FILE 1614-990 Heywood Ave	CHECKED BY GD / PJ / DRAWN BY JBH
	REV 2017.02.24 2
	DWG NO. A001

Victoria City Council - 08 Jun 2017



1 SITE PLAN
1 : 100

AVERAGE GRADE CALCULATIONS

Points	Average of Grade Points (m)		Distance between Grade Points (m)		Totals
A - B	(12.83 + 12.83) / 2	x	2.86	=	36.69
B - C	(12.83 + 12.83) / 3	x	3.76	=	48.24
C - D	(12.83 + 12.83) / 3	x	0.00	=	0.00
D - E	(12.83 + 12.83) / 3	x	0.30	=	3.85
E - F	(12.83 + 12.83) / 3	x	0.00	=	0.00
F - G	(12.83 + 12.83) / 2	x	4.60	=	59.02
G - H	(12.83 + 12.83) / 2	x	0.74	=	9.49
H - I	(12.83 + 12.83) / 3	x	3.27	=	41.95
I - J	(12.83 + 12.83) / 2	x	0.16	=	2.71
J - K	(12.83 + 12.83) / 3	x	1.15	=	14.75
K - L	(12.83 + 12.83) / 3	x	0.16	=	2.71
L - M	(12.83 + 12.83) / 2	x	3.15	=	40.41
M - N	(12.83 + 12.83) / 2	x	0.74	=	9.49
N - O	(12.83 + 12.83) / 3	x	7.58	=	97.25
O - P	(12.83 + 12.83) / 2	x	0.74	=	9.49
P - Q	(12.83 + 12.83) / 3	x	4.34	=	55.68
Q - R	(12.83 + 12.83) / 3	x	8.78	=	112.65
R - S	(12.83 + 12.83) / 2	x	0.93	=	11.93
S - T	(12.83 + 12.83) / 3	x	7.05	=	90.45
T - U	(12.83 + 12.83) / 2	x	0.98	=	12.57
U - V	(12.83 + 12.83) / 2	x	4.70	=	60.30
V - W	(12.83 + 12.83) / 3	x	1.33	=	17.05
W - X	(12.83 + 12.83) / 3	x	2.55	=	32.72
X - Y	(12.83 + 12.83) / 2	x	6.34	=	81.34
Y - Z	(12.83 + 12.17) / 2	x	0.00	=	0.00
Z - A1	(12.17 + 12.17) / 2	x	0.92	=	11.20
A1-B1	(12.17 + 11.75) / 3	x	0.00	=	0.00
B1-C1	(11.75 + 10.97) / 2	x	11.63	=	132.17
C1-D1	(10.97 + 10.91) / 2	x	5.10	=	55.79
D1-E1	(10.91 + 10.50) / 2	x	12.45	=	134.02
E1-F1	(10.50 + 10.62) / 2	x	5.10	=	53.86
F1-G1	(10.62 + 10.50) / 2	x	8.06	=	85.55
G1-H1	(10.50 + 11.60) / 2	x	17.87	=	197.46
H1-I1	(11.60 + 13.14) / 2	x	0.00	=	0.00
I1-J1	(13.14 + 12.14) / 2	x	0.30	=	3.79
J1-K1	(13.14 + 10.11) / 2	x	0.00	=	0.00
K1-L1	(10.11 + 10.11) / 2	x	6.00	=	60.66
L1-M1	(10.11 + 11.50) / 2	x	9.44	=	102.00
M1-N1	(11.50 + 13.49) / 2	x	0.00	=	0.00
N1-O1	(13.49 + 13.49) / 2	x	0.30	=	4.05
O1-A	(13.49 + 12.83) / 2	x	0.00	=	0.00
			Grand Total	=	1,702.84 m

Average Grade Calculation = 1,702.84 / 143.38 (Building Perimeter) = 11.88 m

Average Grade - 11.88m

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NO.	DESCRIPTION	DATE
2	DP Review Revisions	2017.02.24
1	DP Review Submission	2016.12.06

DRAWING
SITE PLAN

PROJECT
986-990 Heywood Avenue
Heywood Avenue Development Company
986-990 Heywood Avenue
Victoria, BC

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SCALE
1 : 100

PROJECT NUMBER	Date
1614	2017.02.24
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1614-990 Heywood Ave	GD / PJ / JBH
	APV 2017.02.24
	DWG NO. A100

Victoria City Council - 08 Jun 2017

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NO.	DESCRIPTION	DATE
1	DP Update Revisions	2017.03.24
2	DP Update Revisions	2017.06.08

DRAWING: PARKING LEVEL FLOOR PLAN

PROJECT: 986-990 Heywood Avenue
Heywood Avenue Development Company

986-990 Heywood Avenue
Victoria, BC

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PROJECT NUMBER: 1614 | Date: 2017.03.24

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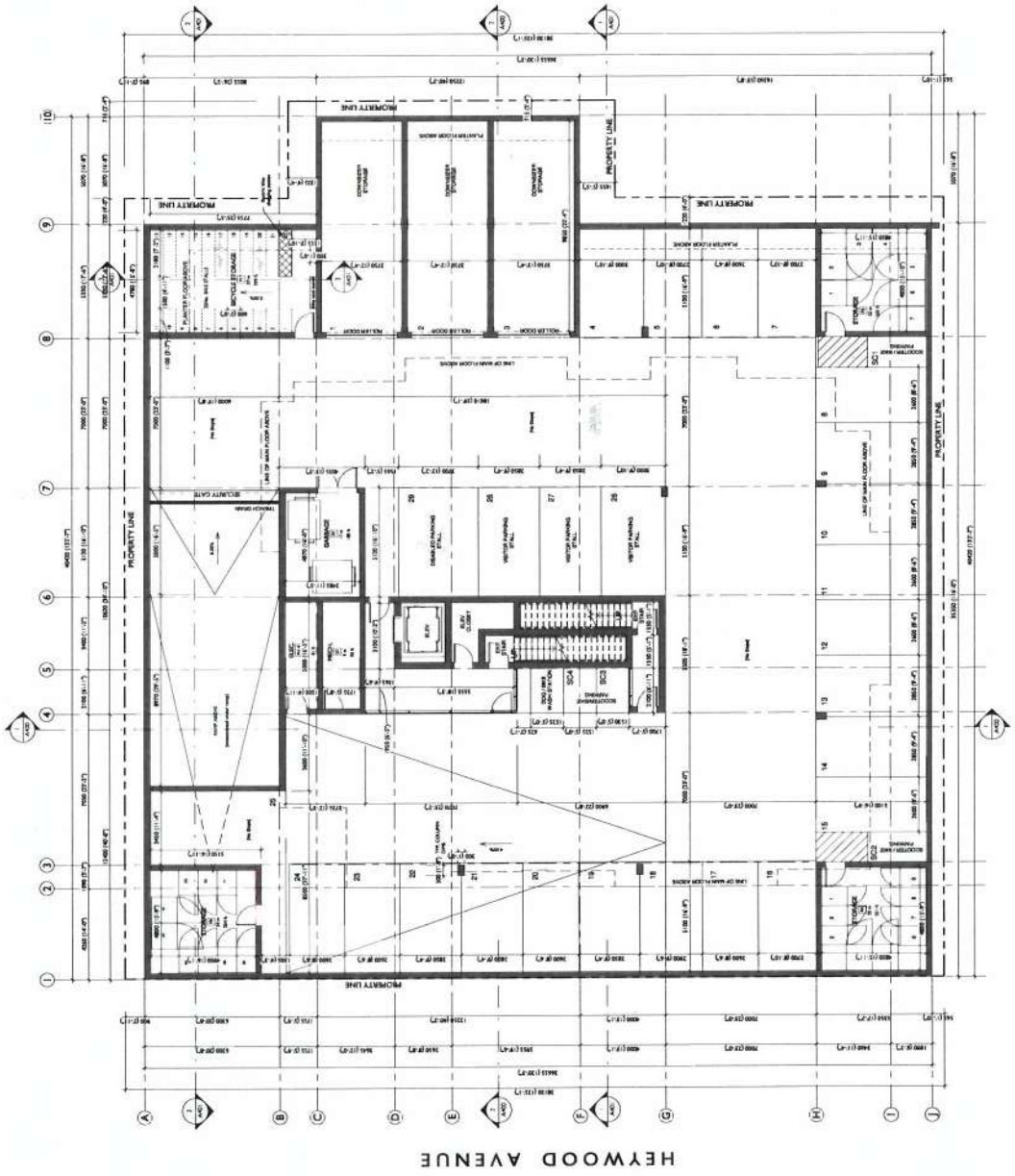
REV: 2 | 2017.06.24

DWG NO: A200



1 PARKING LEVEL PLAN
1 : 100

- SHEET LIST -

A000	COVER
A001	PROJECT DETAILS
A100	SITE PLAN
A200	PARKING LEVEL FLOOR PLAN
A201	MAIN LEVEL FLOOR PLAN
A202	2/3 LEVEL FLOOR PLANS
A203	PENTHOUSE LEVEL FLOOR PLAN
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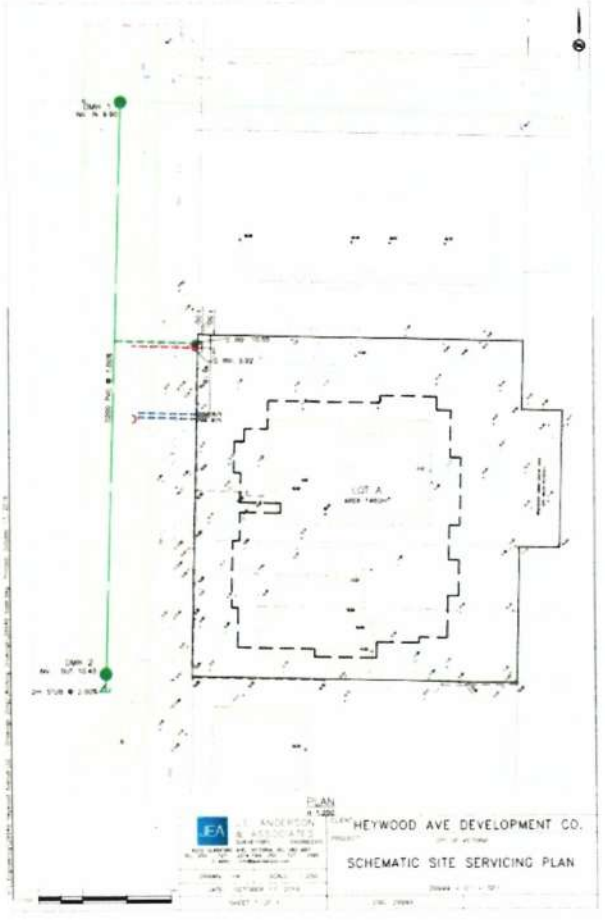

View of North West

View of South West

Project Location (Not to Scale)

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MECHANICAL ENGINEER

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CITY OF VICTORIA
Revisions
Received Date: February 27/17

Heywood Avenue Development Company

986-990 Heywood Avenue

ISSUED FOR REZONING & DP - 2017.02.24

1614	2/24/2017 2:59:15 PM
A000	2

CASCADIA ARCHITECTS INC
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Victoria BC V8V 3J6 Canada
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www.cascadiaarchitects.ca

Victoria City Council - 08 Jun 2017

PROJECT DATA

CIVIC ADDRESS	986, 988, 990 Heywood Ave., Victoria, BC V8V 2Y6, V8V 4W4
LEGAL DESCRIPTION	PID 009-323-708 PLAN 24 VICTORIA PARCEL A (DD 142967I) OF LOTS 22/23/48/49 OF LOT 1694 PID 009-324-437 LOT 49/50 PLAN 24 VICTORIA S PT L49 & PT OF L50
ZONE	R3-AM-2, R1-B
PROJECT DESCRIPTION	MID-RISE MULTIPLE DWELLING NEW BUILD

CODE ANALYSIS

Building Area = 35m x 37m = 675m²
Therefore over 600m², see Part 3.

3.1.2.1 - Occupancy C - Residential, 4 storeys

3.3.1.2 - Storage garage permitted as a separate building

3.2.2.50 - GROUP C up to 6 storeys, sprinklered

3.2.2.50.2 - permitted to be combustible or non-combustible

Streets, Facing = 1

FRR = 1hr for floors

STOREY	CLASSIFICATION	CONSTRUCTION TYPE	FRR
Parking Level	3.2.2.83	Non-Combustible	45min
Level 1	3.2.2.50	Combustible	1hr
Level 2	3.2.2.50	Combustible	1hr
Level 3	3.2.2.50	Combustible	1hr
Level 4	3.2.2.50	Combustible	1hr

FLOOR	AREA	AREA PER PERSON	OCCUPANT LOAD	EXIT WIDTH Table 3.4.3.2.a
Parking Level	1300m²	46 sq/m/p	28	1100mm
Level 1	6 Units	2 per unit	12	1100mm
Level 2	6 Units	2 per unit	12	1100mm
Level 3	6 Units	2 per unit	12	1100mm
Level 4	3 Units	2 per unit	6	1100mm

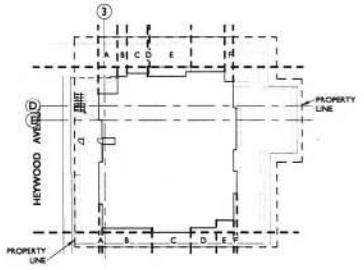
3.2.4.1 - Fire alarm req'd (sprinklered)

3.2.5.8.1 - Standpipe req'd (>3 storeys)

3.2.7.4 - Emergency power - 30mins for lighting

3.2.7.8.3 a) & b)ii - Emergency power - 24h + 0.5h

	R3-AM-2 Zone Allowed/ Req'd		Proposed Bldg.		Variance Req'd	
# Storeys	4		4		-	
Site Area	m²	sq. ft	m²	sq. ft		
Lot Area	-	-	1463.60	15,754.06	-	
Site Coverage Main Building + Exposed Landscaped Parkade	-	40% max.	1,108.33	11,930.78	76%	Yes
Open Site Space Main Building + Exposed Landscaped Parkade	-	30% min.	347.48	3,663.85	17%	Yes
Open Site Space From Yard	-	100%	-	-	100%	-
Floor Areas (net incl. balconies)	m²	sq. ft	m²	sq. ft		
Parking Level	-	-	1116.56	12,017.31		-
Main Level	-	-	620.22	6,673.84		-
Level 2	-	-	614.30	6,609.54		-
Level 3	-	-	614.30	6,609.54		-
Penthouse Level	-	-	486.83	5,240.19		-
Total Floor Area	-	-	3,351.11	36,073.83		-
Total Floor Area minus Parking Level	-	-	2,234.85	24,056.52		-
Floor Space Ratio (FSR)	-	1.6	-	1.6		-
Units						
Total No. of Units	-	-	21			-
No. of 1 Bed Units	-	-	3			-
No. of 2 Bed Units	-	-	18			-
No. of Ground Orientated Units	-	-	6			-
Minimum Area of 1 Bed Unit	33.00	355.21	34.00	376.89		-
Minimum Area of 2 Bed Unit	-	-	91.00	979.52		-
Total Residential Floor Area	-	-	1924.00	20,709.76		-
Setbacks	m	ft	m	ft		
Frame (West) lot line (Building face)	15.30	54.45	4.56	13.98		Yes
Frame (West) lot line (Edge of fin)	10.50	34.45	3.76	12.34		Yes
Frame (West) lot line (Balcony projection)	8.5	27.89	4.56	13.98		Yes
Frame (West) lot line (Parkade face)	10.50	34.45	0.00	0.00		-
Long Rear (East) lot line (Building face)	7.14	23.43	11.87	38.94		-
Long Rear (East) lot line (Edge of fin)	7.14	23.43	11.21	36.42		-
Long Rear (East) lot line (Parkade face)	7.14	23.43	0.72	7.36		Yes
Short Rear (East) lot line (Building face)	7.14	23.43	7.29	23.91		-
Short Rear (East) lot line (Edge of fin)	7.14	23.43	7.14	23.43		-
Short Rear (East) lot line (Parkade face)	7.14	23.43	1.22	4.00		Yes
Exterior Sideyard (North) (Building face)	7.14	23.43	5.46	17.91		Yes
Exterior Sideyard (North) (Parkade face)	7.14	23.43	0.90	2.95		Yes
Interior Sideyard (South) (Building face)	7.14	23.43	2.46	8.07		Yes
Interior Sideyard (South) (Parkade face)	7.14	23.43	0.57	1.87		Yes
West Property Line to Street centre line	-	-	9.08	29.79		-
Height (Geodetic)	m	ft	m	ft		
Average Grade (Geodetic)	-	-	11.88	38.98		-
Building Height	13.00	39.37	14.28	46.85		Yes
Floor to ceiling heights Parkade (average)	-	-	2.95	9.68		-
Main Floor	-	-	3.74	9.00		-
Second Floor	-	-	3.74	9.00		-
Third Floor	-	-	3.74	9.00		-
Penthouse Floor	-	-	3.05	10.00		-
Parking						
Regular Stalls	-	-	28			-
Visitor Stalls	-	3	3			-
Disabled Stalls	-	-	1			-
Total Stalls (Ratio 1.4 x # units)	-	29	29			-
Scooter Storage	-	-	4			-
Bike Storage - Class 1 (100% per unit)	-	21	23 (12 No. horizontal)			-
Bike Storage - Class 2 (6 space rack)	-	6	6			-

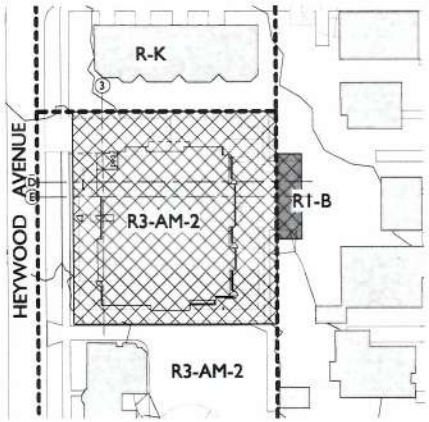


LIMITING DISTANCE PLAN

LIMITING DISTANCE CALCULATION

Table 3.2.3.1.D - Unprotected Opening Limits for a Building or Fire Compartment that is Sprinklered Throughout

ELEVATION	DISTANCE TO PROPERTY LINE	DISTANCE TO CENTRE OF STREET	PERMITTED % AREA OF UNPROTECTED OPENINGS	ACTUAL % AREA OF UNPROTECTED OPENINGS
North				
A	13.10	-	100	15.00
B	6.57	-	100	23.00
C	3.60	-	100	6.89
D	7.30	-	100	53.19
E	6.57	-	100	9
F	13.88	-	100	43.15
Real	7.14	-	75	75
South				
A	7.75	-	100	9
B	3.60	-	100	31.89
C	5.46	-	72	9.83
D	5.90	-	69	91.26
E	4.76	-	100	97.24
F	9.60	-	100	9
West	-	15.84	100	75

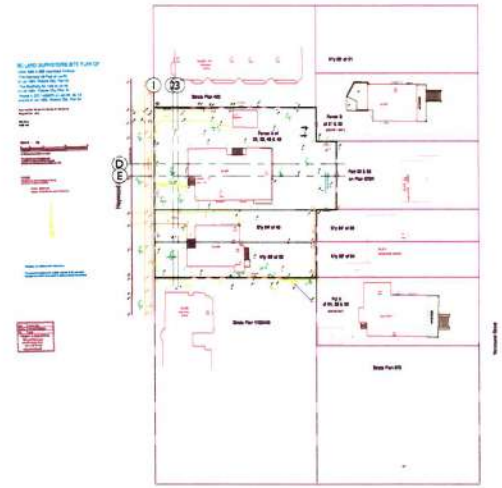


SITE ZONING PLAN

R1-B SINGLE FAMILY DWELLING
R-K MEDIUM DENSITY ATTACHED DWELLING
R3 - AM - 2 MID-RISE MULTIPLE DWELLING

LOT AREA - 1,463.60 m² / 15,754.74 sqft

PROPOSED AREA FOR RE-ZONING (R1-B to R3-AM-2) - 69.56 m² / 748.74 sqft



5 SITE SURVEY
1 : 500

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NO.	DESCRIPTION	DATE
2	DP Review Revisions	2017.02.24
1	DP Review Revisions	2016. 3.06

DRAWING
PROJECT DETAILS

PROJECT
986-990 Heywood Avenue
Heywood Avenue Development Company

986-990 Heywood Avenue
Victoria, BC

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A001

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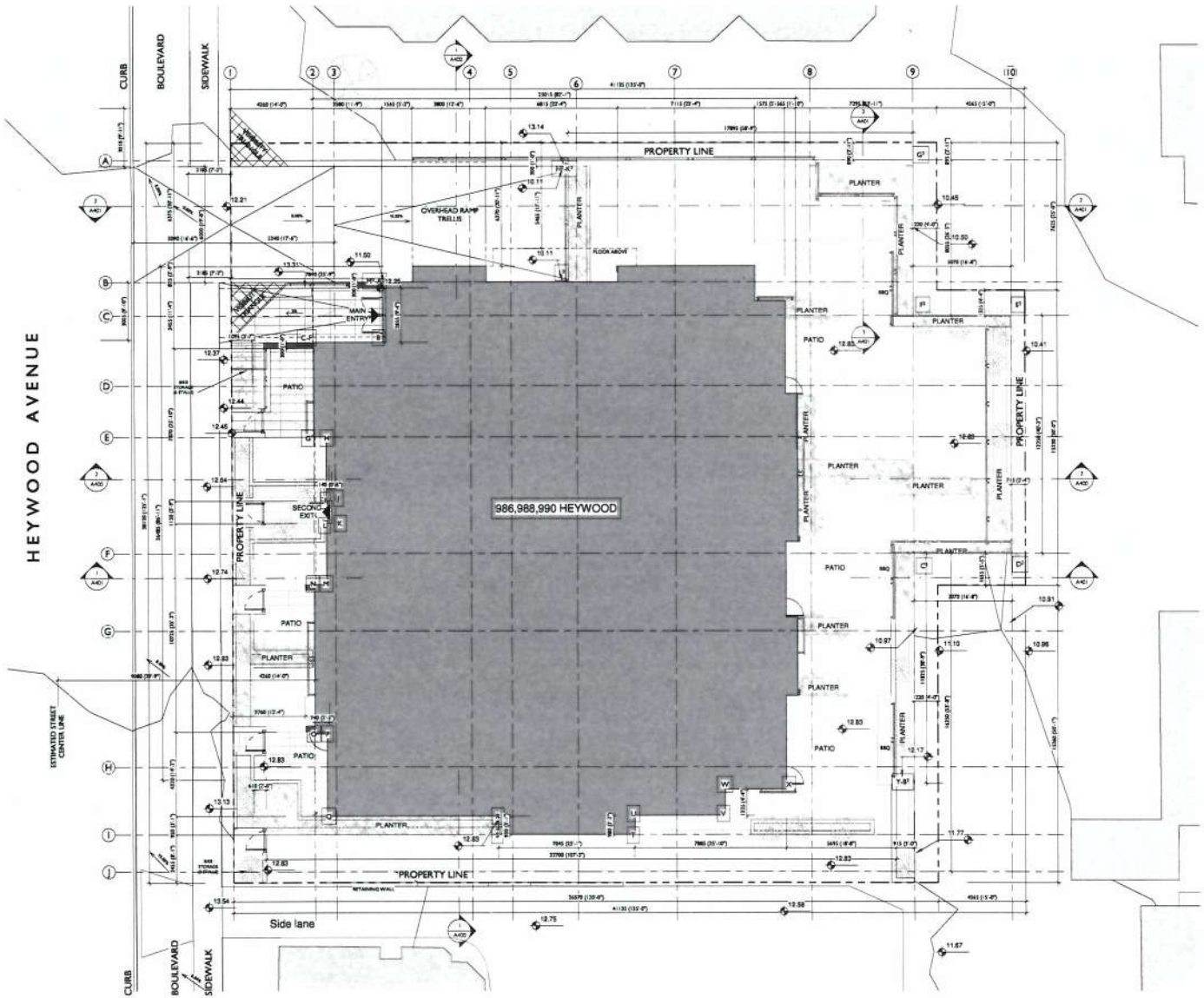

1 SITE PLAN
1 : 100

AVERAGE GRADE CALCULATIONS

Points	Average of Grade Points (m)		Distance between Grade Points (m)		Totals
A - B	(12.83 + 12.83) / 2	x	2.86	=	36.69
B - C	(12.83 + 12.83) / 2	x	3.76	=	48.24
C - D	(12.83 + 12.83) / 2	x	0.00	=	0.00
D - E	(12.83 + 12.83) / 2	x	0.30	=	3.85
E - F	(12.83 + 12.83) / 2	x	0.00	=	0.00
F - G	(12.83 + 12.83) / 2	x	4.60	=	59.02
G - H	(12.83 + 12.83) / 2	x	0.74	=	9.49
H - I	(12.83 + 12.83) / 2	x	3.27	=	41.95
I - J	(12.83 + 12.83) / 2	x	0.16	=	2.71
J - K	(12.83 + 12.83) / 2	x	1.15	=	14.75
K - L	(12.83 + 12.83) / 2	x	0.16	=	2.71
L - M	(12.83 + 12.83) / 2	x	3.15	=	40.41
M - N	(12.83 + 12.83) / 2	x	0.74	=	9.49
N - O	(12.83 + 12.83) / 2	x	7.58	=	97.25
O - P	(12.83 + 12.83) / 2	x	0.74	=	9.49
P - Q	(12.83 + 12.83) / 2	x	4.34	=	55.68
Q - R	(12.83 + 12.83) / 2	x	8.78	=	112.65
R - S	(12.83 + 12.83) / 2	x	0.93	=	11.93
S - T	(12.83 + 12.83) / 2	x	7.05	=	90.45
T - U	(12.83 + 12.83) / 2	x	0.98	=	12.57
U - V	(12.83 + 12.83) / 2	x	4.70	=	60.30
V - W	(12.83 + 12.83) / 2	x	1.33	=	17.45
W - X	(12.83 + 12.83) / 2	x	2.55	=	32.72
X - Y	(12.83 + 12.83) / 2	x	6.34	=	81.34
Y - Z	(12.83 + 12.17) / 2	x	0.00	=	0.00
Z - A1	(12.17 + 12.17) / 2	x	0.92	=	11.20
A1-B1	(12.17 + 11.75) / 2	x	0.00	=	0.00
B1-C1	(11.75 + 10.97) / 2	x	11.63	=	132.17
C1-D1	(10.97 + 10.91) / 2	x	5.10	=	55.79
D1-E1	(10.91 + 10.50) / 2	x	12.45	=	134.02
E1-F1	(10.50 + 10.42) / 2	x	5.10	=	53.86
F1-G1	(10.63 + 10.50) / 2	x	8.06	=	89.55
G1-H1	(10.50 + 11.60) / 2	x	17.87	=	197.46
H1-I1	(11.60 + 13.14) / 2	x	0.00	=	0.00
I1-J1	(13.14 + 12.14) / 2	x	0.30	=	3.79
J1-K1	(13.14 + 10.11) / 2	x	0.00	=	0.00
K1-L1	(10.11 + 10.11) / 2	x	6.00	=	60.66
L1-M1	(10.11 + 11.50) / 2	x	9.44	=	102.00
M1-N1	(11.50 + 13.49) / 2	x	0.00	=	0.00
N1-O1	(13.49 + 13.49) / 2	x	0.30	=	4.05
O1-A	(13.49 + 12.83) / 2	x	0.00	=	0.00
			Grand Total	=	1,702.84 m

Average Grade Calculation = 1,702.84 / 143.38 (Building Perimeter) = 11.88 m

Average Grade - 11.88m

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NO.	DESCRIPTION	DATE
2	DP Review Revisions	2017.02.24
1	DP Review Revisions	2016.12.06

DRAWING
SITE PLAN

PROJECT
986-990 Heywood Avenue
Heywood Avenue Development Company
986-990 Heywood Avenue
Victoria, BC

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SCALE
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NO.	DESCRIPTION	DATE
2	DP Basic Notations	2017.03.24
1	DP Submission	2016.12.16

DRAWING: PARKING LEVEL FLOOR PLAN

PROJECT: 986-990 Heywood Avenue
Heywood Avenue Development Company
986-990 Heywood Avenue
Victoria, BC

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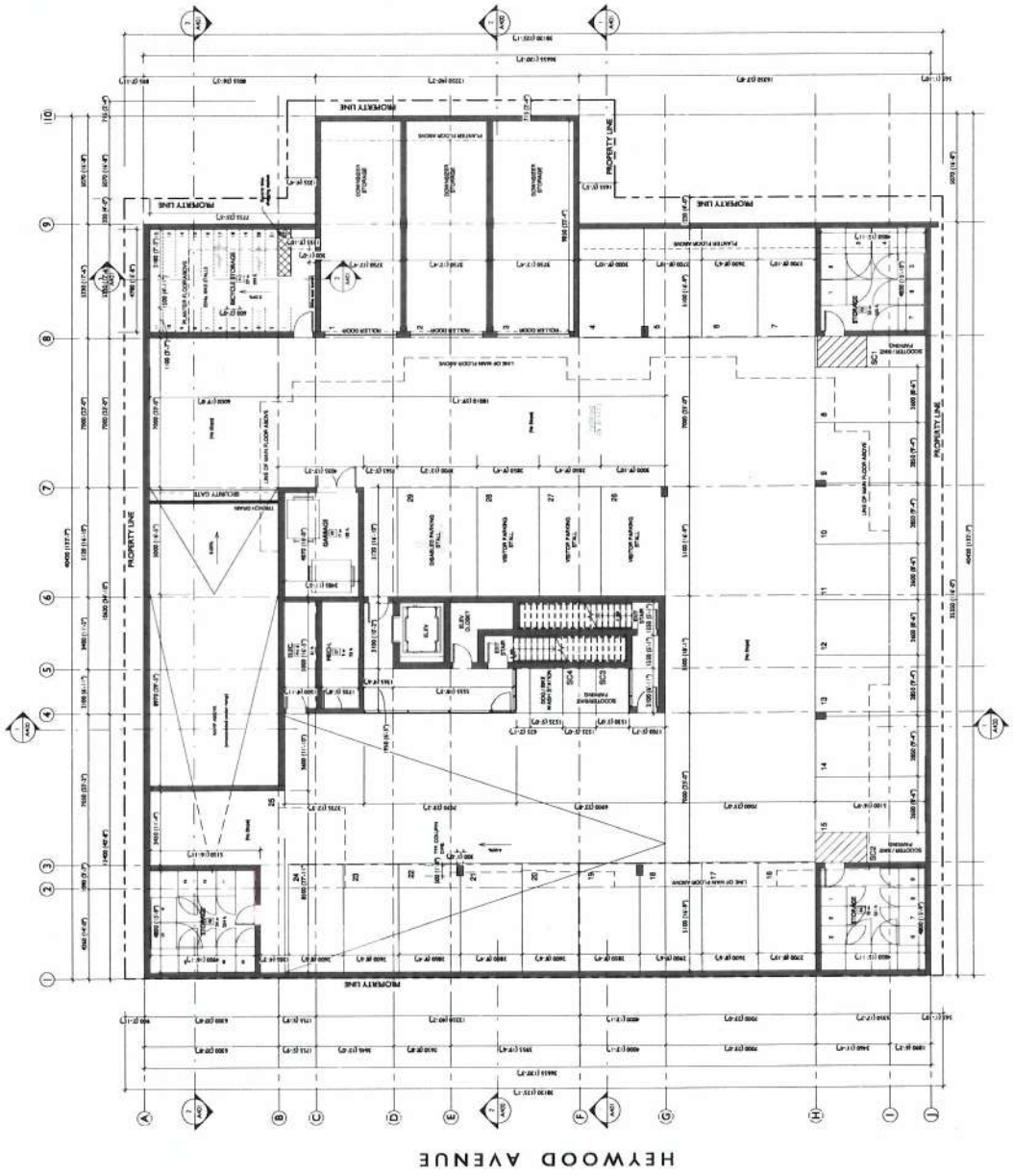
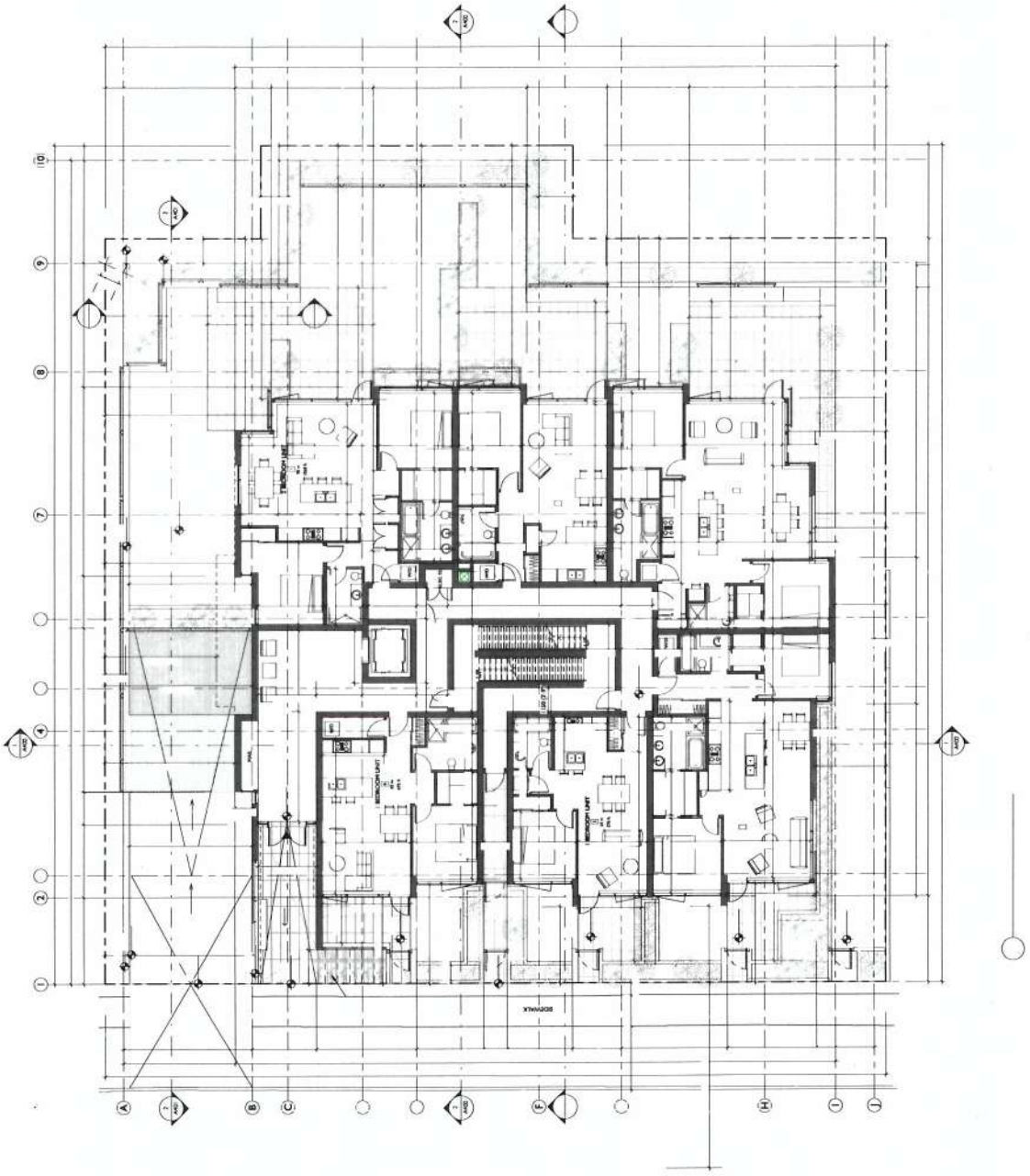
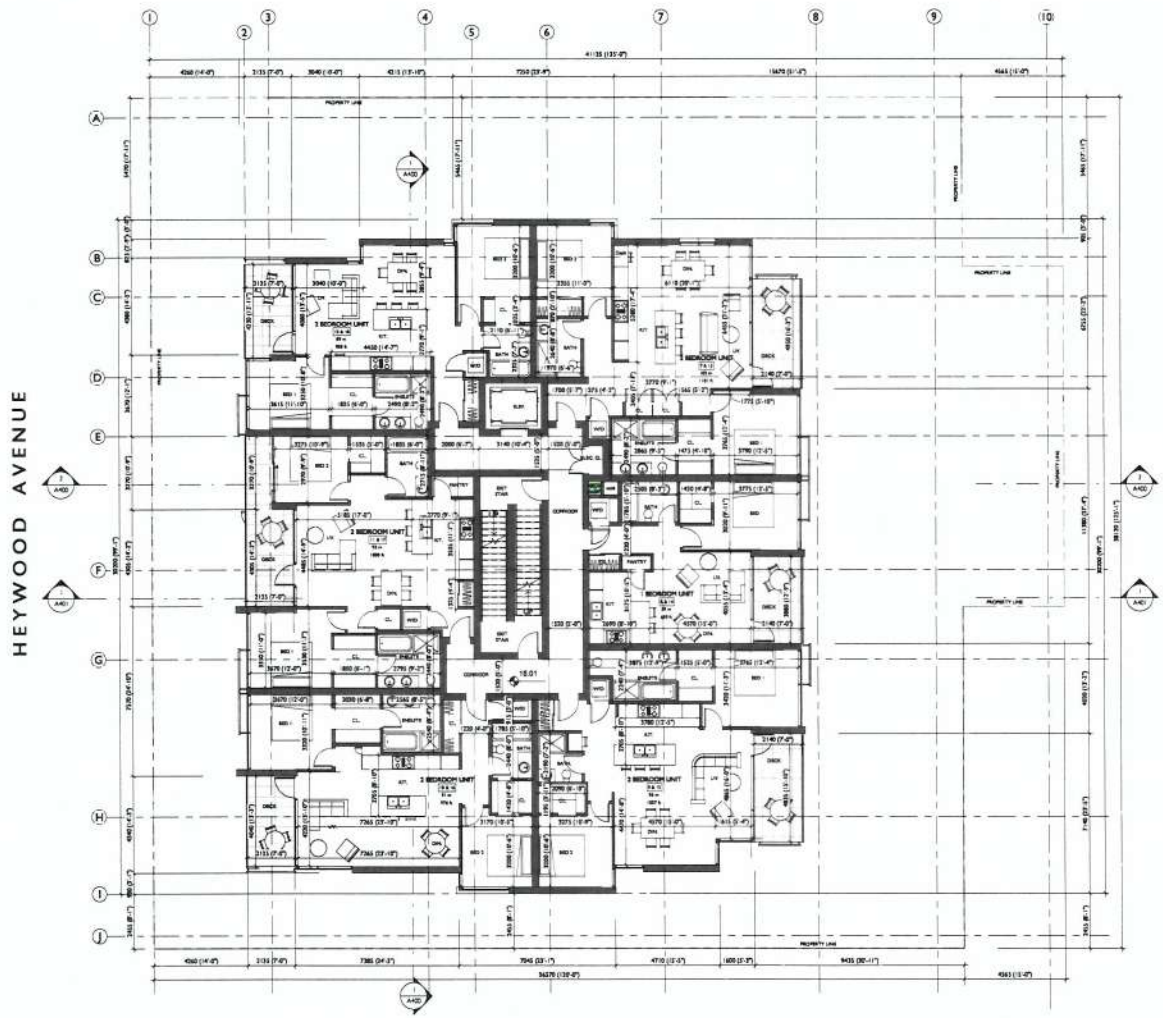


1 PARKING LEVEL PLAN
1 : 100





1 LEVEL 02 + 03 PLAN
1 : 100

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3	DP Review Revisions	2017.02.24
1	DP Review Revisions	2016.3.06

DRAWING
2/3 LEVEL FLOOR PLANS

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Heywood Avenue Development Company

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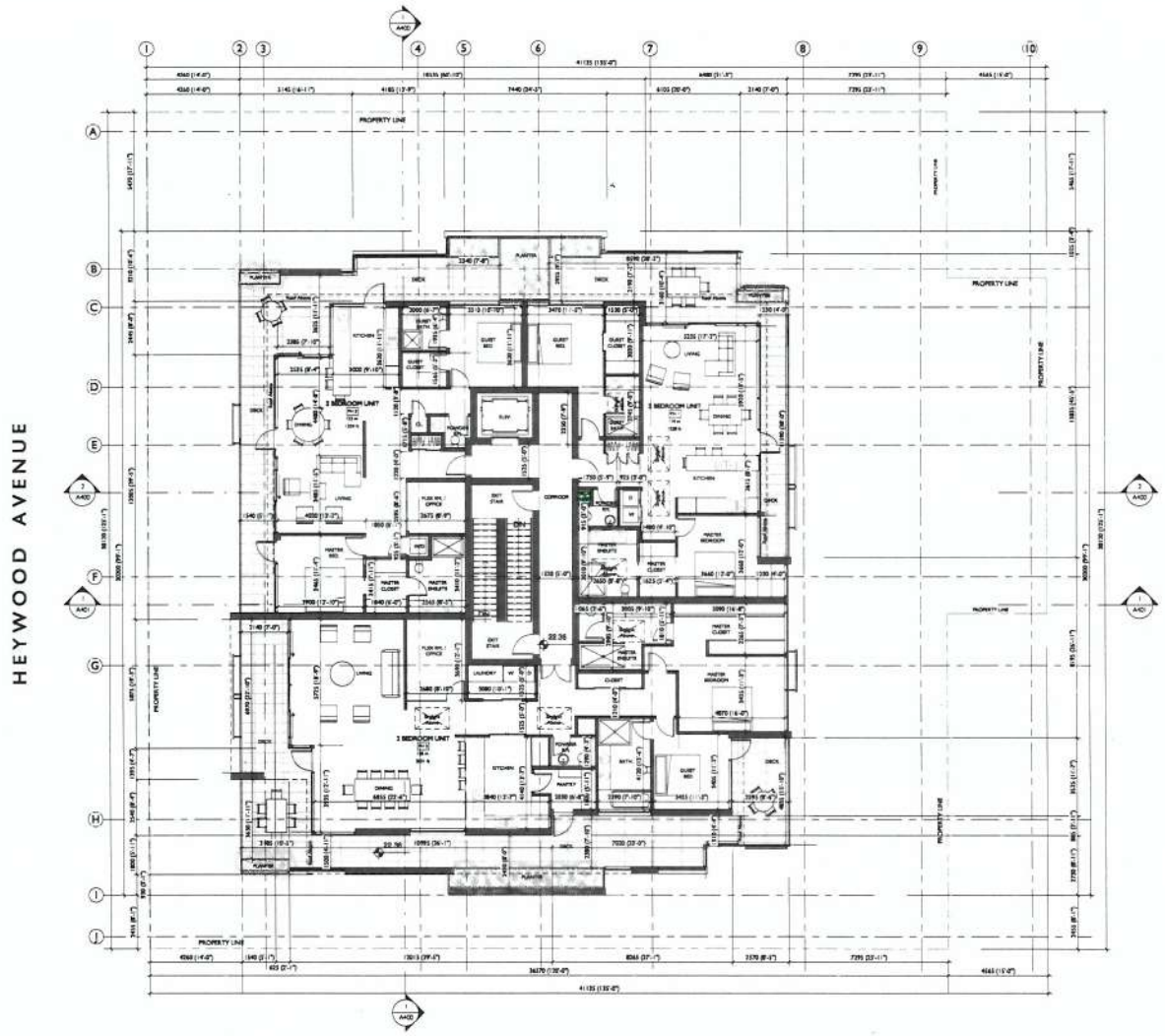

1 PENTHOUSE LEVEL PLAN
1 : 100

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1	DP Review Revisions	2016.10.06

DRAWING
PENTHOUSE LEVEL FLOOR PLAN

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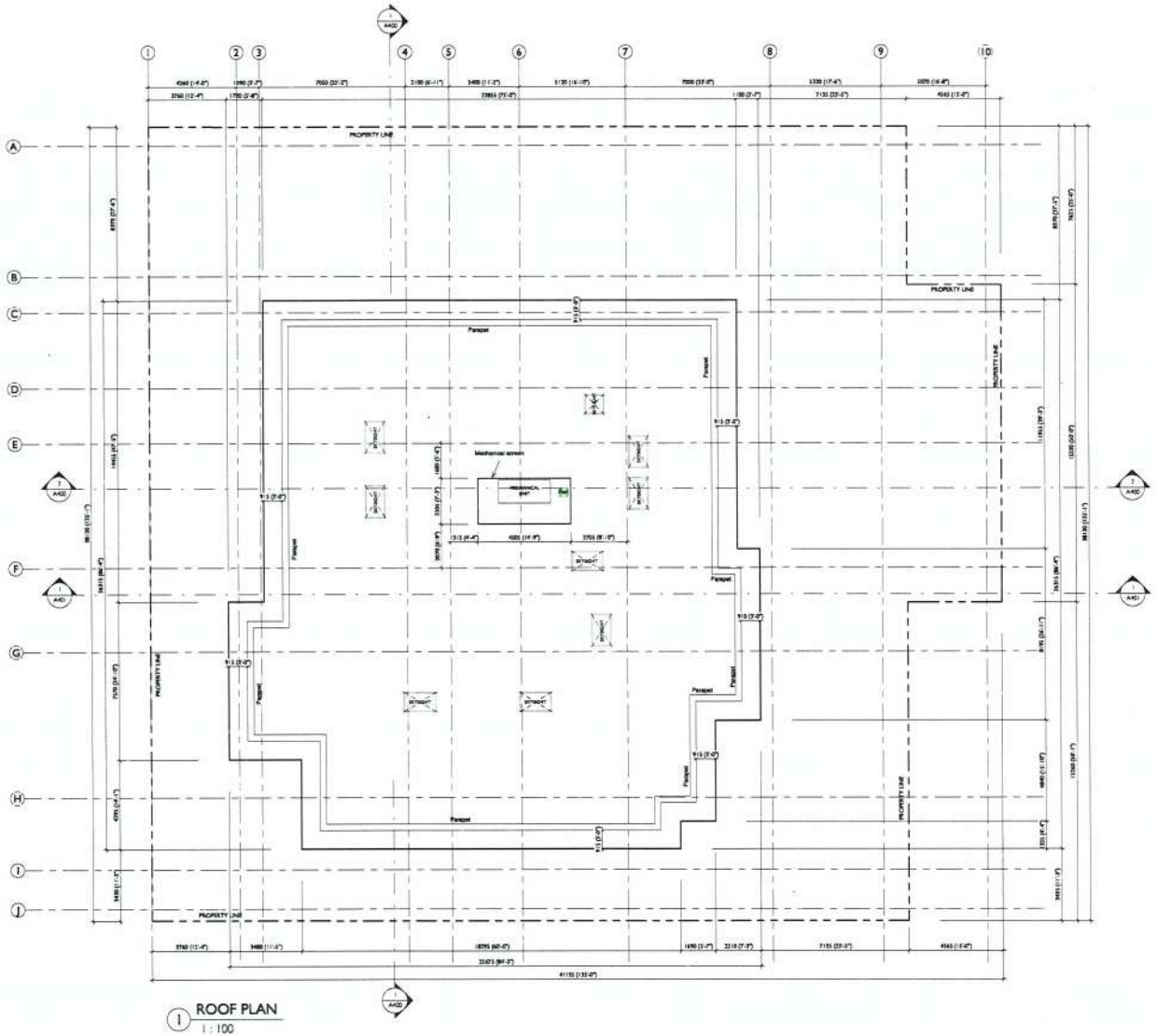

1 ROOF PLAN
1 : 100

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NO.	DESCRIPTION	DATE
2	DP Review Revisions	2017.03.24
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DRAWING
ROOF PLAN

PROJECT
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Heywood Avenue Development Company

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2017.03.24

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1 WEST ELEVATION

2 NORTH ELEVATION

CASCADIA ARCHITECTS INC.

MATERIAL KEY

NO DESCRIPTION DATE

W & N ELEVATIONS

986-990 Heywood Avenue

Heywood Avenue Development Company

986-990 Heywood Avenue
Victoria, BC

As indicated

2017.02.24

GD / PJ

2

A300

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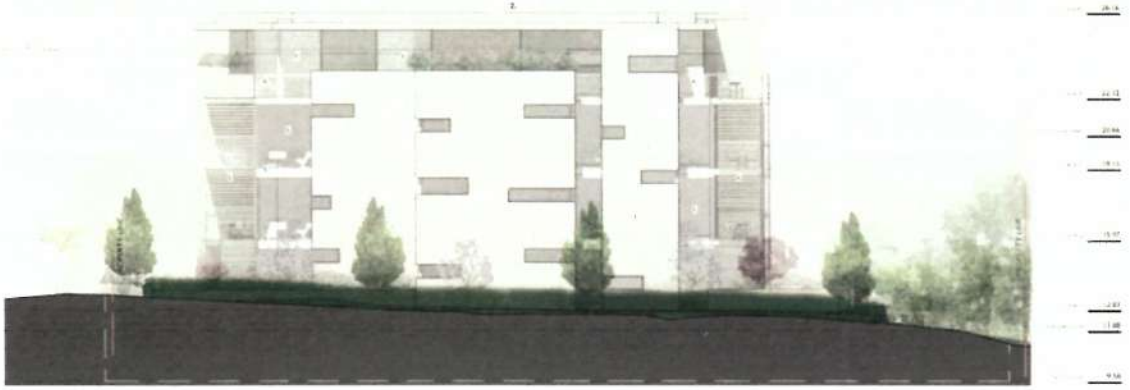
1 EAST ELEVATION

East elevation illustrating planting on neighbors side of property line



2 SOUTH ELEVATION

CASCADIA ARCHITECTS INC.

MATERIAL KEY

NO DESCRIPTION DATE

E & S ELEVATIONS

986-990 Heywood Avenue

Heywood Avenue Development Company

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Victoria, BC

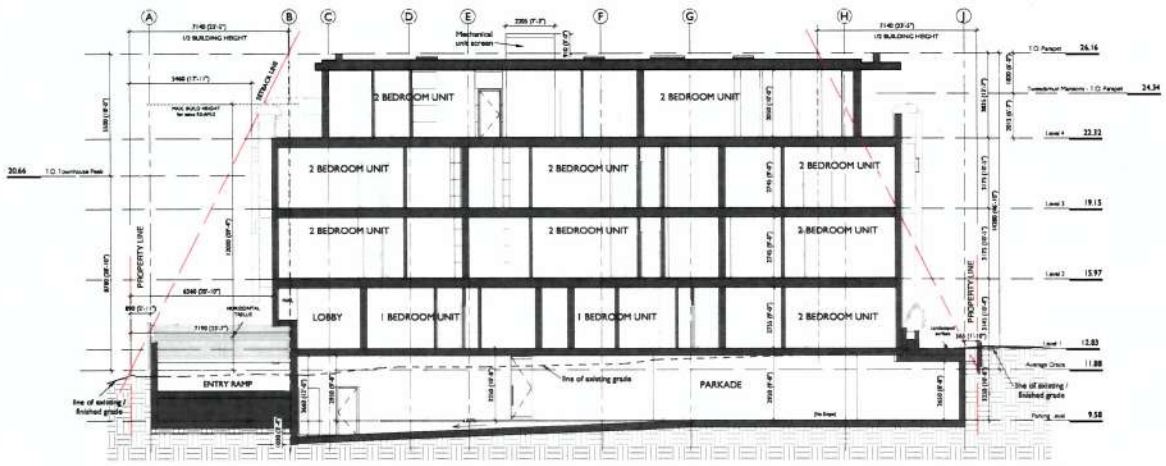
As indicated

2017.02.14

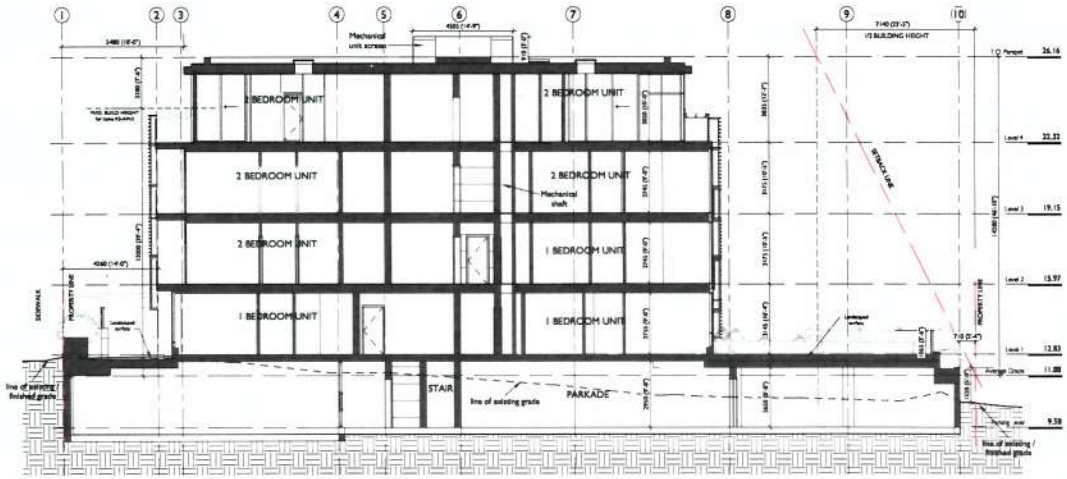
2

A301

Victoria City Council - 08 Jun 2017



1 NORTH / SOUTH SECTION
1 : 100



2 LONG EAST / WEST SECTION
1 : 100

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DRAWING
SECTIONS

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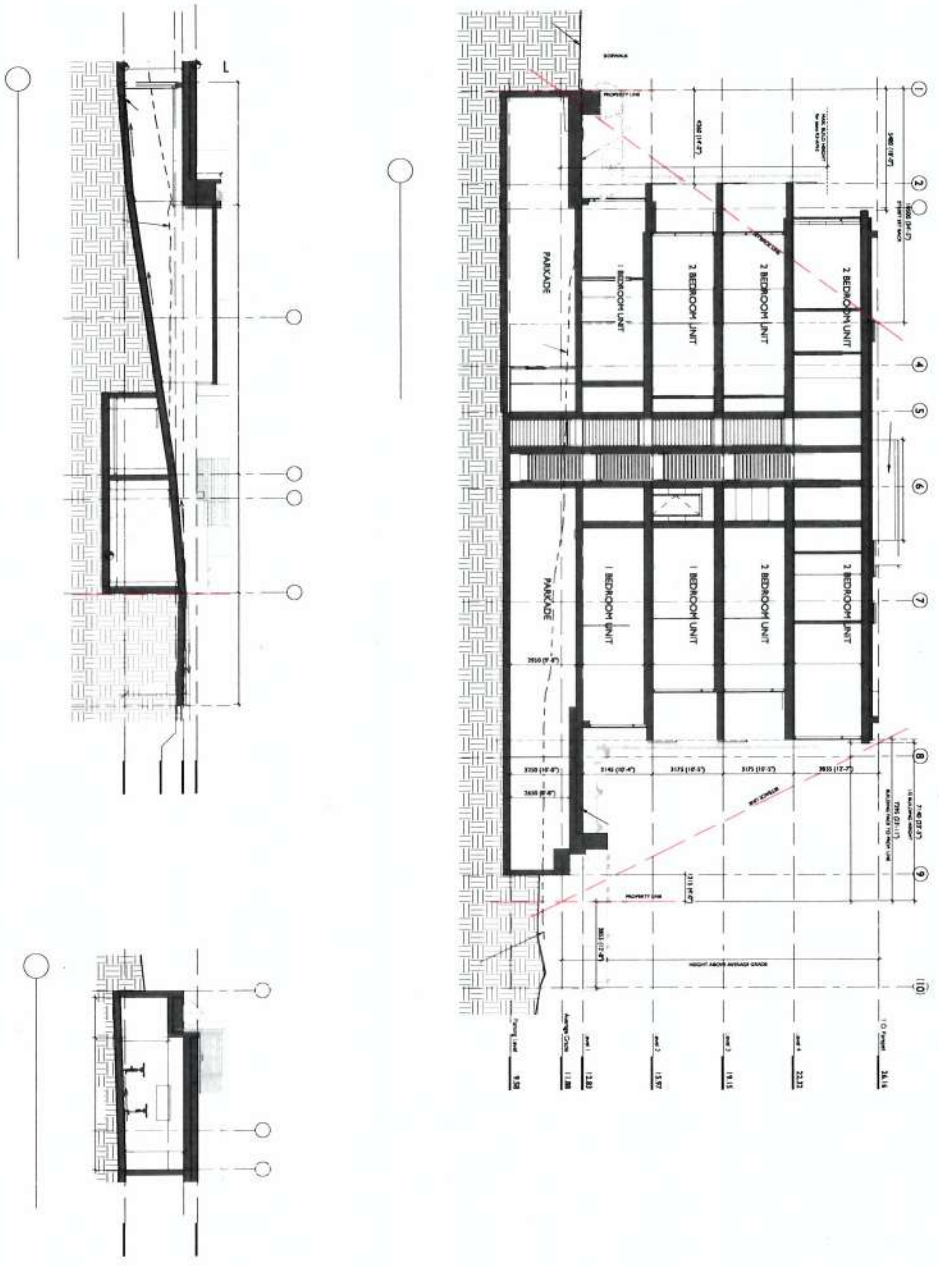
REV. 2017.02.24 — 2
DWG. NO. A400

Victoria City Council - 08 Jun 2017


PARKADE
1 BEDROOM UNIT
2 BEDROOM UNIT
2 BEDROOM UNIT
2 BEDROOM UNIT
PARKADE
1 BEDROOM UNIT
1 BEDROOM UNIT
2 BEDROOM UNIT
2 BEDROOM UNIT

1 VIEW OF SOUTH WEST
1 : 100

2 VIEW OF NORTH WEST
1 : 100

3 VIEW OF NORTH EAST
1 : 100

MATERIALS

T&G NATURAL FINISH CEDAR

STONE CERAMIC TILE

METAL & STONE CERAMIC SCREEN

GLASS GUARD WITH METAL HANDRAIL

CONCRETE LANDSCAPE PAVING

5 HEYWOOD STREET ELEVATION
1 : 200

CASCADIA ARCHITECTS INC
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NO.	DESCRIPTION	DATE
2	DP Review Revisions	2017.02.24
1	DP Review Revisions	2016. 12th

DRAWING
PERSPECTIVE VIEWS

PROJECT
986-990 Heywood Avenue
Heywood Avenue Development Company
986-990 Heywood Avenue
Victoria, BC

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SCALE
As Indicated

PROJECT NUMBER	DATE
1614	2017.02.24
DRAWING FILE	CHECKED BY / DRAWN BY
1614-990 Heywood Ave	GD / PJ / JBH

REV. 2
DWG NO. A500

Victoria City Council - 08 Jun 2017

June 21 - Summer Solstice

March / September 21 - Equinox

December 21 - Winter Solstice

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NO.	DESCRIPTION	DATE
2	DP Review Revisions	2017.02.24
1	DP Review Revisions	2016.12.06

DRAWING
SHADOW STUDY

PROJECT
986-990 Heywood Avenue
Heywood Avenue Development Company

986-990 Heywood Avenue
Victoria, BC

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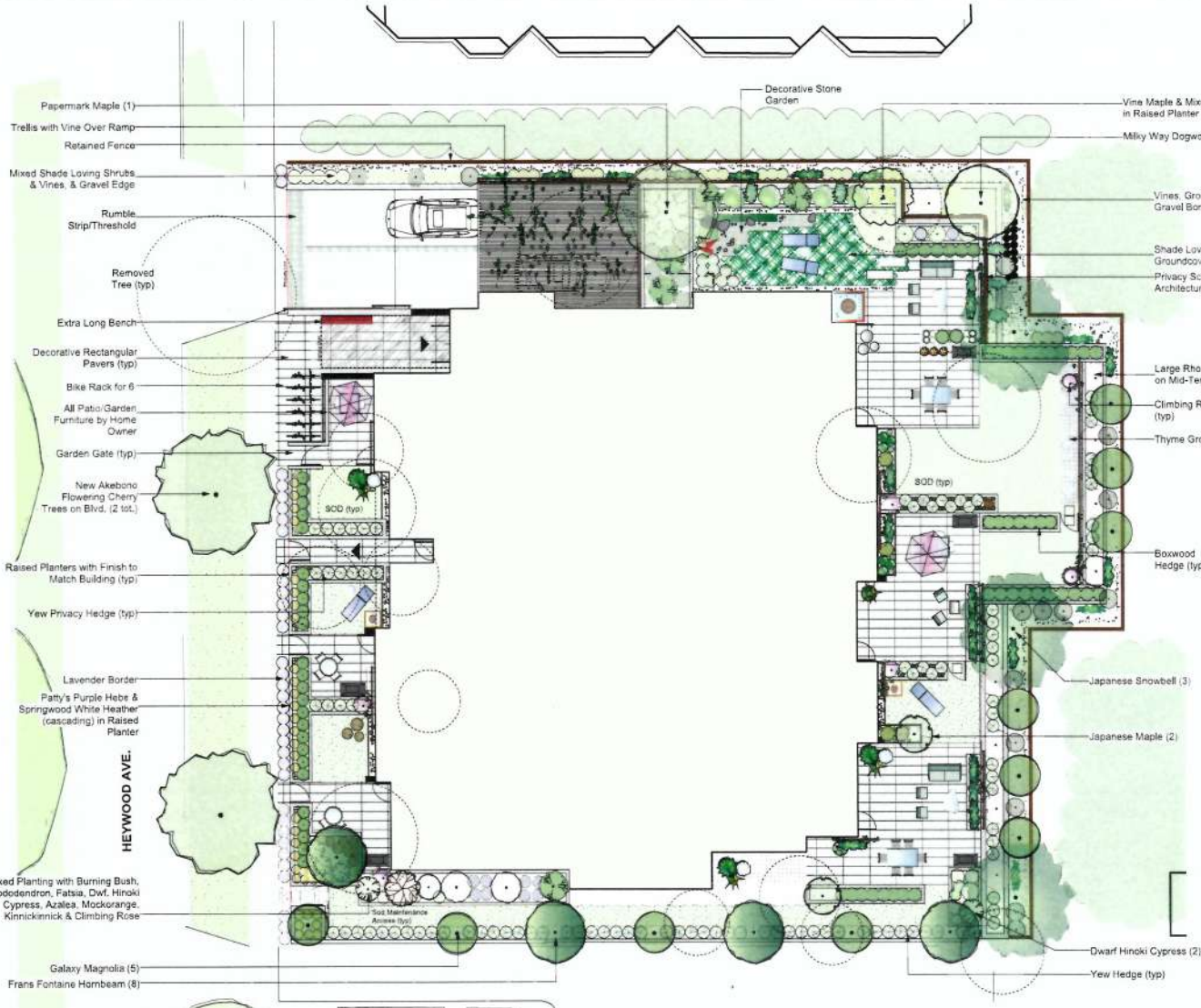
SCALE

PROJECT NUMBER	Date
1614	2017.02.24
DRAWING FILE: 1614-990 Heywood Ave	CHECKED BY: GD / PJ / DRAWN BY: JBH

REV 2017.02.24 — 2

DWG NO.
A501

Victoria City Council - 08 Jun 2017



Reference Plant Images

Galaxy Magnolia

Frans Fontaine Hornbeam

Japanese Hydrangea (flower)

Japanese Maple

Milky Way Chinese Dogwood (flowers)

Dwarf Hinoki Cypress

Japanese Snowbell (fall colour)

Recommended Nursery Stock

Trees
23 Total

Botanical Name	Common Name	Size
Acer circinatum	Vine Maple	#15 pot, 2m ht min
Acer palmatum	Japanese Maple	5cm cal
Carpinus betulus 'Frans Fontaine'	Frans Fontaine Hornbeam	6 cm cal
Cornus kousa 'Milky Way'	Milky Way Dogwood	#20 pot
Magnolia 'Galaxy'	Galaxy Magnolia	5cm cal
Prunus serrulata 'Akebono'	Akebono Cherry Tree	7cm cal
Stewartia pseudocamellia	Japanese Stewartia	#20 pot

Large Shrubs
46 Total

Botanical Name	Common Name	Size
Chamaecyparis nootkatensis 'Pendula'	Dwarf Hinoki Cypress	#15 pot, 2m ht min
Sarcococca ruscifolia 'Fragrant Stars'	Dwarf Burning Bush	#1 pot
Fatsia japonica	Japanese Fatsia	#7 pot
Philadelphus 'Belle Etoile'	Mock Orange	#5 pot
Rhododendron 'Anah Kruschke'	Anah Kruschke Rhododendron	#5 pot, 1.2m ht.
Rosa 'Constance Spry' climbing (2 Acton)	Constance Spry, CLIMBING (deep pink)	#1 pot
Taxus media 'Stanishii'	Columnar Golden Yew	—
x Fatshedera lizei 'Annemieke'	Gabled Variegated Fatshedera	#5 pot

Medium Shrubs
55 Total

Botanical Name	Common Name	Size
Buxus 'Green Mountain'	Green Mountain Boxwood	#5 pot
Rosa 'Alba Meidiland'	Alba Red Fence	#7 pot
Sarcococca hookeriana	Sweet Box	#5 pot

Small Shrubs
221 Total

Botanical Name	Common Name	Size
Azalea japonica 'Gloria'	Gloria Azalea	7cm cal
Azalea japonica 'Herbert'	Herbert Evergreen Azalea	#5 pot
Daphne cneorum 'Ruby Glow'	Ruby Glow Daphne	#3 pot
Erica carnea 'Springwood White'	Springwood White Heather	#1 pot
Erica sp.	Heather	#1 pot
Hebe x hybrida 'Patty's Purple'	Patty's Purple Hebe	#5 pot
Lavandula angustifolia	English Lavender	#7 pot
Mahonia nervosa	Low Oregon Grape	#1 pot
Nandina domestica 'Harbour Dwarf'	Harbour Dwarf Heavenly Bamboo	#1 pot
Pieris japonica 'Prelude'	Prelude Pieris	#3 pot
Sarcococca hookeriana var. humilis	Dwarf Sweet Box	#2 pot

Perennials, Annuals and Ferns
85 Total

Botanical Name	Common Name	Size
Achillea millefolium 'Rosea'	Rosea Common Yarrow	#1 pot

Groundcovers
1075 Total

Botanical Name	Common Name	Size
Arctostaphylos uva-ursi 'Vancouver Jade'	Kinnickinnick	#1 pot
Gaultheria shallon	Salal	#5/#10 pot
Lagerstroemia 'Petite Orchid'	Miniature Crape Myrtle	#5/#10 pot
Thymus sp.	Creeping Thyme	#5/#10 pot

Vines
25 Total

Botanical Name	Common Name	Size
Hydrangea petiolaris	Climbing Hydrangea	#7 pot
Schizophragma hydrangeoides	Japanese Hydrangea Vine	#7 pot

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

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LADR
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Phone (250) 598-0105 Fax (250) 412-0696

Revisions
Received Date: March 21/17
Deemed Date: February 27/17

Feb 20-17 Blvd. Trees revised for DP resubmission
Dec12-16 Bike racks revised for DP resubmission

DRAWING
Landscape Concept Plan
Ground Level

PROJECT
986 Heywood Ave, Victoria, BC

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SCALE 1:100
PROJECT NUMBER 1636
DATE Oct 17, 2016
DRAWING FILE ARCH 1616-986 Heywood Ave
CHECKED BY
DRAWN BY
REV.
DWG NO. LA-01

Victoria City Council - 08 Jun 2017

Reference Plant Images

Constance Spry Climbing Rose

Gold Flame Honeysuckle Vine

Wedding Party Mix Hellebore

Red Poppy Azalea

Waterfall Japanese Maple

Fall Colour

Northsky Blueberry

Mugho Pine

Recommended Nursery Stock (Roof Only)

Botanical Name	Common Name	Size
Acer japonicum 'Waterfall'	Waterfall Japanese Maple	1.2m Ht
Azalea x 'Bellaire Magenta'	Bellaire Common Azalea	#1 pot
Azalea 'Red Poppy' (Rhododendron)	Red Poppy Azalea	#3 pot
Blechnum spicant	Deer Fern	#1 pot
Erica carnea 'Springwood White'	Springwood White Heather	#1 pot
Helleborus 'Wedding Party Mix'	Hellebore Wedding Party	#1 pot
Hydrangea petiolaris	Climbing Hydrangea	#7 pot
Ipomoea tricolor 'Margarita'	Margarita Bioweed	#1 pot
Lonicera x heckrottii 'Gold Flame'	Gold Flame Honeysuckle Vine	#3 pot
Pieris japonica 'Prelude'	Prelude Pieris	#3 pot
Pinus mugo var. 'Mughus'	Mughu Pine	#15 pot
Prunus laurocerasus	Standard Laurel	1.8m ht
Rosa 'Constance Spry' climbing (D.Austin)	Constance Spry CLRose (deep pink)	#3 pot
Sarcococca hookeriana	Sweet Box	#3 pot
Taxus sp.	Creeping Yew	#3#5 pot
Vaccinium x 'Northsky' (half high)	Northsky Blueberry	#5 pot

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Revisions
Received Date:
March 21/17
Deemed Date:
February 27/17

Dec12-16 DP resubmission

DRAWING
Landscape Concept Plan
Penthouse Level

PROJECT
986 Heywood Ave.
Victoria, BC

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SCALE
1:100

PROJECT NUMBER
1636

Date
Oct 17, 2016

DRAWING FILE
ARCH - 1514-990 Heywood Ave

D-L DK L DR

DRAWN BY

REV.

DWG. NO.
LA-02

Victoria City Council - 08 Jun 2017

JAWL | residential

City of Victoria
No.1 Centennial Square
Victoria, BC, Canada
V8W 1P6

October 27th, 2016

Attn: Mayor and Council

RE: 986 988 Heywood Avenue Rezoning and Development Permit Application

---

Jawl Residential Ltd. and Tri Eagle Development Corporation are pleased to submit the rezoning and development permit application for the properties located at 986-988 Heywood Avenue. The purpose of this application is to construct a 4-storey multi residential building overtop one level of secure underground bike and vehicle parking.

Reflecting upon the details contained within the City of Victoria Official Community Plan and Multi Unit Residential Design Guidelines, the application was further refined through months of community, immediate neighbour and municipal staff consultation.

Feedback gleaned from the consultation and review process, balanced with the applicant's vision has informed the overall 4-storey form through which the proposal takes shape. Additionally, it was identified early in the consultation process that building siting and architecture were key to minimizing shading and maximizing privacy for existing neighbours and future residents.

Contained within this application and further to this covering letter, project architect Cascadia Architects have provided a supplemental report that details key elements of the proposal.

Both Jawl Residential and Tri Eagle are excited for the opportunity to submit this application and look forward to continuing a working dialogue with City staff and presenting to council in the near future.

Sincerely,

David Jawl
djawl@jawlresidential.com
Jawl Residential Ltd.

Travis Lee
travis@trieagle.ca
Tri Eagle Development Corporation

CASCADIA ARCHITECTS
DAMANT + JOHANNKNECHT

March 6, 2017

City of Victoria
No.1 Centennial Square
Victoria BC
V8W 1P6

Attn.: Mayor & Council

Re: 986-988 Heywood Avenue Rezoning and Development Permit Application

We are pleased to submit this summary of the Rezoning and Development Permit application for 986, 988 Heywood Avenue on behalf of Jawl Residential Limited and Tri-Eagle Development Corporation (collectively the 'Applicant'). The rezoning and development permit are required to construct a four-storey multi residential building. The details contained within this application have been carefully crafted to respect the neighborhood, the park setting and the spirit/intent of the existing R3-AM2 zone that applies to the majority of the properties.

Prior to commencement of any design work, the Applicant immediately began a consultation process with the owners of neighboring properties as well as City of Victoria planning staff. The consultation and review process continued throughout the Schematic and Design Development stages and included but was not limited to the following meetings:

- ✓ Pre-Planning Meeting City of Victoria – July 6th, 2016
- ✓ Numerous Individual Meetings – July 2016 – October 2016
- ✓ 905-911 Oliphant Townhome Strata Meeting – July 12th, 2016
- ✓ 900 Park Strata Meeting – September 7th, 2016
- ✓ Public Community Meeting – September 13th, 2016
- ✓ Pre-CALUC Meeting - September 26th, 2016
- ✓ Formal CALUC Meeting at FGCA - October 20th, 2016

As the building design development progressed, follow up meetings were held where information was shared and refinements made based on the feedback received. Additional feedback from City Staff has been incorporated and the Advisory Design Panel has recommended approval of the project.

Existing Site Characteristics, Official Community Plan and Zoning:
The two parcels encompassed by the proposal are 1,463 sq.m. in total area, and are currently occupied by two detached houses that are not registered heritage. While efforts have been made to relocate the structures, the tree canopy along Heywood Avenue and Park Boulevard make any relocation impossible.

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A Corporate Partnership

Principals

GREGORY DAMANT
Architect AIBC, LEED AP

PETER JOHANNKNECHT
Architect AIBC, LEED AP,
Interior Architect AKNW Germany

The site is sloped, falling 2m from the SW corner (at Heywood) to the NE corner and is relatively flat in terms of tree canopy, with no bylaw protected trees.

The current zoning is R3-AM-2 – up to 4 storeys and 1.6:1 FSR, except the notch at the east property line of 986 Heywood, totaling 63 sq.m. is zoned RB-1. *The split zoning on the site is the primary reason that this proposal involves a re-zoning.* The site is designated Urban Residential by the OCP, meaning it is intended for multi-unit residential, as reflected by the existing R3-AM2 zone allowances.

The property is characterized by both its proximity to the natural landscape of Beacon Hill Park to the west and to the Cook Street village to the east, including the eclectic mix of single–family homes, townhouses, and 3 to 4–storey apartment buildings that constitute the Cook Street community. In fact, the site is bordered by a mix of all three building types. To the north is a 4-unit townhouse development. To the east, detached houses, and to the south 3 and 4 storey condominium buildings. Heywood Avenue is a local road but not part of the City's greenway network and does not host any transit service.

The project is subject to the OCP Design Guidelines for Multi-Unit Residential buildings, and will be part of the Fairfield community, whose neighbourhood plan is currently under development. The analysis of the OCP, zoning and site context reinforces the initial input of neighbours that the current R3-AM2 zoning reflects an appropriate level of development density for this site, and the proposal presented here is based on that starting point.

Description of Proposal

Massing & Siting:

The building design concept is based on two imperatives – firstly to maximize daylight and views to the east and west while maintaining a sense of privacy for the neighbours to the south and particularly to the north, where the backyards of the townhouses on Oliphant would typically be overlooked by the new building. The resulting building form is a series of stepped vertical solid and screened panels that create east-west views through their spacing, while reducing visually direct connections to the north and south. This addresses the OCP context-related guideline 1.6, which suggests that buildings "be designed to address privacy, particularly for portions of the development abutting the side yards of adjacent single-family dwellings."

In terms of massing, the building reflects the intent of the current zoning, with a height of four storeys, underground parking, and an FSR of 1.6:1. This was an important principle for the design team to maintain, based on the site analysis and understanding of the neighbour priorities. However, the siting has been adjusted to respect the specific context, and the OCP design guidelines.

The building has been shifted south and west on the site to minimize shadowing of the smaller scale properties to the north and east. This shift results in setbacks from Heywood and the south property line that are smaller than typical, but are contextually appropriate given the precedent of the Tweedsmuir Manor building to the south, and the fact that to the west is the expanse of the park. Building setback distances to the north and east are maintained in keeping with the "one-half of building height" requirement of the current R3-AM2 zone.

Furthermore, the top-most storey has been set back, and the vertical ceramic-stone clad panels, which create "rhythm and visual interest" in the facades, are changed to screen elements at the building corners to "enable sunlight penetration to ... open space" as per items 3.3 and 3.5 of the guidelines.

Streetscape / Relation to street:

Along Heywood Avenue, three ground floor units have individual garden gates, patios, and main entrances. The building lobby features an extended canopy and all-glass front wall to clear identify the primary building entrance. The adjacent parkade ramp is covered with a trellis structure to visually minimize the impact of the ramp and help muffle vehicle noise. These elements of the building form address the principles of the OCP Design Guidelines Section 2 that state "residential use at street level should have strong entry features and building designs that encourage interaction with the street" (2.4) and that "individual entrances with direct connections to the public sidewalk are encouraged." (2.5.1). The landscape design prepared by LADR Landscape Architects also includes continuous planter walls with trees growing to a scale appropriate to create visual interest at the public sidewalk without overwhelming the patio spaces.

The height of the building will require a variance relative to the R3-AM2 zoning limit. This height variance is the result of several factors. The R3-AM2 zone height allowance of 12m and 4 storeys equals less than 3m floor-to-floor (effectively a 2.45m or 8'-0" ceiling height) once floor assemblies and parapets etc. are considered, and without reference to the natural average grade. This is an out-of-date standard as market design is now 9'-0" clear ceiling height, and this 305mm (1') per floor accounts for 1.22 m of the variance. Additionally, as noted, this site slopes away from Heywood Avenue, with the resultant natural grade being on average just over a meter lower than the grade along Heywood. The main floor elevation is set meet the average along Heywood to make the main entrance an accessible ramp slope at the low end, and prevent the ground floor unit being too far below grade at the high end. This grade also works with the depth of parking that is achievable due to the slope of the site. As a result, the building height as calculated for zoning, appears almost a meter higher than it actually is at Heywood Avenue, and this is the cause of almost all of the remaining height variance, except for 305mm (1') of additional ceiling height provided to the penthouse level units (10' ceilings). The design team reviewed the sun studies in determining the ceiling heights, and due to the setback of the upper floor the extra height makes no appreciable difference in terms of shade impact for adjacent properties.

Exterior Finishes

Architecturally, the solid panels that define the massing and views create a rhythm of vertical elements on the east and west elevations, separated by expansive glass walls and transparent balcony rails. This pattern responds to the rhythm of trees that line Heywood Avenue on the park side of the street – part of the site's unique setting adjacent to the park - and at the same time recalls the classical device of the colonnade as a primary structural system and expression of human place-making in the landscape.

Materially, the design expands on that image, using a minimal exterior palette of high quality, durable and traditional finishes including limestone-coloured, stacked ceramic-stone cladding and screen elements, clear glass windows, and natural wood soffits. The result is a building that draws on historical inspiration in a site-specific response to achieve an elegant, and timeless expression that also addresses the OCP guidelines for exterior finishes, which state that "exterior building materials should be high quality, durable and capable of weathering gracefully." The guidelines continue, stating that "quality materials used on the principal façade should be continued around any building corner

or edge which is visible from the public realm", and in this case the ceramic-stone cladding is used to good effect at the north and south elevations, cladding the solid faces of the panels. Windows facing north and south are mostly thinner and horizontal, set higher in the walls to give sky views rather than views into the adjacent gardens. Stepping of the panels creates a varied façade composition of light-coloured stone contrasting with shadows resulting from those steps. This effect changes with the time of day and seasons, giving variety and visual interest to those elevations while maintaining privacy.

Further, raised planters set on the parkade roof slab along the north and south edges will provide soil volume to grow fuller vegetation, such climbing roses, which will use the screens to support their growth. These measures are intended to address guideline 4.3 which states that "exposed party walls and blank side elevations, where necessary, should incorporate features such as texture, reveals, colours, plantings or other treatments to provide visual interest."

As a further and final feature of visual interest, natural provincially sourced wood cladding of the balcony and roof soffits will create visual and tactile warmth for residents, and to "complement the palette of exterior materials used on the rest of the building." (Guideline 4.4)

Transportation & Infrastructure

The project is well situated and fully serviced by City of Victoria infrastructure. Schools, parks and recreation facilities are all located within walking distance of the site. In addition, the nearby work and shopping opportunities available downtown and in the Cook Street village make this site suitable for an increased population density. This population will be well serviced in terms of transportation options, including immediate proximity to major Transit routes on Cook Street and Fairfield Road as well as vehicle and bicycle parking and storage provisions.

The project will include underground parking accessed from the north side of the property along Heywood Avenue to provide the full parking requirement of Schedule C – 29 stalls for the 21 units. In doing so, the applicant has committed to addressing another primary concern of the community – that parking be fully accommodated on site so to not further burden an already congested parking environment at grade. Additionally, a secure bicycle room well located right at the bottom of the parkade ramp will accommodate the required 21 Class-1 bike racks as well as a Bicycle Work Bench and an electric bicycle charging station. The required 6 additional Class-2 racks are located at the Heywood lobby entrance.

Due to the slope of the site, the parking box is partially exposed along the east property line to a maximum of 5'8" at the northeast corner. In recognition of this less than ideal site condition, measures were taken to fully landscape the parkade box with planters and stepped exterior walls to accommodate soil depths sufficient to support substantial landscape elements. The exterior walls of the parking structure will be constructed out of board-form concrete so to be suitable as a finished backdrop to the neighboring yards, should they become exposed in the future. The parkade walls are set back from the property line (typically 1.2m+ but at a minimum 0.7m) to permit planting of screening hedges and further screen and soften the appearance of the parkade.

The partial exposure of the parkade deck is the second aspect of the proposal that triggers the technicality of the rezoning. With the roof deck of the parkade above natural grade it contributes to the site coverage area - even as a landscaped surface. As a result, the proposed site coverage is over the 40% limit of the R3-AM2 zone and apparently cannot be varied, and must be dealt with via rezoning. The design team looked carefully at the options to push the

parking area below grade but resolved that an exposed extended ramp and deeper excavation would be visually more intrusive and more damaging to neighbouring property landscaping than the design as proposed. The details of this design exploration and communication with neighbors around this aspect of the proposal are outlined in a separate illustrated letter to staff dated March 6 2016.

Project Benefits and Amenities

The project will bring 21 new residences to the Cook Street Village, in a form that is supportable relative to the goal of the draft Fairfield Community Plan to "encourage new housing design that fits in with the neighbourhood character." The applicant has encouraged the design of larger more generous suites to provide a housing option for downsizing members of the community or those who wish to 'age in place'.

The building design will contribute to the quality of the public realm along Heywood Avenue, by the quality of design, materials, and detailing. The design of ground-level entrance patios and their proximity to the boulevard will promote social interaction and improve the pedestrian experience by incorporation of the same quality materials that clad the building into the planter walls. The planters themselves will bring a colourful and pleasant landscape interface, replacing the old fence and lawns of the existing houses.

Safety and security

The creation of a resident population is the primary factor in creating a safe pedestrian environment, through the placement of 'eyes on the street', and in this design all areas of the site are overlooked in good proximity by multiple dwelling units. Most importantly, the ground floor units facing Heywood Avenue have individual front doors and patios that address the street, and reinforce the sense of the street and boulevard as active and shared space. Site lighting will illuminate the areas between buildings with ambient light to promote safety and visibility of landscaped areas. It is important to note also that this lighting will be shielded and kept at a lower mounting height to avoid glare and light pollution to neighbouring properties.

Green Building Features

The Applicant has reviewed and plans to construct and develop the project in accordance with the principals and guidelines of Built Green Canada. Any decision to pursue formal certification under Built Green will be determined during construction. The following is a list of green building initiatives that will be deployed within the project through the Built Green tool:

- High efficiency heating / pressurization systems for all common area spaces.
- All ductwork to be sealed with low toxin mastic.
- Natural and recyclable building materials, and where possible materials will be sourced within 800km of the site. Exterior envelope materials are highly durable, and detailing will suit life-span management of components.
- Multiple thermostatically controlled heating zones within each residence.
- Directly metered suites.
- Solar Ready Conduit from Electrical Room to Roof
- Individual residences have private outdoor deck living space.
- All windows EnergyStar® rated.

- Interior suite layouts designed to optimize natural daylighting.
- All appliances EnergyStar® rated.
- LED lighting throughout.
- Construction waste diverted from landfill during construction through smart on-site waste management
- Low-VOC paint in all interior areas.
- Low-flow plumbing fixtures used throughout all units.
- Secure, heated bike storage at parkade level w/ Bike Work Bench
- Electric Bike Charging Locations within Bike Storage
- Rough-in electrical for future Electric Vehicle Charging Stations

In preparing this rezoning and development permit application package the team has carefully considered community concerns, the relevant OCP objectives, and the DP Area Design Guidelines. The design is respectful of the neighbouring properties and proposes an elegant and timeless architecture that responds to the unique character of the location. We believe it will add to the strength and character of the Cook Street neighbourhood and we look forward to presenting the project to Council. If you have any questions or require further clarification of any part of this application, please do not hesitate to contact our office.

Sincerely,

CASCADIA ARCHITECTS

Gregory Damant, Architect AIBC LEED AP
Principal

Peter Johannknecht, Architect AIBC, LEED AP
Principal

CITY OF VICTORIA

Advisory Design Panel Report
For the Meeting of January 25, 2017

To:	Advisory Design Panel	**Date:**	January 6, 2017
From:	Charlotte Wain, Senior Planner – Urban Design		
Subject:	**Rezoning Application No. 00531 and Development Permit No. 000484 for 986, 988 and 990 Heywood Avenue**		

RECOMMENDATION

Recommend to Council that Development Permit Application No. 000484 for 986, 988 and 990 Heywood Avenue be approved with changes recommended by the Advisory Design Panel.

EXECUTIVE SUMMARY

The Advisory Design Panel (ADP) is requested to review a Development Permit Application for 986, 988 and 990 Heywood Avenue and provide advice to Council.

The purpose of this report is to present the Advisory Design Panel with information, analysis and recommendations regarding a Development Permit Application for the property located at 986, 988 and 990 Heywood Avenue. The proposal is to construct a four-storey, multi-residential building containing 21 residential units. Variances associated with the Application are related to setbacks, site coverage, open site space and height.

The following policy documents were considered in assessing this Application:

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

COUNCIL DIRECTION

The Application has not yet been presented to the Committee of the Whole. The intent is to present the Application to Committee with the benefit of advice from the panel.

BACKGROUND

Project Details

Applicant: Mr. David Jawl
Jawl Residential Developments Inc.

Architect: Mr. Gregory Damant, MAIBC
Cascadia Architects Inc.

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 R3-AM2, Mid-Rise Multiple Dwelling District Zone. An asterisk is used to identify where the proposal is less stringent than the existing Zone.

Zoning Criteria	Proposal	Zone Standard R3-AM2
Site area (m^2) - minimum	1463.00	920.00
Density (Floor Space Ratio) - maximum	1.6:1*	1.2:1
Total floor area (m^2) - maximum	2334.85	N/A
Height (m) - maximum	14.59*	12.00
Storeys - maximum	4	4
Site coverage % - maximum	71.00*	40.00
Open site space % - minimum	22.00*	30.00
Setbacks (m) – minimum		
Front (Heywood Avenue)	4.51*	10.50
Rear (east)	6.73 (building) 4.73* (balcony)	6.73
Side (north)	3.75*	6.73
Side (south)	4.22*	6.73
Parking - minimum	32	29
Visitor parking (minimum) included in the overall units	3	3
Bicycle parking Class 1 secure storage (minimum)	22	21
Bicycle parking Class 2 publicly accessible (minimum)	6	6

Description of Proposal

The proposal is to construct a four-storey, multi-residential building containing 21 residential units. Variances associated with the Application are related to setbacks, site coverage, open site space and height. The building has a floor space ratio (FSR) of 1.6:1 and a maximum height of 14.59m.

Sustainability Features

The proposal includes the following components:

- multi-unit residential building form with three ground-oriented units facing Heywood Avenue and three units to the rear
- private patios with planting as shown on the landscape plan for each of the six units on the ground level; three facing Heywood Avenue and three to the rear
- one level of underground parking for 32 stalls, including three stalls for residential visitor use
- 22 class 1 bicycle storage spaces located underground
- one publicly accessible class 2 rack for six bikes located adjacent to the main entrance on Heywood Avenue
- removal and replacement of three existing street trees (Cherry) and retention and protection of one existing street tree (Cherry) on Heywood Avenue
- removal and replacement of one Monkey Puzzle tree within the private property.

Exterior building materials include:

- stone ceramic tile for the primary building with accents of metal and stone ceramic screens
- tongue and groove cedar soffits
- vertical board form exposed concrete for the parkade wall that projects above grade on the north and east elevations
- clear glazing with aluminum frames
- clear glass and metal guardrails for balconies
- mechanical penthouse (material unconfirmed).

Sustainability Features

As indicated in the applicant's letter dated October 27, 2016, the proposed sustainability features associated with this Application include the following:

- high efficiency heating
- natural and recyclable building materials, sourced within 800km of the site where possible
- solar-ready conduit from the electrical room to the roof
- EnergyStar® rated windows and appliances
- LED lighting throughout the building
- interior suite layouts designed to optimize natural daylight
- construction waste diverted from all landfill during construction through smart on-site waste management
- low flow and water efficient plumbing fixtures
- secure heated bike storage in the underground parkade
- electric bike charging locations within the bike storage room.

Consistency with Design Guidelines

The *Official Community Plan, 2012* (OCP) Urban Place Designation for the subject property is Urban Residential, which supports low-rise and mid-rise multi-unit buildings up to approximately six storeys. The site is located in a transitional area; and although Urban Residential designations front Beacon Hill Park to the west, lower scale Traditional Residential Urban Place Designations adjoin the rear of the properties to the east. The OCP identifies this property in Development Permit Area (DPA) 16 General Form and Character. The proposed development is generally consistent with the objectives of the DPA which seeks to integrate multi-unit residential buildings in a manner that is complementary to the place character of the neighbourhood including heritage character. Enhancing the character of the streetscape through high quality architecture, landscape and urban design as well as creating human-scaled design are also key objectives of this DPA. Design Guidelines that apply to DPA 16 are *Multi-Unit Residential, Commercial and Industrial Guidelines (2012), Advisory Design Guidelines for Buildings, Signs and Awnings (2006)* and *Guidelines for Fences, Gates and Shutters (2010).*

ISSUES

The issues associated with this project are:

- massing, height and transition in relation to the context
- interface on the north and east elevations as it relates to the projecting parkade.

ANALYSIS

Massing, Height and Transition to Context

The proposed building height is 14.59m which is 2.59m above the maximum height allowance in the R3-AM-2 Zone, Mid-Rise Multiple Dwelling District and 6.9m above the maximum height allowance in the adjacent R1-B Zone, Single Family Dwelling District, to the east of the subject property. Although the OCP envisages buildings up to approximately six storeys in the Urban Residential Place Designation, the Guidelines encourage appropriate form, massing and building articulation in relation to existing context.

The proposed building is adjacent to a three-storey building to the south (the Tweedsmuir), with a four storey condominium building to the south-west fronting Park Boulevard. To the north are two-storey townhouses that front Oliphant Avenue. To the east in rear of the property are predominantly two-storey single family dwellings. In summary, there are no predominant height characteristics within the neighbourhood block and most range from two to four-storeys. Although the policy supports taller buildings fronting Beacon Hill Park, the proposed building height is higher than the maximum allowance in the current zone and adjacent buildings. The applicant has reduced this by 0.2m (8 inches) in response to staff comments and notes that a combination of 9ft and 10ft ceiling heights are desirable for this proposal. The applicant notes that the design team conducted sun studies with a reduced penthouse ceiling height of 9ft, and there would be no appreciable difference in impact on adjacent properties. However, staff can not verify this as the comparable study as it has not been included in the submission drawings. Staff are generally supportive of the proposed height given the OCP policy direction and the minimal impact this additional height will have on the immediate context along Heywood Avenue, which predominantly consists of three and four storey multi-residential buildings. In addition, articulation of the front façade has been incorporated through changes in materials and landscaping. This serves to emphasise the ground-oriented units which help to create a human-scaled design at the street level. However, opportunities exist to improve the transition to the lower scale single family buildings at the rear, through increased setbacks at the fourth

floor. Further analysis through additional cross sections may be warranted to demonstrate this relationship. ADP is invited to comment on the proposed massing and height as it relates to the immediate context.

North and East Elevations and Projecting Parkade

The subject properties are on a sloping site, with the highest point towards the south, and the lowest at the north. The underground parkade projects above grade along the rear (east) and side (north) elevation ranging from approximately 0.3m to 1.8m in height from finished grade (not including the additional 0.6m in height which is setback by approximately 1m from this edge). The applicant has noted that lowering the parkade would result in a reduction in the parking provision due to the requirement for a longer access ramp. This in turn would trigger a variance from the minimum parking requirements under the Zoning Regulation Bylaw, which the applicant wishes to avoid. A lower parkade would also create a sunken patio and entrance for the southern-most unit facing Heywood Avenue, causing a disruption along the pedestrian route, which the Guidelines seek to avoid. An accompanying sheet has been attached to the application package for the Panel's consideration, showing the potential impact of a lower parkade on the access ramp.

Staff have raised concern with this projection and the potentially stark interface this creates with adjoining properties. The projection is setback 1.2m from the property line, which does allow for additional planting to soften this edge as noted on the landscape plan, which would supplement the existing vegetation on the adjacent properties to the east as shown on the architectural elevations. The applicant notes that the intent is to retain the existing fence on the adjacent properties to avoid impacts to existing vegetation, and to allow adjacent property owners the option to remove the fence in the future. However, this could possibly create a "trench" between the projecting parkade and the existing fence on the neighbouring properties which has the potential to create entrapment places which Crime Prevention Through Environmental Design (CPTED) standards seek to avoid. Advice from ADP is being sought on the projecting parkade and opportunities for eliminating or mitigating the impact of this wall on adjacent properties as well as any opportunities to address CPTED concerns.

OPTIONS

1. Recommend to Council that Development Permit Application No. 000484 for 986, 988 and 990 Heywood Avenue be approved as presented.
2. Recommend to Council that Development Permit Application No. 000484 for 986, 988 and 990 Heywood Avenue be approved with changes recommended by the Advisory Design Panel **(recommended).**
3. Recommend to Council that Development Permit Application No. 000484 for 986, 988 and 990 Heywood Avenue does not sufficiently meet the applicable design guidelines and polices and should be declined.

CONCLUSION

This Application is generally consistent with the applicable design guidelines prescribed within DPA 16. The proposed four storey building does exceed the height of the maximum allowance in the current zoning although the impact on the streetscape is considered to be minimal through the use of building articulation creating a human scale along Heywood Avenue. However, the Application could benefit from further design refinement to improve the transition to the lower scale residential units at the rear (east) and mitigation or elimination of the projecting parkade wall.

ATTACHMENTS

- Aerial Map
- Zoning Map
- Applicants letter date stamped December 12, 2016
- Plans date stamped January 9, 2016
- Perspective illustration of parkade box below grade date stamped Dec 12, 2016
- Tree Management Plan dated January 19, 2017

cc: David Jawl, Rajiv Ghandi, Heywood Avenue Developments Inc.; Gregory Damant, Cascadia Architects Inc.

MINUTES OF THE ADVISORY DESIGN PANEL MEETING HELD WEDNESDAY JANUARY 25, 2017 AT 12 P.M.

1. THE CHAIR CALLED THE MEETING TO ORDER AT 12:08 P.M.

Panel Members Present:	Christopher Rowe; Justin Gammon; Cynthia Hildebrand; Patricia Graham; Jesse Garlick
Absent:	Ann Katherine Murphy; Erica Sangster; Mike Miller; Renee Lussier
Staff Present:	Charlotte Wain - Senior Planner, Urban Design Quinn Anglin - Secretary, Advisory Design Panel

2. Minutes from the Meeting held December 21, 2016.

Action:

It was moved by Justin Gammon, seconded by Jesse Garlick, that the Minutes of the Meeting of Advisory Design Panel held December 21, 2016 be approved with changes.

- Page 6 – Jesse Garlick's name is misspelt

CARRIED UNANIMOUSLY

3. APPLICATIONS

3.1 Development Permit #000484 and Rezoning #00531 for 986, 988, and 990 Heywood Avenue

The City is considering an application to rezone the property at 986, 988, and 990 Heywood Avenue to allow for the construction of a 4 storey multi residential building containing 21 residential units.

Applicant Meeting attendees:

DAVID JAWL	JAWL RESIDENTIAL LTD.
TRAVIS LEE	TRI-EAGLE
GREGORY DAMANT	CASCADIA ARCHITECTS INC.
PETER JOHANNKNECHT	CASCADIA ARCHITECTS
JAMES HAYTER	CASCADIA ARCHITECTS INC.
BEV WINDJACK	LADR LANDSCAPE ARCHITECTS INC.
KEVIN SCLULEMYER	LADR LANDSCAPE ARCHITECTS INC.

Ms. Wain provided the Panel with a brief introduction of the Application and the areas that Council is seeking advice on, including the following:

- massing, height and transition in relation to the context
- interface on the north and east elevations as it relates to the projecting parkade.

Ms. Wain also made the Panel aware of some inconsistencies with the technical data on the plans and the data table specifically related to the setbacks to the parkade, open site space and site coverage. Under the zoning regulation bylaw, the landscaping proposed on the roof of the projecting parkade cannot be counted towards open site space. It was noted that the site coverage would likely increase and the open site space would decrease. These items would be corrected prior to the application advancing to Committee of the Whole.

Mr. Peter Johannknecht then provided the panel with a detailed presentation of the site and context of the proposal

- corrected that there were 29 parking stalls, not 32, as outlined in the plans

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 sloping site in relation to the parkade
- the access along the south side of the proposal; is for maintenance only and would be gated

Panel Members discussed:

- the decisions with respect to the design of parkade are appropriate to the elevations
- project is very neighbourly, no objections to the height or massing in relation to the context
- the level of consultation with neighbours to be a part of the discussion and decisions are commendable
- decisions for height and setback well laid out and highly developed
- development is respectable for both existing and future neighbours
- that the building may be a change from the existing condition but over time will fit with the context and neighbourhood
- building is a very handsome building

Action:

MOVED / SECONDED

It was moved by Justin Gammon, seconded by Patricia Graham, that the Advisory Design Panel recommend to Council Development Permit Application No. 000484 for 986, 988, 990 Heywood Avenue be approved as proposed.

CARRIED

3.2 Development Permit #000482 for 456 Chester Avenue

The City is considering a Development Permit application to permit construction of a 3 unit multi residential townhouse.

Applicant Meeting attendees:

MIKE GALLANT	SALSBURY HOLDINGS
PAUL DIMENT	SALSBURY HOLDINGS
MICHAEL MOODY	MJM ARCHITECTS

Ms. Wain provided the Panel with a brief introduction of the Application and the areas that Council is seeking advice on.

Mike Gallant then provided the panel with a detailed presentation of the site and context of the proposal.

Renee Lussier entered the meeting at 12:58.

Questions of clarification were asked by the Panel on the following;

- material of the existing driveway?
  - cement
- reasoning for the several different styles of glazing, railings, and finishing materials?
  - driven by picking up cues from the neighbourhood and applying a contemporary take on traditional style
- do the guard rails have glass behind them?
  - they will have a clear plexi sheet behind them
- are the patio spaces used for owners?
  - yes they are
- is the topography relatively level?
  - yes, but they elected to start the first floor below grade to make height restrictions and avoid variances
- the sunken entrances to the suites at ground level
- are the patio decks considered roof decks by definition?
  - yes, but they are permitted in this zone so are not an issue.

Panel Members discussed:

- modest project that is not asking for much
- the south elevation being rather prominent due to the parking lot and could use some further development. The consideration and approach should be consistent throughout the project
- the material changing within a plane is busy, possibly some simplification or one fewer materials on the south elevation most specifically
- scale wise that the project seems to be consistent with the context

- the general form and character; feels ambiguous as it is only 3 units but it could read as 5
- insufficient outdoor space for all of the units
- that the front entrance reads like a lobby into the building when in actuality it is only 3 units with private entrances
- too many materials being applied throughout the project
- the buildings around are moderately simple, so the project could be more considerate of the adjacent buildings in approach to design
- the pavers to the front decks on the main floor possibly being cut out and additional green space added for more private space
- the open site space and the challenges with meeting zoning requirements
- the path along the south side potentially being removed, as access for the back suite is already provided at the back of the building
- the bike rack potentially being moved

Action:

MOVED / SECONDED

It was moved by Patricia Graham, seconded by Jesse Garlick, that the Advisory Design Panel recommend to Council Development Permit Application No. 000482 for 456 Chester Avenue be approved with recommendations as proposed;

- Alternate treatments to the south elevation
- Additional consideration to the material transitions and number of materials used
- Consideration to remove some of the hardscaping, specifically in relation to the paving and circulation to allow additional greenspace in the private outdoor spaces
- Possible relocation of the bike rack

CARRIED

3. ADJOURNMENT

The Advisory Design Panel meeting of January 25, 2017 adjourned at 1:17 pm.

_____

Christopher Rowe, Chair

FAIRFIELD GONZALES
COMMUNITY ASSOCIATION
the place to connect

Fairfield Gonzales Community Association Land Use Committee
Community Meeting October 20, 2016
Fairfield Community Place
1330 Fairfield Road

Chaired by Corey Burger (acting vice chair) Heather Murphy and Alice Albert (recorders) Don Monsour (chair) Robin Jones, and Susan Kainer (members of CALUC).

Approximately 33 community members were in attendance.

986 and 988/990 Heywood Avenue

Re-zoning from R3-AM2 = R1-B to spot zone based on R3-AM2. This application is to consolidate the existing dual zoning and construct a four storey multi family residential building overtop secure underground bike and vehicle parking. The proposed number of residential homes is 21 and no parking variance is being requested.

- Proponent: Jawl Residential, Tri Eagle Developments, and Cascadia Architects presented full description of proposed development and design features.
- Discussed and proposed massing closer to the south west corner to provide more open space and therefore more light to townhouses to the north.
- Plan to use quality materials e.g. stone terra cotta finish
- Building to last 100 years.
- All parking on one level. Guest bike parking will be built.
- Trees on neighbouring property remain
- 3 ground units facing Heywood will have access to outside
- 3 penthouse units

1014 Park Boulevard

Concern re **height and light**

- 3 units in his building will be impacted by reduced sun light.
- Noted penthouse floors are up to 11'.

Response: New standard for housing is 9'ceilings.

Overall building height is 7' higher than Tweedsmuir Mansions, located at 900 Park Boulevard which is the adjacent property to the south.

1330 FAIRFIELD RD. VICTORIA, BC V8S 5J1
Tel. 250.382.4604 Fax 250.382.4613
www.fairfieldcommunity.ca
place@fairfieldcommunity.ca

216 Vancouver Street

- Concern re **height**. Therefore, consider reducing penthouse height to 9' which would reduce 7' rise over Tweedsmuir.

Response: Can look into suggestion.

- Slope of land puts us lower than Heywood; therefore the building is quite high.

Response: Unable to push building closer to Heywood.

- Will address green space / healthy trees at property line. Will hand dig. Noted: Neighbour's shed sits near property line. We will have an arborist for the project.

978 Heywood

- How many **parking** spaces? Response: 29 parking spaces.
- Concern guests and deliveries will create more traffic on the street and need for more parking spaces.
- Does not care for **height**.
- Too close to street. Concern not enough **setback**. Wants to know in feet how far building from sidewalk. Response: Building is setback 14' from sidewalk. Current design thinking recommends housing closer to street. It works with the existing neighbourhood.
- Too close to Tweedsmuir.

Response: we have a step back on 4th floor. Will increase parking on street by 1 stall.

- Setback from street proposed 4 to 5' Response: Setback will be 14'. City bylaw 35'?

Note: Tweedsmuir has circular driveway therefore not pressing against street all the way around

- It seems too big; reducing the **height** would help.
- Concern re **street parking**. Car share suggested. Response: With limited number of suites and locked access to parking not viable to offer car share option.

900 Park Blvd.

- Request information, distance in feet? 8 or 10 feet?

Existing Tweedsmuir driveway is 10' wide therefore only 18' distance between Tweedsmuir and proposed development. Response: 20' distance between Tweedsmuir and proposed development. Front façade will be in line with Tweedsmuir zoning.

- Concern re trees along south property line between Tweedsmuir Mansions and proposed development. Suggestion: to show exactly what kind of trees will be proposed. Ensure realistic varieties will be used. Response: Cypress to saved and planted new trees which will grow to a substantial size. Monkey puzzle tree will be removed.

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#8, 900 Park Boulevard

- How much of parking box exposed?

Response: 6 to 7' then declines to 3' and then even.

- Observation: proposed landscaping between properties is not as private as in front. Would like opportunity to have discussion re **landscaping**.
- Tweedsmuir is 80 years old and never designed as a high class building. Would like to see the new development as beautiful /effective as Tweedsmuir.
- Tweedsmuir is remarkably close to sidewalk likely to provide space at back and individual entrances, therefore suggests come closer to sidewalk.

Response: the proposed development fits.

11 Park Boulevard (note this could be #11, 900 Park Boulevard?)

- Believes in density, but wants it to be done beautifully; design is really important.

Response: we want to do a beautiful building. The next step will be to review comments. We appreciate the comments. We want to enhance the neighbourhood. This project will be in the public realm for likely 8 months. We are in the early stages. There will be lots more conversations.

Address Unknown

Height

-suggest dropping property

Response: it is as low as possible to accommodate parking.

907 Oliphant

Concern re **light** does not wish to be in the shade.

Note re Zoning: Area is already zoned multifamily except for a portion of the site / notch of land at the rear, which is zoned single-family. Charlotte Wain (City of Victoria planner) explained, the proposed density is linked to open site space, which cannot be met due to the projection of the parkade structure above grade. Density cannot be varied therefore a rezoning application is triggered.

219 Vancouver

Would like to see rendering from Vancouver Street

1068 Chamberlain

Penthouse sticks out; makes building looming.

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Response: This is an architecturally bold element. Recessing would reduce valuable space. It is stepped back and corners are carved out. Designed with whole neighbourhood in mind; neighbourhood composed of 3 to 4 stories and then moves into a 1 storey section.

Address Unknown
Tree removal?

Address Unknown
How many bedrooms in penthouse?
2 and 2 plus den
Could the 2 existing houses be removed and placed elsewhere?
Removal is impractical because 35 trees would have to be removed along the street in order to accomplish this task.

Summary of Main Concerns Expressed: Height: too high, Light blocked, will increase traffic therefore need more parking, Setback of 14': some against, some for, not enough space between proposed development and Tweedsmuir, quality of landscape between Tweedsmuir and proposed development.

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Steve & Betsyn Clark

Borderline Investments Inc.

301-1640 Oak Bay Ave

Victoria BC V8R 1B2

Feb 22 2017

Re: proposed development at 986 and 988/90 Heywood Avenue

Dear Victoria Mayor and City Council

My wife and I wish to express our support for the Condo development at 986, 988 and 990 Heywood by Tri-Eagle Development Corporation.

My wife and I own two rental apartment buildings in the immediate Cook Street Village area. 1020 Park Boulevard and 1122 Mc Kenzie Street. We are very familiar with the area and the community.

The Jawl's reached out, explained and informed me regarding the project and I am very impressed. Their consideration for the area and the neighbors is very evident. There is no question the density and aesthetic décor "fits".

Importantly as owners of 5 apartment buildings in Victoria we are aware of how difficult finding residential accommodations can be. Increased inventory is clearly required to meet a variety of growing demands. Supply answers low vacancies and high cost. Further "supply" centrally located such as this, supports well known environmental and transportation concerns.

This will be a much desired and quality project and we are happy to express our support.

Sincerely,

Steve and Betsyn Clark

February 11, 2017

Samantha and Ian Beare
201-1014 Park Boulevard
Victoria, BC
V8V 2T4

Dear Mayor and Council,

This letter is in support of the Tri-Eagle Development Project on Heywood Avenue in Fairfield.

We believe that the architecture, density and construction quality of the proposed building will be an asset to Fairfield and the city. This building brings in 29 dwelling units with a secure underground. p

Consultation with the developer and neighbourhood has been ongoing. The developers have met with us and another resident in our building 3 times. Concern was expressed by us about the height of the building and we were happy to hear it has been reduced. It is our understanding that the developer has been more than willing to work with the neighbours to address any concerns they may have. Neighbourhood input has resulted in a lower height building, a building which protects the privacy of adjacent neighbours and a building that contributes to the beauty of the area with extensive landscaping. Providing parking and bicycle storage in a secure underground benefits not only the residents but the neighbourhood where parking is challenged and bike thefts are common. Encouraging bicycle travel in Victoria cannot occur without secure storage. This is becoming a significant challenge for those of us wanting to use bicycles for transportation.

We look forward to seeing this building completed and meeting our new neighbours.

Yours truly,

Samantha Beare

Samantha and Ian Beare

c.c Oliver Tennant, Tri-Eagle Development Corporation
330-4392 West Saanich Rd.
Victoria, BC
V8C 3E9

February 15, 2017

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

To Mayor and Council:

Subject: 986/988/990 Heywood Avenue

I am a resident of Hampton Court, located at 159 Cook St. Being situated close to the Cook Street Village and near this development, I wanted to provide my feedback on the proposed development.

I am in support of this redevelopment. The primary reasons are as follows:

- *The care and attention to reduce the affect to the direct neighbours*. It seems to me that the Developer has really listened to their direct neighbours and made some pretty dramatic changes to accommodate their interests including; Piano windows to increase privacy, stepped back yard to reduce massing at the property line, screening along N/S walls to increase privacy.
- *The size in respect to others close by*. It seems to me that this building will not overpower those that are nearby given the heights are very similar to the Tweetsmuir. Also, with the top floor being stepped backed (providing more deck space but less internal space), the building does not feel as big as a standard four story.
- *The number of floors*. While the developer could have opted to go higher, staying at the four floors reduces the impact of shading on their neighbours.
- *The positioning on the property*. Again related to shading, having the building located in the South West corner reduces the impact of the building on the properties directly to the North and East.
- *The mix of suites*. While Cook St Village is not really a community of families with young children, having a suite mix including larger two bedrooms goes a long way at making this accessible to families.

It is great to see a developer engaging with the community, listening to their needs and responding in a responsible and respectful manner.

Sincerely,

Steve Hutchinson
12-159 Cook St
Victoria, BC V8V 3W9
[redacted]

February 20, 2017

Re: Tri-Eagle Development Project at 986 & 988/990 Heywood Avenue

Dear Mayor and Council,

This is to provide a letter of support to the proposed Tri-Eagle Development project at 986 & 988/990 Heywood Avenue in Fairfield.

Based on the briefings I have attended and our discussions with the development team I am very confident that this project will benefit the immediate area for the following reasons:

- The design of the building is excellent and will both fit in with the neighborhood and add a new touch of classic modern architecture.
- The development team has conducted an extensive neighborhood communications campaign and have actively solicited and listened to residents feedback. Many design elements have been incorporated in to the building based on neighbours comments.
- The team met with us and many other neighborhood residents many times and listened to our concerns. Our primary concern was the proposed height of the building and they have now reduced the proposed height by one foot.
- The construction of a mid-size high quality condominium building on this property is consistent with the adjacent properties along this portion of Heywood and Park Boulevard.
- Design elements have included underground parking for residents and guests thereby reducing the potential pressure on parking spaces along Heywood.
- Surface and secure underground bike storage has also been included in the design. Many people use bikes as their regular mode of transportation in this area. The inclusion of secure bike storage will get more people out of their cars and on to bikes in our area.
- The way the building is situated on the property will minimize the privacy and sunlight impacts on the surrounding buildings and residents.

I cannot stress enough the degree to which this development team worked with the neighborhood to lay out the proposed plan and listened to residents ideas and concerns. Compared to other developers I have worked with and am aware of, this team has done a much better community engagement job. The result should be a building that fits in with the neighborhood and will meet the needs of residents for years to come.

Peter & Jane Durrant
302-1014 Park Boulevard, Victoria, BC

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

February 20, 2017

Jenny Marshall
1326 Richardson Street,
Victoria, BC V8S 1P7

Re: 986 and 988/90 Heywood Avenue Proposal

I am writing this letter to express my SUPPORT for the development at 986 and 988/90 Heywood Avenue.

This is one of the last building sites bordering our historic Beacon Hill Park and it is important to me that the development of it is treated with respect and sensitivity. I have seen the revised building plans and believe that the developer has proven their commitment to developing this spectacular property with the consideration it deserves.

The building design is exceptional. I believe that Cascadia Architects have designed a building that is contemporary in its overall design yet is still aesthetically pleasing AND fits visually both in its scale and proportion with the neighbouring buildings on Heywood Avenue. The extensive use of wood screening and natural substrates as well as the overall colour scheme proves that the developer has invested the time, resources and finances to get this project right.

I also believe that we need more insightful examples of quality architecture in our City and this is a project that should move ahead as it has been proposed.

Kind Regards,

JMarshall

Jenny Marshall

231 – 964 Heywood Avenue

Victoria, BC V8V 2Y5

February 21, 2017

Mayor Helps, City council

Victoria, BC

Re: 986-990 Heywood Avenue, Victoria, BC

Dear Mayor Helps,

My parents who also live in Fairfield plan to move into the proposed four-story complex at 986-990 Heywood Avenue. My wife and I live at 964 Heywood, north of the site and we feel based on what we have seen and heard about the building that it will represent an asset to the area. It will blend in well set as it will be beside a similarly-sized building but updated in design and very well constructed. We understand Tri-Eagle has a good reputation in this regard.

Yours truly,

Andrew Lang

Andrew Lang

February 27, 2017

Dear Mayor & Council:

We have called Cook Street Village home for the past 7 years and live very close by to this proposed development, just one block away. We are in complete support of Tri Eagle Development & Jawl Residential on 986,989,990 Heywood Avenue and are excited for what it will bring to the expansion/growth of Cook Street Village/Beacon Hill Park area.

We are especially pleased for the "Boutique" style of condominiums this project will bring to Heywood Avenue and the east side of Beacon Hill Park as we personally feel this area is in need of rejuvenation.

Sincerely,

Laura Corfield & Andy Rogers

Sutlej Street Owners/Residents

[redacted]

14 February, 2017

To Mayor and Council:

Re: 988 Heywood Avenue, Victoria.

With regard to the development above, we have reviewed the plans with the developer's representative. We are appreciative of the changes made to the original plan particularly that the building has been slightly lowered. This will help somewhat with the loss of light to our home.

We expressed concern for a large cedar and other shrubs situated on our property very close to the property line. They provide us with privacy and a sanctuary for wild birds. We hope that consideration will be given to the roots of these plants when the site is being excavated.

Maureen and Robin Applewhaite
907 Oliphant Ave.
Victoria, B.C.

David Jawl

From: Gus Albucz [redacted]
Sent: Friday, October 7, 2016 10:48 AM
To: David Jawl; Kelly Albucz
Subject: 986,988/990 Heywood Avenue Updates

Good morning David,

Thank you for the updates regarding the Heywood project. Since the construction backs onto my mother's property at 220 Vancouver it has a direct impact on her environment. As per our discussions you know the importance of the proposed footprint and associated setbacks of the building given it proximity to our house. From what I have seen to date, I am delighted with the dimensions, setbacks and the attention given to landscaping considerations to create townhouse style living on the first floor.

I would also like to add that the amount of effort you and your team has exhibited to keep us informed is beyond anything I had expected. My mother is 87 years old and the concept of a development team displaying a "good neighbor..... good will" attitude is foreign to her. I have explained it to her and she is now comfortable with the eventual outcome and how you are proceeding.

We have known for years that the Heywood properties were going to be developed and are relieved to see detailing with respect to finish, windows and landscaping. We support the Heywood project and look forward to more updates as you work through the process.

Sincerely,

Gus Albucz

Mayor Helps and Council Oct 20, 2016

Re: Development Application for the property located at 986,988/990 Heywood Avenue from Jawl Residential, Tri-Eagle Development Corp, Cascadia Architects and LADR Landscape Architects

To Whom it May Concern,

As the Strata (#463) that will share the north property line with the new development, we initially had many questions and concerns. The development and design teams right away reached out to introduce themselves and share their initial thoughts on the project. Each unit was visited separately to determine and record shadow and privacy impacts. Joint follow up meetings were arranged with our group to review options. Eliminating balconies directly on their north side and setting back the top floor have minimized our concerns. They have put all the parking underground to minimize noise and enhance the back yard appearance. The SW positioning of the building on the lot will help with a reduction in shadow.

We have been pleased with the collaborative approach to date and look forward to continued discussions regarding privacy and landscaping options for the treatment of our joint property line.

Please let this letter serve as support from the 4 Unit Townhouse Strata #463 (905-911 Oliphant Ave) situated on the north side of the property to be developed.

Sincerely,

L Heneault

Linda Heneault,
Acting President, Strata #463
911 Oliphant Ave.

The Mayor and Council City of Victoria, Feb 15,2017

Good day,
We are neighbours to the proposed development 986 and 988/90 Heywood Avenue.
Our address 905 Oliphant Ave. V8V 4V4.
We are pleased to report that from the start of the project the developers have been very attentive to our input and our concerns re location and design. We are affected by the proposed building as we will be losing some view and sunlight.
All in all the developers have done their best to mitigate the impact of the new building on our property and have made at least six + visits to consult with us.
Dealing with Jawl Residential and Tri-Eagle Development has been a very pleasant and professional expenence.

Ann and Ian MacMillan
905 Oliphant Avenue
Victoria B.C. V8V 4V4

[redacted]

OT

Oliver Tennant [redacted] 'Maryan Meek' 2/23/2017

RE: Oliver Tennant re: Heywood Ave.

You replied to this message on 3/6/2017 1:48 PM.

>> On Feb 21, 2017, at 7:50 PM, Maryan Meek <[redacted] wrote:
>>
>>
>>
>> To : City of Victoria, Mayor and Council
>>
>>
>> Regarding the proposed project at 986 & 988/90 Heywood Avenue
>>
>>
>> My husband and I are long time owners of 980 Heywood avenue. I have also lived in the immediate neighbourhood
>>
>> on Sutlej Street for almost 60 years. I've remained part of this community, starting with the virtually all single family
>>
>> dwellings to the inclusive, higher density apartment/condos dwellings it is today.
>>
>> I support growth and greater community involvement, and I support this project.
>>
>> Thoughtful & tasteful change is welcome. I am impressed with the design, which considers not only aesthetic and
>>
>> privacy matters, but also quality building materials.
>>
>> We're excited to see this project go through.
>>
>>
>> Sincerely & honestly yours,
>> Maryan & Eric Meek

Connected 100%

Rezoning & Development Permit Application for 986-990 Heywood Avenue

CITY OF VICTORIA

CITY OF VICTORIA

Existing Site

986 Heywood Avenue

988/990 Heywood Avenue

CITY OF VICTORIA

Context

Buildings to the north

Buildings to the south

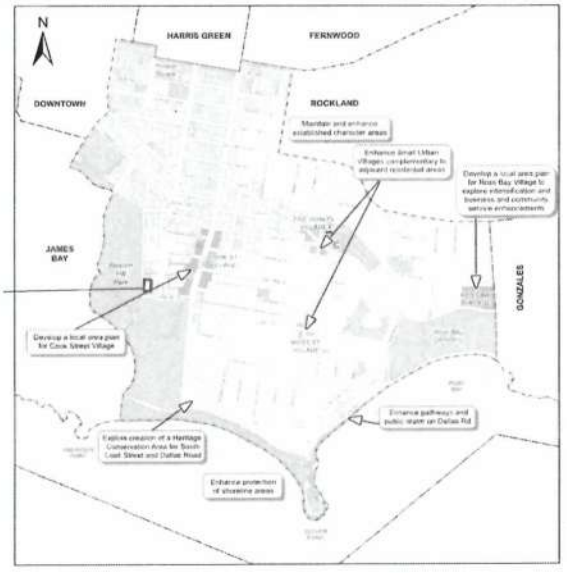
CITY OF VICTORIA

Context - Birdseye View

CITY OF VICTORIA

Official Community Plan

Subject Site



MAP 21
Fairfield
Strategic Directions

Urban Place Designations*
- Core Residential
- Large Urban Village
- Small Urban Village
- Urban Residential
- Traditional Residential
- Public Facilities, Institutions, Parks and Open Space
- Marine

Public Facilities
- E Existing Public School
- C Community Centre

*Urban Place Designations are provided for information purposes only. Please refer to Map 2 and Figure 8 for designation information.

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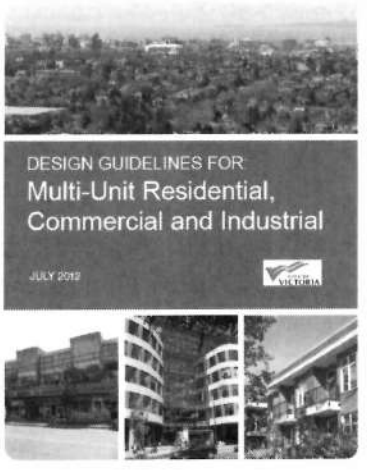
Development Permit Area (DPA) 16 – General Form and Character

Objectives

- Support multi-residential that provides a sensitive transition
- The enhance the place character through high quality architecture, landscape architecture and urban design
- To achieve more livable environments through human-scaled design



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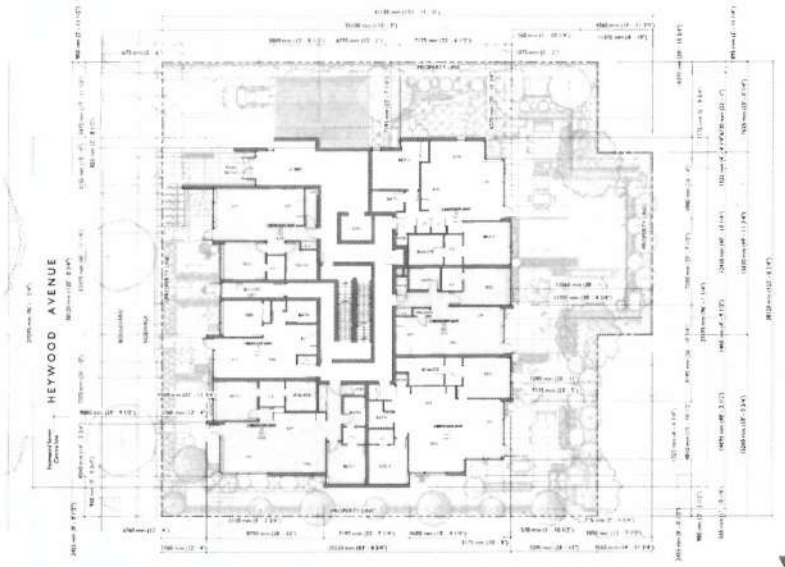
Site Plan



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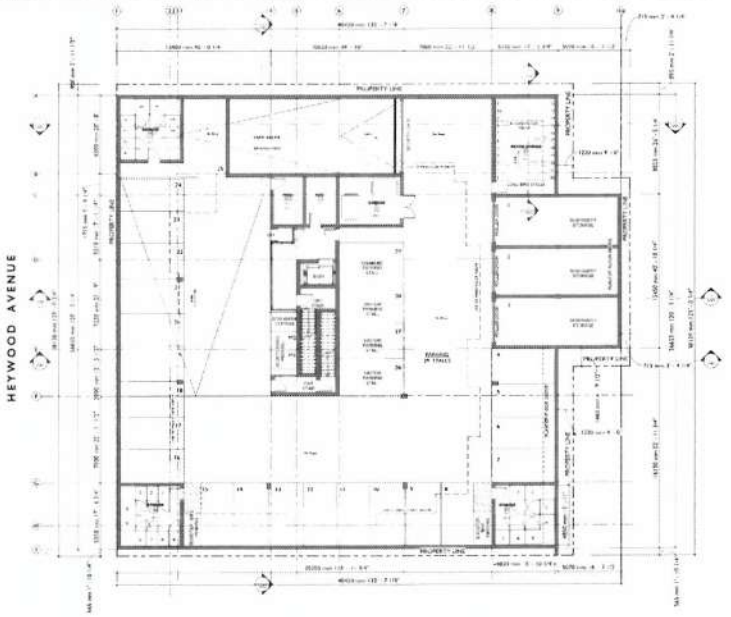
Underground Parking Layout



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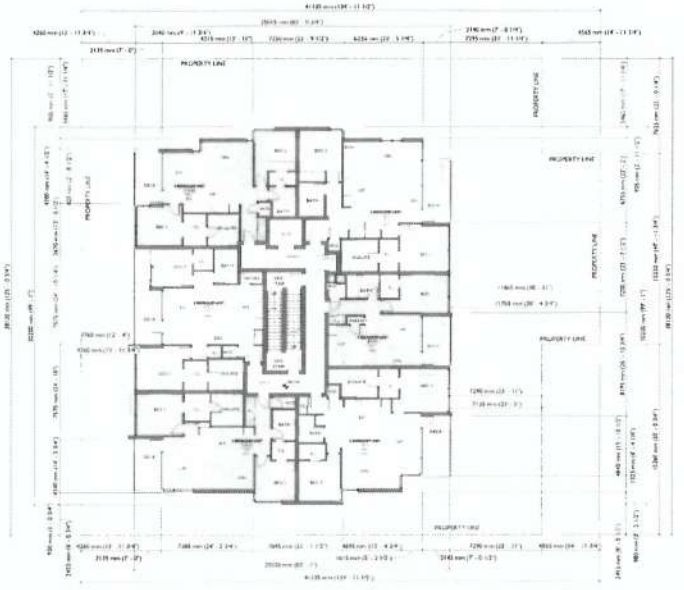
Level 2 & 3



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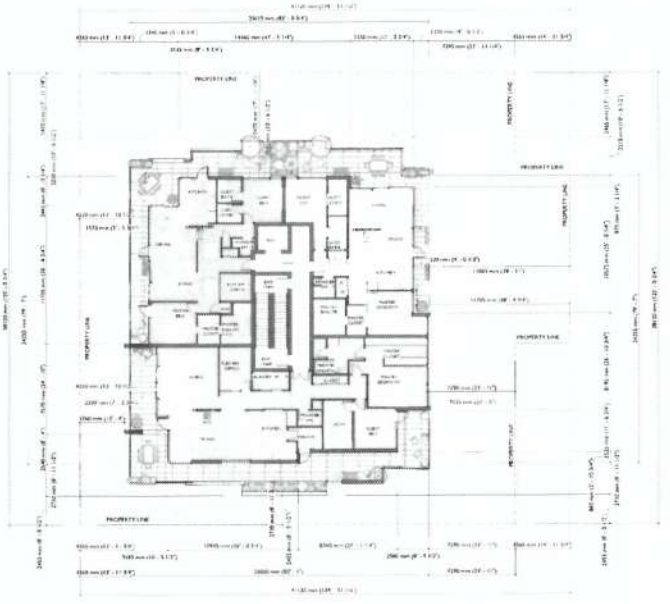
Level 4



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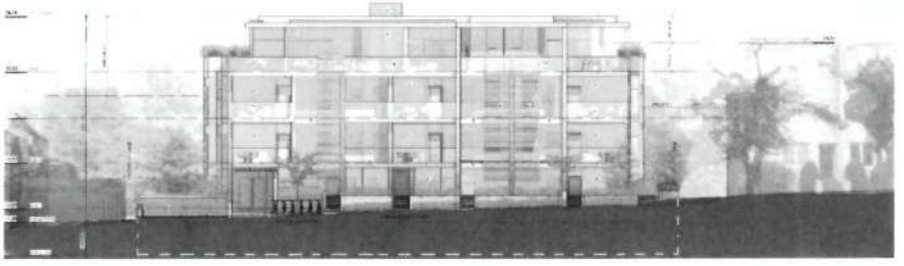
West Elevation (front)



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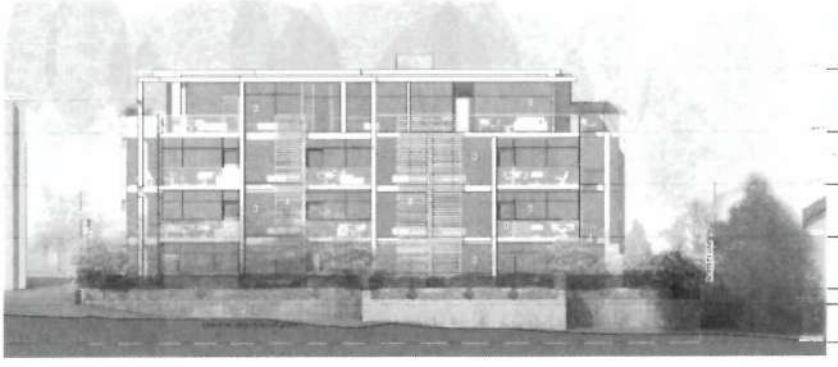
East Elevation (rear)



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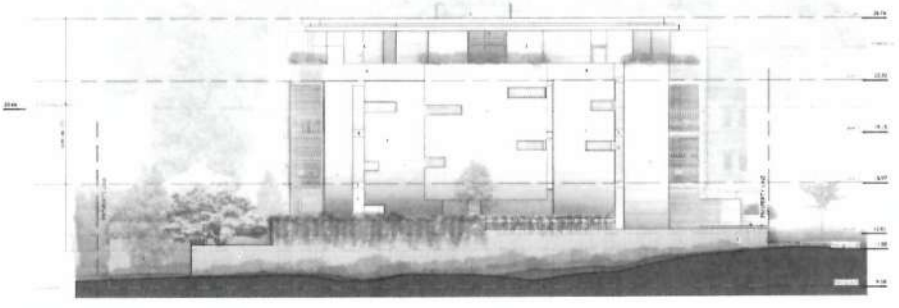
East Elevation (rear) – existing planting

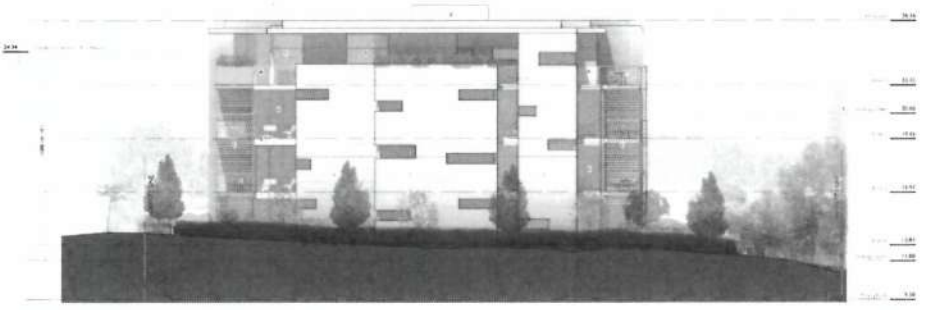
CITY OF VICTORIA

Side elevation (north)



CITY OF VICTORIA

Side elevation (south)



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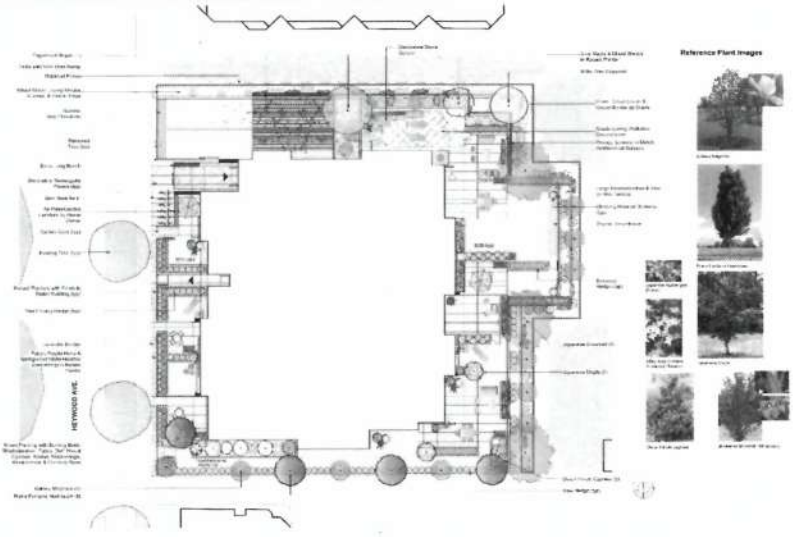
Landscape Plan – main floor



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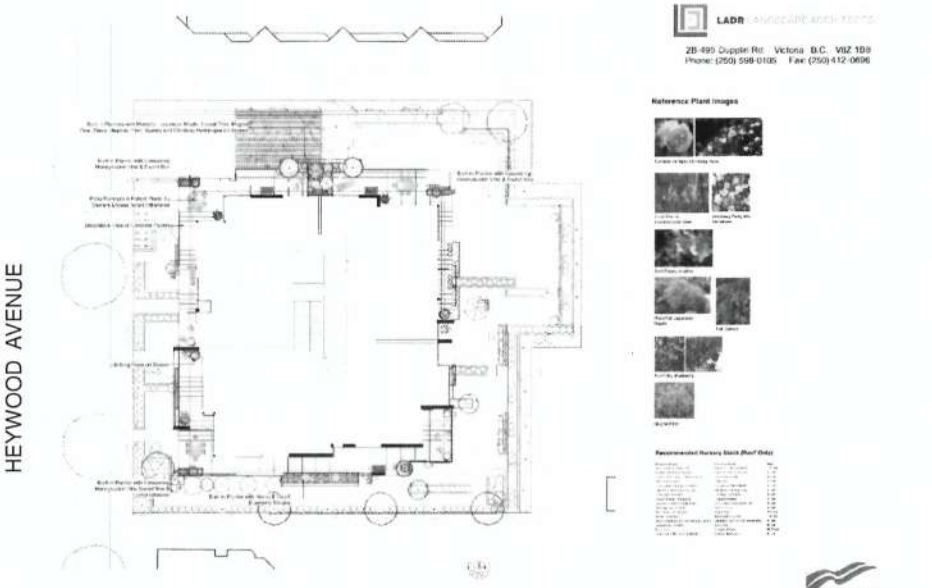
Landscape Plan – level 4



Streetscape Elevations

West (front) Street Elevation

View of North West

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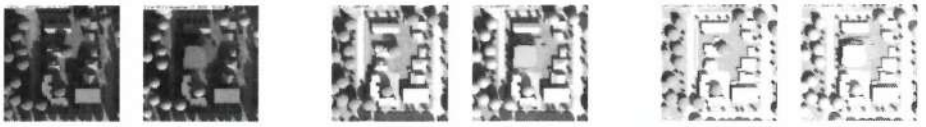
Shadow Study

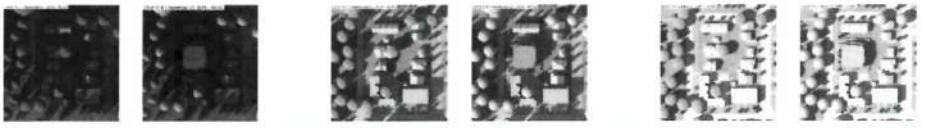
December 21
Winter Solstice

March/September 21
Equinox

June 21
Summer Solstice



Noon



4 p.m.

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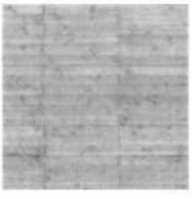
Materials

Cedar Soffit



Stone Tile Screen

Ceramic Stone Tile

Landscaping Element

Glass Guard

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Perspective Views

View of South West

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Perspective Views

View of North West

CITY OF VICTORIA

Dear Mayor and Council – City of Victoria

February 28th, 2017

I write as the owner of property 102-1014 Park Blvd in support of the proposed development in the 986-988 Haywood Avenue, Victoria, B.C. by Jawl Residential Ltd.

As a local resident I am excited to see a developer that is taking a modest approach to developing this neighborhood, with efforts to carefully consider the natural and architectural surroundings. This building appears to be designed with a sense of community in mind, and one that will encourage positive neighbourly engagement. Having been a resident of the Cook St. Village for almost 15 years, I feel that this design compliments the overall charm of the Cook St. Village. Their efforts engaging local residence throughout this proposal is appreciated, and it stands out in comparison to other active developments in the area.

I look forward to seeing this project come to fruition.

Sincerely,

Noelle Quin

TD

Trudy David [redacted] Oliver Tennant 8:32 PM

Letter of support for 986 Heywood

Dear Mayor and Council,

As a homeowner at 234 Vancouver Street, I would like to express my support for the development proposed for 986 Heywood. While studying the plans, I noticed several very positive features in the overall pleasing design. The fact that the building is placed closer to Heywood, leaving a good buffer for Vancouver Street residents whose back yards adjoin the development property, is a thoughtful use of the space. I also appreciate the attention given to the orientation, size and placement of windows in order to maximize the privacy of neighbours living on the north and south sides of the development. The reasonable four story height, creative landscaping, and adequate underground parking are both features that will make this building an asset to the neighbourhood, and not negatively impact the existing community.

I have been impressed with the collaborative approach the developers have taken with the neighbours, taking into account concerns that we have expressed as they designed their project.

Best regards,

Trudy David

DocuSign Envelope ID: 06387C83-5302-4C30-A32F-5234F4B6B1DE

ingridjarisz
SELLS VICTORIA
Newport Realty
1286 Fairfield Ave, Victoria, BC V8V 4W3
mobile: 250.882.5295 office: | 250.385-2033
www.ingridjarisz.com

May 31, 2017

Attention City of Victoria Council

Re: 986 Heywood Avenue – Condominium Development

Please accept my letter in support of this thoughtful and well-designed condominium project submitted by Tri-Eagle Developments. I have known and worked with Tri-Eagle for almost 20 years having a similar background in development and real estate with my career of 25 years with Jawl Developments and now a licensed agent with Newport Realty Ltd.

Tri-Eagle's reputation is award-winning and they are amongst some of Victoria's finest developers and builders. Their commitment to the communities and neighbourhoods throughout Victoria are proven with quality projects and lasting architectural prominence.

I have also worked with Cascade Architect, Gregory Damant, for over a decade and his thoughtful planning and efficiently designed homes and buildings are a perfect match with Tri-Eagle's commitment to lasting architecture in Victoria. The refreshing approach to design shines through with this development and I especially appreciate the extensive landscaping and thoughtful screening blending the boutique condo building into the existing neighbourhood and alongside current single family homes.

The demand for concrete and steel construction, with larger footprint condominiums is incredibly high within local Victorians especially. I have several clients that are considering a move into 986 Heywood as they are also drawn to the quality finishes, thoughtful floor plans and desirable location.

I fully support this project going forward and look forward to having many of my clients calling 986 Heywood Avenue home!

Sincerely,

DocuSigned by:
Ingrid Jarisz
6F6907B59522464...

Ingrid A. Jarisz
Realtor, Newport Realty/Christie's Int'l Real Estate

Lacey Maxwell

From: Robin [redacted]
Sent: May 30, 2017 5:00 PM
To: Lisa Helps (Mayor)
Subject: Development 986 Heywood - Hearing June 8th

Dear Mayor Helps:

Re: 986 Heywood Avenue development

Our home is located in the two story Oliphant Street townhouse building immediately North of the above proposed building and our townhouse centre unit (907) does not have East or West windows - the main living area's source of sunlight is to the South.

During the past year, we have met many times with Dave Jawl of Jawl Residential and Travis Lee of Tri-Eagle. We very much appreciate the many efforts they have made to listen to our suggestions and alleviate our concerns. In particular, our concerns with regard to the siting of the building and having underground parking, given the lack of parking space in the surrounding area.

Any change in the siting of the new building's footprint to the north, would cause considerable loss of sunlight to us. As seniors, our home, which we have worked hard for and enjoyed for many years, would become a much darker residence.

We urge the Council to allow Jawl Residential and Tri-Eagle to site the building's footprint as they have requested.

Maureen and Robin Applewhaite
907 Oliphant Ave.
Victoria, B.C.

Please do not disclose the following:
[redacted]
[redacted]

May 22, 2017

Mayor Lisa Helps and Council for the City of Victoria

Dear Mayor and Council:

Re: The Heywood Condominium Project

We recently had the opportunity to review the plans for the proposed Fairfield condominium project, The Heywood. As such, we are writing to Council to voice our support for approval of this development.

We have been homeowners in Fairfield for almost ten years and feel a close connection with our community. As 'boomers', we are looking to downsize soon and a condominium is the obvious next move. This poses a problem, as currently there is very little suitable condominium living available in the Fairfield area. We feel the majority of existing condominiums in Fairfield are dated - and that there is a very real demand for modern, upscale multi-family housing.

In this regard, The Heywood is an excellent example of the type of multi family development that is needed in Fairfield. It's proximity to Beacon Hill Park, Cook Street Village and downtown Victoria is perfect. It's four story design is in keeping with the neighbourhood. The layout of the units, focusing east/west rather than north/south, allows the project to blend in with the neighbouring properties. Both logistically and aesthetically, The Heywood will be a great addition to Cook Street Village in particular and to Fairfield in general.

We hope that Council will approve this project.

Yours sincerely,

Joanne Kipp

Ross Kipp

Joanne and Ross Kipp
1121 Faithful Street
Victoria B.C.
V8V 2R5

Amanda Ferguson

From: bart reed [redacted]
Sent: Wednesday, May 17, 2017 1:06 PM
To: Lisa Helps (Mayor); Chris Coleman (Councillor); Ben Isitt (Councillor); Charlayne Thornton-Joe (Councillor); Pam Madoff (Councillor); Geoff Young (Councillor); Jeremy Loveday (Councillor); Margaret Lucas (Councillor); Marianne Alto (Councillor)
Cc: [redacted]
Subject: Heywood Development Proposal

To: Mayor & Council
Re: Heywood development proposal

Hi All:
I'm writing this letter in order to let you know that myself and the other owners of the Beagle Pub do support the proposed development at Heywood. We met with David Jawl and Oliver Tennant this morning and reviewed the project.
From a Cook St Village business owner's perspective, this project is attractive in that it increases the density of the neighbourhood thus increasing our customer base and adding vibrancy to the area. Of all issues, this is our top priority. The second most important issue from our perspective is that they are proposing to put in underground parking. I don't think I need to say anything further on that topic, you all know my stance there.
From a personal perspective, I strongly support densification. I feel that urban sprawl is one of the greatest causes of damage to the environment and that humans become more efficient the greater their density.
Beyond these issues, I was impressed with the care that was taken in this project to address the neighbours' concerns from the beginning of the process. There are many 4-story buildings along that route so this isn't anything out of the ordinary. I think it'll be a good, natural progression for the neighbourhood.

Thanks for your time.
Bart Reed.

Virus-free. www.avast.com

Amanda Ferguson

From: Brett Cooper [redacted]
Sent: Thursday, May 18, 2017 10:58 AM
To: Victoria Mayor and Council
Cc: [redacted]
Subject: Heywood Development in Fairfield West.

Hello,

Just a quick note regarding the upcoming project proposed by Tri-Eagle Development Corp. and Jawl Residential on Heywood st. in Fairfield.

As a resident of Cook st. village (304 Chester Ave.), I look forward to seeing a modern 21 unit development built on the doorstep of Beacon hill park. I am so excited for the village and its current direction towards a modern updated look and feel, I hope we can keep this trend going!

Best regards,

Brett Cooper
[redacted]

DAVE & VICTORIA CRAIG

[redacted]

May 19, 2017

VIA EMAIL

Mayor Lisa Helps, Marianne Alto, Chris Coleman,
Ben Isitt, Jeremy Loveday, Margaret Lucas,
Pamela Madoff, Charlayne Thornton-Joe and
Geoff Young
City of Victoria
c/o #1 Centennial Square
Victoria, BC V8W 1P6

Dear Mayor and Members of Council:

RE: Letter in Support of 990 Heywood Avenue Project

My wife Victoria and I have lived at 1240 Oxford Street in Fairfield since 2000. I grew up in Fairfield and attended Sir James Douglas in the 1970's.

We have reviewed the application and proposed variances for the above and wish to compliment the developer on a well thought out project. It is an excellent location for increased density and will complement the neighbouring buildings.

It is exciting to see a project that will bring more homes to Fairfield and add to the community. Having more homes enjoying the views of the park is a great bonus.

We believe in protecting single family neighborhoods but understand density is required for this City to remain healthy. Density in the right location is a win and this is the right location.

Kindest Regards,

Dave Craig

Amanda Ferguson

From: webforms@victoria.ca
Sent: Tuesday, May 02, 2017 12:26 PM
To: Development Services email inquiries
Subject: Development Services - City of Victoria Feedback Form

You have received an email from Pam Wootton via the City of Victoria website feedback form

Name: Pam Wootton
Topic: Development Services
Phone: [redacted]
Address: [redacted]
Message: I support the development proposed for 986 Heywood. I have lived in the Cook Street village for 21 years. My building is old and I want to move into a new building in my neighbourhood. I have walked to the site and asked questions of the developer. I also read all the information online. I hope you will approve this project.

Date: Tuesday, May 2, 2017 12:25:53 PM

April 26, 2017

The Honorable Lisa Help

Mayor, City of Victoria

and

Victoria City Council

re: proposed development at 986 Heywood Street

We are writing this letter to you to show our support in favor of the proposed development at 986 Heywood.

The developers, Jawl Residential and Tri-Eagle Development, have taken the time to go thru a thoughtful and collaborative process with neighbors. We have spoken to the residents at 907 Oliphant and we were pleased to hear that they are very positive about the proposed new building. The outside design was modified to address their concerns and to preserve privacy of their rear yards. The end result is that the proposed building is very welcome by the neighborhood and at the same time very attractive to prospective owners, such as us. In addition, this is exactly the type of infill project that the City of Victoria needs to support to help meet the strong demand to live here.

We currently reside on the other side of Beacon Hill Park in James Bay. Thank you.

Gail and Jim Maier

[redacted]

[redacted]

Mayor Lisa Helps,
Victoria City Council

April 26, 2017

Re: Proposed development @ 986 Heywood St

I am writing in support of the proposed development @ 986 Heywood St.

As a homeowner & resident of the Cook St Village I believe this development will be an asset to our community.

I heartily approve of the design esthetic of the structure & sensitivity shown to the surrounding homes & neighbors.

Jawl Residential & Tri-Eagle Developments have consistently shown themselves to be developers of the highest repute.

Sincerely,

Colleen Gibson
[redacted]

Amanda Ferguson

From: Miles Takacs [redacted]
Sent: Tuesday, May 16, 2017 4:31 PM
To: Victoria Mayor and Council
Subject: 986 Heywood Redevelopment Project

To Whom It May Concern,

This is a note to let you know that as a neighbour to this proposed project, I am thrilled to see redevelopment about to take place. The Cook St. Village area is a wonderful part of Victoria but also in dire need of new housing.

The Jawls have been excellent to work with & have been inclusive with their approach right from the beginning.

I offer full support of their plans to build a new condo building around the corner from my home.

Cheers,

Miles Takacs
[redacted]
[redacted]

To: Her Worship Mayor Lisa Helps and City Council Members April 13 , 2017

Re: **REZ00531** (986 and 988 Heywood Avenue)

Dear Madam/s and Sirs:

We are sending this letter to request you **deny** the application to vary the bylaw regarding the "**one-half of building height**" requirement of the current R3-AM2 zone on this property.

The plans for the new development have shifted the new building, south and west, towards the beloved 1930's "Tweedsmuir Mansions". We attest that we own the Unit within Tweedsmuir Mansions that will be one of the units most impacted, but please hear what we have to say.

Most people who have lived in this city for any length of time, know and love this grand Art Deco designed building, which sits quietly on the corner of Park Boulevard and Heywood Avenue, across from another gem in our community, Beacon Hill Park. Tweedsmuir Mansions is admired by all passers by, who are usually walking/running or riding by on their bicycles. There are very few original multi-unit Art Deco buildings in Victoria, and we are hoping that you will give thoughtful consideration to the longterm impact on this striking building. Bonnie has loved this building, since the 1970's, and would purposely ride by it on a ten-speed, taking a break from studies at University.

While Jawl Residential and Cascadia are attempting to design an attractive addition to our neighbourhood by building "larger more generous suites" for affluent purchasers, and "provide a housing option for downsizing members of the community", there is a request to vary or disallow a by-law that conflicts with our desire for the same neighbourhood, and particularly Tweedsmuir Mansions. They are proposing to build a four-storey building to within **8.07 feet** of the south property line, versus the required **23.9 feet**. (More than **15.8 feet** than currently allowed). This will result in a significant crowding impact on a jewel of a building. What are the by-laws for, if not to prevent this type of impact on a neighbouring property?

The request for the shift in the new building location on the site was **"to minimize shadowing of the smaller scale properties on the north and east**" side of the development. When considering the likely future of the neighbourhood, with the heights and direction development seems to be reaching…there is every chance that the grand Tweedsmuir Mansions will be standing for many future generations ahead to enjoy and admire. Can the same can be said for long term projection of the smaller scale buildings on the north side of the new development? Is it right to crowd and diminish such a wonderful, beloved building that is a treasure in our community?

With the numerous construction cranes now populating our downtown core, and the other many community issues demanding your time as Mayor and Council members, please find the time to consider the longterm impact of this new development on the aesthetics to our beloved Art Deco building, Tweedsmuir Mansions. We thank you for this consideration.

Bonnie Ellen Campbell R. Gregory Bonnell

Heywood and Park corner: Tweedsmuir Mansions (1930s)

Front Entrance:

North end on Heywood, development to be on left.

Below:Looking south-east (monkey tree on left where proposed development to go)

Drawing of distances: One of the north facing Tweedsmuir Unit's on the groundlevel,(below our Unit) **front door** opens directly facing the new development. Only **18.1 feet** between buildings)at closest point). Should be about **34 feet.**

Tweedsmuir Mansions would be **permanently** impacted on the North side, if this by-law variation request is granted. Please **deny** the request.

TWEEDSMUIR MANSIONS

900 PARK BOULEVARD
VICTORIA, BRITISH COLUMBIA V8V 2T3
STRATA COUNCIL VIS 3449

May 18th, 2017

Re: Proposed Development at 986-990 Heywood Avenue

Dear Mayor and Council,

Tweedsmuir Mansions, located on the corner of Park Boulevard and Heywood Avenue, at the doorstep of Beacon Hill Park, is a Victoria landmark and a page in the city's history. Since 1936, Tweedsmuir has been a source of pleasure to thousands of passers-by, many of whom have a personal history with the building. In 1995, Tweedsmuir Mansions was formally recognized by Canada's Historic Places.

Those of us who live in Tweedsmuir are now faced with the redevelopment of two adjacent single-family properties to the north on Heywood. We are voicing our concerns with the variances being sought by the developer and want to bring to light how this will negatively impact our home.

We are concerned about a requested front and side-yard setback and a height variance that, if approved, will bring the new building at its closest, eight feet from our shared property line. It will also bring the underground parking box two feet from the property line in an area built on fill. The new structure, if the variances are approved, will essentially dwarf the north most portion of Tweedsmuir, towering over it within a very short distance. Basically, given the proposed height it will be far too close to our building.

We do not oppose multi-unit development. However, we believe these variances will adversely affect our building and the property values of those owners directly adjacent the proposed new development. We shared our concerns with the developers in September 2016, before the application was filed with the City. Subsequently, two of our strata members met with the developers on at least seven occasions to provide feedback. We advised the developers in October 2016 that the proposed building, given the intended height, encroached too far into the side yard setback between the buildings. We again formally advised the developers in February 2017 that our strata owners objected to the proposed variances. Yet, we continue to be told by the developers that they have been sensitive and accommodating to neighbour concerns, where clearly, on this specific issue, this has not been the case.

We believe that the proposed development's generous setbacks and landscaping on the property line adjacent to the townhomes on Oliphant Avenue and the single family homes on Vancouver Street are being realized at our expense. We would like commensurate consideration, which could be achieved if the footprint of the proposed building, the distance to our property line, and the size of the parking box were reduced. We believe the proposed variances require study and careful consideration.

After numerous meetings with the developers, including several prior to the submission of the re-zoning and development permit applications, the proximity and building size concerns that we have continued to raise have been disregarded. **We therefore request that Mayor and Council reject the requested variances until such a time as the siting of the proposed building, its height, and location of the parking box are made fair to all neighbours impacted by this development.**

Sincerely,

The Owners and Residents of Tweedsmuir Mansions
Strata Council VIS3449

Contact: Bob Dubicki [redacted]; 4 – 900 Park Boulevard)

Residents (Owners and Tenants):

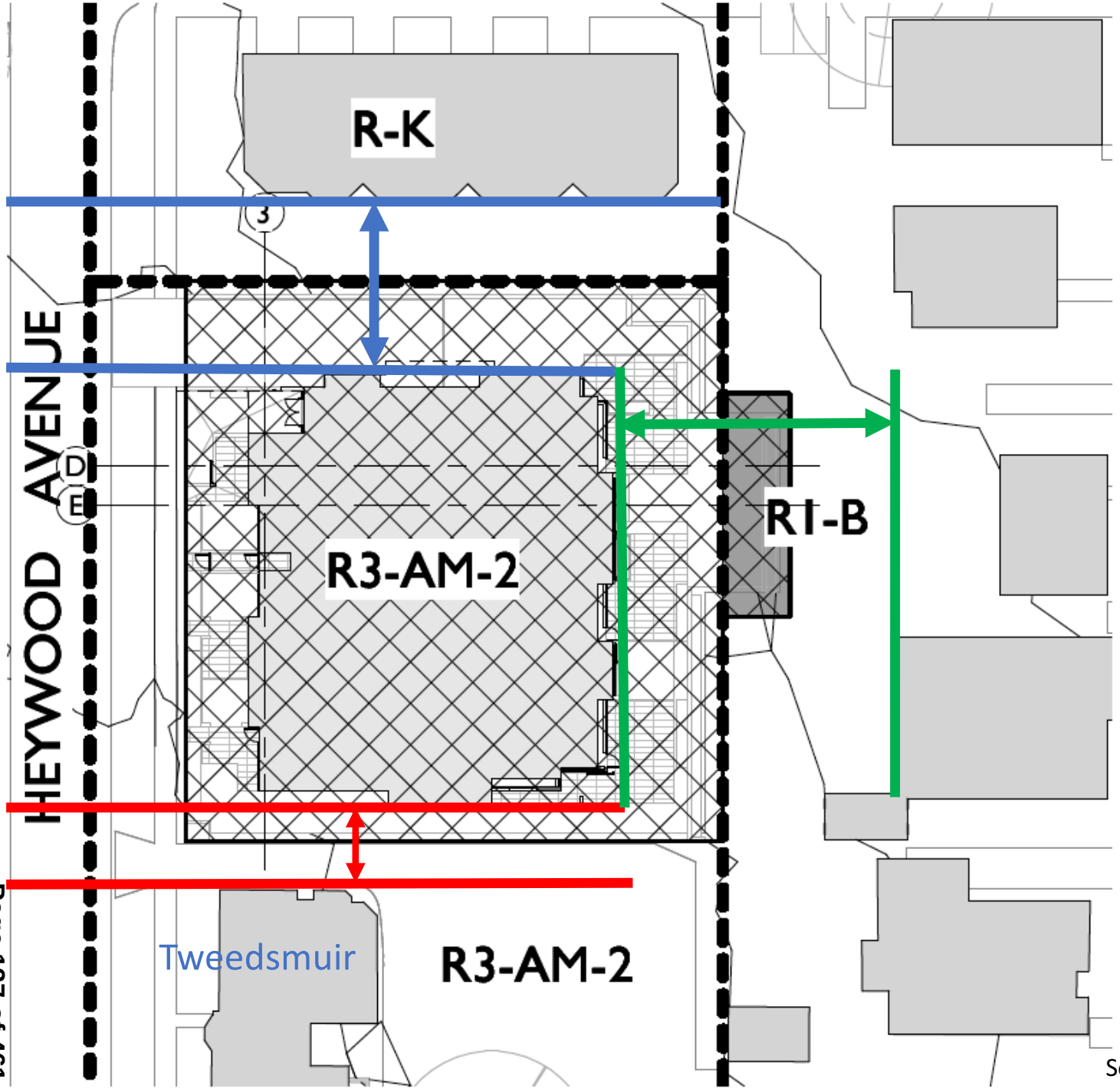
No. 1	H. Thomas R. Jezersek	No. 7	R. Hamilton
No. 2 and 4	R. Dubicki D. Dubicki A. Dubicki K. Dubicki	No. 8	G. Miller J. Wen
No. 3	R. Preston N. Preston	No. 9	L. Roberts J. Bump
No. 5	R. Moore C. Lee C. Abbott	No. 10	K. Popham
No. 6	S. Cleveland K. Oye	No. 11	K. Rothe

cc:
Alison Meyer, Assistant Director, Development Services
Andrea Hudson, Assistant Director, Community Planning
Paul Brown, Fairfield Community Association
Victoria Heritage Advisory Panel
Hallmark Heritage Society

Tweedsmuir Mansions

Proposed Development

EXHIBIT 1: North, south and east setbacks from existing buildings - overhead view.



Comparative:

Blue = Setback from townhomes on Oliphant.

Green = Setback from homes on Vancouver.

Red = Setback from Tweedsmuir.

Source: Developer provided rendering.

EXHIBIT 2: Overhead view of proposed development with setbacks from existing buildings.

Source: Developer provided rendering.

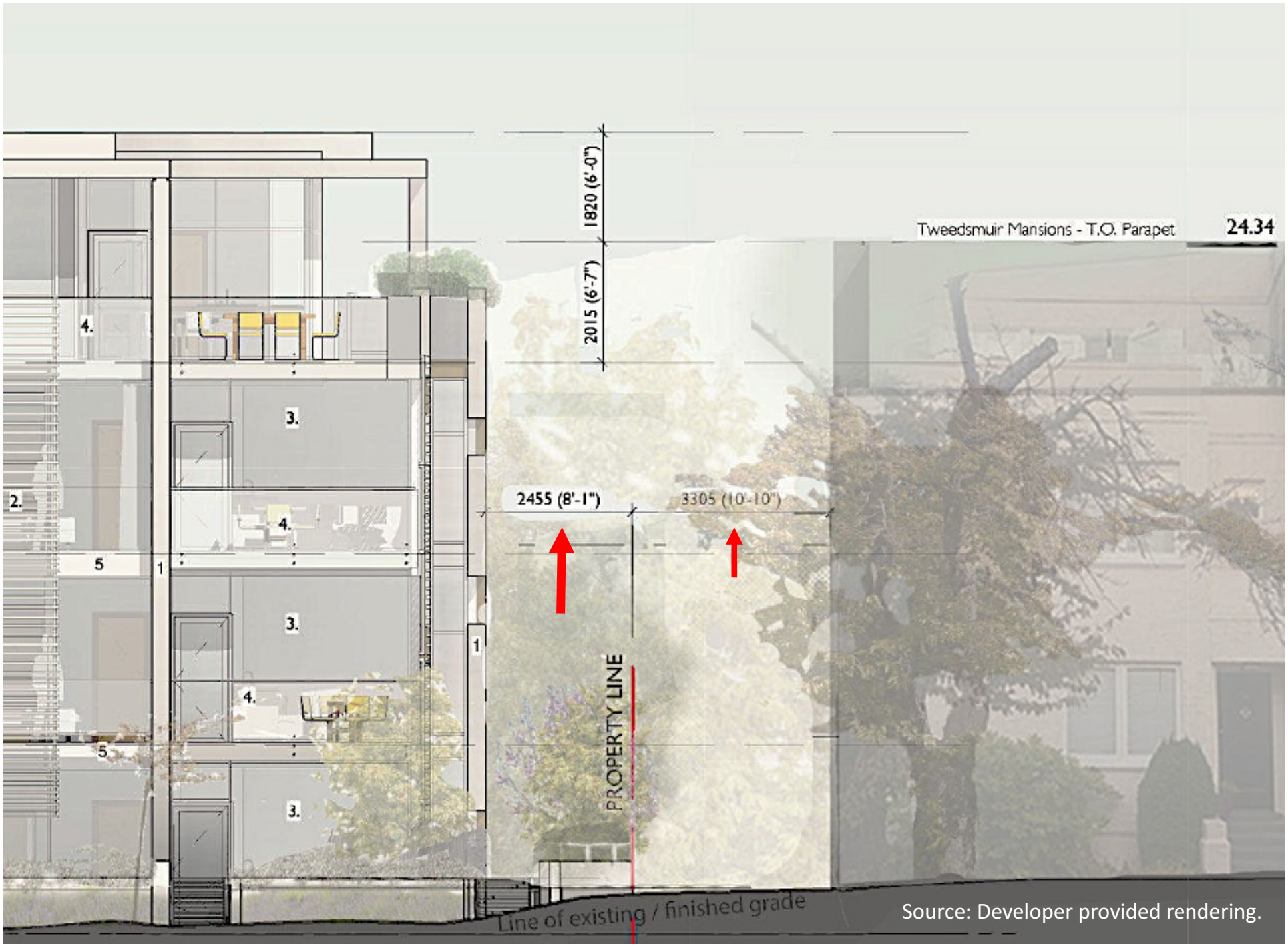
EXHIBIT 3: Tweedsmuir rear, current view facing North.

EXHIBIT 4: Overlay with proposed variances for height and setbacks. Note all trees seen removed-replaced by shrubs. New building only 8’ away from property line. Suites lose Northeast view.

EXHIBIT 5: Tweedsmuir viewed from Beacon Hill Park facing East.

EXHIBIT 6: Overlay with proposed variances for height and setbacks: creates alleyway effect.

EXHIBIT 7: Setback and heights of Tweedsmuir north side and proposed development south facing.



Source: Developer provided rendering.

May 16th, 2017

Re: 986, 988/990 Heywood Avenue Development

Dear Mayor Helps and Council,

I am writing this letter to express my support for the planning application located at 986, 988/990 Heywood Avenue.

I am a resident of the Beacon Hill Park neighbourhood and a business owner in Victoria. I have reviewed the plans with the developer and feel that the applicant has created a sensitive and beautiful infill development proposal that **fits** within the context of the existing neighbourhood.

Sincerely,

Yiannis Mavrikos
646 Michigan St.
Victoria, BC, V8V 1S9

To Whom It May Concern, 11 May 2017
re: Jawl Residential / TriEagle Development of 986 / 988 Heywood Avenue, Victoria, B.C.

We are writing this letter to endorse the aforementioned development project on Heywood Avenue in Victoria.

While we have no vested interest in the project whatsoever, as former owners of the properties we feel that the consultation process with the surrounding neighbours helped the developers come away with a preliminary design proposal that will be both conducive to the neighbourhood and appeal to a demographic that would appreciate the uniqueness of the area and all it has to offer.

We understand that the design has changed slightly since the earlier public meeting which we attended, so we can't speak to all the particulars currently in place, but we're sure that the developers have done everything they can to keep the design changes in-line with neighbourhood concerns and comments.

From our point-of-view, the developers did an outstanding job of doing everything they could to accommodate our best interests, comfort levels and convenience during the past year, and especially during the last few months leading up to the closing of the property transfer process – a difficult process for us as we've lived in the properties for the past 60 years. We commend all of the development team for their efforts and professional attitude towards us from the outset.

Thank you, sincerely,
Hermine and Chris Mundigler

Strata 875
920 Park Boulevard
Victoria BC V8V 2T3

Attention: Oliver Tennant
Marketing and Development Coordinator
Tri-Eagle Development Corporation/Jawl Residential

April 24, 2017

Dear Oliver

We would like to thank you and the Jawl Residential team, Travis and David for meeting with us on Tuesday, August 23rd to discuss the development of 986 and 988/90 Heywood Avenue.

You were all very thorough in your presentation and we were impressed by the detail that you provided. We were also gratified to hear that you had canvassed the whole neighbourhood to elicit feed-back and had modified some plans based on that.

Our strata council wholeheartedly support your proposed development on Heywood Avenue and wish you all the best in your endevour.

Welcome to the village.

Geoff Smith

Secretary/Treasurer

G

Garry & Chris Preston [redacted] Oliver Tennant; Kristiane surroundings; Garry Preston; Brice Castle; Calen McNeil; Glenn Barlow; Bart Reed Tue 8:18 PM

Letter of Support from the CSVBA

You forwarded this message on 5/23/2017 10:46 PM.
We removed extra line breaks from this message.

Dear Oliver Tennant,

The Cook Street Village Business Association (CSVBA) supports the re-development of 986- 988/90 Heywood by Tri-Eagle Development and Jawl Residential. The addition of 21 homes is much needed in the area and we are pleased to see that all parking requirements have been met by the developers.

Looking forward to seeing a beautiful residential development in the neighbourhood.

Garry Preston
Chairman
CSVBA

VS

Valerie Scott [redacted] Oliver Tennant Wed 7:40 PM

Heywood Development

This message has been replied to or forwarded.

[redacted]

5 April 2017

To: Mayor and Council

I wish to provide this letter of support for the proposed Tri-Eagle Development at 986 and 988/90 Heywood Avenue.

I believe the developers have strived to meet the needs/requests of neighbours with their design, especially by restricting the height of the building to four stories, which blends in with other structures in the neighbourhood. In addition, they have addressed issues pertaining to privacy, setback, underground parking and landscaping. Therefore, I have no problem seeing this project move forward.

Sincerely

Valerie Scott
(Homeowner)

Sent from my iPhone

Victoria City Council - 08 Jun 2017

Mayor and council,

As a prospective condo buyer, I would like to offer my full support for the proposed residential development at 986 Heywood by Jawl Residential and Tri-Eagle Development Corp (the developer).

I have had an opportunity to examine the tentative plans for this four-story, 21 home building. The developer has put a great deal of thought into the floor plans resulting in, what I consider to be, very appealing layouts that maximize space and light. The inclusion of 9-10 foot ceilings, now an industry standard, serves to achieve this and is an expectation by most buyers including myself.

Architecturally and aesthetically, the developer has designed a building that, in my view, has taken full consideration of the respective privacy needs of both the neighbouring homes and perspective condo owners. More specifically, I am impressed with the positioning and use of the style of windows for the sides of the building and balconies with screens/trellises to achieve both light and privacy.

I have been keenly researching the purchase of a condo in Victoria for the past year and can attest first hand to the limited availability of housing in the city of Victoria. The proposed condominium development aligns perfectly with the quality and style of home I am looking for, as a down-sizer, being situated in a quiet neighbourhood close to green space, yet in close proximity to essential services and the downtown core.

In closing, I trust the proposed project will be given due consideration and I look forward to the opportunity to be a prospective owner of a unit within this development.

Monique Sanche
N404-737 Humboldt St.,
Victoria, BC
V8W1B1
[redacted]

Sent from my iPad

Victoria City Council - 08 Jun 2017

IS

irene smith [redacted] 12:07 PM

986 Proposal - Letter of Support

Date: May 8, 2017

To: Mayor of Victoria and City Council,

I belong to the largest growing demographic group in this country - the age 60 to 66. We are active 'boomers' who have worked our whole lives and are now transitioning into retirement. Our children are grown and we no longer need our family homes. We want housing that fits our lifestyle both now and in the future. We want to live in a safe neighbourhood and be part of a community where we can age in place. This means access to goods and services, public transportation and close proximity to leasure activities. I believe that the Tri-Eagle Development proposal for 986 Heywood Street in the Cook Street village will provide 21 quality dwellings that we can be proud to call home.

Sincerely,

Irene Smith

Victoria City Council - 08 Jun 2017

Lacey Maxwell

From: ann macmillan [redacted]
Sent: June 2, 2017 11:56 AM
To: Lisa Helps (Mayor); Marianne Alto (Councillor); Chris Coleman (Councillor); bissitt@victoria.ca; Jeremy Loveday (Councillor); Margaret Lucas (Councillor); Pam Madoff (Councillor); Charlayne Thornton-Joe (Councillor); Geoff Young (Councillor)
Subject: Re: 986/988 & 990 Heywood

Mayor and Council, City of Victoria

We are the owners of 905 Oliphant. Last July we received a letter from the new owners of the Heywood properties, located immediately behind us informing us that they were planning
to build a 4 storey condo on the said properties.

The letter asked if they, Jawl Residential and Tri-Eagle Development could meet with our strata, strata 463, as soon as possible. This was a Saturday and we met for the first time the following Tuesday.
All seven strata residents were present and have been at 7+ subsequent meetings. On two occasions
we met with the architects and once with the landscape designer.

Initially we noted several areas of concern: loss of sunlight, driveway proximity, noise and light pollution,
and vehicle fumes. The 6 metre driveway is to be located immediately behind our garden fence.

The developers have been attentive to our questions and concerns and have worked hard to mitigate them in the design of the building. They are also acutely aware that our strata is to the
north of the building and the most impacted of all the neighboring properties.

All this to say that in these many months of consultation we have found the developers to be available, helpful,
attentive and professional. We hope the variances will be granted and the project approved.

Ian and Ann MacMillan

Lacey Maxwell

From: Kathleen Chrétien [redacted]
Sent: June 2, 2017 5:24 PM
To: Lisa Helps (Mayor); Marianne Alto (Councillor); Chris Coleman (Councillor); Ben Isitt (Councillor); Jeremy Loveday (Councillor); mlucus@victoria.ca; Pam Madoff (Councillor); Charlayne Thornton-Joe (Councillor); Geoff Young (Councillor); Jason Johnson; Jonathan Tinney; Development Services email inquiries; Community Planning email inquiries
Subject: Proposed Development at 986-990 Heywood Avenue

Council of the city of Victoria

RE: Proposed Development at 986, 988, and 990 Heywood Avenue

Thank you for this opportunity to "have our say". We are the owners of 216 Vancouver Street, directly east of the proposed development. This development will have a major impact on us and our property and we hope that the concerns we outline will have your attention and consideration.

As we see it, the significant variances sought i.e.: increasing the height, increasing the site coverage, reducing the open space and reduction of all of the setbacks, including those for the parkade will place a towering structure very close to the adjacent properties.

Height:

The proposed height variance of 2.28 meters essentially makes this structure equal to a five storey building. This increase in height over the zoning limits is predicated on the notion that 9 ft and higher ceilings are the new norm, this is subjective and arguably spurious. The height will cause this building to loom over the neighbourhood, particularly to the east. The Tweedsmuir Mansions to the south of the proposal, one of Victoria's acknowledged architectural gems, an anchor to the area and a landmark in the community and city, will be diminished by the mass of the structure. The properties to the north will be cast in perpetual gloom and we on the east and lower side of this sloping site will be facing a structure, that from our perspective, looms even larger.

The structure will create a wall (at night an illuminated wall) between the properties to the east of the site and Beacon Hill Park. There is currently a good visible connection with the park from the east via the space between and over the two houses now on the site, and this will be lost to us and our neighbours if the building goes ahead as planned.

Privacy:

We note that the proposal speaks of "maximizing views to the east and west" and of the concern for privacy to the north and south but makes no mention of privacy to the east. In a letter to the Mayor and Council dated March 6, 2017, Cascadia Architects states that it respects the OCP guideline 1.6.2 which suggests that buildings "be designed to address privacy, particularly for portions of the development abutting the side yards of adjacent single-family dwellings". There is no mention of, and nor does the design address, the privacy of the private

open spaces of the adjacent properties on the eastern side. There will be a considerable number of balconies with these "maximized views to the east" and they will be directly and intrusively overlooking our properties.

Landscape:

Our backyard has several mature trees. One in particular, a large and healthy Elwood Cyprus is close to 100 years old. Likely planted when our house was built, it is near 8 meters high with a 60cm diameter at the base and is situated very close to the property line. The parkade setback indicated on the drawings is a mere 1.22m. The excavation required in order to accommodate the concrete forms for construction of the perimeter wall will necessitate digging even closer than this to the tree. We believe that the stress of the excavation will destroy it. The developers have promised that they would hand dig the area around the tree and will have an arborist on hand but with such a small setback and close/deep excavation for the parkade, the tree could easily lose 30 to 40% of its root system. It is unlikely the tree could survive such an assault even with hand digging, and even with an arborist on hand - a disaster for us. It seems absurd to lose such a beautiful rarity as this tree to a parking spot in an underground parkade. Perhaps a parking variance to allow for undisturbed soil in that area could be considered. That tree is beneficial to everyone in the neighbourhood, old and new, and to wildlife as well.

Design and Footprint:

At the CALUC meeting, the community expressed its opinion that the building was too big and that the design did not fit the neighbourhood. We too feel the proposal is much too big for the site, shows little concern for the immediate neighbours, the neighbourhood and the community. In our meetings with the developers we voiced our concern with the height, size, and uninspiring design but we see no consideration in their submission to the city.

For fifteen years, we have lived in this quiet and safe residential area. We have raised our family here. It is not an area that needs more vibrancy, nor the traffic pressure and noise that higher density will bring. That kind of thinking is more suited to the Cook Street Village, where people actually gather and spend time. We can see no benefit to the community as a result of this project, it is in the wrong place. Having said that, we recognize that the area is zoned for a mid-rise building but we believe that the zoning should be respected and not rewritten to accommodate the needs of developers. We are told that scaling back the project is not viable which we can only interpret to mean that profit margins would be too low and raises the question of why was the site purchased in the first place. We believe that the community has legitimate concerns about the scale of this project and has made reasonable requests for changes but despite numerous consultations nothing of substance has changed and the project appears to be presented as a fait accompli.

To sum:

We oppose the proposed variances and the potential consequences of those variances, particularly the height and the parkade setbacks and the resulting overly large footprint. We respectfully request that council deny these variances and send this proposal back to the drawing board.

Kathleen Chrétien & Terry Linford
216 Vancouver Street
Victoria, BC

Lacey Maxwell

From: Heneault Linda [redacted]
Sent: June 2, 2017 7:24 PM
To: Lisa Helps (Mayor); 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)
Subject: Jawl / Tri-Eagle Development Project for 986,988 and 990 Heywood
Attachments: Jawl 988-90 , 986 Haywood Development Oct 20.docx

Mayor Helps and Council,

We are the owners and residents at 911 Oliphant Avenue, the most north east townhouse of Strata #463 located on the north perimeter of the proposed building site. In Oct 2016 we submitted the attached letter of support for the proposed Jawl/ Tri-Eagle development from our strata. As the most impacted neighbours to this new development, we want to ensure you understand our reasons for our continued support for this project.

The views to the south of our units and onto the proposed building site are our primary views and provide our primary light. As the most impacted of all neighbours by possible loss of light, loss of privacy and loss of viewscapes, it was important to us to work closely with the development team to work out solutions that minimized our concerns and took into consideration all bordering neighbours. We have met (together with all of our strata members) with David Jawl, Travis Lee, the Cascadia team and landscape architects on this project numerous times and have found all interactions to be respectful, timely, informative and creative. We have been very pleased with many of the design solutions they have presented. A few examples being;

- consideration of minimal windows on the north side of the building to protect our privacy
- have set back the penthouse units to reduce orientation onto our gardens
- have designed landscaped underground parking to avoid unsightly views onto above ground paved parking and to minimize street parking impacts
- landscaping and tiering the 5’8” wall impacting our back garden
- and have positioned the building to reduce its shadow impact without impacting park facing views for Tweedsmuir or Oliphant

All of the neighbouring homes and properties adjoining this development are rich in history and significance in their own right. The Tweedsmuir with their art deco south facing facade, the lovely heritage homes along Vancouver Street, and our 4 town homes on Oliphant - on the Heritage Tours and described as a Wagg and Hambleton 1976 building with commissioned Imke Pearson stained glass, oriel windows,double-coursed shingles and angled bay entries. Our research into and feedback about Jawl Residential and Tri-Eagle Development has been consistent with our experience with them. They are a first class group that do wonderful work while respecting the neighbourhood. We believe the development as proposed is of high quality and will enhance our neighbourhood and we look forward to continuing to work with them through the next phase of building and landscape planning.

We are pleased to support this project.

Sincerely,

Linda and Rob Heneault
911 Oliphant Ave,
Victoria Bc
[redacted]

Lacey Maxwell

From: Mur Meadows [redacted]
Sent: June 6, 2017 9:17 PM
To: Victoria Mayor and Council; Lisa Helps (Mayor)
Subject: 986 & 988 Heywood Development

THE DEMISE OF FAIRFIELD'S WHITE PICKET FENCE

Fairfield is located in prime real estate between Beacon Hill Park, Rockland and Oak Bay. Cook Street Village is a quaint community of Victoria with a variety of coffee shops, restaurants and retail businesses. As this neighbourhood is slated for more development at the behest of City Council it seems, a number of building projects are either in progress, or looking for the city's permission to tear down an existing building and rebuild something bigger.
Notwithstanding the controversial project presently being built at the corner of Oiliphant and Cook Street, which razed 2 single family houses, a two story four-suite apartment building, and subsequently shipped the beautiful Carmel Apartments by barge to Port Townsend, USA.
Though there were hundreds of signatures on a petition trying to stop this five story condo being built, it was still green lighted, and will now become the tallest building and dwarf everything in The Village.

The last standing single family house beside Beacon Hill park, located at 1014 Boulevard Ave, was torn down a few years ago to make way for a modern condominium building. Though, there was little opposition to the project, as the owner had let the dwelling dramatically deteriorate over the years. What was once a decent house with a big backyard is now another condominium building.

Another project that is slated for development is this proposed four story residential project to replace two houses at 986 and 988 Heywood Avenue.
Located beside the stately Tweedsmuir Mansions on the corner of Boulevard and Heywood. The side by side lots are the closest to the entrance of Beacon Hill Park than the other five Heywood houses, and the fate of these 2 large houses could be the future for other houses facing Beacon Hill Park.
At one time, these 2 houses were liked, loved and lived in by citizens raising their families. Not too long ago, I remember the wonderful couple who lived at the immaculately kept white house at 986 Heywood. The gentleman had regularly painted his little white fence, tended to the lawn, plants and flowers so meticulously, it is a shame to see these properties slowly die of neglect. Both houses do not have renters, and the owner seems content to leave them empty, and will then have no choice but to tear it down.
The brown house at 988 Heywood, is completely different from the nieghbouring house, as it is one of the original houses built on Heywood. The proof is in the size of the Monkey Puzzler Tree in the front yard behind the white picket fence. Standing at over 80 meters tall, it is one of the largest trees of it's type in Fairfield. Granted that the developer wants to put a new condominium building in the place of these two soon-to-be-former homes, but I believe there should be concessions in the design to save this 100 year old rare Monkey Puzzler Tree.

If we do not begin saving parts of our heritage, we are going to become exactly like Vancouver. Over populated. Lack of character. Loss of history in architecture.
With every house that is being tore down so a developer can build another multiple-suite dwelling, we are losing the individual neighbourhoods one by one.
I ask the City Council of Victoria to ask a developer to use a part of the history, and there be a part of the

original property put back into each new building project.

Please save the Monkey Puzzler Tree.

Mur Meadows

Victoria, BC

Lacey Maxwell

From: Isabel Weeks-Lambert [redacted]
Sent: June 6, 2017 3:15 PM
To: Ben Isitt (Councillor)
Cc: Victoria Mayor and Council
Subject: proposed development on Heywood Avenue

Hello Ben:

I am writing regarding the proposed development for 986 and 988 Heywood Avenue. Currently there are two lovely old houses. They have apparently been sold to a developer who is proposing a condo complex with underground parking. I believe the property is currently zoned for multiple dwellings, but the developer is seeking several variances.

I attended a community meeting months ago, during which the developer presented plans for the property. I voiced my opposition to the plans as presented. While I do not oppose the redevelopment of this property, I do oppose several of the requested variances. These include set back and height variances.

I did not receive any further notice of the progress of the approval process with the City. I learned about a public hearing by reading a sticker on a sign on the property as I walked past it. I would have expected to receive a notice of this hearing as I live in the next block. Why was I not given notice of this hearing?

I am opposed to a few of the requested variances: the proposed height, which I think is excessive, and the proposed much smaller setback from the street.
This building will loom over the street if the requested variances are granted.

Do I need to appear on Thursday to voice these objections? I was not given proper notice, and my husband died last month so I am in a deep grieving process.

Thank you for your cooperation and assistance.

Isabel Weeks-Lambert
Barrister & Solicitor (British Columbia) Attorney at Law (California)
Telephone: [redacted]
Fax: [redacted]

This communication (both the message and any attachments) is confidential and intended only for the use of the person or persons to whom it is addressed unless I have expressly authorized otherwise. It may also contain information that is protected by solicitor-client privilege. If you are reading this communication and are not an addressee or other authorized person, I hereby notify you that any distribution, copying or other use of it without my express authorization is strictly prohibited. If you have received this communication in error, please destroy both the message and any attachments and notify me immediately by e-mail or telephone.

Lacey Maxwell

From: Robin Applewhaite [redacted]
Sent: June 6, 2017 1:32 PM
To: Victoria Mayor and Council
Subject: 986 Heywood Development

Dear Mayor and Council:

Re: 986 Heywood Avenue development

Our home is located in the two story Oliphant Street townhouse building immediately North of the above proposed building and our townhouse centre unit (907) does not have East or West windows - the main living area's source of sunlight is to the South.

During the past year, we have met many times with Dave Jawl of Jawl Residential and Travis Lee of Tri-Eagle. We very much appreciate the many efforts they have made to listen to our suggestions and alleviate our concerns. In particular, our concerns with regard to the siting of the building and having underground parking, given the lack of parking space in the surrounding area.

Any change in the siting of the new building's Refootprint to the north, would cause considerable loss of sunlight to us. As seniors, our home, which we have worked hard for and enjoyed for many years, would become a much darker residence.

We urge the Council to allow Jawl Residential and Tri-Eagle to site the building's footprint as they have requested.

Maureen and Robin Applewhaite
907 Oliphant Ave.
Victoria, B.C.

Please do not disclose the following:
[redacted]
[redacted]

Lacey Maxwell

From: Helene Sundberg [redacted]
Sent: June 6, 2017 1:52 PM
To: Victoria Mayor and Council
Subject: Proposal on Heywood

June 6, 2017

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

Dear Mayor Helps and Council,

Re: Tri-Eagle and Jawl Residential Proposal on Heywood

As long tern residents of Fairfield and James Bay we would like to voice our support for this project.

We are very impressed with the development team of Tri-Eagle and the Jawl's. Their commitment to high quality design and sustainable building practices are evident throughout their many past projects.

This new building in particular will help fulfill the growing need for easy care living in this walkable and amenity rich neighbourhood. This is exactly the type of housing we will be looking for in the future when our home becomes too much work for us. We look forward to seeing this building being constructed and hopefully more like it.

Yours truly,

Gary & Helene Sundberg
223 Government Street

Pamela Martin

From: Charlotte Wain
Sent: Wednesday, June 07, 2017 8:19 AM
To: Public Hearings
Subject: FW: Proposed Development of Property at 986, 988 & 990 Heywood Avenue

-----Original Message-----
From: Nancy Leslie [redacted]
Sent: June 6, 2017 9:40 PM
To: Charlotte Wain <CWain@victoria.ca>
Subject: Proposed Development of Property at 986, 988 & 990 Heywood Avenue

Thank you for the letter/notice sent on May 26 asking for input regarding the proposed changes to the zoning of the above properties.

I live at 222 Vancouver Street and my property is located at the north-east corner of the proposed development. Specifically, we will be mostly affected by the sight of the above-ground concrete corner of the “underground” parkade, by the loss of green space, and the shade cast by the 46-foot building which will occupy most of the lot. The development team seems to have attempted to mitigate these aspects of the proposed building.

I have met on a handful of occasions with representatives of the developers. In particular, their development team has reassured me that the proposed building will not have an impact on my solar hot water system collectors. The shading will be mostly on my back garden and mostly in the winter when the angle of light is low.

The development—in particular the changes to the set-backs—will adversely affect my neighbours more than it (they) will affect me. Overall, my greatest concern is that the proposed development seems out-of-scale with the feel of the neighbourhood.

Regards,
Nancy Leslie
222 Vancouver Street
Victoria, BC
V8V 3S8

Lacey Maxwell

From: Steve Hutchinson [redacted]
Sent: June 7, 2017 12:28 PM
To: Victoria Mayor and Council
Subject: Support letter for 986/988/990 Heywood Avenue

To Mayor and Council:

I am a resident of Hampton Court, located at 159 Cook St. Being situated close to the Cook Street Village and near this development, I wanted to provide my feedback on the proposed development.

I am in support of this redevelopment. The primary reasons are as follows:

• The care and attention to reduce the affect to the direct neighbours. It seems to me that the Developer has really listened to their direct neighbours
and made some pretty dramatic changes to accommodate their interests including; Piano windows to increase privacy, stepped back yard to reduce
massing at the property line, screening along N/S walls to increase privacy.

• The size in respect to others close by. It seems to me that this building will not overpower those that are nearby given the heights are very similar to the Tweetsmuir. Also, with the top floor being stepped backed (providing more deck space but less internal space), the building does not feel as big as a standard four story.

• The number of floors. While the developer could have opted to go higher, staying at the four floors reduces the impact of shading on their neighbours.

• The positioning on the property. Again related to shading, having the building located in the South West corner reduces the impact of the building
on the properties directly to the North and East.

• The mix of suites. While Cook St Village is not really a community of families with young children, having a suite mix including larger two
bedrooms goes a long way at making this accessible to families.

It is great to see a developer engaging with the community, listening to their needs and responding in a responsible and respectful manner.

Sincerely,

Steve Hutchinson
12-159 Cook St
Victoria, BC V8V 3W9
[redacted]
[redacted]

Lacey Maxwell

From: marne st claire [redacted]
Sent: June 7, 2017 11:23 AM
To: Victoria Mayor and Council
Subject: 986,988 Heywood

Categories: Lacey in Progress

Dear Mayor and councillors

I am writing to express support for the Jawl proposal to build a four story apartment at 986-988 Heywood.

The scale of the proposal is comparable to the neighbouring apartments and single-family dwellings.

Generous parking will be provided on site underground.

With respect,
Marne St. Claire
33 Howe
Victoria

Sent from my iPhone

Lacey Maxwell

From: James Oliver [redacted]
Sent: June 7, 2017 2:09 PM
To: Victoria Mayor and Council
Subject: 986 & 988 Heywood

Dear Mayor and Council,

I'm writing in support of the development at 986 & 988 Heywood. The developer has met me at my home at 225 Vancouver Street to discuss their plans and has been forthright with their need for variances to height and setback. I understand they have accommodated their neighbour's concerns. I'm sure the neighbourhood appreciates that they have not applied for onsite parking variances. I believe that their proposal is consistent with the current zone and the OCP and their application should be granted without delay!

Thanks,

James Oliver.

Pamela Martin

From: Joan Halvorsen [redacted]
Sent: Wednesday, June 07, 2017 7:29 PM
To: Public Hearings
Subject: Rezoning No. 00531

From
Joan Halvorsen
305 - 964 Heywood Ave
Victoria BC V8V 2Y5

Please do not publish my email address. Thank you.

I am strongly opposed to this rezoning for 986, 988, and 990 Heywood Ave. Any increase in density would be out of place in this location and would be totally unfair to neighbouring properties. Please do not support this rezoning. Thank you.

Sent from my iPhone

Pamela Martin

From: Zen Fabian [redacted]
Sent: Wednesday, June 07, 2017 3:21 PM
To: Public Hearings
Subject: 986, 988 and 990 Heywood Avenue - Rezoning No 00531

Dear Council,

We, Mercia and Zdenek Fabian, 301-978 Heywood Avenue are in full support of the development permit application for the above property.

Street parking could be an issue, but amending the city parking bylaws, to exclude parking of inoperative vehicles on the city streets, will help.

Regards,

Mercia Fabian [redacted]

Zdenek Fabian [redacted]

Lucas De Amaral

From: John Lang [redacted]
Sent: Thursday, June 08, 2017 10:57 AM
To: Victoria Mayor and Council
Subject: 986 Heywwod Avenue

RE:- 986 Heywwod Avenue

We have lived in Fairfield for over a dozen years now and love it of course.

With respect to the four-story apartment complexes, built 40, 50 and 60 years ago that line the main thoroughfares of this part of Victoria there are few that deliver any aesthetic appeal. Next door to the subject property is one such exception. 986 will fit in well between the Tweedsmuir and the row of townhouses. It's similar in height and size while offering an aesthetically pleasing front view for passers-by and visitors to the Park. In this sense, in my opinion it will be a welcome relief to the most of other apartment complexes in the region, and an attractive addition to Heywood, the Park and Fairfield.

I fully support this project.

Sincerely,

John Lang
1165 Chapman Street
Victoria,BC V8V 2T5

June 7, 2017

Mayor Lisa Helps and City of Victoria Council

Dear Mayor and Council:

Re: ‘The Heywood’ Condominium Project

We write you as three-year residents of the Essencia Verde condominium development on 1035 Sutlej Street in the Cook Street Village neighbourhood. Having recently reviewed the plans for the proposed development, The Heywood, we are writing you to voice our support for this project.

As local residents in our mid-thirties, we’ve chosen to live in this neighbourhood for its sense of community and its proximity to the downtown core. We are currently in the housing market in search of a slightly larger, modern-designed condominium project in the Cook Street Village/Fairfield area and, currently, there is little to no such inventory available. As such, we feel the modern and tasteful design of The Heywood project is in-step with the housing needs of this neighbourhood and the community ethos of Cook Street Village.

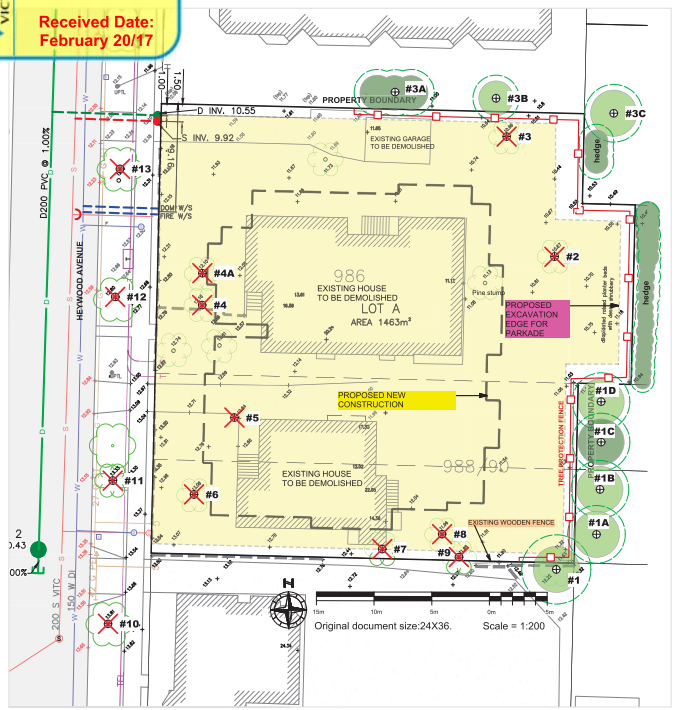
We look forward to council approving this project and will continue to advocate in favour of any subsequent holistic, modern development projects in this neighbourhood.

Sincerely yours,

Sean and Michelle Roberts
203-1035 Sutlej Street

Revisions

Received Date: February 20/17



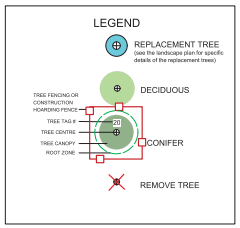


Fig. 1: Overview image of the existing houses

Fig. 2: Remove tree #6

Fig. 3: East boundary, north end

Fig. 4: North boundary

Fig. 5: East boundary, south end

Fig. 6: North-east corner. Tree # 3C.

Fig. 7: North-east corner. Tree #3.

TREE INVENTORY TABLE

G&A Tree ID	Location	Common Name	DBH (cm)	Protected Root Zone Radius (m)	Crown Radius (m)	Health (Good, Fair, Poor)	Structural Condition (Good, Fair, Poor)	Bylaw Protected Tree?	Comments / Notes	Recommendations
1	Off-site	Silver Birch	12	3	2	Good	Good	No	Provides visual screening	Retain and protect
1A	Off-site	Golden bamboo	multiple stem	2	2	Good	Good	No	Provides visual screening	Retain and protect
1B	Off-site	Red cedar (hedge shaped)	multiple stem	3	2	Good	Fair	No	Provides visual screening	Retain and protect
1C	Off-site	Ornamental deciduous	14	3	2	Good	Fair	No	Provides visual screening	Retain and protect
1D	Off-site	Golden bamboo	multiple stem	2	2	Good	Good	No	Provides visual screening	Retain and protect
2	988 Heywood Avenue	Fruiting Apple	24	5	4	Fair	Fair	No	In conflict with construction.	Remove tree
3	988 Heywood Avenue	Fruiting Apple	30	5	3	Good	Good	No	In conflict with construction.	Remove tree
3A	Off-site	Red cedar (hedge shaped)	multiple stem	3	2	Good	Fair	No	Provides visual screening	Retain and protect
3B	Off-site	Fruit tree	20	3	2	Good	Fair	No	Provides visual screening	Retain and protect
3C	Off-site	Ornamental deciduous	20	3	2	Good	Fair	No	Provides visual screening	Retain and protect
4	988 Heywood Avenue	Ornamental plum	18	3	2	Good	Good	No	In conflict with construction.	Remove tree
4A	988 Heywood Avenue	Ornamental beech	20	4	2	Good	Good	No	In conflict with construction.	Remove tree
5	986 Heywood Avenue	Cypress sp.	18	4	2	Good	Fair	No	In conflict with construction.	Remove tree
6	986 Heywood Avenue	Monkey Puzzle	74	9	5	Good	Good	No	Raccoon nest in the crown. In conflict with construction.	Remove tree
7	986 Heywood Avenue	Big-leaf Maple	28	5	3	Fair		No	In conflict with construction.	Remove tree
8	986 Heywood Avenue	Plum	32	6	3	Fair	Poor	No	In conflict with construction.	Remove tree
9	986 Heywood Avenue	Apple	29	5	2	Fair	Fair	No	In conflict with construction.	Remove tree
10	Boulevard tree	Flowering Cherry	68	5	3	Fair	Fair	No	Topped and repeatedly pruned	Remove tree & replacement plant
11	Boulevard tree	Flowering Cherry	8	2	1	Good	Good	No	Recent plant	Remove tree & replacement plant
12	Boulevard tree	Flowering Cherry	8	2	1	Good	Good	No	Recent plant	Remove tree & replacement plant
13	Boulevard tree	Flowering Cherry	10	2	1	Good	Good	No	Recent plant	Remove tree & replacement plant

TREE PRESERVATION MEASURES

1. Before site preparation begins, erect tree protecti on fencing or constructio hoarding fence as indicated. In sections adjacent to trees designated for removal, it is recommended that fencing be delayed until after tree removal is complete. Chip up tree branches and leave chip mulch on site for distribution within sensitive tree areas (see Note 6 below).

2. The arborist will be present to oversee stump removal, excavation, service trenching, site grading or blasting that is within, or adjacent to, the tree protection areas (TPAs).

3. Procedure for blasting near tree root zones:
 a) Blasting vibrations in the vicinity of the Tree Protection Areas are not to exceed a peak particle velocity of 25 mm/sec.
 b) When blasting is required immediately adjacent to a Tree Protection Area, the blasting contractor will work with the arborist to develop a blasting plan that minimizes impacts to protected trees.
 c) Use DYNAMITE as the explosive product. No fertilizer-based explosive is permitted, due to its toxicity to tree roots.
 d) The contractor will prevent rock debris from the blast site from entering the TPA.

4. Any tree roots damaged will be pruned back to undamaged tissue by the arborist.

5. The vertical face of the excavation adjacent to the TPAs will be covered with geo-textile pinned to prevent soil dessication and erosion.

6. In areas where the root zone of the tree has been reduced by excavation, the remaining area will be top-dressed with 10cm of tree chip mulch.

7. Retained trees will be irrigated twice weekly during the dry summer period to a minimum effective depth of 30cm.

8. Any access to TPAs must be approved and supervised by the project arborist.

9. No equipment, materials or excavated soil will be placed or stored within the TPA. THIS PARTICULARLY INCLUDES HOARDING OF EXCAVATED SOILS NEEDED FOR BACKFILLING OF THE HOUSE FOUNDATION.

10. One Replacement Tree will be planted as indicated in mitigation for the removal of Tree #6 (74cm d.b.h. Monkey Puzzle Tree).

11. The location and specifications for the replacement tree on the subject property, will be determined at the landscaping phase and preapproved by City of Victoria representative. Please see the landscape plan for specific details of the replacement trees.

12. City of Victoria will remove the existing four boulevard trees (#10, 11, 12 and 13) and will plant four replacement trees at the client expenses.

13. All existing trees and hedges located outside subject property boundary and in imediate vicinity of the consruction site will be retained and protected. The project arborist will ensure the tree protection measures will be applied and respected during the entire demolition and construction phases of this project.

14. The majority of the trees and shrubs located outside property boundaries and in the immediate vicinity of the excavation are composed of pioneer species or species resistant to root disturbance. If all the above tree preservation measures are applied and maintained during the construction phase we do not anticipate significant negative impact on the adjacent shrubs and trees.

GyeandAssociates.ca

PROJECT
986 + 988 Heywood Avenue, Victoria, BC

SHEET TITLE
Tree Management Plan

REV NO	DESCRIPTION	DATE
0	FOR REVIEW	MO/DA

PROJECT NO.	16-098
DATE	February 2017
SCALE	1:200
DRAWN BY	LS
SHEET NO.	1

Victoria City Council - 08 Jun 2017

NICKEL BROS

Received
City of Victoria
DEC 12 2016
Planning & Development Department
Development Services Division

November 17, 2016

David Jawl
Jawl Residential
3375 Tennyson Ave
Victoria, BC V8Z 3P7

Dear David

RE: 986 Haywood Ave & 988/990 Haywood Ave, Victoria

Jim Connelly has assessed the possibility of removal of the above structures for the purpose of recycling. Unfortunately, neither buildings are able to be moved from the properties due to the overhead tree canopy along Beacon Hill Park and Haywood Ave. These obstacles make these structures unable to be relocated.

Please keep us in mind in the future.

Kind regards,

Lynn Barnett – Office / Sales Manager
Vancouver Island Division

Safety. Precision. Integrity.

Vancouver:
1528 Broadway Street
Port Coquitlam, BC V3C 2M8
Toll-Free: 1.866.813.9430
Fax: 604.944.6082
E-mail: Vancouver@nickelbros.com

Vancouver Island:
1990 Balsam Road
Nanaimo, BC V9X 1T5
Toll-Free: 1.866.320.2268
Fax: 250.753.8215
E-Mail: vanisland@nickelbros.com

Seattle:
625 Riverside Road
Everett, WA 98201
Toll-Free: 1.866.920.2767
Fax: 425.257.2069
E-mail: Washington@nickelbros.com

Residential: www.nickelbros.com Industrial: www.nickelbrosindustrial.com

REPORTS OF COMMITTEES

2. Committee of the Whole – March 23, 2017

6. Rezoning Application No. 00531 & Development Permit with Variances Application No. 000484 for 986, 988 and 990 Heywood Avenue and Associated Official Community Plan Amendment (Fairfield)

Motion:
It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe:

Rezoning Application No. 00531
That Council instruct staff to prepare the necessary Official Community Plan Amendment Bylaw and the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00531 for 986, 988 and 990 Heywood Avenue, 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. Preparation of the following documents, executed by the applicant, to the satisfaction of City Staff:
   a. Housing Agreement to ensure that future strata bylaws cannot restrict the age of occupants or prohibit strata owners from renting residential strata units.
2. That Council, having provided the opportunity for consultation pursuant to Section 475(1) of the Local Government Act with persons, organizations and authorities it considers will be affected, specifically, those property owners and occupiers within a 100m radius of the subject property have been consulted at a Community Association Land Use Committee (CALUC) Community Meeting, consider whether the opportunity for consultation should be early and ongoing, and determine that no further consultation is required.
3. That Council, specifically consider whether consultation is required under Section 475(2)(b) of the Local Government Act, and determine that no referrals are necessary with the Capital Regional District Board, Councils of Oak Bay, Esquimalt and Saanich, the Songhees and Esquimalt First Nations, the School District Board and the provincial and federal governments and their agencies due to the nature of the proposed amendment.
4. That Council give first reading to the Official Community Plan Amendment Bylaw.
5. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2017-2021 Financial Plan and the Capital Regional District Liquid Waste Management Plan and the Capital Regional District Solid Waste Management Plan pursuant to Section 477(3)(a) of the Local Government Act and deem those Plans to be consistent with the proposed Official Community Plan Amendment Bylaw.
6. That Council give second reading to the Official Community Plan Amendment Bylaw.
7. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.

Development Permit with Variances Application No. 000484
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. 00531, if it is approved, consider the following motion:

"That Council authorize the issuance of a Development Permit for Application No. 000531 for 986, 988 and 990 Heywood Avenue, in accordance with:

1. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
   i. Increase the height from 12m to 14.28m;
   ii. Increase the site coverage from 40% to 76%;
   iii. Reduce the open site space from 50% to 17%;
   iv. Reduce the minimum required front yard setback from 10.5m to 4.26m for the building and nil for the parkade;

v. Reduce the minimum required rear yard setback from 7.14m to 7.0m for the building and 0.72 for the parkade;
vi. Reduce the north side yard setback from 7.14m to 5.46m for the building and 0.9 for the parkade;
vii. Reduce the south side yard setback from 7.14m to 2.46m for the building face and 0.57m for the parkade;
viii. Reduce the requirement for open site space adjacent to the street from 7.14m to 4.26m.

2. Final plans to be generally in accordance with the plans identified above to the satisfaction of City staff.
3. That Council authorize the City Solicitor to execute an Encroachment Agreement for a fee of $750, plus $25 per m^2 of exposed shored face during construction in a form satisfactory to staff. 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.
4. The Development Permit lapsing two years from the date of this resolution."

Carried Unanimously

Councillor Lucas withdrew from the meeting at 7:39 p.m. due to a pecuniary conflict of interest with the following item, as she is employed with a retail business that utilizes plastic bags.

5. LAND USE MATTERS

5.2 Rezoning Application No. 00531 & Development Permit with Variances Application No. 000484 for 986, 988 and 990 Heywood Avenue and associated Official Community Plan Amendment (Fairfield)

Committee received reports dated March 8, 2017, from the Director of Sustainable Planning and Community Development regarding an application to increase the density and allow multi-unit residential uses at this location and construct a four-storey, multi-unit residential building containing 21 residential units.

Motion: It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that Council instruct staff to prepare the necessary Official Community Plan Amendment Bylaw and the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00531 for 986, 988 and 990 Heywood Avenue, 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. Preparation of the following documents, executed by the applicant, to the satisfaction of City Staff:
   a. Housing Agreement to ensure that future strata bylaws cannot restrict the age of occupants or prohibit strata owners from renting residential strata units.
2. That Council, having provided the opportunity for consultation pursuant to Section 475(1) of the *Local Government Act* with persons, organizations and authorities it considers will be affected, specifically, those property owners and occupiers within a 100m radius of the subject property have been consulted at a Community Association Land Use Committee (CALUC) Community Meeting, consider whether the opportunity for consultation should be early and ongoing, and determine that no further consultation is required.
3. That Council, specifically consider whether consultation is required under Section 475(2)(b) of the *Local Government Act,* and determine that no referrals are necessary with the Capital Regional District Board, Councils of Oak Bay, Esquimalt and Saanich, the Songhees and Esquimalt First Nations, the School District Board and the provincial and federal governments and their agencies due to the nature of the proposed amendment.
4. That Council give first reading to the Official Community Plan Amendment Bylaw.
5. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2017-2021 Financial Plan and the Capital Regional District Liquid Waste Management Plan and the Capital Regional District Solid Waste Management Plan pursuant to Section 477(3)(a) of the *Local Government Act* and deem those Plans to be consistent with the proposed Official Community Plan Amendment Bylaw.
6. That Council give second reading to the Official Community Plan Amendment Bylaw.
7. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.

AND 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. 00531, if it is approved, consider the following motion:
"That Council authorize the issuance of a Development Permit for Application No. 000531 for 986, 988 and 990 Heywood Avenue, in accordance with:

1. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
   i. Increase the height from 12m to 14.28m;
   ii. Increase the site coverage from 40% to 76%;
   iii. Reduce the open site space from 50% to 17%;
   iv. Reduce the minimum required front yard setback from 10.5m to 4.26m for the building and nil for the parkade;
   v. Reduce the minimum required rear yard setback from 7.14m to 7.0m for the building and 0.72 for the parkade;
   vi. Reduce the north side yard setback from 7.14m to 5.46m for the building and 0.9 for the parkade;
   vii. Reduce the south side yard setback from 7.14m to 2.46m for the building face and 0.57m for the parkade;
   viii. Reduce the requirement for open site space adjacent to the street from 7.14m to 4.26m.
2. Final plans to be generally in accordance with the plans identified above to the satisfaction of City staff.
3. That Council authorize the City Solicitor to execute an Encroachment Agreement for a fee of $750, plus $25 per m^2 of exposed shored face during construction in a form satisfactory to staff. 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.
4. The Development Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY 17/COTW

Councillor Lucas withdrew from the meeting at 11:42 a.m. due to a pecuniary conflict of interest as she manages a retail store that supplies plastic bags to its customers.

Councillor Coleman withdrew from the meeting at 11:41 a.m.

Councillor Isitt returned to the meeting at 11:42 a.m.

Councillor Thornton-Joe withdrew from the meeting at 11:42 a.m.

Councillor Coleman and Thornton-Joe returned to the meeting at 11:44 a.m.

CITY OF VICTORIA

Committee of the Whole Report
For the Meeting of March 23, 2017

To:	Committee of the Whole	**Date:**	March 8, 2017
From:	Jonathan Tinney, Director, Sustainable Planning and Community Development		
Subject:	**Development Permit with Variances Application No. 000484 for 986, 988 and 990 Heywood Avenue**		

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. 00531, if it is approved, consider the following motion:

"That Council authorize the issuance of a Development Permit for Application No. 000531 for 986, 988 and 990 Heywood Avenue, in accordance with:

1. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
   i. Increase the height from 12m to 14.28m;
   ii. Increase the site coverage from 40% to 76%;
   iii. Reduce the open site space from 50% to 17%;
   iv. Reduce the minimum required front yard setback from 10.5m to 4.26m for the building and nil for the parkade;
   v. Reduce the minimum required rear yard setback from 7.14m to 7.0m for the building and 0.72 for the parkade;
   vi. Reduce the north side yard setback from 7.14m to 5.46m for the building and 0.9 for the parkade;
   vii. Reduce the south side yard setback from 7.14m to 2.46m for the building face and 0.57m for the parkade;
   viii. Reduce the requirement for open site space adjacent to the street from 7.14m to 4.26m.
2. Final plans to be generally in accordance with the plans identified above to the satisfaction of City staff.
3. That Council authorize the City Solicitor to execute an Encroachment Agreement for a fee of $750, plus $25 per m^2 of exposed shored face during construction in a form satisfactory to staff. 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.
4. The Development Permit lapsing two years from the date of this resolution."

LEGISLATIVE AUTHORITY

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

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit Application for the properties located at 986, 988 and 990 Heywood Avenue. The proposal is to construct a four-storey multi-unit residential building containing 21 residential units. The variances are related to height, site coverage, open site space and setbacks.

The following points were considered in assessing this Application:

- the proposed building is subject to guidelines contained in Development Permit Area 16, General Form and Character, and is consistent with the Urban Residential Place Designation in the *Official Community Plan*
- the Application is consistent with the *Multi-Unit Residential, Commercial and Industrial* guidelines
- the proposed height and setback variances are considered supportable based on the architectural interventions and mitigation measures.

BACKGROUND

Description of Proposal

The proposal is to construct a four-storey multi-residential building containing 21 residential units. The proposed site plan, architecture and landscape design include the following details:

- low rise building form with three ground-oriented units facing Heywood Avenue and three units to the rear
- a mixture of high quality and durable siding, including stone ceramic tile for the primary building with accents of metal and stone ceramic screens and tongue and groove cedar soffits
- vertical board form exposed concrete for the parkade wall that projects above grade on the north and east elevations
- clear glazing with aluminum frames with clear glass and metal guardrails for balconies
- mechanical penthouse with a ceramic stone screen
- private patios with planting as shown on the landscape plan for each of the six units on the ground level, three facing Heywood Avenue and three to the rear
- one level of underground parking for 32 stalls, including three stalls for residential visitor use
- 21 class 1 bicycle storage spaces located underground
- one publicly accessible class 2 rack for six bikes located adjacent to the main entrance on Heywood Avenue
- removal and replacement of three existing street trees (Cherry) and retention and protection of one existing street tree (Cherry) on Heywood Avenue.

The proposed variances are related to:

- increasing the building height
- increasing the site coverage
- reducing the open site space
- reducing the front, rear and side yard setbacks
- reducing the open site space adjacent from the street.

Sustainability Features

As indicated in the architect's letter, dated October 27, 2016, the proposed sustainability features associated with this Application include the following:

- building constructed to a minimum of BUILT GREEN® "Bronze" standard (although no certification will be sought at this stage)
- high efficiency heating
- natural and recyclable building materials, sourced within 800km of the site where possible
- solar-ready conduit from the electrical room to the roof
- EnergyStar® rated windows and appliances
- LED lighting throughout the building
- interior suite layouts designed to optimize natural daylight
- construction waste diverted from all landfill during construction through smart on-site waste management
- low flow and water efficient plumbing fixtures
- secure heated bike storage in the underground parkade
- electric bike charging locations within the bike storage room.

Active Transportation Impacts

The Application proposes the following features which support active transportation:

- 21 secure bike racks located underground with charging station for electric bikes
- one publicly accessible rack for six bikes located outside the main entrance on Heywood Avenue
- two electric scooter stalls located underground.

Public Realm Improvements

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

Advisory Design Panel Referral

The Application was referred to the Advisory Design Panel (ADP) on January 26, 2017. The Panel was asked to comment on the following aspects of the proposal:

- massing, height and transition in relation to the context
- interface on the north and east elevations as it relates to the projecting parkade.

The minutes from the meeting are attached for reference and the following motion was carried (unanimous):

That the Advisory Design Panel recommend to Council Development Permit Application No. 000484 for 986, 988 and 990 Heywood Avenue be approved as proposed.

Although the ADP recommended the Application be approved as presented, the applicant has worked with staff and have reduced the overall building height from 14.59m to 14.28m.

ANALYSIS

Development Permit Area and Design Guidelines

The *Official Community Plan 2012* (OCP) Urban Place Designation for the majority of the subject property is Urban Residential, which supports low-rise and mid-rise multi-unit buildings of up to approximately six storeys.

Design guidelines that apply to DPA 16 are the *Multi-Unit Residential, Commercial and Industrial Guidelines; Advisory Design Guidelines for Buildings, Signs and Awnings* and the *Guidelines for Fences, Gates and Shutters.* As noted below, the Application is generally consistent with the Guidelines.

Multi-Unit Residential, Commercial and Industrial Guidelines

These guidelines are applicable for multi-unit residential buildings of three or more units with the overall aim of achieving design excellence, livability and contribution to a sense of place within the Victoria context. Overall, the proposal is consistent with the guidelines. The use of high quality and durable materials, front patios and a flat roof complement the character of the street, particularly the adjacent Tweedsmuir building to the south, which is listed on the City's Heritage Register. The use of architectural screens and obscure glazing for balcony enclosures helps to improve privacy for the lower scale buildings to the east, and the architectural screening on the front façade provides visual interest to break up the massing of the building.

The guidelines encourage multi-unit residential development to provide an appropriate transition to lower density building forms, which is often three storeys or lower. The proposed building is adjacent to a three-storey building to the south (the Tweedsmuir), with a four-storey condominium building to the south-west fronting Park Boulevard. To the north are two-storey townhouses that front Oliphant Avenue. To the east in the rear of the property are predominantly two-storey single family dwellings. In summary, there are no predominant height characteristics within the neighbourhood block and most range from two to four-storeys. Although the policy supports taller buildings fronting Beacon Hill Park, the proposed building height is higher than the maximum allowance in the current zone and adjacent buildings. The applicant has worked with staff to reduce the overall building height and further discussion is provided later in this report.

The guidelines encourage new development to be designed with sensitivity to context. Staff originally raised concerns with the projecting underground parkade and the potentially stark interface this creates with adjoining properties to the east. This protruding parkade is setback 1.2m from the property line and projects above grade along the rear (east) and side (north) elevation ranging from approximately 0.3m to 1.8m in height from finished grade. Landscaping is proposed within the property line between the parkade wall and the adjacent neighbour's fence. The applicant intends to retain the existing fence on the adjacent properties to avoid impacts to existing vegetation, and to allow adjacent property owners the option to remove the fence in the future. Correspondence has been included from adjoining neighbours in recognition and support of the projecting parkade, which is proposed to be treated with vertical board form concrete. With this in mind, staff recommend that Council support this deviation from the guidelines.

Advisory Design Guidelines for Buildings, Signs and Awnings

These guidelines state that an acceptable application will include consideration of an attractive streetscape and that the architecture and landscaping of the immediate area be identified and acknowledged. In evaluating a design, particular emphasis is placed on the solution to these general aspects: design approach, relevancy of expression, context, pedestrian access, massing, scale, roofline, street relationship and landscape plan. The Application is consistent with these guidelines.

Guidelines for Fences, Gates and Shutters

These guidelines state that fences, gates and shutters must complement the character of the street and not result in a fortress-like appearance, must integrate with building design, architectural finishes and materials for a cohesive effect, and not be the dominant feature of the building façade. The Application is consistent with these guidelines.

Regulatory Considerations

The R3-A2 Zone, Low Profile Multiple Dwelling District, is being proposed to be used as a base zone to create a new zone with an increased density allowance of 1.6:1 FSR that is not contingent on a minimum provision of 50% open site space or 40% site coverage; as a result, a number of variances are proposed as part of this Application. This approach is recommended to ensure that reduced siting requirements are not entrenched in a new custom zone and that any future alternative development proposals would need to again apply to Council to achieve these or different variances. These are discussed in more detail below.

Building Height

The proposed building height is 14.28m, which is 2.28m above the maximum allowance in the current zone. As referenced in the staff report to ADP, staff recommended design refinements to improve the transition to the single family dwellings at the rear. The applicant has worked with staff and have lowered the building height on two occasions, by 0.2m (eight inches) prior to presenting to ADP, and by approximately one foot following the ADP meeting. In addition, articulation of the front façade has been incorporated through the use of architectural screening, changes in materials and landscaping that serve to emphasize the ground-oriented units which help to create a human-scaled design at the street level. Staff therefore recommend that Council consider supporting this variance.

Site Coverage

The site coverage for the proposal is 76%, while the Zone standard is 40% (when eligible for bonus density of 1.6:1 FSR). The additional site coverage does create a larger building mass, which results in the request to reduce the minimum front, side and rear yard setback requirements; however, the building has been positioned on the lot to maintain similar front yard setbacks as the adjacent building to the north and south. Staff recommend that Council consider supporting this variance.

Open Site Space

The proposed open site space is 17% which does not meet the minimum 50% requirement as it relates to the bonus density regulations of the current zone. The landscape plan includes detail on the proposed planting. The lack of soil depth on the roof of the projecting parkade limits the

planting that can be achieved, although efforts have been made to incorporate raised planters to provide visual interest and to help soften the appearance of the rear patios. Extensive planting is also proposed around the perimeter of the property and in the front patios. Should this proposal not be advanced, any new development would need to comply with the 50% open site space requirement. Since appropriate landscaping measures have been included in this particular proposal, staff recommend for Council's consideration that the open site space variance be supported.

Proposed Setback Variances

The proposal requests the following setback variances:

- reduce the minimum required front yard setback from 10.5m to 4.26m for the building and nil for the parkade
- reduce the minimum required rear yard setback from 7.14m to 7.0m for the building and 0.72 for the parkade
- reduce the north side yard setback from 7.14m to 5.46m for the building and 0.9 for the parkade
- reduce the south side yard setback from 7.14 to 2.46m for the building face and 0.57m for the parkade
- reduce the requirement for open site space adjacent to the street from 7.14m to 4.26m.

A request to reduce the minimum front yard setback from 10.5m to 4.26m is being proposed, and this relates to a portion of the patio adjacent to the main entrance, with the majority of the building façade located further back at 4.2m from the property line. This projection would not interrupt the rhythm of the streetscape as the proposed building would be positioned similar to the adjacent buildings to the north, which is setback approximately 4.5m from Heywood Avenue, and approximately 2.5m for the Tweedsmuir building to the south.

A small variance to the rear yard setback is being proposed from 7.14m to 7.0m (based on half the height of the building). Architectural interventions include a metal and stone ceramic screen, which would assist in mitigating any impacts to adjacent properties to the rear. In addition, the existing vegetation along the eastern property boundary is proposed to be retained which will further improve the privacy between adjoining properties.

The side yard setbacks are required to be half the height of the building, which is 7.14m. In the event that the proposal was for a lower height building, this in turn would result in reduced setback requirements. The potential impacts on the north and south side yards are considered to be minimal as the windows on these elevations are shallow and are predominantly positioned above eye level, or oriented towards Beacon Hill Park in the west. Given the sensitive architectural considerations that have been incorporated in the side elevations, staff recommend Council consider supporting the side yard variances.

A setback variance from 7.14m to 4.26m is being requested for open site space adjacent to a street. As this area is proposed to be landscaped, staff recommend that Council consider supporting this variance.

Encroachment Agreements

With any project of this scale that requires significant excavation, construction methods often require a form of underpinning which can result in material being left in the public Right-of-Way. The resulting material (typically rock anchors) presents no concerns to the public interest and

does not impact the underground infrastructure; however, an Encroachment Agreement between the City and the developer is required. The staff recommendation provided for Council's consideration includes direction to allow staff to enter into such an agreement, if the Rezoning Application is approved by Council and if it is deemed necessary to facilitate the construction of the project.

CONCLUSIONS

The proposal for a 21 unit multi-residential development is generally consistent with the applicable guidelines and includes high-quality building materials and landscape finishes. The contemporary design is supportable and complementary to the existing character along Heywood Avenue. The variances related to building height, siting and setbacks are supportable through appropriate building articulation and the provision of obscure glazing and architectural screening on the west elevation, which mitigate any privacy impacts on adjacent buildings. Staff, therefore, recommend for Council's consideration that Council support the Application.

ALTERNATE MOTION

That Council decline Development Permit Application with Variances No. 000484 for the property located at 986, 988 and 990 Heywood Avenue.

Respectfully submitted,

C. R. Wain

Charlotte Wain
Senior Planner - Urban Design
Development Services Division

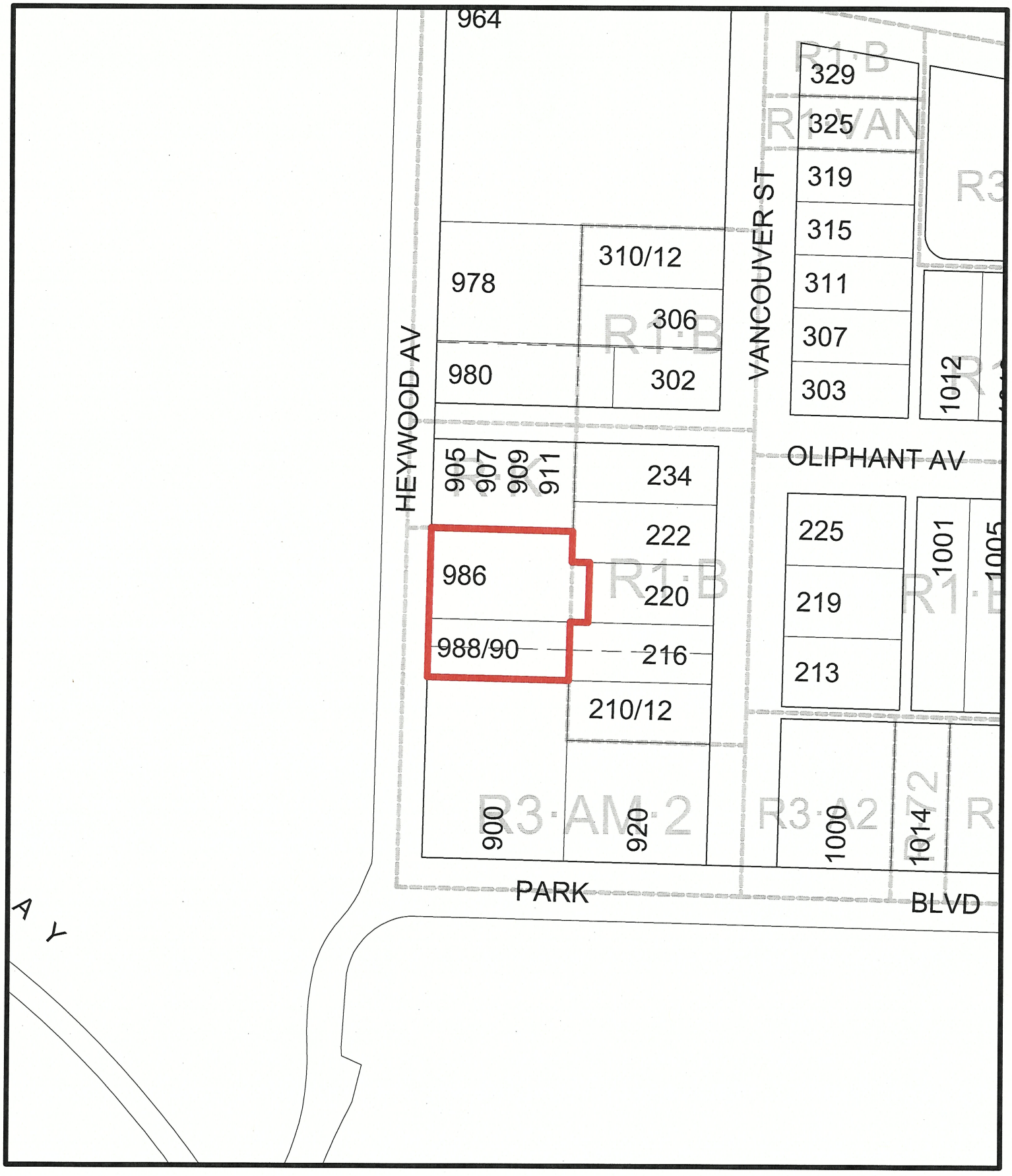
Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

Date: March 16/17

List of Attachments

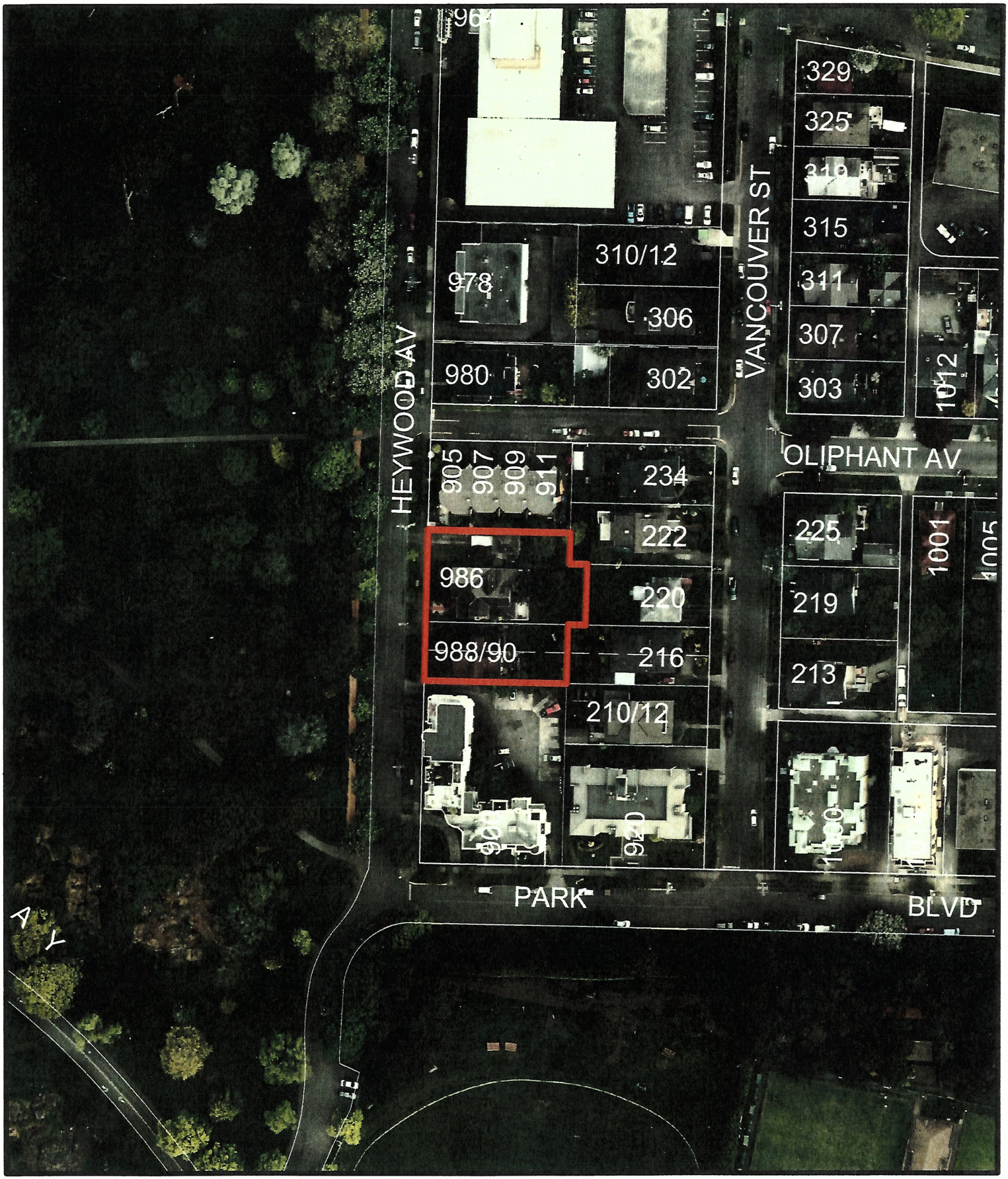
- Subject Map
- Aerial Map
- Plans dated/date stamped February 27, 2017
- Tree Preservation Plan dated February 20, 2017
- Letter from applicant to Mayor and Council dated October 27, 2016
- Letter from architect dated March 6, 2017
- Staff report to Advisory Design Panel, dated January 6, 2017
- Minutes of January 25, 2017 Advisory Design Panel meeting
- Community Association Land Use Committee Comments dated October 20,2016
- Correspondence (Letters received from residents).



N

986 & 988 Heywood Avenue
Rezoning No.00531

CITY OF VICTORIA



N

986 & 988 Heywood Avenue
Rezoning No.00531

CITY OF VICTORIA

- SHEET LIST -

A000	COVER
A001	PROJECT DETAILS
A100	SITE PLAN
A200	PARKING LEVEL FLOOR PLAN
A201	MAIN LEVEL FLOOR PLAN
A202	2/3 LEVEL FLOOR PLANS
A203	PENTHOUSE LEVEL FLOOR PLAN
A204	ROOF PLAN
A300	W & N ELEVATIONS
A301	E & S ELEVATIONS
A400	SECTIONS
A401	SECTIONS
A500	PERSPECTIVE VIEWS
A501	SHADOW STUDY

View of North West

View of South West

Project Location (Not to Scale)

ARCHITECT

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CITY OF VICTORIA
Revisions
Received Date: February 27/17

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Heywood Avenue Development Company

986-990 Heywood Avenue

ISSUED FOR REZONING & DP - 2017.02.24

PROJECT NUMBER	DATE
1614	2/24/2017 2:59:15 PM
DRAWING NO. A000	REV. 2017.02.24 — 2

CASCADIA ARCHITECTS INC
1060 Meares Street
Victoria, BC V8V 3J6
T 250.590.3223
W cascadiaarchitects.ca

Victoria City Council - 08 Jun 2017

PROJECT DATA

CIVIC ADDRESS	986, 988, 990 Heywood Ave., Victoria, BC V8V 2Y6, V8V 4V4
LEGAL DESCRIPTION	PID 009-323-708 PLAN 24 VICTORIA PARCEL A (DD142967I) OF LOTS 22/23/48/49 OF LOT 1694 PID 009-324-437 LOT 49/50 PLAN 24 VICTORIA S PT L49 & PT OF L50
ZONE	R3-AM-2, R1-B
PROJECT DESCRIPTION	MID-RISE MULTIPLE DWELLING NEW BUILD

CODE ANALYSIS

Building Area = 25m x 27m = 675m²
Therefore over 600m², so Part 3.

3.1.2.1 - Occupancy C - Residential, 4 storeys

3.2.1.2 - Storage garage permitted as a seperate building

3.2.2.50 - GROUP C, up to 6 storeys, sprinklered

3.2.2.50.2 - permitted to be combustible or non-combustible

Street, facing - 1

FRR - 1hr for floors

STOREY	CLASSIFICATION	CONSTRUCTION TYPE	FIR
Parking Level	3.2.2.82	Non-Combustible	45min
Level 1	3.2.2.50	Combustible	1hr
Level 2	3.2.2.50	Combustible	1hr
Level 3	3.2.2.50	Combustible	1hr
Level 4	3.2.2.50	Combustible	1hr

FLOOR	AREA	AREA PER PERSON	OCCUPYANT LOAD	EXIT WIDTH Table 3.4.3.2.A
Parking Level	1300m²	46 sqm/p	28	1100mm
Level 1	6 Units	2 per unit	12	1100mm
Level 2	6 Units	2 per unit	12	1100mm
Level 3	6 Units	2 per unit	12	1100mm
Level 4	3 Units	2 per unit	6	1100mm

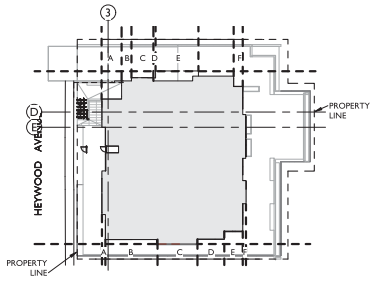
3.2.4.1 - Fire alarm req'd (sprinklered)

3.2.5.8.1 - Standpipe req'd (+3 storeys)

3.2.7.4 - Emergency power - 30mins for lighting

3.2.7.8.3 a) & b)iii - Emergency power - 24h + 0.5h

		R3-AM-2 Zone Allowed/ Req'd		Proposed bldg.		Variance Req'd	
# Storeys		4		4		-	
Site Area		m²	sq. ft	m²	sq. ft		
Lot Area		-	-	1463.60	15,754.06	-	
Site Coverage			40% max.				
	Main Building + Exposed Landscaped Parkade			1,108.22	11,928.78	76%	Yes
Open Site Space			30% min.				
	Main Building + Exposed Landscaped Parkade			247.48	2,663.85	17%	Yes
Open Site Space Front Yard			100%			100%	-
Floor Areas (not incl. balconies)		m²	sq. ft	m²	sq. ft		
Parking Level		-	-	1216.26	13091.71		-
Main Level		-	-	620.02	6,673.84		-
Level 2		-	-	614.00	6,609.04		-
Level 3		-	-	614.00	6,609.04		-
Penthouse Level		-	-	486.83	5,240.19		-
Total Floor Area		-	-	3,551.11	38,223.83		-
Total Floor Area minus Parking Level		-	-	2,334.85	25,132.12		-
Floor Space Ratio (FSR)			1.6		1.6		-
Units							
Total No. of Units			-		21		-
No. of 1 Bed Units			-		5		-
No. of 2 Bed Units			-		16		-
No. of Ground Orientated Units			-		6		-
Minimum Area of 1 Bed Unit		33.00	355.21	54.00	576.89		-
Minimum Area of 2 Bed Unit		-	-	91.00	979.52		-
Total Residential Floor Area		-	-	1924.00	20,709.76		-
Setbacks		m	ft	m	ft		
Front (West) lot line	(Building face)	10.50	34.45	4.26	13.98		Yes
Front (West) lot line	(Edge of fin)	10.50	34.45	3.76	12.34		Yes
Front (West) lot line	(Balcony projection)	8.5	27.89	4.26	13.98		Yes
Front (West) lot line	(Parkade face)	10.50	34.45	0.00	0.00		-
Long Rear (East) lot line	(Building face)	7.14	23.43	11.87	38.94		-
Long Rear (East) lot line	(Edge of fin)	7.14	23.43	11.71	38.42		-
Long Rear (East) lot line	(Parkade face)	7.14	23.43	0.72	2.36		Yes
Short Rear (East) lot line	(Building face)	7.14	23.43	7.29	23.92		-
Short Rear (East) lot line	(Edge of fin)	7.14	23.43	7.14	23.43		Yes
Short Rear (East) lot line	(Parkade face)	7.14	23.43	1.22	4.00		Yes
Exterior Sideyard (North)	(Building face)	7.14	23.43	5.46	17.91		Yes
Exterior Sideyard (North)	(Parkade face)	7.14	23.43	0.90	2.95		Yes
Interior Sideyard (South)	(Building face)	7.14	23.43	2.46	8.07		Yes
Interior Sideyard (South)	(Parkade face)	7.14	23.43	0.57	1.87		Yes
West Property Line to Street centre line		-	-	9.08	29.79		-
Height (Geodesic)		m	ft	m	ft		
Average Grade (Geodesic)		-	-	11.88	38.98		-
Building Height		12.00	39.37	14.28	46.85		Yes
Floor to ceiling heights	Parkade (average)	-	-	2.95	9.68		-
	Main Floor	-	-	2.74	9.00		-
	Second Floor	-	-	2.74	9.00		-
	Third Floor	-	-	2.74	9.00		-
	Penthouse Floor	-	-	3.05	10.00		-
Parking							
Regular Stalls		-	-	28			-
Visitor Stalls			3	3			-
Disabled Stalls		-	-	1			-
Total Stalls (Ratio 1.4 x 21 units)			29	29			-
Scooter Storage		-	-	4			-
Bike Storage - Class 1 (100% per unit)			21	22 (12 No. horizontal)			-
Bike Storage - Class 2 (6 space rack)			6	6			-

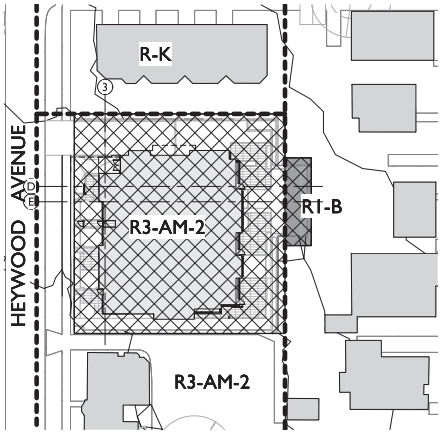


LIMITING DISTANCE PLAN

LIMITING DISTANCE CALCULATION

Table 3.2.3.1.D - Unprotected Opening Limits for a Building or Fire Compartment that is Sprinklered Throughout

ELEVATION	DISTANCE TO PROPERTY LINE	DISTANCE TO CENTRE OF STREET	PERMITTED % AREA OF UNPROTECTED OPENINGS	ACTUAL % AREA OF UNPROTECTED OPENINGS
North				
A	12.13	-	100	19.22
B	6.37	-	100	33.85
C	5.47	-	85	6.81
D	7.35	-	100	22.19
E	6.37	-	100	0
F	10.80	-	100	63.15
East	7.49	-	75	75
South				
A	7.73	-	100	0
B	3.34	-	33	53.80
C	5.49	-	60	31.70
D	5.42	-	60	31.36
E	4.76	-	100	97.26
F	9.60	-	100	0
West	-	12.04	100	73



SITE ZONING PLAN

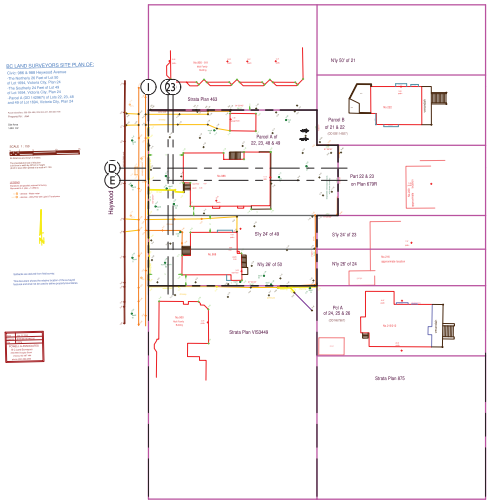
R1-B SINGLE FAMILY DWELLING

R-K MEDIUM DENSITY ATTACHED DWELLING

R3 - AM - 2 MID-RISE MULTIPLE DWELLING

LOT AREA - 1,463.60 m² / 15,754.74 sqft

PROPOSED AREA FOR RE-ZONING (R1-B to R3-AM-2) - 69.56 m² / 748.74 sqft



5 SITE SURVEY
1 : 500

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NO.	DESCRIPTION	DATE
1	DP Review Revisions	2017.02.24
0	DP Review Revisions	2016.12.06

DRAWING
PROJECT DETAILS

PROJECT
986-990 Heywood Avenue
Heywood Avenue Development Company
986-990 Heywood Avenue
Victoria, BC

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SCALE
As indicated

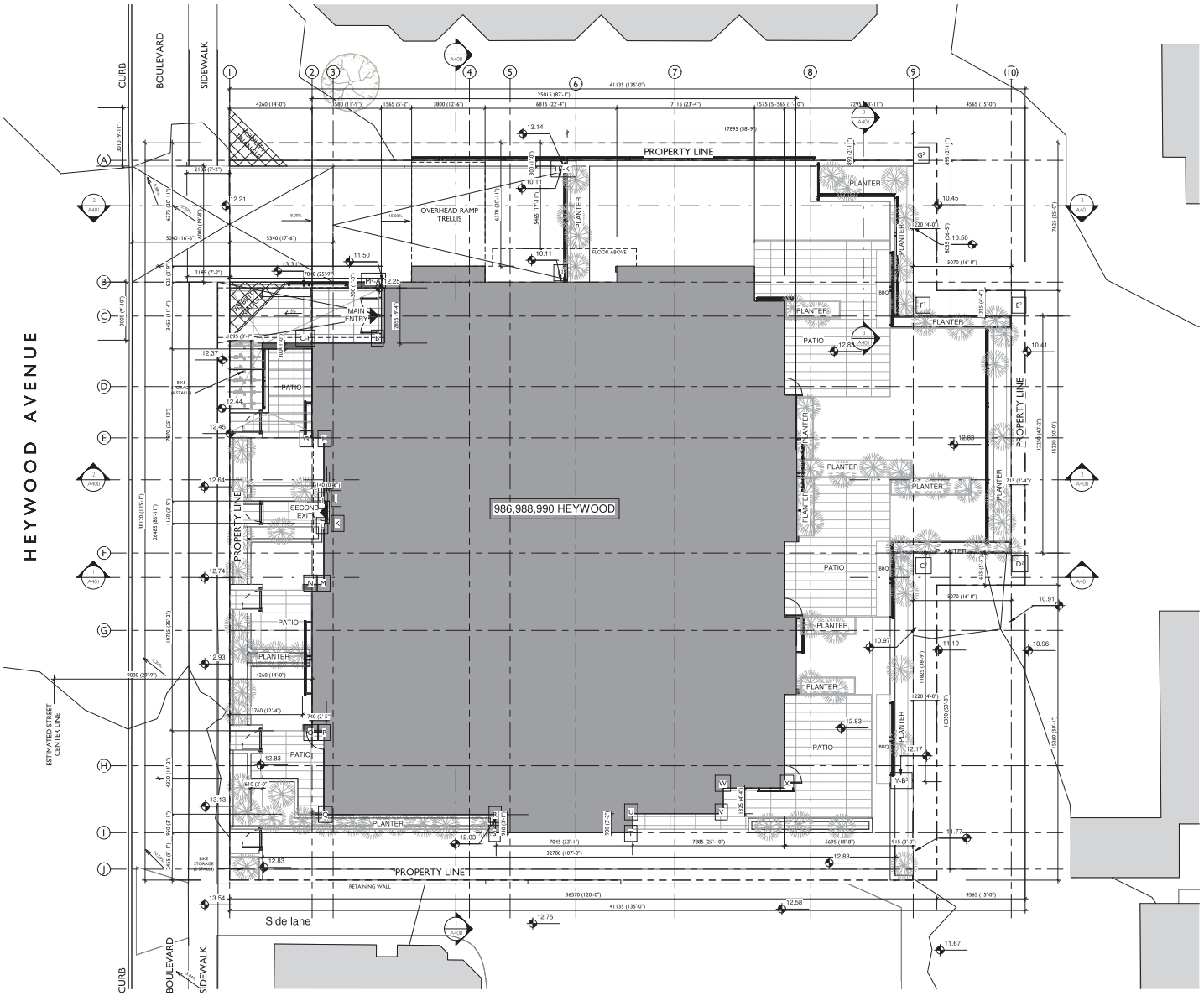
PROJECT NUMBER 1614 | Date 2017.02.24

DRAWING FILE 1614-990 Heywood Ave | CHECKED BY GD / PJ | DRAWN BY JBH

REV. 2

DWG. NO. A00

Victoria City Council - 08 Jun 2017



1 SITE PLAN
1 : 100

AVERAGE GRADE CALCULATIONS

Points	Average of Grade Points (m)		Distance between Grade Points (m)		Totals
A - B	(12.83 + 12.83) / 2	x	2.86	=	36.69
B - C	(12.83 + 12.83) / 2	x	3.76	=	48.24
C - D	(12.83 + 12.83) / 2	x	0.00	=	0.00
D - E	(12.83 + 12.83) / 2	x	0.30	=	3.85
E - F	(12.83 + 12.83) / 2	x	0.00	=	0.00
F - G	(12.83 + 12.83) / 2	x	4.60	=	59.02
G - H	(12.83 + 12.83) / 2	x	0.74	=	9.49
H - I	(12.83 + 12.83) / 2	x	3.27	=	41.95
I - J	(12.83 + 12.83) / 2	x	0.16	=	27.71
J - K	(12.83 + 12.83) / 2	x	1.15	=	14.75
K - L	(12.83 + 12.83) / 2	x	0.16	=	27.71
L - M	(12.83 + 12.83) / 2	x	3.15	=	40.41
M - N	(12.83 + 12.83) / 2	x	0.74	=	9.49
N - O	(12.83 + 12.83) / 2	x	7.58	=	97.25
O - P	(12.83 + 12.83) / 2	x	0.74	=	9.49
P - Q	(12.83 + 12.83) / 2	x	4.34	=	55.68
Q - R	(12.83 + 12.83) / 2	x	8.78	=	112.65
R - S	(12.83 + 12.83) / 2	x	0.93	=	11.93
S - T	(12.83 + 12.83) / 2	x	7.05	=	90.45
T - U	(12.83 + 12.83) / 2	x	0.98	=	12.57
U - V	(12.83 + 12.83) / 2	x	4.70	=	60.30
V - W	(12.83 + 12.83) / 2	x	1.33	=	17.45
W - X	(12.83 + 12.83) / 2	x	2.55	=	32.72
X - Y	(12.83 + 12.83) / 2	x	6.34	=	81.34
Y - Z	(12.83 + 12.17) / 2	x	0.00	=	0.00
Z - A^2	(12.17 + 12.17) / 2	x	0.92	=	11.20
A^2-B^2	(12.17 + 11.75) / 2	x	0.00	=	0.00
B^2-C^2	(11.75 + 10.97) / 2	x	11.63	=	132.17
C^2-D^2	(10.97 + 10.91) / 2	x	5.10	=	55.79
D^2-E^2	(10.91 + 10.50) / 2	x	12.45	=	134.02
E^2-F^2	(10.50 + 10.62) / 2	x	5.10	=	53.86
F^2-G^2	(10.62 + 10.50) / 2	x	8.06	=	89.55
G^2-H^2	(10.50+ 11.60) / 2	x	17.87	=	197.46
H^2-I^2	(11.60 + 13.14) / 2	x	0.00	=	0.00
I^2-J^2	(13.14 + 12.14) / 2	x	0.30	=	3.79
J^2-K^2	(13.14 + 10.11) / 2	x	0.00	=	0.00
K^2-L^2	(10.11 + 10.11) / 2	x	6.00	=	60.66
L^2-M^2	(10.11+ 11.50) / 2	x	9.44	=	102.00
M^2-N^2	(11.50 + 13.49) / 2	x	0.00	=	0.00
N^2-O^2	(13.49 + 13.49) / 2	x	0.30	=	4.05
O^2-A	(13.49 + 12.83) / 2	x	0.00	=	0.00
			Grand Total	=	**1,702.84 m**

Average Grade Calculation = 1,702.84 / 143.38 (Building Perimeter) = **11.88 m**

Average Grade - 11.88m

CASCADIA ARCHITECTS INC
1060 Meares Street
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NO.	DESCRIPTION	DATE
3	DP Review Revisions	2017.02.24
2	DP Review Revisions	2016.12.06

DRAWING: SITE PLAN

PROJECT: 986-990 Heywood Avenue
Heywood Avenue Development Company
986-990 Heywood Avenue
Victoria, BC

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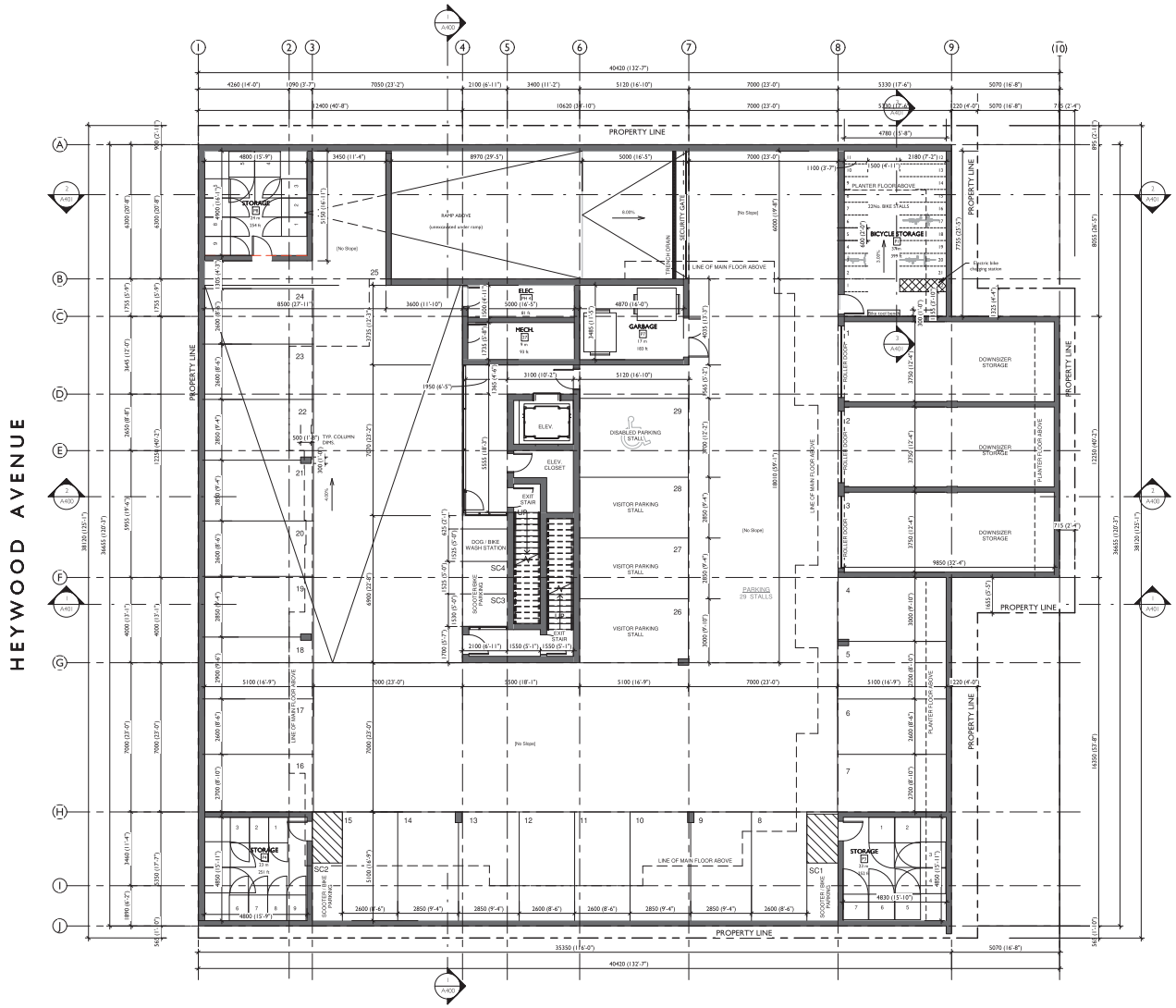
SCALE: 1:100
PROJECT NUMBER: 1614
DATE: 2017.02.24
DRAWING FILE: 1614-990 Heywood Ave
CHECKED BY: GD / PJ
DRAWN BY: JBH
REV. 3
2017.02.24
DWG. NO. A1.01

Victoria City Council - 08 Jun 2017



1 PARKING LEVEL PLAN
1 : 100

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NO.	DESCRIPTION	DATE
1	DP Review Revisions	2017.02.24
0	DP Review Revisions	2016.12.06

DRAWING
PARKING LEVEL FLOOR PLAN

PROJECT
986-990 Heywood Avenue
Heywood Avenue Development Company

986-990 Heywood Avenue
Victoria, BC

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DWG. NO. A2.0

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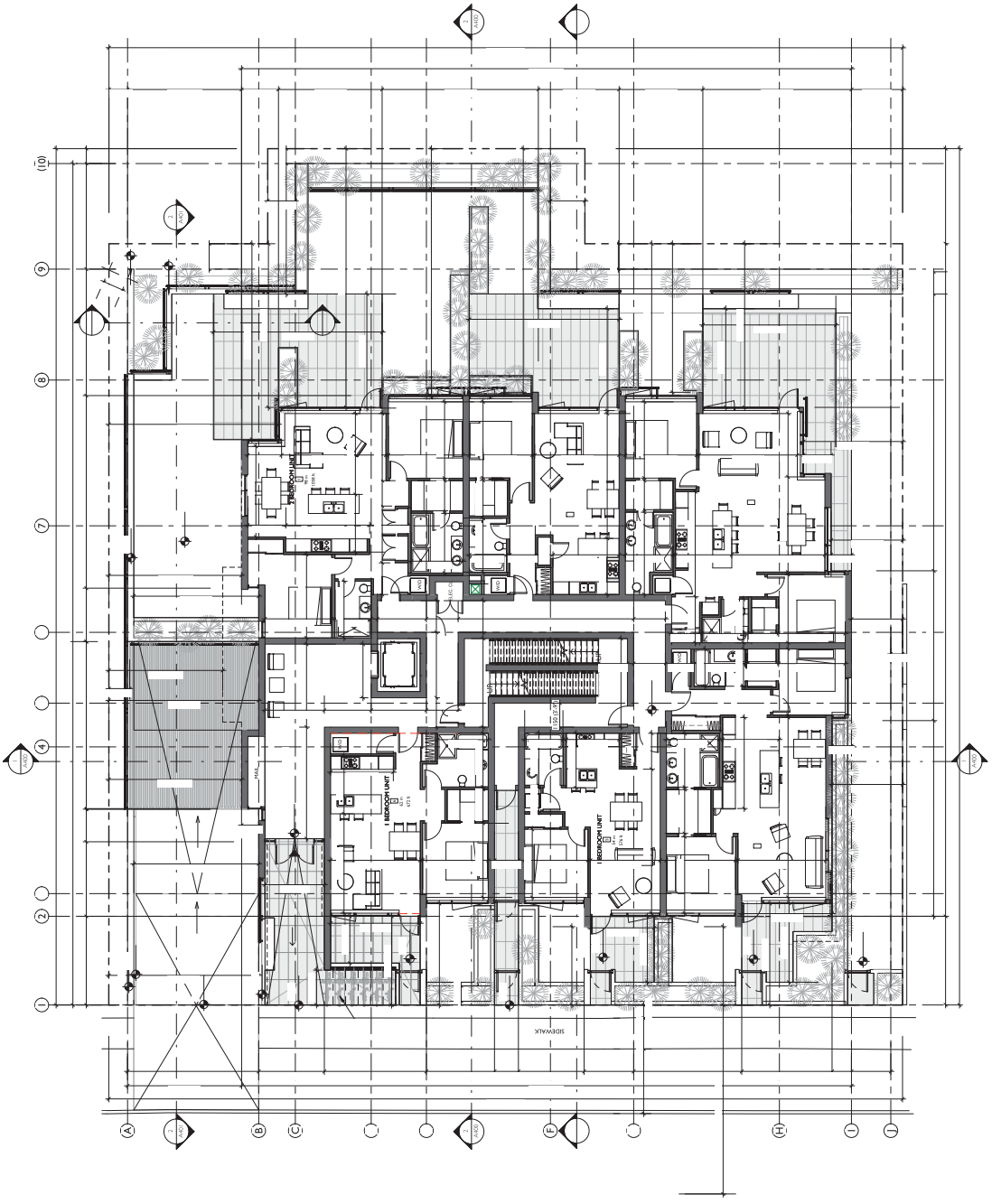
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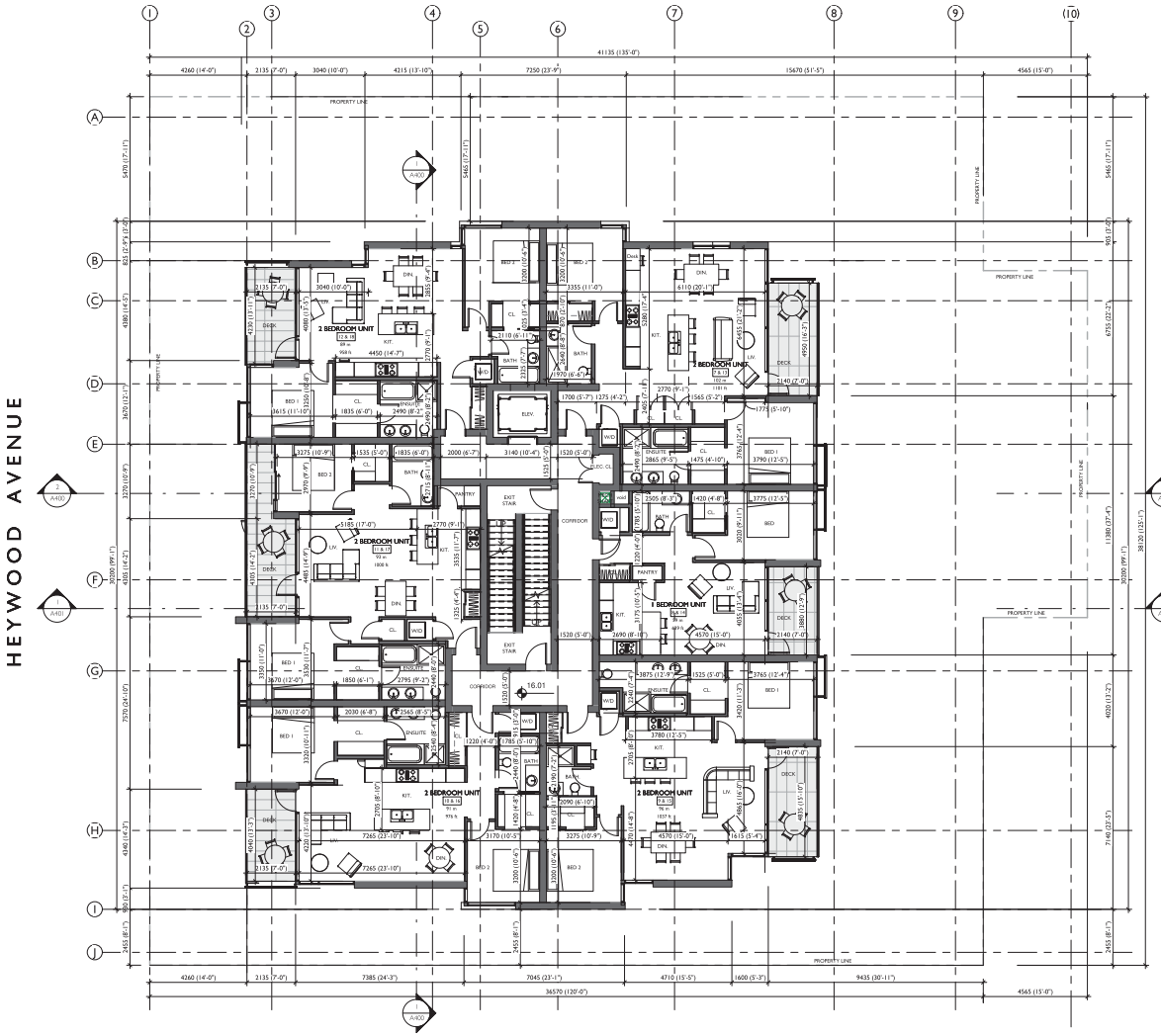
1 BEDROOM UNIT
1 BEDROOM UNIT
SIDEWALK



1 LEVEL 02 + 03 PLAN
1 : 100

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1	DP Review Revisions	2017.02.24
0	DP Review Revisions	2016.12.06

DRAWING
2/3 LEVEL FLOOR PLANS

PROJECT
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Heywood Avenue Development Company

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PROJECT NUMBER 1614 | Date 2017.02.24

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REV. 1

2017.02.24

DWG. NO. A201

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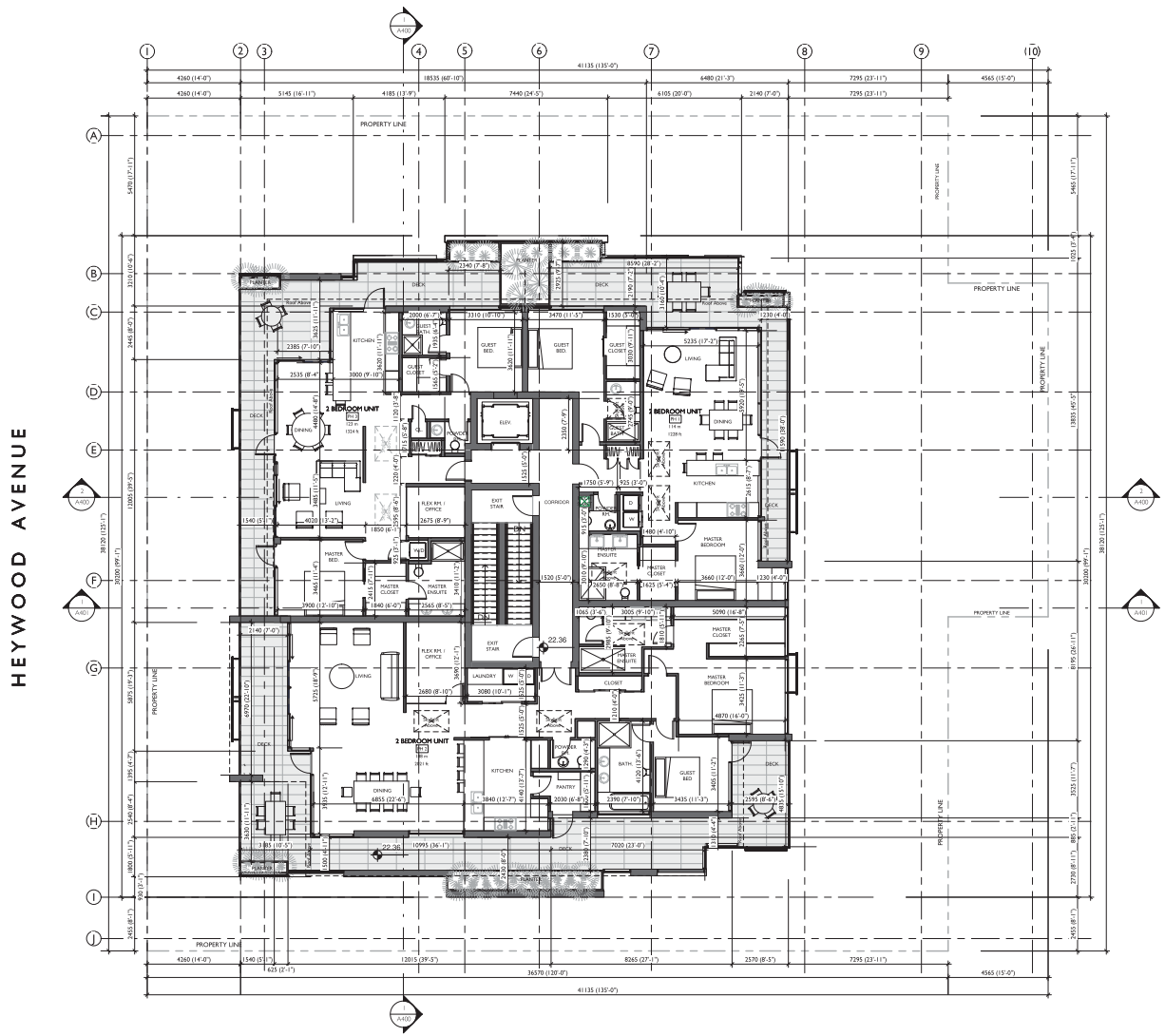

1 PENTHOUSE LEVEL PLAN
1 : 100

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NO.	DESCRIPTION	DATE
2	DP Review Revisions	2017.02.24
1	DP Review Revisions	2016.12.06

DRAWING
PENTHOUSE LEVEL FLOOR PLAN

PROJECT
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Heywood Avenue Development Company

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2017.02.24

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A2[illegible]

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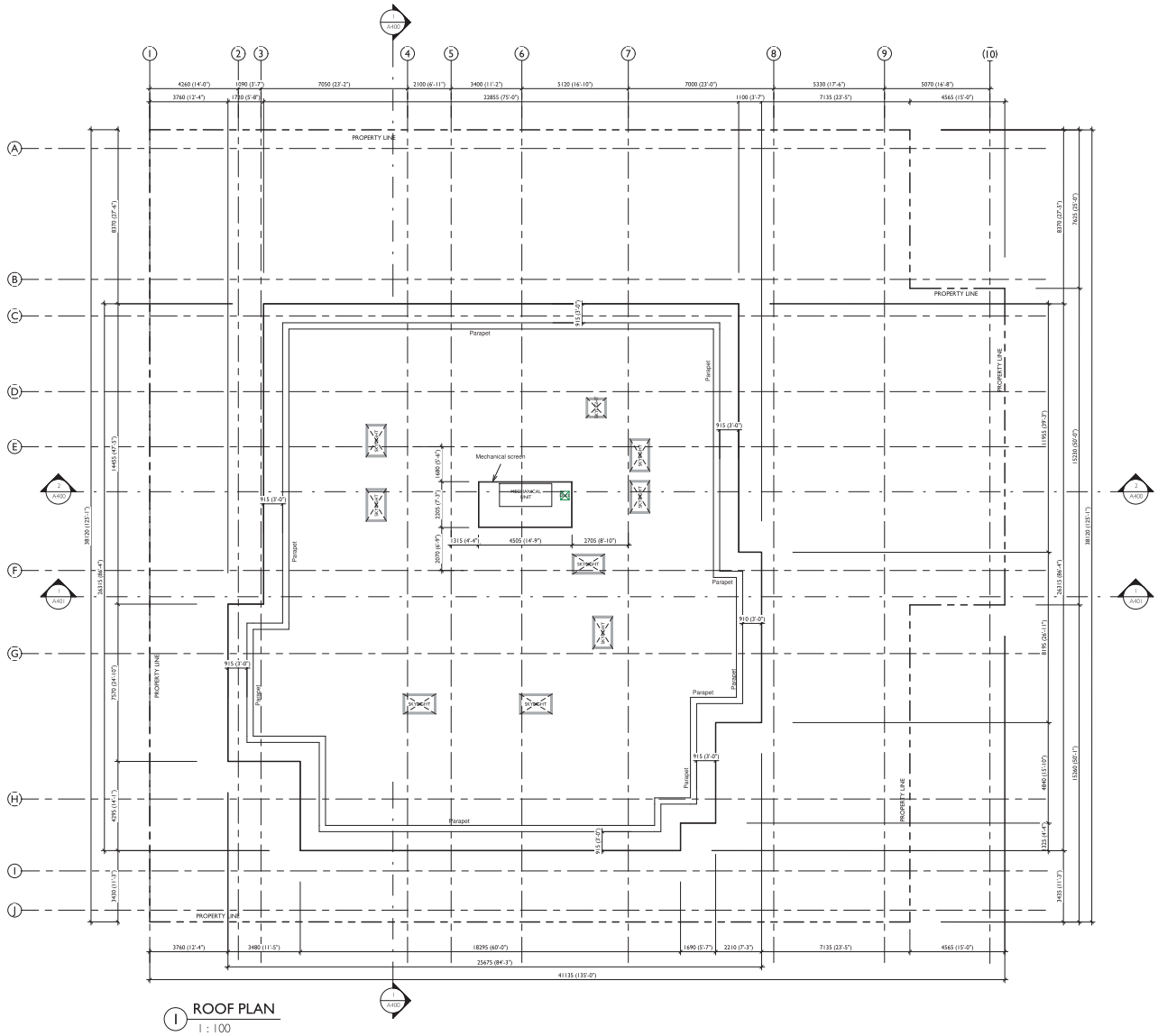

1 ROOF PLAN
1 : 100

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NO.	DESCRIPTION	DATE
2	DP Review Revisions	2017.02.24
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DRAWING
ROOF PLAN

PROJECT
986-990 Heywood Avenue
Heywood Avenue Development Company

986-990 Heywood Avenue
Victoria, BC

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	DWG. NO. A204

Victoria City Council - 08 Jun 2017

1 WEST ELEVATION
1 : 100

2 NORTH ELEVATION
1 : 100

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MATERIAL KEY

1 STONE CERAMIC TILE
2 METAL & STONE CERAMIC SCREEN
3 CLEAR GLAZING W/ ALUMINUM FRAME
4 GLASS GUARD & ALUMINUM HANDRAIL
5 SPANDREL GLASS PANEL
6 T&G NATURAL FINISH CEDAR SOFFIT
7 VERTICAL BOARD FORM CONCRETE

NO.	DESCRIPTION	DATE
3	DP Review Revisions	2017.02.24
2	DP Review Revisions	2016.12.06

DRAWING
W & N ELEVATIONS

PROJECT
986-990 Heywood Avenue
Heywood Avenue Development Company
986-990 Heywood Avenue
Victoria, BC

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SCALE
As indicated

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REV: 3
2017.02.24
DWG. NO. A3.0

Victoria City Council - 08 Jun 2017

1 EAST ELEVATION
1 : 100

East elevation illustrating planting on neighbors side of property line

2 SOUTH ELEVATION
1 : 100

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MATERIAL KEY

1 STONE CERAMIC TILE
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5 SPANDREL GLASS PANEL
6 T&G NATURAL FINISH CEDAR SOFFIT
7 VERTICAL BOARD FORM CONCRETE

NO.	DESCRIPTION	DATE
3	DP Review Revisions	2017.02.24
2	DP Review Revisions	2016.12.06

DRAWING
E & S ELEVATIONS

PROJECT
986-990 Heywood Avenue
Heywood Avenue Development Company
986-990 Heywood Avenue
Victoria, BC

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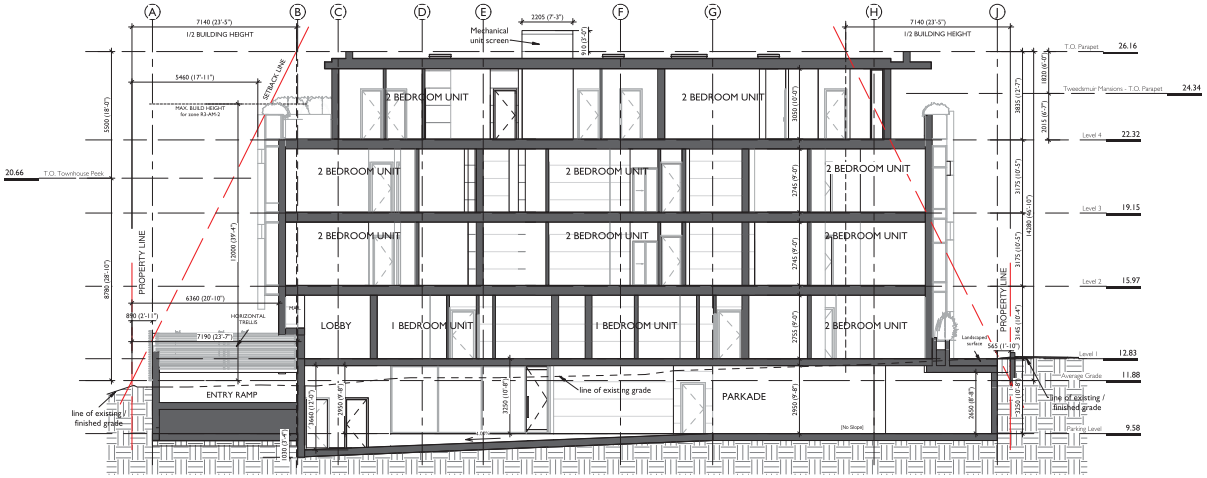

1 NORTH / SOUTH SECTION
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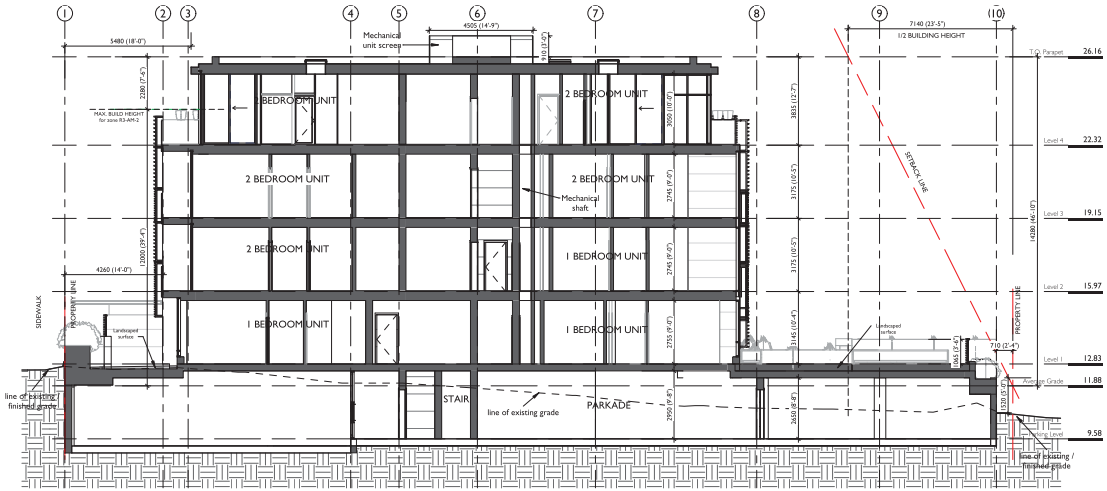

2 LONG EAST / WEST SECTION
1 : 100

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NO.	DESCRIPTION	DATE
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DRAWING
SECTIONS

PROJECT
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Heywood Avenue Development Company
986-990 Heywood Avenue
Victoria, BC

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2017.02.24

DWG. NO.
A4.0

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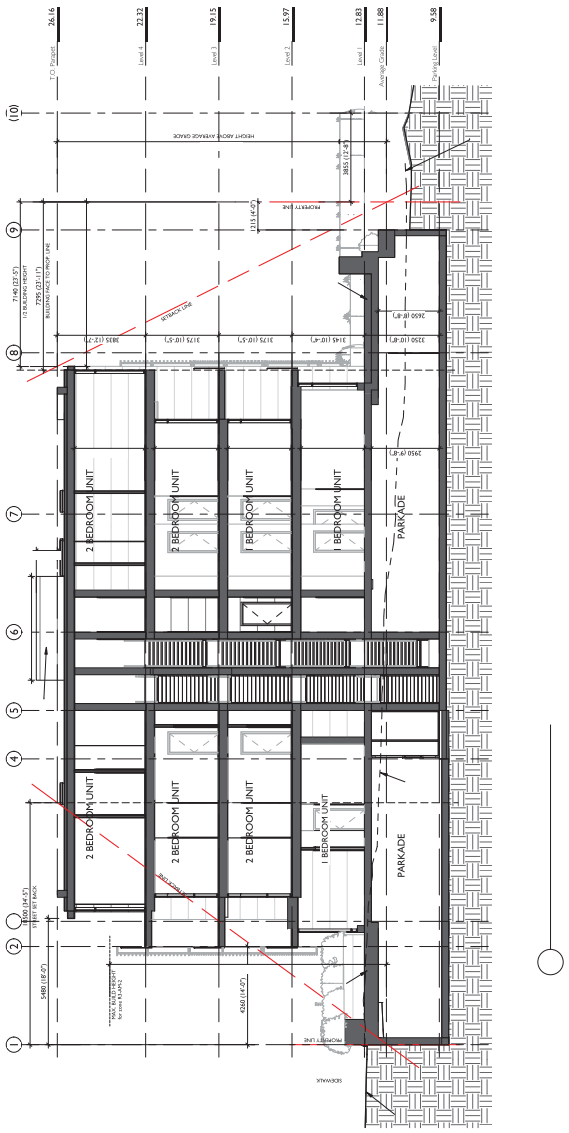
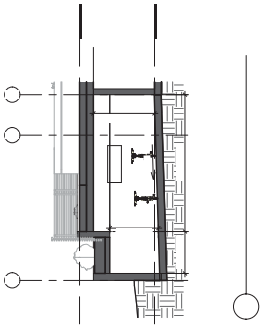
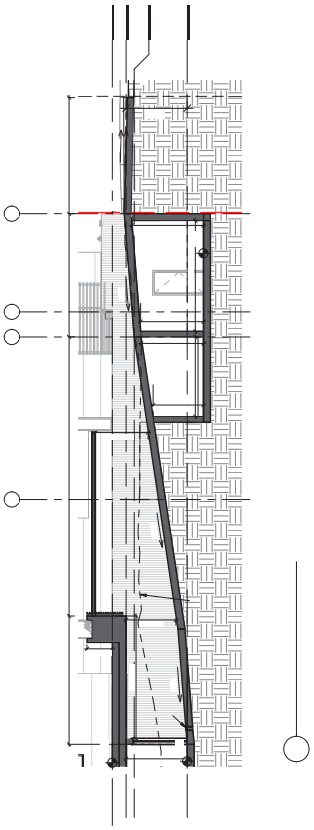

2 BEDROOM UNIT
2 BEDROOM UNIT
1 BEDROOM UNIT
1 BEDROOM UNIT
PARKADE
2 BEDROOM UNIT
2 BEDROOM UNIT
2 BEDROOM UNIT
1 BEDROOM UNIT
PARKADE
PROPERTY LINE
SIDEWALK





1 VIEW OF SOUTH WEST
1 : 100

2 VIEW OF NORTH WEST
1 : 100

3 VIEW OF NORTH EAST
1 : 100

MATERIALS

T&G NATURAL FINISH CEDAR

STONE CERAMIC TILE

METAL & STONE CERAMIC SCREEN

GLASS GUARD WITH METAL HANDRAIL

CONCRETE LANDSCAPE PAVING

5 HEYWOOD STREET ELEVATION
1 : 200

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NO.	DESCRIPTION	DATE
1	DP Review Revisions	2017.02.24
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DRAWING
PERSPECTIVE VIEWS

PROJECT
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Heywood Avenue Development Company
986-990 Heywood Avenue
Victoria, BC

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SCALE
As Indicated

PROJECT NUMBER 1614
Date 2017.02.24
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NO.	DESCRIPTION	DATE
1	DP Review Revisions	2017.02.24
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DRAWING
SHADOW STUDY

PROJECT
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Heywood Avenue Development Company

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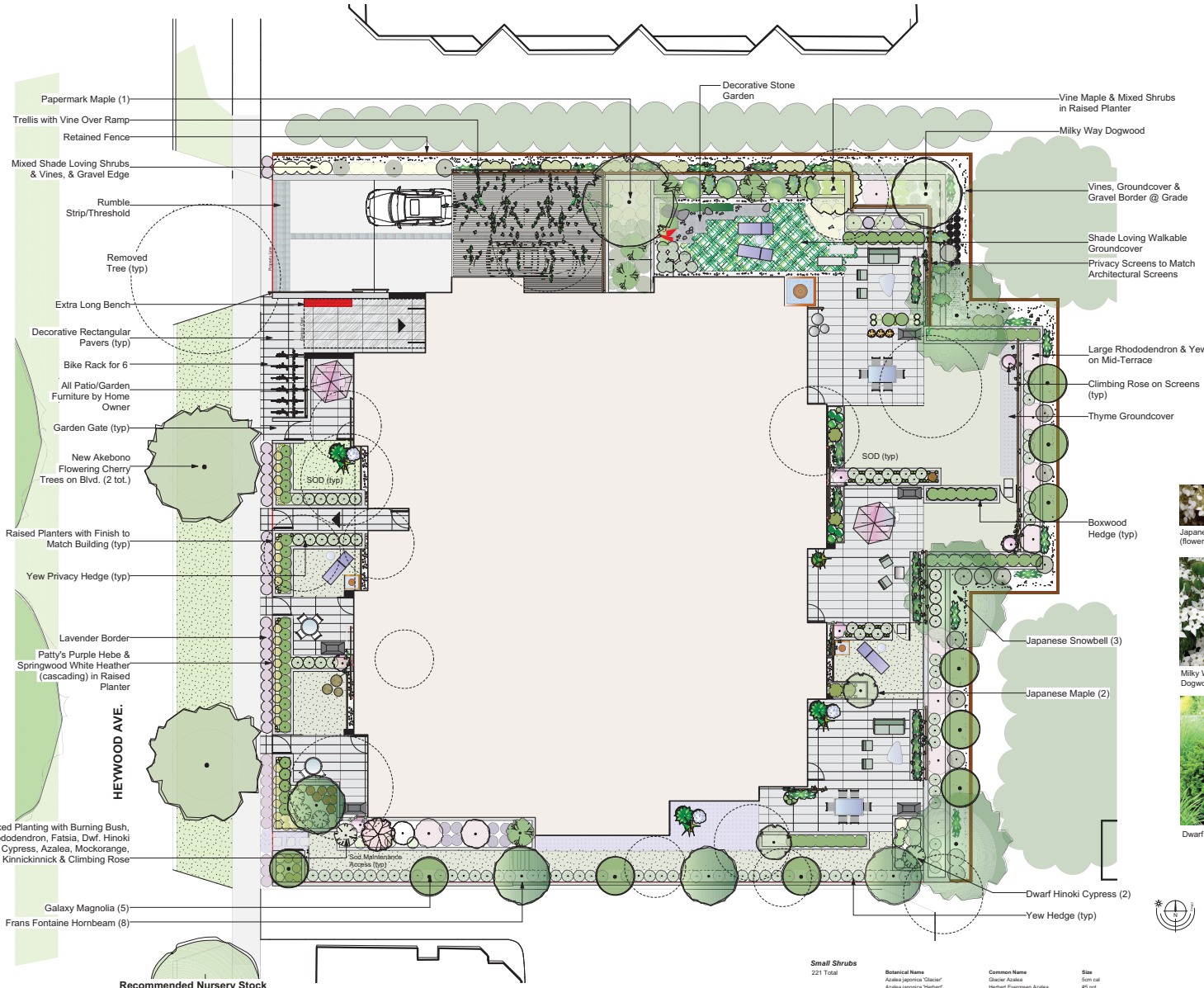
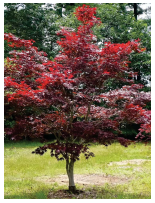


Reference Plant Images

Galaxy Magnolia

Frans Fontaine Hornbeam

Japanese Hydrangea (flower)


Japanese Maple

Milky Way Chinese Dogwood (flowers)

Dwarf Hinoki Cypress

Japanese Snowbell (fall colour)

Recommended Nursery Stock

Trees
23 Total

Botanical Name	Common Name	Size
Acer circinatum	Vine Maple	#15 pot; 2m ht min;
Acer palmatum	Japanese Maple	5cm cal
Carpinus betulus 'Frans Fontaine'	Frans Fontaine Hornbeam	6 cm cal.
Cornus kousa 'Milky Way'	Milky Way Dogwood	#20 pot
Magnolia 'Galaxy'	Galaxy Magnolia	5cm cal
Prunus serulata 'Akebono'	Akebono Cherry Tree	7cm cal
Stewartia pseudocamellia	Japanese Stewartia	#20 pot

Large Shrubs
86 Total

Botanical Name	Common Name	Size
Chamaecyparis obtusa 'Nana Gracilis'	Dwarf Hinoki Cypress	#15 pot (feature)
Euonymous alatus 'Compactus'	Dwarf Burning Bush	#7 pot
Fatsia japonica	Japanese Fatsia	#7 pot
Philadelphus 'Belle Etoille'	Mock Orange	#5 pot
Rhododendron 'Anah Kruschke'	Anah Kruschke Rhododendron	#5 pot; 1.2m ht.
Rosa 'Constance Spry' climbing (D.Austin)	Constance Spry Cl.Rose (deep pink)	#1 pot
Taxus baccata 'Standishii'	Columnar Golden Yew	---
x Fatshedera lizei 'Annemieke'	Golden Variegated Fleshedera	#5 pot

Medium Shrubs
55 Total

Botanical Name	Common Name	Size
Buxus 'Green Mountain'	Green Mountain Boxwood	#5 pot
Picea abies 'Nidiformis'	Birds Nest Spruce	#7 pot
Sarcococca ruscifolia	Sweet Box	#5 pot

Small Shrubs
221 Total

Botanical Name	Common Name	Size
Azalea japonica 'Glacier'	Glacier Azalea	5cm cal
Azalea japonica 'Herbert'	Herbert Evergreen Azalea	#5 pot
Daphne cneorum 'Ruby Glow'	Ruby Glow Daphne	#3 pot
Erica carnea 'Springwood White'	Springwood White Heather	#1 pot
Erica sp.	Heather	#1 pot
Hebe buxifolia 'Patty's Purple'	Patty's Purple Hebe	#5 pot
Lavandula officinalis	English Lavender	#7 pot
Mahonia nervosa	Low Oregon Grape	#1 pot
Nandina domestica 'Harbour Dwarf'	Harbour Dwarf Heavenly Bamboo	#1 pot
Pieris japonica 'Prelude'	Prelude Pieris	#3 pot
Sarcococca hookeriana var. humilis	Dwarf Sweet Box	#2 pot

Perennials, Annuals and Ferns
85 Total

Botanical Name	Common Name	Size
Achillea millefolium 'Paprika'	Paprika Common Yarrow	#1 pot
Heuchera sanguinea 'Crème Brûlée'	Crème Brûlée Heuchera	#1 pot
Ipomea batatas "Margarita"	Margarita Ipomea	#1 pot
Pennisetum setaceum 'Purpureum'	Purple Fountaingrass	#2 pot
Polystichum setiferum	Soft Shield Fern	#1 pot

Groundcovers
1075 Total

Botanical Name	Common Name	Size
Arctostaphylos uva ursi 'Vancouver Jade'	Kinnickinnick	#1 pot
Gaultheria shallon	Salal	#SP3 pot
Leptinella goveri	Miniature Brass Buttons	#SP3 pot
Thymus sp	Creeping Thyme	#SP3 pot

Vines
25 Total

Botanical Name	Common Name	Size
Hydrangea petiolaris	Climbing Hydrangea	#7 pot
Schizophragma hydrangeoides	Japanese Hydrangea Vine	#7 pot

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

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2B-495 Dupplin Rd. Victoria B.C. V8Z 1B8
Phone: (250) 598-0105 Fax: (250) 412-0696

Revisions
Received Date: March 21/17
Deemed Date: February 27/17

Feb 20-17 Blvd. Trees revised for DP resubmission
Dec12-16 Bike racks revised for DP resubmission

DRAWING
Landscape Concept Plan
Ground Level

PROJECT
986 Heywood Ave.
Victoria, BC

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PROJECT NUMBER 1636
Date Oct 17, 2016
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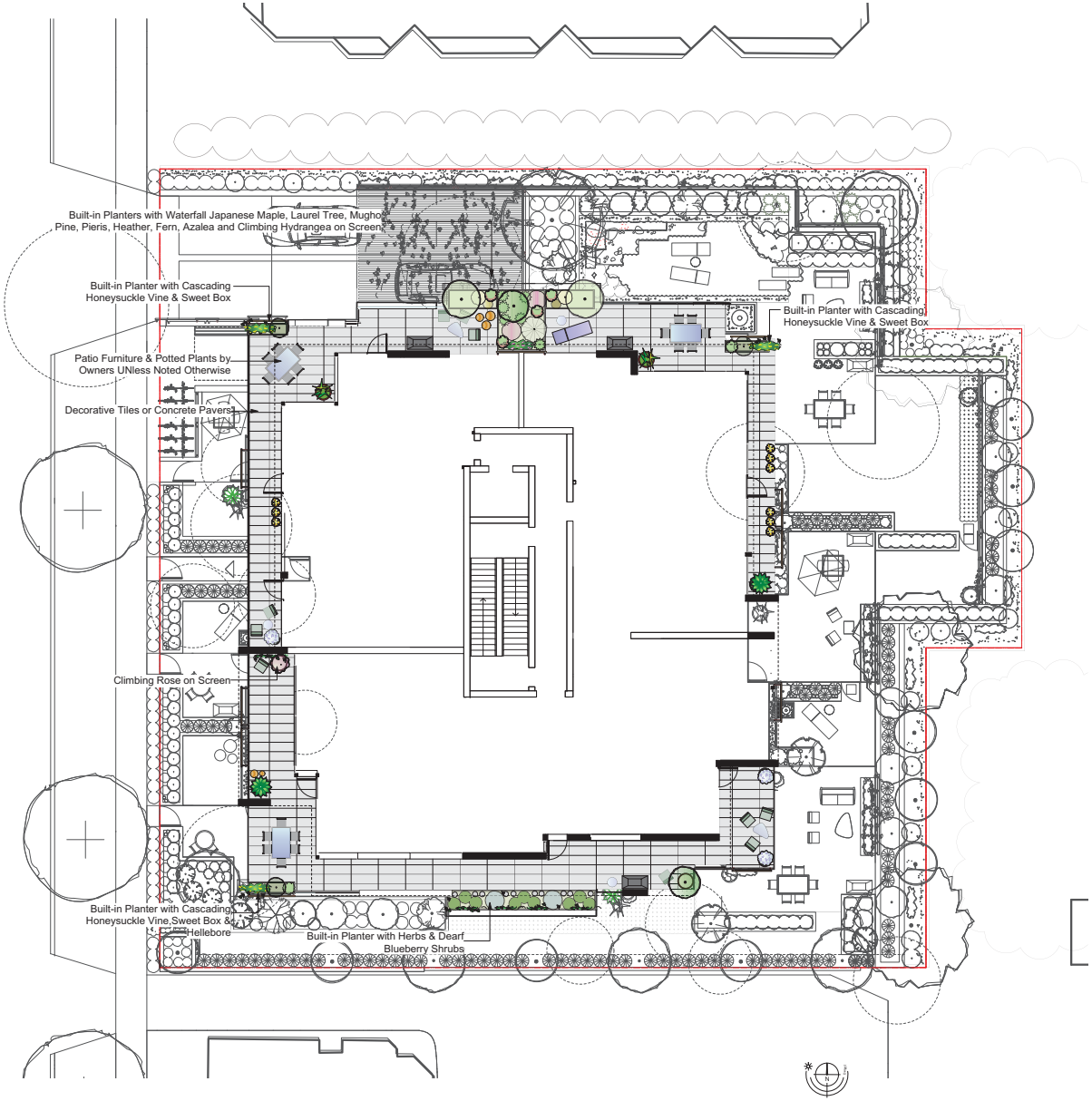

Reference Plant Images

Constance Spry Climbing Rose

Gold Flame Honeysuckle Vine

Wedding Party Mix Hellebore

Red Poppy Azalea

Waterfall Japanese Maple

Fall Colour

Northsky Blueberry

Mugho Pine

Recommended Nursery Stock (Roof Only)

Botanical Name	Common Name	Size
Acer palmatum 'Waterfall'	Waterfall Japanese Maple	1.2m ht
Achillea millefolium 'Paprika'	Paprika Common Yarrow	#1 pot
Azalea 'Red Poppy' (Belgian Indica)	Red Poppy Azalea	#5 pot
Blechnum spicant	Deer Fern	#1 pot
Erica carnea 'Springwood White'	Springwood White Heather	#1 pot
Helleborus 'Wedding Party Mix'	Hellebore Wedding Party	#1 pot
Hydrangea petiolaris	Climbing Hydrangea	#7 pot
Ipomea batatas "Margarita'	Margarita Ipomea	#1 pot
Lonicera x heckrotti 'Gold Flame'	Gold Flame Honeysuckle Vine	#5 pot
Pieris japonica 'Prelude'	Prelude Pieris	#3 pot
Pinus mugo var. mughus	Mugho Pine	#15 pot
Prunus lusitanica	Standardized Laurel	1.8m ht
Rosa 'Constance Spry' climbing (D.Austin)	Constance Spry Cl.Rose (deep pink)	#1 pot
Sarcococca ruscifolia	Sweet Box	#5 pot
Thymus sp	Creeping Thyme	#SP3 pot
Vaccinium x 'Northsky' (half high)	Northsky Blueberry	#5 pot

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Phone: (250) 598-0105 Fax: (250) 412-0696

Revisions
Received Date: March 21/17
Deemed Date: February 27/17

Dec12-16 DP resubmission

DRAWING
Landscape Concept Plan
Penthouse Level

PROJECT
986 Heywood Ave.
Victoria, BC

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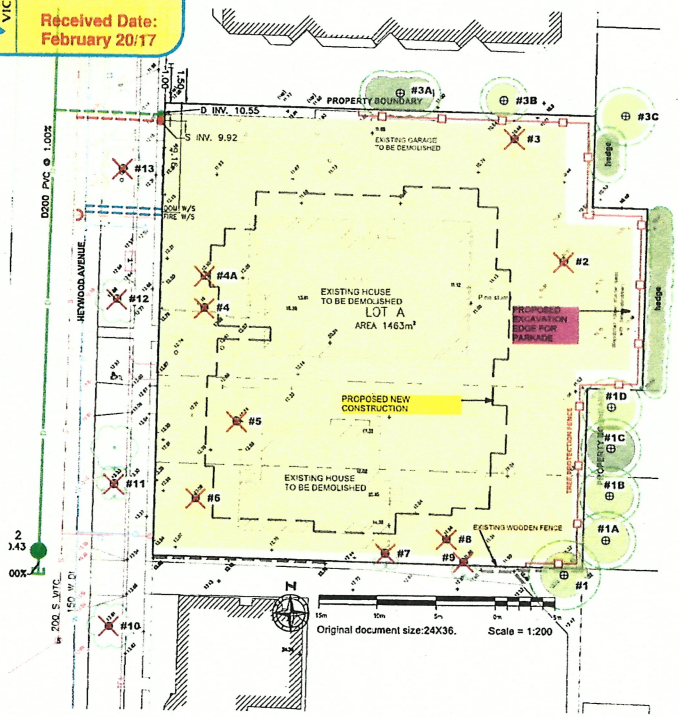
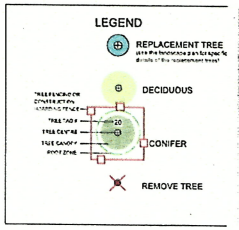
CITY OF VICTORIA
Revisions
Received Date:
February 20/17





TREE INVENTORY TABLE

G&A Tree ID	Location	Common Name	DBH (cm)	Protected Root Zone Radius (m)	Crown Radius (m)	Health (Good, Fair, Poor)	Structural Condition (Good, Fair, Poor)	Bylaw Protected Tree?	Comments / Notes	Recommendations
1	Off-site	Silver Birch	12	3	2	Good	Good	No	Provides visual screening	Retain and protect
1A	Off-site	Golden bamboo	multiple stem	2	2	Good	Good	No	Provides visual screening	Retain and protect
1B	Off-site	Red cedar (hedge shaped)	multiple stem	3	2	Good	Fair	No	Provides visual screening	Retain and protect
1C	Off-site	Ornamental deciduous	14	3	2	Good	Fair	No	Provides visual screening	Retain and protect
1D	Off-site	Golden bamboo	multiple stem	2	2	Good	Good	No	Provides visual screening	Retain and protect
2	988 Heywood Avenue	Fruiting Apple	24	5	4	Fair	Fair	No	In conflict with construction.	Remove tree
3	988 Heywood Avenue	Fruiting Apple	30	5	3	Good	Good	No	In conflict with construction.	Remove tree
3A	Off-site	Red cedar (hedge shaped)	multiple stem	3	2	Good	Fair	No	Provides visual screening	Retain and protect
3B	Off-site	Fruit tree	20	3	2	Good	Fair	No	Provides visual screening	Retain and protect
3C	Off-site	Ornamental deciduous	20	3	2	Good	Fair	No	Provides visual screening	Retain and protect
4	988 Heywood Avenue	Ornamental plum	18	3	2	Good	Good	No	In conflict with construction.	Remove tree
4A	988 Heywood Avenue	Ornamental beech	20	4	2	Good	Good	No	In conflict with construction.	Remove tree
5	988 Heywood Avenue	Cypress sp.	18	4	2	Good	Fair	No	In conflict with construction.	Remove tree
6	988 Heywood Avenue	Monkey Puzzle	74	9	5	Good	Good	No	Raccoon nest in the crown. In conflict with construction.	Remove tree
7	988 Heywood Avenue	Big-leaf Maple	28	5	3	Fair		No	In conflict with construction.	Remove tree
8	988 Heywood Avenue	Plum	32	6	3	Fair	Poor	No	In conflict with construction.	Remove tree
9	988 Heywood Avenue	Apple	29	5	2	Fair	Fair	No	In conflict with construction.	Remove tree
10	Boulevard tree	Flowering Cherry	68	5	3	Fair	Fair	No	Topped and repeatedly pruned	Remove tree & replacement plant
11	Boulevard tree	Flowering Cherry	8	2	1	Good	Good	No	Recent plant	Remove tree & replacement plant
12	Boulevard tree	Flowering Cherry	8	2	1	Good	Good	No	Recent plant	Remove tree & replacement plant
13	Boulevard tree	Flowering Cherry	10	2	1	Good	Good	No	Recent plant	Remove tree & replacement plant

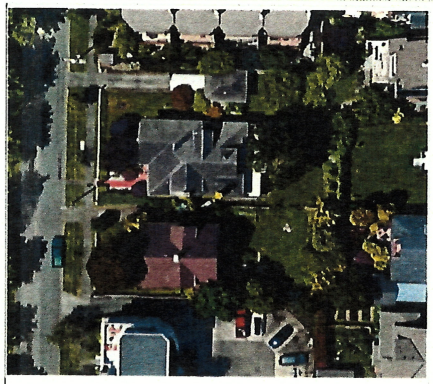


Fig. 1: Overview image of the existing houses

Fig. 2: Remove tree #6

Fig. 3: East boundary, north end

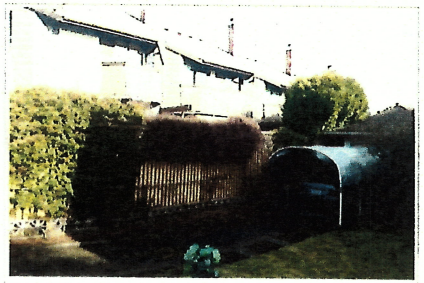


Fig. 4: North boundary

Fig. 5: East boundary, south end

Fig. 6: North-east corner. Tree # 3C.

Fig. 7: North-east corner. Tree #3.

TREE PRESERVATION MEASURES

1 Before site preparation begins, erect tree protection fencing or construction hoarding fence as indicated. In sections adjacent to trees designated for removal, it is recommended that fencing be delayed until after tree removal is complete. Chip up tree branches and reuse chip mulch on site for distribution within sensitive tree areas (see Note 6 below).

2 The arborist will be present to oversee stump removal, excavation, service trenching, site grading or blasting that is within or adjacent to the tree protection areas (TPAs).

3 Procedure for blasting near tree root zones:

a) Blasting vibrations in the vicinity of the Tree Protection Areas are not to exceed a peak particle velocity of 25 mm/sec.

b) When blasting is required immediately adjacent to a Tree Protection Area the blasting contractor will work with the arborist to develop a blasting plan that minimizes impacts to protected trees.

c) Use DYNAMITE as the explosive product. No fertilizer-based explosive is permitted due to its toxicity to tree roots.

d) The contractor will prevent rock debris from the blast site from entering the TPA.

4 Any tree roots damaged will be pruned back to undamaged tissue by the arborist.

5 The vertical face of the excavation adjacent to the TPAs will be covered with geo-textile pinned to prevent soil desiccation and erosion.

6 In areas where the root zone of the tree has been reduced by excavation the remaining area will be top-dressed with 10cm of tree chip mulch.

7 Retained trees will be irrigated twice weekly during the dry summer period to a minimum effective depth of 30cm.

8 Any access to TPAs must be approved and supervised by the project arborist.

9 No equipment, materials or excavated soil will be placed or stored within the TPA. THIS PARTICULARLY INCLUDES HOARDING OF EXCAVATED SOILS NEEDED FOR BACKFILLING OF THE HOUSE FOUNDATION.

10 One Replacement Tree will be planted as indicated in mitigation for the removal of Tree #6 (74cm d.b.h. Monkey Puzzle Tree).

11 The location and specifications for the replacement tree on the subject property will be determined at the landscaping phase and preapproved by City of Victoria representative. Please see the landscape plan for specific details of the replacement trees.

12 City of Victoria will remove the existing four boulevard trees (#10 11, 12 and 13) and will plant four replacement trees at the client expense.

13 All existing trees and hedges located outside subject property boundary and in immediate vicinity of the construction site will be retained and protected. The project arborist will ensure the tree protection measures will be applied and respected during the entire demolition and construction phases of this project.

14 The majority of the trees and shrubs located outside property boundaries and in the immediate vicinity of the excavation are composed of pioneer species of species resistant to root disturbance. If all the above tree preservation measures are applied and maintained during the construction phase we do not anticipate significant negative impact on the adjacent offsite root trees.

GyeandAssociates.ca

PROJECT
986 + 988 Heywood Avenue,
Victoria, BC

SHEET TITLE
Tree Management Plan

REV NO	DESCRIPTION	DATE
0	FOR REVIEW	REVISED

PROJECT NO	16-098
DATE	February 2017
SCALE	1:200
DRAWN BY	LS
SHEET NO.	L - 1

Victoria City Council - 08 Jun 2017

JAWL | residential

City of Victoria
No.1 Centennial Square
Victoria, BC, Canada
V8W 1P6

October 27th, 2016

Attn: Mayor and Council

RE: 986 988 Heywood Avenue Rezoning and Development Permit Application

---

Jawl Residential Ltd. and Tri Eagle Development Corporation are pleased to submit the rezoning and development permit application for the properties located at 986-988 Heywood Avenue. The purpose of this application is to construct a 4-storey multi residential building overtop one level of secure underground bike and vehicle parking.

Reflecting upon the details contained within the City of Victoria Official Community Plan and Multi Unit Residential Design Guidelines, the application was further refined through months of community, immediate neighbour and municipal staff consultation.

Feedback gleaned from the consultation and review process, balanced with the applicant's vision has informed the overall 4-storey form through which the proposal takes shape. Additionally, it was identified early in the consultation process that building siting and architecture were key to minimizing shading and maximizing privacy for existing neighbours and future residents.

Contained within this application and further to this covering letter, project architect Cascadia Architects have provided a supplemental report that details key elements of the proposal.

Both Jawl Residential and Tri Eagle are excited for the opportunity to submit this application and look forward to continuing a working dialogue with City staff and presenting to council in the near future.

Sincerely,

David Jawl
djawl@jawlresidential.com
Jawl Residential Ltd.

Travis Lee
travis@trieagle.ca
Tri Eagle Development Corporation

CASCADIA ARCHITECTS
DAMANT + JOHANNKNECHT

March 6, 2017

City of Victoria
No.1 Centennial Square
Victoria BC
V8W 1P6

Attn.: Mayor & Council

Re: 986-988 Heywood Avenue Rezoning and Development Permit Application

We are pleased to submit this summary of the Rezoning and Development Permit application for 986, 988 Heywood Avenue on behalf of Jawl Residential Limited and Tri-Eagle Development Corporation (collectively the 'Applicant'). The rezoning and development permit are required to construct a four-storey multi residential building. The details contained within this application have been carefully crafted to respect the neighborhood, the park setting and the spirit/intent of the existing R3-AM2 zone that applies to the majority of the properties.

Prior to commencement of any design work, the Applicant immediately began a consultation process with the owners of neighboring properties as well as City of Victoria planning staff. The consultation and review process continued throughout the Schematic and Design Development stages and included but was not limited to the following meetings:

- ✓ Pre-Planning Meeting City of Victoria – July 6th, 2016
- ✓ Numerous Individual Meetings – July 2016 – October 2016
- ✓ 905-911 Oliphant Townhome Strata Meeting – July 12th, 2016
- ✓ 900 Park Strata Meeting – September 7th, 2016
- ✓ Public Community Meeting – September 13th, 2016
- ✓ Pre-CALUC Meeting - September 26th, 2016
- ✓ Formal CALUC Meeting at FGCA - October 20th, 2016

As the building design development progressed, follow up meetings were held where information was shared and refinements made based on the feedback received. Additional feedback from City Staff has been incorporated and the Advisory Design Panel has recommended approval of the project.

Existing Site Characteristics, Official Community Plan and Zoning:
The two parcels encompassed by the proposal are 1,463 sq.m. in total area, and are currently occupied by two detached houses that are not registered heritage. While efforts have been made to relocate the structures, the tree canopy along Heywood Avenue and Park Boulevard make any relocation impossible.

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www.cascadiaarchitects.ca
office@cascadiaarchitects.ca

A Corporate Partnership

Principals

GREGORY DAMANT
Architect AIBC, LEED AP

PETER JOHANNKNECHT
Architect AIBC, LEED AP,
Interior Architect AKNW Germany

The site is sloped, falling 2m from the SW corner (at Heywood) to the NE corner and is relatively flat in terms of tree canopy, with no bylaw protected trees.

The current zoning is R3-AM-2 – up to 4 storeys and 1.6:1 FSR, except the notch at the east property line of 986 Heywood, totaling 63 sq.m. is zoned RB-1. *The split zoning on the site is the primary reason that this proposal involves a re-zoning.* The site is designated Urban Residential by the OCP, meaning it is intended for multi-unit residential, as reflected by the existing R3-AM2 zone allowances.

The property is characterized by both its proximity to the natural landscape of Beacon Hill Park to the west and to the Cook Street village to the east, including the eclectic mix of single–family homes, townhouses, and 3 to 4–storey apartment buildings that constitute the Cook Street community. In fact, the site is bordered by a mix of all three building types. To the north is a 4-unit townhouse development. To the east, detached houses, and to the south 3 and 4 storey condominium buildings. Heywood Avenue is a local road but not part of the City's greenway network and does not host any transit service.

The project is subject to the OCP Design Guidelines for Multi-Unit Residential buildings, and will be part of the Fairfield community, whose neighbourhood plan is currently under development. The analysis of the OCP, zoning and site context reinforces the initial input of neighbours that the current R3-AM2 zoning reflects an appropriate level of development density for this site, and the proposal presented here is based on that starting point.

Description of Proposal

Massing & Siting:

The building design concept is based on two imperatives – firstly to maximize daylight and views to the east and west while maintaining a sense of privacy for the neighbours to the south and particularly to the north, where the backyards of the townhouses on Oliphant would typically be overlooked by the new building. The resulting building form is a series of stepped vertical solid and screened panels that create east-west views through their spacing, while reducing visually direct connections to the north and south. This addresses the OCP context-related guideline 1.6, which suggests that buildings "be designed to address privacy, particularly for portions of the development abutting the side yards of adjacent single-family dwellings."

In terms of massing, the building reflects the intent of the current zoning, with a height of four storeys, underground parking, and an FSR of 1.6:1. This was an important principle for the design team to maintain, based on the site analysis and understanding of the neighbour priorities. However, the siting has been adjusted to respect the specific context, and the OCP design guidelines.

The building has been shifted south and west on the site to minimize shadowing of the smaller scale properties to the north and east. This shift results in setbacks from Heywood and the south property line that are smaller than typical, but are contextually appropriate given the precedent of the Tweedsmuir Manor building to the south, and the fact that to the west is the expanse of the park. Building setback distances to the north and east are maintained in keeping with the "one-half of building height" requirement of the current R3-AM2 zone.

Furthermore, the top-most storey has been set back, and the vertical ceramic-stone clad panels, which create "rhythm and visual interest" in the facades, are changed to screen elements at the building corners to "enable sunlight penetration to ... open space" as per items 3.3 and 3.5 of the guidelines.

Streetscape / Relation to street:

Along Heywood Avenue, three ground floor units have individual garden gates, patios, and main entrances. The building lobby features an extended canopy and all-glass front wall to clear identify the primary building entrance. The adjacent parkade ramp is covered with a trellis structure to visually minimize the impact of the ramp and help muffle vehicle noise. These elements of the building form address the principles of the OCP Design Guidelines Section 2 that state "residential use at street level should have strong entry features and building designs that encourage interaction with the street" (2.4) and that "individual entrances with direct connections to the public sidewalk are encouraged." (2.5.1). The landscape design prepared by LADR Landscape Architects also includes continuous planter walls with trees growing to a scale appropriate to create visual interest at the public sidewalk without overwhelming the patio spaces.

The height of the building will require a variance relative to the R3-AM2 zoning limit. This height variance is the result of several factors. The R3-AM2 zone height allowance of 12m and 4 storeys equals less than 3m floor-to-floor (effectively a 2.45m or 8'-0" ceiling height) once floor assemblies and parapets etc. are considered, and without reference to the natural average grade. This is an out-of-date standard as market design is now 9'-0" clear ceiling height, and this 305mm (1') per floor accounts for 1.22 m of the variance. Additionally, as noted, this site slopes away from Heywood Avenue, with the resultant natural grade being on average just over a meter lower than the grade along Heywood. The main floor elevation is set meet the average along Heywood to make the main entrance an accessible ramp slope at the low end, and prevent the ground floor unit being too far below grade at the high end. This grade also works with the depth of parking that is achievable due to the slope of the site. As a result, the building height as calculated for zoning, appears almost a meter higher than it actually is at Heywood Avenue, and this is the cause of almost all of the remaining height variance, except for 305mm (1') of additional ceiling height provided to the penthouse level units (10' ceilings). The design team reviewed the sun studies in determining the ceiling heights, and due to the setback of the upper floor the extra height makes no appreciable difference in terms of shade impact for adjacent properties.

Exterior Finishes

Architecturally, the solid panels that define the massing and views create a rhythm of vertical elements on the east and west elevations, separated by expansive glass walls and transparent balcony rails. This pattern responds to the rhythm of trees that line Heywood Avenue on the park side of the street – part of the site's unique setting adjacent to the park - and at the same time recalls the classical device of the colonnade as a primary structural system and expression of human place-making in the landscape.

Materially, the design expands on that image, using a minimal exterior palette of high quality, durable and traditional finishes including limestone-coloured, stacked ceramic-stone cladding and screen elements, clear glass windows, and natural wood soffits. The result is a building that draws on historical inspiration in a site-specific response to achieve an elegant, and timeless expression that also addresses the OCP guidelines for exterior finishes, which state that "exterior building materials should be high quality, durable and capable of weathering gracefully." The guidelines continue, stating that "quality materials used on the principal façade should be continued around any building corner

or edge which is visible from the public realm", and in this case the ceramic-stone cladding is used to good effect at the north and south elevations, cladding the solid faces of the panels. Windows facing north and south are mostly thinner and horizontal, set higher in the walls to give sky views rather than views into the adjacent gardens. Stepping of the panels creates a varied façade composition of light-coloured stone contrasting with shadows resulting from those steps. This effect changes with the time of day and seasons, giving variety and visual interest to those elevations while maintaining privacy.

Further, raised planters set on the parkade roof slab along the north and south edges will provide soil volume to grow fuller vegetation, such climbing roses, which will use the screens to support their growth. These measures are intended to address guideline 4.3 which states that "exposed party walls and blank side elevations, where necessary, should incorporate features such as texture, reveals, colours, plantings or other treatments to provide visual interest."

As a further and final feature of visual interest, natural provincially sourced wood cladding of the balcony and roof soffits will create visual and tactile warmth for residents, and to "complement the palette of exterior materials used on the rest of the building." (Guideline 4.4)

Transportation & Infrastructure

The project is well situated and fully serviced by City of Victoria infrastructure. Schools, parks and recreation facilities are all located within walking distance of the site. In addition, the nearby work and shopping opportunities available downtown and in the Cook Street village make this site suitable for an increased population density. This population will be well serviced in terms of transportation options, including immediate proximity to major Transit routes on Cook Street and Fairfield Road as well as vehicle and bicycle parking and storage provisions.

The project will include underground parking accessed from the north side of the property along Heywood Avenue to provide the full parking requirement of Schedule C – 29 stalls for the 21 units. In doing so, the applicant has committed to addressing another primary concern of the community – that parking be fully accommodated on site so to not further burden an already congested parking environment at grade. Additionally, a secure bicycle room well located right at the bottom of the parkade ramp will accommodate the required 21 Class-1 bike racks as well as a Bicycle Work Bench and an electric bicycle charging station. The required 6 additional Class-2 racks are located at the Heywood lobby entrance.

Due to the slope of the site, the parking box is partially exposed along the east property line to a maximum of 5'8" at the northeast corner. In recognition of this less than ideal site condition, measures were taken to fully landscape the parkade box with planters and stepped exterior walls to accommodate soil depths sufficient to support substantial landscape elements. The exterior walls of the parking structure will be constructed out of board-form concrete so to be suitable as a finished backdrop to the neighboring yards, should they become exposed in the future. The parkade walls are set back from the property line (typically 1.2m+ but at a minimum 0.7m) to permit planting of screening hedges and further screen and soften the appearance of the parkade.

The partial exposure of the parkade deck is the second aspect of the proposal that triggers the technicality of the rezoning. With the roof deck of the parkade above natural grade it contributes to the site coverage area - even as a landscaped surface. As a result, the proposed site coverage is over the 40% limit of the R3-AM2 zone and apparently cannot be varied, and must be dealt with via rezoning. The design team looked carefully at the options to push the

parking area below grade but resolved that an exposed extended ramp and deeper excavation would be visually more intrusive and more damaging to neighbouring property landscaping than the design as proposed. The details of this design exploration and communication with neighbors around this aspect of the proposal are outlined in a separate illustrated letter to staff dated March 6 2016.

Project Benefits and Amenities

The project will bring 21 new residences to the Cook Street Village, in a form that is supportable relative to the goal of the draft Fairfield Community Plan to "encourage new housing design that fits in with the neighbourhood character." The applicant has encouraged the design of larger more generous suites to provide a housing option for downsizing members of the community or those who wish to 'age in place'.

The building design will contribute to the quality of the public realm along Heywood Avenue, by the quality of design, materials, and detailing. The design of ground-level entrance patios and their proximity to the boulevard will promote social interaction and improve the pedestrian experience by incorporation of the same quality materials that clad the building into the planter walls. The planters themselves will bring a colourful and pleasant landscape interface, replacing the old fence and lawns of the existing houses.

Safety and security

The creation of a resident population is the primary factor in creating a safe pedestrian environment, through the placement of 'eyes on the street', and in this design all areas of the site are overlooked in good proximity by multiple dwelling units. Most importantly, the ground floor units facing Heywood Avenue have individual front doors and patios that address the street, and reinforce the sense of the street and boulevard as active and shared space. Site lighting will illuminate the areas between buildings with ambient light to promote safety and visibility of landscaped areas. It is important to note also that this lighting will be shielded and kept at a lower mounting height to avoid glare and light pollution to neighbouring properties.

Green Building Features

The Applicant has reviewed and plans to construct and develop the project in accordance with the principals and guidelines of Built Green Canada. Any decision to pursue formal certification under Built Green will be determined during construction. The following is a list of green building initiatives that will be deployed within the project through the Built Green tool:

- High efficiency heating / pressurization systems for all common area spaces.
- All ductwork to be sealed with low toxin mastic.
- Natural and recyclable building materials, and where possible materials will be sourced within 800km of the site. Exterior envelope materials are highly durable, and detailing will suit life-span management of components.
- Multiple thermostatically controlled heating zones within each residence.
- Directly metered suites.
- Solar Ready Conduit from Electrical Room to Roof
- Individual residences have private outdoor deck living space.
- All windows EnergyStar® rated.

- Interior suite layouts designed to optimize natural daylighting.
- All appliances EnergyStar® rated.
- LED lighting throughout.
- Construction waste diverted from landfill during construction through smart on-site waste management
- Low-VOC paint in all interior areas.
- Low-flow plumbing fixtures used throughout all units.
- Secure, heated bike storage at parkade level w/ Bike Work Bench
- Electric Bike Charging Locations within Bike Storage
- Rough-in electrical for future Electric Vehicle Charging Stations

In preparing this rezoning and development permit application package the team has carefully considered community concerns, the relevant OCP objectives, and the DP Area Design Guidelines. The design is respectful of the neighbouring properties and proposes an elegant and timeless architecture that responds to the unique character of the location. We believe it will add to the strength and character of the Cook Street neighbourhood and we look forward to presenting the project to Council. If you have any questions or require further clarification of any part of this application, please do not hesitate to contact our office.

Sincerely,

CASCADIA ARCHITECTS INC.

Gregory Damant, Architect AIBC LEED AP
Principal

Peter Johannknecht, Architect AIBC, LEED AP
Principal

CITY OF VICTORIA

Advisory Design Panel Report

For the Meeting of January 25, 2017

To:	Advisory Design Panel	**Date:**	January 6, 2017
From:	Charlotte Wain, Senior Planner – Urban Design		
Subject:	**Rezoning Application No. 00531 and Development Permit No. 000484 for 986, 988 and 990 Heywood Avenue**		

RECOMMENDATION

Recommend to Council that Development Permit Application No. 000484 for 986, 988 and 990 Heywood Avenue be approved with changes recommended by the Advisory Design Panel.

EXECUTIVE SUMMARY

The Advisory Design Panel (ADP) is requested to review a Development Permit Application for 986, 988 and 990 Heywood Avenue and provide advice to Council.

The purpose of this report is to present the Advisory Design Panel with information, analysis and recommendations regarding a Development Permit Application for the property located at 986, 988 and 990 Heywood Avenue. The proposal is to construct a four-storey, multi-residential building containing 21 residential units. Variances associated with the Application are related to setbacks, site coverage, open site space and height.

The following policy documents were considered in assessing this Application:

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

COUNCIL DIRECTION

The Application has not yet been presented to the Committee of the Whole. The intent is to present the Application to Committee with the benefit of advice from the panel.

BACKGROUND

Project Details

Applicant: Mr. David Jawl
Jawl Residential Developments Inc.

Architect: Mr. Gregory Damant, MAIBC
Cascadia Architects Inc.

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 R3-AM2, Mid-Rise Multiple Dwelling District Zone. An asterisk is used to identify where the proposal is less stringent than the existing Zone.

Zoning Criteria	Proposal	Zone Standard R3-AM2
Site area (m^2) - minimum	1463.00	920.00
Density (Floor Space Ratio) - maximum	1.6:1*	1.2:1
Total floor area (m^2) - maximum	2334.85	N/A
Height (m) - maximum	14.59*	12.00
Storeys - maximum	4	4
Site coverage % - maximum	71.00*	40.00
Open site space % - minimum	22.00*	30.00
Setbacks (m) – minimum		
Front (Heywood Avenue)	4.51*	10.50
Rear (east)	6.73 (building) 4.73* (balcony)	6.73
Side (north)	3.75*	6.73
Side (south)	4.22*	6.73
Parking - minimum	32	29
Visitor parking (minimum) included in the overall units	3	3
Bicycle parking Class 1 secure storage (minimum)	22	21
Bicycle parking Class 2 publicly accessible (minimum)	6	6

Description of Proposal

The proposal is to construct a four-storey, multi-residential building containing 21 residential units. Variances associated with the Application are related to setbacks, site coverage, open site space and height. The building has a floor space ratio (FSR) of 1.6:1 and a maximum height of 14.59m.

Sustainability Features

The proposal includes the following components:

- multi-unit residential building form with three ground-oriented units facing Heywood Avenue and three units to the rear
- private patios with planting as shown on the landscape plan for each of the six units on the ground level; three facing Heywood Avenue and three to the rear
- one level of underground parking for 32 stalls, including three stalls for residential visitor use
- 22 class 1 bicycle storage spaces located underground
- one publicly accessible class 2 rack for six bikes located adjacent to the main entrance on Heywood Avenue
- removal and replacement of three existing street trees (Cherry) and retention and protection of one existing street tree (Cherry) on Heywood Avenue
- removal and replacement of one Monkey Puzzle tree within the private property.

Exterior building materials include:

- stone ceramic tile for the primary building with accents of metal and stone ceramic screens
- tongue and groove cedar soffits
- vertical board form exposed concrete for the parkade wall that projects above grade on the north and east elevations
- clear glazing with aluminum frames
- clear glass and metal guardrails for balconies
- mechanical penthouse (material unconfirmed).

Sustainability Features

As indicated in the applicant's letter dated October 27, 2016, the proposed sustainability features associated with this Application include the following:

- high efficiency heating
- natural and recyclable building materials, sourced within 800km of the site where possible
- solar-ready conduit from the electrical room to the roof
- EnergyStar® rated windows and appliances
- LED lighting throughout the building
- interior suite layouts designed to optimize natural daylight
- construction waste diverted from all landfill during construction through smart on-site waste management
- low flow and water efficient plumbing fixtures
- secure heated bike storage in the underground parkade
- electric bike charging locations within the bike storage room.

Consistency with Design Guidelines

The *Official Community Plan, 2012* (OCP) Urban Place Designation for the subject property is Urban Residential, which supports low-rise and mid-rise multi-unit buildings up to approximately six storeys. The site is located in a transitional area; and although Urban Residential designations front Beacon Hill Park to the west, lower scale Traditional Residential Urban Place Designations adjoin the rear of the properties to the east. The OCP identifies this property in Development Permit Area (DPA) 16 General Form and Character. The proposed development is generally consistent with the objectives of the DPA which seeks to integrate multi-unit residential buildings in a manner that is complementary to the place character of the neighbourhood including heritage character. Enhancing the character of the streetscape through high quality architecture, landscape and urban design as well as creating human-scaled design are also key objectives of this DPA. Design Guidelines that apply to DPA 16 are *Multi-Unit Residential, Commercial and Industrial Guidelines (2012), Advisory Design Guidelines for Buildings, Signs and Awnings (2006)* and *Guidelines for Fences, Gates and Shutters (2010).*

ISSUES

The issues associated with this project are:

- massing, height and transition in relation to the context
- interface on the north and east elevations as it relates to the projecting parkade.

ANALYSIS

Massing, Height and Transition to Context

The proposed building height is 14.59m which is 2.59m above the maximum height allowance in the R3-AM-2 Zone, Mid-Rise Multiple Dwelling District and 6.9m above the maximum height allowance in the adjacent R1-B Zone, Single Family Dwelling District, to the east of the subject property. Although the OCP envisages buildings up to approximately six storeys in the Urban Residential Place Designation, the Guidelines encourage appropriate form, massing and building articulation in relation to existing context.

The proposed building is adjacent to a three-storey building to the south (the Tweedsmuir), with a four storey condominium building to the south-west fronting Park Boulevard. To the north are two-storey townhouses that front Oliphant Avenue. To the east in rear of the property are predominantly two-storey single family dwellings. In summary, there are no predominant height characteristics within the neighbourhood block and most range from two to four-storeys. Although the policy supports taller buildings fronting Beacon Hill Park, the proposed building height is higher than the maximum allowance in the current zone and adjacent buildings. The applicant has reduced this by 0.2m (8 inches) in response to staff comments and notes that a combination of 9ft and 10ft ceiling heights are desirable for this proposal. The applicant notes that the design team conducted sun studies with a reduced penthouse ceiling height of 9ft, and there would be no appreciable difference in impact on adjacent properties. However, staff can not verify this as the comparable study as it has not been included in the submission drawings. Staff are generally supportive of the proposed height given the OCP policy direction and the minimal impact this additional height will have on the immediate context along Heywood Avenue, which predominantly consists of three and four storey multi-residential buildings. In addition, articulation of the front façade has been incorporated through changes in materials and landscaping. This serves to emphasise the ground-oriented units which help to create a human-scaled design at the street level. However, opportunities exist to improve the transition to the lower scale single family buildings at the rear, through increased setbacks at the fourth

floor. Further analysis through additional cross sections may be warranted to demonstrate this relationship. ADP is invited to comment on the proposed massing and height as it relates to the immediate context.

North and East Elevations and Projecting Parkade

The subject properties are on a sloping site, with the highest point towards the south, and the lowest at the north. The underground parkade projects above grade along the rear (east) and side (north) elevation ranging from approximately 0.3m to 1.8m in height from finished grade (not including the additional 0.6m in height which is setback by approximately 1m from this edge). The applicant has noted that lowering the parkade would result in a reduction in the parking provision due to the requirement for a longer access ramp. This in turn would trigger a variance from the minimum parking requirements under the Zoning Regulation Bylaw, which the applicant wishes to avoid. A lower parkade would also create a sunken patio and entrance for the southern-most unit facing Heywood Avenue, causing a disruption along the pedestrian route, which the Guidelines seek to avoid. An accompanying sheet has been attached to the application package for the Panel's consideration, showing the potential impact of a lower parkade on the access ramp.

Staff have raised concern with this projection and the potentially stark interface this creates with adjoining properties. The projection is setback 1.2m from the property line, which does allow for additional planting to soften this edge as noted on the landscape plan, which would supplement the existing vegetation on the adjacent properties to the east as shown on the architectural elevations. The applicant notes that the intent is to retain the existing fence on the adjacent properties to avoid impacts to existing vegetation, and to allow adjacent property owners the option to remove the fence in the future. However, this could possibly create a "trench" between the projecting parkade and the existing fence on the neighbouring properties which has the potential to create entrapment places which Crime Prevention Through Environmental Design (CPTED) standards seek to avoid. Advice from ADP is being sought on the projecting parkade and opportunities for eliminating or mitigating the impact of this wall on adjacent properties as well as any opportunities to address CPTED concerns.

OPTIONS

1. Recommend to Council that Development Permit Application No. 000484 for 986, 988 and 990 Heywood Avenue be approved as presented.
2. Recommend to Council that Development Permit Application No. 000484 for 986, 988 and 990 Heywood Avenue be approved with changes recommended by the Advisory Design Panel **(recommended).**
3. Recommend to Council that Development Permit Application No. 000484 for 986, 988 and 990 Heywood Avenue does not sufficiently meet the applicable design guidelines and polices and should be declined.

CONCLUSION

This Application is generally consistent with the applicable design guidelines prescribed within DPA 16. The proposed four storey building does exceed the height of the maximum allowance in the current zoning although the impact on the streetscape is considered to be minimal through the use of building articulation creating a human scale along Heywood Avenue. However, the Application could benefit from further design refinement to improve the transition to the lower scale residential units at the rear (east) and mitigation or elimination of the projecting parkade wall.

ATTACHMENTS

- Aerial Map
- Zoning Map
- Applicants letter date stamped December 12, 2016
- Plans date stamped January 9, 2016
- Perspective illustration of parkade box below grade date stamped Dec 12, 2016
- Tree Management Plan dated January 19, 2017

cc: David Jawl, Rajiv Ghandi, Heywood Avenue Developments Inc.; Gregory Damant, Cascadia Architects Inc.

MINUTES OF THE ADVISORY DESIGN PANEL MEETING HELD WEDNESDAY JANUARY 25, 2017 AT 12 P.M.

1. THE CHAIR CALLED THE MEETING TO ORDER AT 12:08 P.M.

Panel Members Present:	Christopher Rowe; Justin Gammon; Cynthia Hildebrand; Patricia Graham; Jesse Garlick
Absent:	Ann Katherine Murphy; Erica Sangster; Mike Miller; Renee Lussier
Staff Present:	Charlotte Wain - Senior Planner, Urban Design Quinn Anglin - Secretary, Advisory Design Panel

2. Minutes from the Meeting held December 21, 2016.

Action:

It was moved by Justin Gammon, seconded by Jesse Garlick, that the Minutes of the Meeting of Advisory Design Panel held December 21, 2016 be approved with changes.

- Page 6 – Jesse Garlick's name is misspelt

CARRIED UNANIMOUSLY

3. APPLICATIONS

3.1 Development Permit #000484 and Rezoning #00531 for 986, 988, and 990 Heywood Avenue

The City is considering an application to rezone the property at 986, 988, and 990 Heywood Avenue to allow for the construction of a 4 storey multi residential building containing 21 residential units.

Applicant Meeting attendees:

DAVID JAWL	JAWL RESIDENTIAL LTD.
TRAVIS LEE	TRI-EAGLE
GREGORY DAMANT	CASCADIA ARCHITECTS INC.
PETER JOHANNKNECHT	CASCADIA ARCHITECTS
JAMES HAYTER	CASCADIA ARCHITECTS INC.
BEV WINDJACK	LADR LANDSCAPE ARCHITECTS INC.
KEVIN SCLULEMYER	LADR LANDSCAPE ARCHITECTS INC.

Ms. Wain provided the Panel with a brief introduction of the Application and the areas that Council is seeking advice on, including the following:

- massing, height and transition in relation to the context
- interface on the north and east elevations as it relates to the projecting parkade.

Ms. Wain also made the Panel aware of some inconsistencies with the technical data on the plans and the data table specifically related to the setbacks to the parkade, open site space and site coverage. Under the zoning regulation bylaw, the landscaping proposed on the roof of the projecting parkade cannot be counted towards open site space. It was noted that the site coverage would likely increase and the open site space would decrease. These items would be corrected prior to the application advancing to Committee of the Whole.

Mr. Peter Johannknecht then provided the panel with a detailed presentation of the site and context of the proposal

- corrected that there were 29 parking stalls, not 32, as outlined in the plans

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 sloping site in relation to the parkade
- the access along the south side of the proposal; is for maintenance only and would be gated

Panel Members discussed:

- the decisions with respect to the design of parkade are appropriate to the elevations
- project is very neighbourly, no objections to the height or massing in relation to the context
- the level of consultation with neighbours to be a part of the discussion and decisions are commendable
- decisions for height and setback well laid out and highly developed
- development is respectable for both existing and future neighbours
- that the building may be a change from the existing condition but over time will fit with the context and neighbourhood
- building is a very handsome building

Action:

MOVED / SECONDED

It was moved by Justin Gammon, seconded by Patricia Graham, that the Advisory Design Panel recommend to Council Development Permit Application No. 000484 for 986, 988, 990 Heywood Avenue be approved as proposed.

CARRIED

3.2 Development Permit #000482 for 456 Chester Avenue

The City is considering a Development Permit application to permit construction of a 3 unit multi residential townhouse.

Applicant Meeting attendees:

MIKE GALLANT	SALSBURY HOLDINGS
PAUL DIMENT	SALSBURY HOLDINGS
MICHAEL MOODY	MJM ARCHITECTS

Ms. Wain provided the Panel with a brief introduction of the Application and the areas that Council is seeking advice on.

Mike Gallant then provided the panel with a detailed presentation of the site and context of the proposal.

Renee Lussier entered the meeting at 12:58.

Questions of clarification were asked by the Panel on the following;

- material of the existing driveway?
  - cement
- reasoning for the several different styles of glazing, railings, and finishing materials?
  - driven by picking up cues from the neighbourhood and applying a contemporary take on traditional style
- do the guard rails have glass behind them?
  - they will have a clear plexi sheet behind them
- are the patio spaces used for owners?
  - yes they are
- is the topography relatively level?
  - yes, but they elected to start the first floor below grade to make height restrictions and avoid variances
- the sunken entrances to the suites at ground level
- are the patio decks considered roof decks by definition?
  - yes, but they are permitted in this zone so are not an issue.

Panel Members discussed:

- modest project that is not asking for much
- the south elevation being rather prominent due to the parking lot and could use some further development. The consideration and approach should be consistent throughout the project
- the material changing within a plane is busy, possibly some simplification or one fewer materials on the south elevation most specifically
- scale wise that the project seems to be consistent with the context

- the general form and character; feels ambiguous as it is only 3 units but it could read as 5
- insufficient outdoor space for all of the units
- that the front entrance reads like a lobby into the building when in actuality it is only 3 units with private entrances
- too many materials being applied throughout the project
- the buildings around are moderately simple, so the project could be more considerate of the adjacent buildings in approach to design
- the pavers to the front decks on the main floor possibly being cut out and additional green space added for more private space
- the open site space and the challenges with meeting zoning requirements
- the path along the south side potentially being removed, as access for the back suite is already provided at the back of the building
- the bike rack potentially being moved

Action:

MOVED / SECONDED

It was moved by Patricia Graham, seconded by Jesse Garlick, that the Advisory Design Panel recommend to Council Development Permit Application No. 000482 for 456 Chester Avenue be approved with recommendations as proposed;

- Alternate treatments to the south elevation
- Additional consideration to the material transitions and number of materials used
- Consideration to remove some of the hardscaping, specifically in relation to the paving and circulation to allow additional greenspace in the private outdoor spaces
- Possible relocation of the bike rack

CARRIED

3. ADJOURNMENT

The Advisory Design Panel meeting of January 25, 2017 adjourned at 1:17 pm.

_____

Christopher Rowe, Chair

FAIRFIELD GONZALES
COMMUNITY ASSOCIATION
the place to connect

Fairfield Gonzales Community Association Land Use Committee
Community Meeting October 20, 2016
Fairfield Community Place
1330 Fairfield Road

Chaired by Corey Burger (acting vice chair) Heather Murphy and Alice Albert (recorders) Don Monsour (chair) Robin Jones, and Susan Kainer (members of CALUC).

Approximately 33 community members were in attendance.

986 and 988/990 Heywood Avenue

Re-zoning from R3-AM2 = R1-B to spot zone based on R3-AM2. This application is to consolidate the existing dual zoning and construct a four storey multi family residential building overtop secure underground bike and vehicle parking. The proposed number of residential homes is 21 and no parking variance is being requested.

- Proponent: Jawl Residential, Tri Eagle Developments, and Cascadia Architects presented full description of proposed development and design features.
- Discussed and proposed massing closer to the south west corner to provide more open space and therefore more light to townhouses to the north.
- Plan to use quality materials e.g. stone terra cotta finish
- Building to last 100 years.
- All parking on one level. Guest bike parking will be built.
- Trees on neighbouring property remain
- 3 ground units facing Heywood will have access to outside
- 3 penthouse units

1014 Park Boulevard

Concern re **height and light**

- 3 units in his building will be impacted by reduced sun light.
- Noted penthouse floors are up to 11'.

Response: New standard for housing is 9'ceilings.

Overall building height is 7' higher than Tweedsmuir Mansions, located at 900 Park Boulevard which is the adjacent property to the south.

1330 FAIRFIELD RD. VICTORIA, BC V8S 5J1
Tel. 250.382.4604 Fax 250.382.4613
www.fairfieldcommunity.ca
place@fairfieldcommunity.ca

216 Vancouver Street

- Concern re **height**. Therefore, consider reducing penthouse height to 9' which would reduce 7' rise over Tweedsmuir.

Response: Can look into suggestion.

- Slope of land puts us lower than Heywood; therefore the building is quite high.

Response: Unable to push building closer to Heywood.

- Will address green space / healthy trees at property line. Will hand dig. Noted: Neighbour's shed sits near property line. We will have an arborist for the project.

978 Heywood

- How many **parking** spaces? Response: 29 parking spaces.
- Concern guests and deliveries will create more traffic on the street and need for more parking spaces.
- Does not care for **height**.
- Too close to street. Concern not enough **setback**. Wants to know in feet how far building from sidewalk. Response: Building is setback 14' from sidewalk. Current design thinking recommends housing closer to street. It works with the existing neighbourhood.
- Too close to Tweedsmuir.

Response: we have a step back on 4th floor. Will increase parking on street by 1 stall.

- Setback from street proposed 4 to 5' Response: Setback will be 14'. City bylaw 35'?

Note: Tweedsmuir has circular driveway therefore not pressing against street all the way around

- It seems too big; reducing the **height** would help.
- Concern re **street parking**. Car share suggested. Response: With limited number of suites and locked access to parking not viable to offer car share option.

900 Park Blvd.

- Request information, distance in feet? 8 or 10 feet?

Existing Tweedsmuir driveway is 10' wide therefore only 18' distance between Tweedsmuir and proposed development. Response: 20' distance between Tweedsmuir and proposed development. Front façade will be in line with Tweedsmuir zoning.

- Concern re trees along south property line between Tweedsmuir Mansions and proposed development. Suggestion: to show exactly what kind of trees will be proposed. Ensure realistic varieties will be used. Response: Cypress to saved and planted new trees which will grow to a substantial size. Monkey puzzle tree will be removed.

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#8, 900 Park Boulevard

- How much of parking box exposed?

Response: 6 to 7' then declines to 3' and then even.

- Observation: proposed landscaping between properties is not as private as in front. Would like opportunity to have discussion re **landscaping**.
- Tweedsmuir is 80 years old and never designed as a high class building. Would like to see the new development as beautiful /effective as Tweedsmuir.
- Tweedsmuir is remarkably close to sidewalk likely to provide space at back and individual entrances, therefore suggests come closer to sidewalk.

Response: the proposed development fits.

11 Park Boulevard (note this could be #11, 900 Park Boulevard?)

- Believes in density, but wants it to be done beautifully; design is really important.

Response: we want to do a beautiful building. The next step will be to review comments. We appreciate the comments. We want to enhance the neighbourhood. This project will be in the public realm for likely 8 months. We are in the early stages. There will be lots more conversations.

Address Unknown

Height

-suggest dropping property

Response: it is as low as possible to accommodate parking.

907 Oliphant

Concern re **light** does not wish to be in the shade.

Note re Zoning: Area is already zoned multifamily except for a portion of the site / notch of land at the rear, which is zoned single-family. Charlotte Wain (City of Victoria planner) explained, the proposed density is linked to open site space, which cannot be met due to the projection of the parkade structure above grade. Density cannot be varied therefore a rezoning application is triggered.

219 Vancouver

Would like to see rendering from Vancouver Street

1068 Chamberlain

Penthouse sticks out; makes building looming.

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place@fairfieldcommunity.ca

Response: This is an architecturally bold element. Recessing would reduce valuable space. It is stepped back and corners are carved out. Designed with whole neighbourhood in mind; neighbourhood composed of 3 to 4 stories and then moves into a 1 storey section.

Address Unknown
Tree removal?

Address Unknown
How many bedrooms in penthouse?
2 and 2 plus den
Could the 2 existing houses be removed and placed elsewhere?
Removal is impractical because 35 trees would have to be removed along the street in order to accomplish this task.

Summary of Main Concerns Expressed: Height: too high, Light blocked, will increase traffic therefore need more parking, Setback of 14': some against, some for, not enough space between proposed development and Tweedsmuir, quality of landscape between Tweedsmuir and proposed development.

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Steve & Betsyn Clark

Borderline Investments Inc.

301-1640 Oak Bay Ave

Victoria BC V8R 1B2

Feb 22 2017

Re: proposed development at 986 and 988/90 Heywood Avenue

Dear Victoria Mayor and City Council

My wife and I wish to express our support for the Condo development at 986, 988 and 990 Heywood by Tri-Eagle Development Corporation.

My wife and I own two rental apartment buildings in the immediate Cook Street Village area. 1020 Park Boulevard and 1122 Mc Kenzie Street. We are very familiar with the area and the community.

The Jawl's reached out, explained and informed me regarding the project and I am very impressed. Their consideration for the area and the neighbors is very evident. There is no question the density and aesthetic décor "fits".

Importantly as owners of 5 apartment buildings in Victoria we are aware of how difficult finding residential accommodations can be. Increased inventory is clearly required to meet a variety of growing demands. Supply answers low vacancies and high cost. Further "supply" centrally located such as this, supports well known environmental and transportation concerns.

This will be a much desired and quality project and we are happy to express our support.

Sincerely,

Steve and Betsyn Clark

February 11, 2017

Samantha and Ian Beare
201-1014 Park Boulevard
Victoria, BC
V8V 2T4

Dear Mayor and Council,

This letter is in support of the Tri-Eagle Development Project on Heywood Avenue in Fairfield.

We believe that the architecture, density and construction quality of the proposed building will be an asset to Fairfield and the city. This building brings in 29 dwelling units with a secure underground. p

Consultation with the developer and neighbourhood has been ongoing. The developers have met with us and another resident in our building 3 times. Concern was expressed by us about the height of the building and we were happy to hear it has been reduced. It is our understanding that the developer has been more than willing to work with the neighbours to address any concerns they may have. Neighbourhood input has resulted in a lower height building, a building which protects the privacy of adjacent neighbours and a building that contributes to the beauty of the area with extensive landscaping. Providing parking and bicycle storage in a secure underground benefits not only the residents but the neighbourhood where parking is challenged and bike thefts are common. Encouraging bicycle travel in Victoria cannot occur without secure storage. This is becoming a significant challenge for those of us wanting to use bicycles for transportation.

We look forward to seeing this building completed and meeting our new neighbours.

Yours truly,

Samantha Beare

Samantha and Ian Beare

c.c Oliver Tennant, Tri-Eagle Development Corporation
330-4392 West Saanich Rd.
Victoria, BC
V8C 3E9

February 15, 2017

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

To Mayor and Council:

Subject: 986/988/990 Heywood Avenue

I am a resident of Hampton Court, located at 159 Cook St. Being situated close to the Cook Street Village and near this development, I wanted to provide my feedback on the proposed development.

I am in support of this redevelopment. The primary reasons are as follows:

- *The care and attention to reduce the affect to the direct neighbours.* It seems to me that the Developer has really listened to their direct neighbours and made some pretty dramatic changes to accommodate their interests including; Piano windows to increase privacy, stepped back yard to reduce massing at the property line, screening along N/S walls to increase privacy.
- *The size in respect to others close by.* It seems to me that this building will not overpower those that are nearby given the heights are very similar to the Tweetsmuir. Also, with the top floor being stepped backed (providing more deck space but less internal space), the building does not feel as big as a standard four story.
- *The number of floors.* While the developer could have opted to go higher, staying at the four floors reduces the impact of shading on their neighbours.
- *The positioning on the property.* Again related to shading, having the building located in the South West corner reduces the impact of the building on the properties directly to the North and East.
- *The mix of suites.* While Cook St Village is not really a community of families with young children, having a suite mix including larger two bedrooms goes a long way at making this accessible to families.

It is great to see a developer engaging with the community, listening to their needs and responding in a responsible and respectful manner.

Sincerely,

Steve Hutchinson
12-159 Cook St
Victoria, BC V8V 3W9
[redacted]

February 20, 2017

Re: Tri-Eagle Development Project at 986 & 988/990 Heywood Avenue

Dear Mayor and Council,

This is to provide a letter of support to the proposed Tri-Eagle Development project at 986 & 988/990 Heywood Avenue in Fairfield.

Based on the briefings I have attended and our discussions with the development team I am very confident that this project will benefit the immediate area for the following reasons:

- The design of the building is excellent and will both fit in with the neighborhood and add a new touch of classic modern architecture.
- The development team has conducted an extensive neighborhood communications campaign and have actively solicited and listened to residents feedback. Many design elements have been incorporated in to the building based on neighbours comments.
- The team met with us and many other neighborhood residents many times and listened to our concerns. Our primary concern was the proposed height of the building and they have now reduced the proposed height by one foot.
- The construction of a mid-size high quality condominium building on this property is consistent with the adjacent properties along this portion of Heywood and Park Boulevard.
- Design elements have included underground parking for residents and guests thereby reducing the potential pressure on parking spaces along Heywood.
- Surface and secure underground bike storage has also been included in the design. Many people use bikes as their regular mode of transportation in this area. The inclusion of secure bike storage will get more people out of their cars and on to bikes in our area.
- The way the building is situated on the property will minimize the privacy and sunlight impacts on the surrounding buildings and residents.

I cannot stress enough the degree to which this development team worked with the neighborhood to lay out the proposed plan and listened to residents ideas and concerns. Compared to other developers I have worked with and am aware of, this team has done a much better community engagement job. The result should be a building that fits in with the neighborhood and will meet the needs of residents for years to come.

Peter & Jane Durrant
302-1014 Park Boulevard, Victoria, BC

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

February 20, 2017

Jenny Marshall
1326 Richardson Street,
Victoria, BC V8S 1P7

Re: 986 and 988/90 Heywood Avenue Proposal

I am writing this letter to express my SUPPORT for the development at 986 and 988/90 Heywood Avenue.

This is one of the last building sites bordering our historic Beacon Hill Park and it is important to me that the development of it is treated with respect and sensitivity. I have seen the revised building plans and believe that the developer has proven their commitment to developing this spectacular property with the consideration it deserves.

The building design is exceptional. I believe that Cascadia Architects have designed a building that is contemporary in its overall design yet is still aesthetically pleasing AND fits visually both in its scale and proportion with the neighbouring buildings on Heywood Avenue. The extensive use of wood screening and natural substrates as well as the overall colour scheme proves that the developer has invested the time, resources and finances to get this project right.

I also believe that we need more insightful examples of quality architecture in our City and this is a project that should move ahead as it has been proposed.

Kind Regards,

J Marshall

Jenny Marshall

231 – 964 Heywood Avenue

Victoria, BC V8V 2Y5

February 21, 2017

Mayor Helps, City council

Victoria, BC

Re: 986-990 Heywood Avenue, Victoria, BC

Dear Mayor Helps,

My parents who also live in Fairfield plan to move into the proposed four-story complex at 986-990 Heywood Avenue. My wife and I live at 964 Heywood, north of the site and we feel based on what we have seen and heard about the building that it will represent an asset to the area. It will blend in well set as it will be beside a similarly-sized building but updated in design and very well constructed. We understand Tri-Eagle has a good reputation in this regard.

Yours truly,

Andrew Lang

Andrew Lang

February 27, 2017

Dear Mayor & Council:

We have called Cook Street Village home for the past 7 years and live very close by to this proposed development, just one block away. We are in complete support of Tri Eagle Development & Jawl Residential on 986,989,990 Heywood Avenue and are excited for what it will bring to the expansion/growth of Cook Street Village/Beacon Hill Park area.

We are especially pleased for the "Boutique" style of condominiums this project will bring to Heywood Avenue and the east side of Beacon Hill Park as we personally feel this area is in need of rejuvenation.

Sincerely,

Laura Corfield & Andy Rogers

Sutlej Street Owners/Residents

[redacted]

14 February, 2017

To Mayor and Council:

Re: 988 Heywood Avenue, Victoria.

With regard to the development above, we have reviewed the plans with the developer's representative. We are appreciative of the changes made to the original plan particularly that the building has been slightly lowered. This will help somewhat with the loss of light to our home.

We expressed concern for a large cedar and other shrubs situated on our property very close to the property line. They provide us with privacy and a sanctuary for wild birds. We hope that consideration will be given to the roots of these plants when the site is being excavated.

Maureen and Robin Applewhaite
907 Oliphant Ave.
Victoria, B.C.

David Jawl

From: Gus Albucz [redacted]
Sent: Friday, October 7, 2016 10:48 AM
To: David Jawl; Kelly Albucz
Subject: 986,988/990 Heywood Avenue Updates

Good morning David,

Thank you for the updates regarding the Heywood project. Since the construction backs onto my mother's property at 220 Vancouver it has a direct impact on her environment. As per our discussions you know the importance of the proposed footprint and associated setbacks of the building given it proximity to our house. From what I have seen to date, I am delighted with the dimensions, setbacks and the attention given to landscaping considerations to create townhouse style living on the first floor.

I would also like to add that the amount of effort you and your team has exhibited to keep us informed is beyond anything I had expected. My mother is 87 years old and the concept of a development team displaying a "good neighbor..... good will" attitude is foreign to her. I have explained it to her and she is now comfortable with the eventual outcome and how you are proceeding.

We have known for years that the Heywood properties were going to be developed and are relieved to see detailing with respect to finish, windows and landscaping. We support the Heywood project and look forward to more updates as you work through the process.

Sincerely,

Gus Albucz

Mayor Helps and Council Oct 20, 2016

Re: Development Application for the property located at 986,988/990 Heywood Avenue from Jawl Residential, Tri-Eagle Development Corp, Cascadia Architects and LADR Landscape Architects

To Whom it May Concern,

As the Strata (#463) that will share the north property line with the new development, we initially had many questions and concerns. The development and design teams right away reached out to introduce themselves and share their initial thoughts on the project. Each unit was visited separately to determine and record shadow and privacy impacts. Joint follow up meetings were arranged with our group to review options. Eliminating balconies directly on their north side and setting back the top floor have minimized our concerns. They have put all the parking underground to minimize noise and enhance the back yard appearance. The SW positioning of the building on the lot will help with a reduction in shadow.

We have been pleased with the collaborative approach to date and look forward to continued discussions regarding privacy and landscaping options for the treatment of our joint property line.

Please let this letter serve as support from the 4 Unit Townhouse Strata #463 (905-911 Oliphant Ave) situated on the north side of the property to be developed.

Sincerely,

L Heneault

Linda Heneault,
Acting President, Strata #463
911 Oliphant Ave.

The Mayor and Council City of Victoria, Feb 15,2017

Good day,
We are neighbours to the proposed development 986 and 988/90 Heywood Avenue.
Our address 905 Oliphant Ave. V8V 4V4.
We are pleased to report that from the start of the project the developers have been very attentive to our input and our concerns re location and design. We are affected by the proposed building as we will be losing some view and sunlight.
All in all the developers have done their best to mitigate the impact of the new building on our property and have made at least six + visits to consult with us.
Dealing with Jawl Residential and Tri-Eagle Development has been a very pleasant and professional experience.

Ann and Ian MacMillan
905 Oliphant Avenue
Victoria B.C. V8V 4V4

[redacted]

OT

Oliver Tennant [redacted] 'Maryan Meek' 2/23/2017

RE: Oliver Tennant re: Heywood Ave.

You replied to this message on 3/6/2017 1:48 PM.

>> On Feb 21, 2017, at 7:50 PM, Maryan Meek <[redacted] wrote:
>>
>>
>>
>> To : City of Victoria, Mayor and Council
>>
>>
>> Regarding the proposed project at 986 & 988/90 Heywood Avenue
>>
>>
>> My husband and I are long time owners of 980 Heywood avenue. I have also lived in the immediate neighbourhood
>>
>> on Sutlej Street for almost 60 years. I've remained part of this community, starting with the virtually all single family
>>
>> dwellings to the inclusive, higher density apartment/condos dwellings it is today.
>>
>> I support growth and greater community involvement, and I support this project.
>>
>> Thoughtful & tasteful change is welcome. I am impressed with the design, which considers not only aesthetic and
>>
>> privacy matters, but also quality building materials.
>>
>> We're excited to see this project go through.
>>
>>
>> Sincerely & honestly yours,
>> Maryan & Eric Meek

Connected 100%

Dear Mayor and Council – City of Victoria

February 28th, 2017

I write as the owner of property 102-1014 Park Blvd in support of the proposed development in the 986-988 Haywood Avenue, Victoria, B.C. by Jawl Residential Ltd.

As a local resident I am excited to see a developer that is taking a modest approach to developing this neighborhood, with efforts to carefully consider the natural and architectural surroundings. This building appears to be designed with a sense of community in mind, and one that will encourage positive neighbourly engagement. Having been a resident of the Cook St. Village for almost 15 years, I feel that this design compliments the overall charm of the Cook St. Village. Their efforts engaging local residence throughout this proposal is appreciated, and it stands out in comparison to other active developments in the area.

I look forward to seeing this project come to fruition.

Sincerely,

Noelle Quin

TD

Trudy David [redacted] Oliver Tennant 8:32 PM

Letter of support for 986 Heywood

Dear Mayor and Council,

As a homeowner at 234 Vancouver Street, I would like to express my support for the development proposed for 986 Heywood. While studying the plans, I noticed several very positive features in the overall pleasing design. The fact that the building is placed closer to Heywood, leaving a good buffer for Vancouver Street residents whose back yards adjoin the development property, is a thoughtful use of the space. I also appreciate the attention given to the orientation, size and placement of windows in order to maximize the privacy of neighbours living on the north and south sides of the development. The reasonable four story height, creative landscaping, and adequate underground parking are both features that will make this building an asset to the neighbourhood, and not negatively impact the existing community.

I have been impressed with the collaborative approach the developers have taken with the neighbours, taking into account concerns that we have expressed as they designed their project.

Best regards,

Trudy David

Rezoning & Development Permit Application

for

986-990 Heywood Avenue

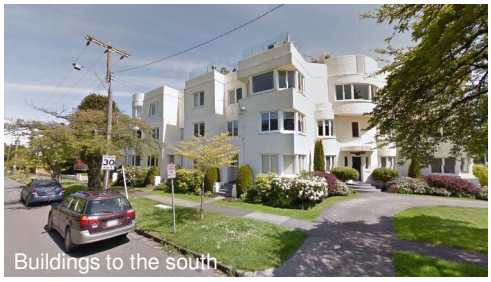
Existing Site

986 Heywood Avenue

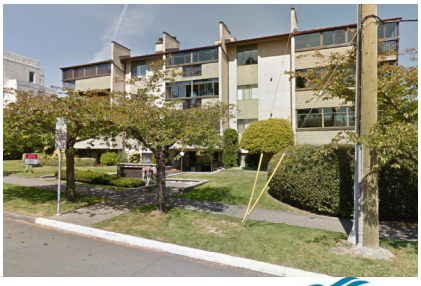
988/990 Heywood Avenue

Context

Buildings to the north



Buildings to the south



Context - Birdseye View

CITY OF VICTORIA

Official Community Plan

Subject Site

MAP 21
Fairfield
Strategic Directions

Urban Place Designations*
- Core Residential
- Large Urban Village
- Small Urban Village
- Urban Residential
- Traditional Residential
- Public Facilities, Institutions, Parks and Open Space
- Marine

Public Facilities
- Existing Public School
- C Community Centre

*Urban Place Designations are provided for information purposes only. Please refer to Map 2 and Figure 8 for designation information.

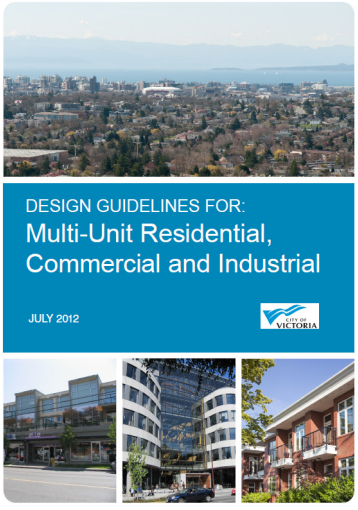
CITY OF VICTORIA

CITY OF VICTORIA

Development Permit Area (DPA) 16 – General Form and Character

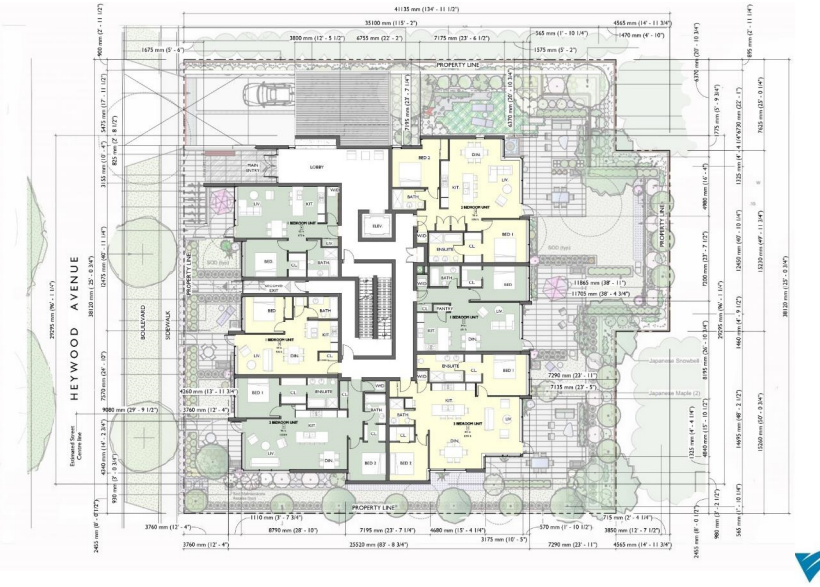
Objectives

- Support multi-residential that provides a sensitive transition
- The enhance the place character through high quality architecture, landscape architecture and urban design
- To achieve more livable environments through human-scaled design



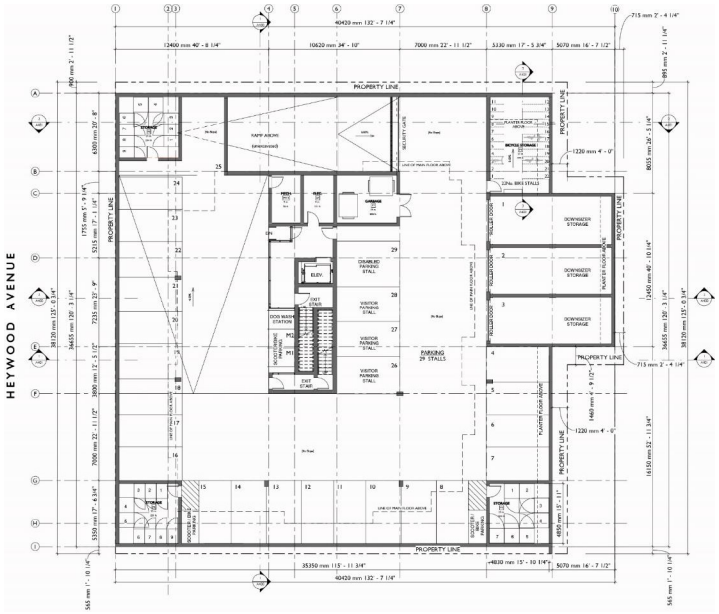
CITY OF VICTORIA

Site Plan



CITY OF VICTORIA

Underground Parking Layout



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Level 2 & 3

Level 4

Level 4

West Elevation (front)

CITY OF VICTORIA

East Elevation (rear)

CITY OF VICTORIA

East Elevation (rear) – existing planting

CITY OF VICTORIA

Side elevation (north)

CITY OF VICTORIA

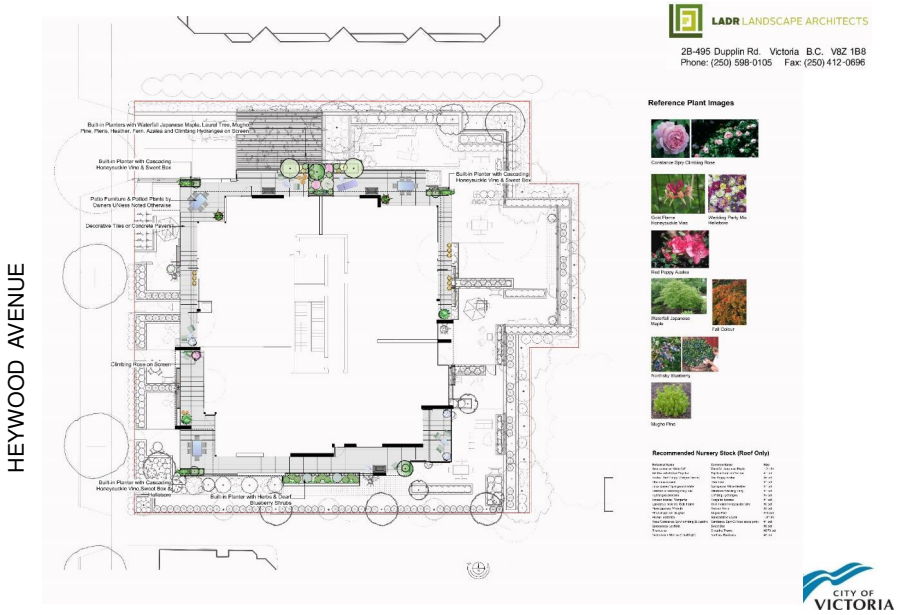
Side elevation (south)

CITY OF VICTORIA

Landscape Plan – main floor

CITY OF VICTORIA

Landscape Plan – level 4



Streetscape Elevations

West (front) Street Elevation

View of North West

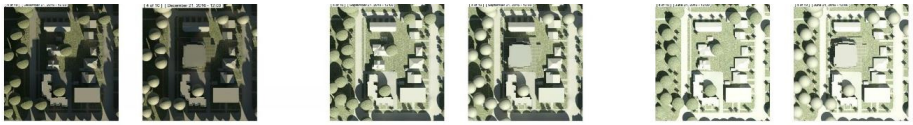
CITY OF VICTORIA

Shadow Study

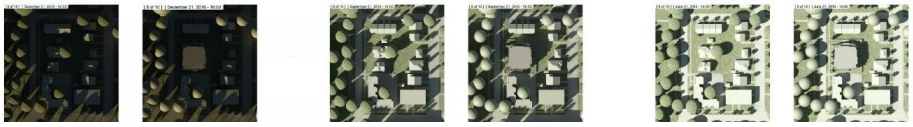
December 21
Winter Solstice

March/September 21
Equinox

June 21
Summer Solstice



Noon



4 p.m.

CITY OF VICTORIA

Materials

Cedar Soffit

Ceramic Stone Tile

Glass Guard

Stone Tile Screen

Landscaping Element

CITY OF VICTORIA

Perspective Views

View of South West

CITY OF VICTORIA

Perspective Views

View of North West

CITY OF VICTORIA

NO. 17-043

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Official Community Plan to change the urban place designation for the rear portion of 986 Heywood Avenue from Traditional Residential to Urban Residential as shown on Appendix 1.

Under its statutory powers, including sections 471 to 474, and 488 to 491 of the *Local Government Act*, the Council of The Corporation of the City of Victoria, in an open meeting assembled, enacts the following provisions:

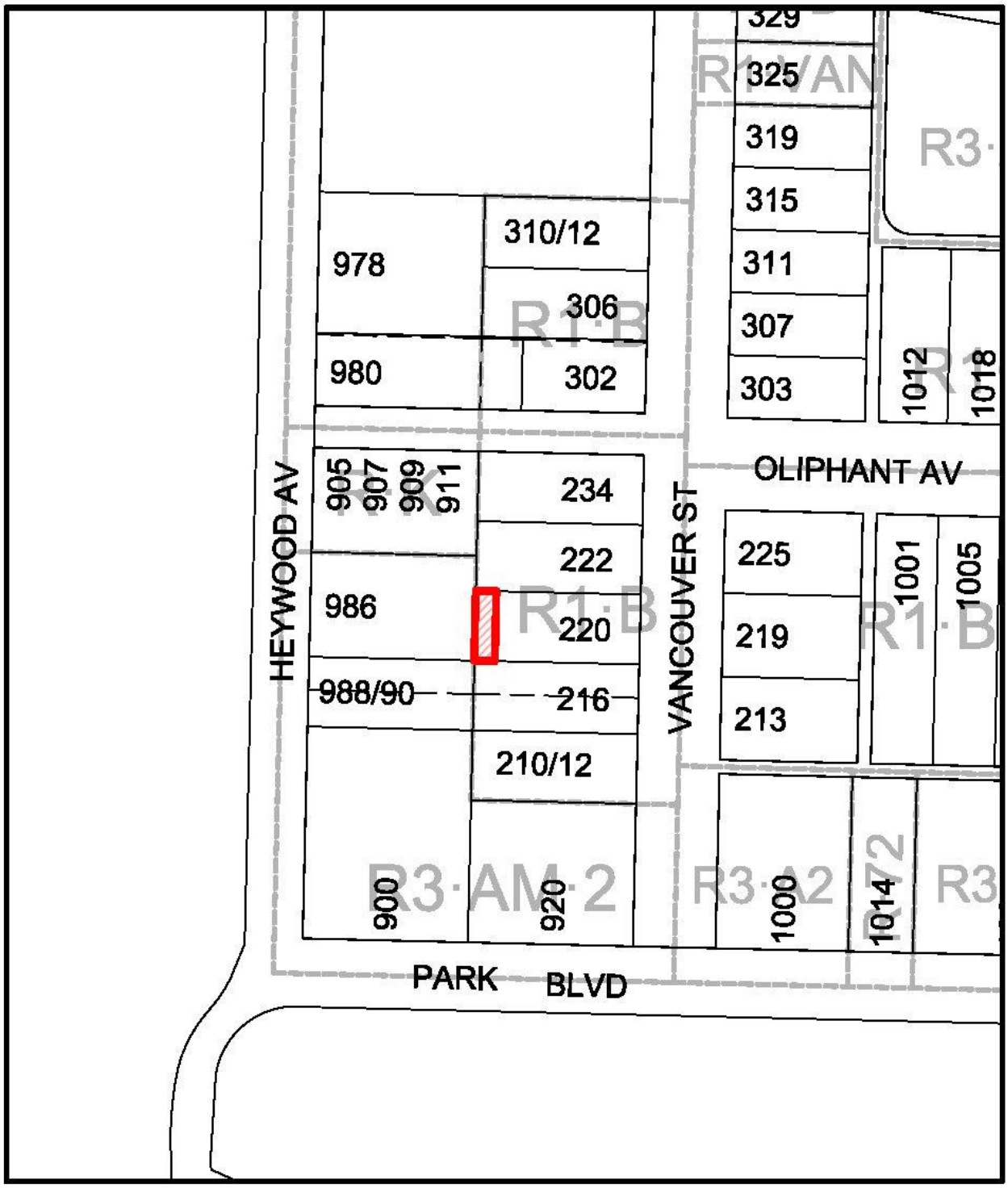
1 This Bylaw may be cited as the "OFFICIAL COMMUNITY PLAN BYLAW, 2012, AMENDMENT BYLAW (NO. 18)".

2 Bylaw No. 12-013, the Official Community Plan Bylaw, 2012, is amended by changing the urban place designation of the land shown in Appendix 1 (the rear portion of 986 Heywood Avenue) from Traditional Residential to Urban Residential, and by amending Maps 2 and 21 of Schedule A of said bylaw accordingly.

READ A FIRST TIME the	**11th**	day of	**May**	2017
READ A SECOND TIME the	**11th**	day of	**May**	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. 17-043



N

986, 988, and 990 Heywood Avenue
Rezoning No.00531

CITY OF VICTORIA

NO. 17-041

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by creating the R3-AM-3 Zone, Mid-Rise Multiple Dwelling Heywood District, and to rezone land known as 986, 988 and 990 Heywood Avenue from the R3-AM-2 Zone, Mid-Rise Multiple Dwelling District, to the R3-AM-3 Zone, Mid-Rise Multiple Dwelling Heywood 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. 1096)".

2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in the Table of Contents of Schedule "B" under the caption PART 3 – MULTIPLE DWELLING ZONES by adding the following words:

"3.110 R3-AM-3, Mid-Rise Multiple Dwelling Heywood District"

3 The Zoning Regulation Bylaw is also amended by adding to Schedule B after Part 3.109 the provisions contained in Schedule 1 of this Bylaw.

4 The land known as 986, 988 and 990 Heywood Avenue, legally described as:

Parcel A (DD 142967I) of Lots 22, 23, 48, and 49 of Lot 1694, Victoria City, Plan 24;

The southerly 24 feet of Lot 49 of Lot 1694, Victoria City, Plan 24;

The northerly 26 feet of Lot 50, of Lot 1694, Victoria City, Plan 24;

and shown hatched on the map attached to and forming part of this Bylaw as Appendix 1, is removed from the R3-AM-2 Zone, Mid-Rise Multiple Dwelling District, and placed in the R3-AM-3 Zone, Mid-Rise Multiple Dwelling Heywood District.

READ A FIRST TIME the	**11th**	day of	**May**	2017
READ A SECOND TIME the	**11th**	day of	**May**	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 3.110 – R3-AM-3 ZONE, MID-RISE MULTIPLE DWELLING HEYWOOD DISTRICT

3.110.1 Permitted Uses in this Zone

The following uses are the only uses permitted in this Zone:

a. Single family dwelling subject to the regulations in the R1-B Zone

b. Duplex subject to the regulations in the R-2 Zone

c. Multiple dwelling

d. Rest home – Class A and rest home – Class B

e. Public Building subject to the regulations in the R-2 Zone

f. Home occupation subject to the regulations in Schedule "D"

g. Multiple Dwelling Accessory Use subject to the regulations in Schedule "F"

3.110.2 Community Amenities

a. As a condition of additional density pursuant to Part 3.110.3 a monetary contribution of $31,907.19 must be provided as a community amenity

3.110.3 Floor Area, Floor Space Ratio

a. Floor space ratio (maximum) where the community amenity has not been provided, referred to in Part 3.110.2	1.2:1
b. Floor space ratio (maximum) where the community amenity has been provided, referred to in Part 3.110.2	1.6:1

3.110.4 Lot Area

a. Lot area (minimum)	1400m^2

3.110.5 Height, Storeys

a. Principal building height (maximum)	12m
b. Storeys (maximum)	4

PART 3.110 – R3-AM-3 ZONE, MID-RISE MULTIPLE DWELLING HEYWOOD DISTRICT

3.110.6 Setbacks, Projections

a. For the purposes of this Part, “architectural screen” means an ornamental feature of the building intended to provide shade or privacy.

b. Front yard setback (minimum)	10.5m
c. Rear yard or side yard setback (minimum)	one half the building height
d. Any architectural screen that faces a front yard or rear yard may project into a setback (maximum)	0.3m

3.110.7 Site Coverage, Open Site Space

a. Site coverage (maximum)	40%
b. Open site space (minimum)	50%

3.110.8 Landscaping

a. Any exposed roof deck located above an enclosed parking space shall be landscaped

b. Except for driveways, all yards within 3m or one half of the building height, whichever is greater, of a street shall be open site space

3.110.9 Vehicle and Bicycle Parking

a. Vehicle and bicycle parking (minimum)	Subject to the regulations in Schedule “C”

Appendix 1 to Bylaw No. 17-041

N

986, 988, and 990 Heywood Avenue
Rezoning No.00531

CITY OF VICTORIA

NO. 17-042

HOUSING AGREEMENT (986, 988 AND 990 HEYWOOD AVENUE) 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 986, 988 and 990 Heywood Avenue, 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 (986, 988 AND 990 HEYWOOD AVENUE) 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 Heywood Avenue Developments Inc. (Inc. No. 1070937)or other registered owners from time to time of the lands described in subsection (c); and

(c) that applies to the lands known as 986, 988 and 990 Heywood Avenue, Victoria, BC, legally described as:

PID: 009-323-708, Parcel A (DD 142967I) of Lots 22, 23, 48, and 49 of Lot 1694, Victoria City, Plan 24;

PID: 009-324-437, The southerly 24 feet of Lot 49 of Lot 1694, Victoria City, Plan 24; and

PID: 009-324-488, The northerly 26 feet of Lot 50, of Lot 1694, Victoria City, Plan 24.

READ A FIRST TIME the	**11th**	day of	**May**	2017
READ A SECOND TIME the	**11th**	day of	**May**	2017
READ A THIRD TIME the	**11th**	day of	**May**	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**")

AND:

HEYWOOD AVENUE DEVELOPMENTS INC.
c/o Third Floor, 26 Bastion Square
Victoria, B.C. V8W 1H9

(the "**Owner**")

BACKGROUND:

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 the Lands.

C. The Owner has applied for a permit to subdivide the Lands and to build the Development.

D. The Dwelling Units are intended to be stratified, and will be subject to the *Strata Property Act* (British Columbia) and the bylaws of the Strata Corporation.

E. The City and the Owner wish to enter into this Agreement, as a "Housing Agreement" pursuant to section 483 of the *Local Government Act*, to establish the terms and conditions regarding the occupancy of the residential units identified in this Housing Agreement, with the intent of ensuring the perpetual availability of rental units (in addition to owner-occupied units).

TERMS OF AGREEMENT:

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 (including the Recitals above):

(a) "**Development**" means the proposed strata titled development on the Lands to include up to twenty-one (21) Dwelling Units.

(b) "**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 such residential dwelling units located on the Lands.

(c) **"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.

(d) **"Lands"** means the lands and premises having civic addresses of 986 Heywood Avenue and 988 Heywood Avenue, Victoria, British Columbia and legally described as:

(i) Parcel Identifier 009-323-708, Parcel A (DD 142967I) of Lots 22, 23, 48, and 49 of Lot 1694, Victoria City, Plan 24; and

(ii) Parcel Identifier 009-324-437, The southerly 24 feet of Lot 49 of Lot 1694, Victoria City, Plan 24; and

(iii) Parcel Identifier 009-324-488, The northerly 26 feet of Lot 50, of Lot 1694, Victoria City, Plan 24.

(e) **"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.

(f) **"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.

(g) **"Tenancy Agreement"** has the same meaning as under the *Residential Tenancy Act.*

(h) **"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:

(a) includes any regulations, orders or directives made under the authority of that enactment; and

(b) 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 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 No Restrictions on Age

3.1 The Owner covenants and agrees that the Owner shall not take any steps, or enter any agreements, or impose any rules or regulations whatsoever, the effect of which would be to restrict the age of an Owner or Non-Owner who may reside in a Dwelling Unit.

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 the age of an Owner or Non-Owner who may reside in any Dwelling Unit.

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:

(a) 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:

(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 Housing Agreement is amended;

(b) to exercise its voting rights in the Strata Corporation against the passage of any bylaws that would restrict the age of an Owner or Non-Owner who may reside in any Dwelling Unit unless this Housing Agreement is amended; and

(c) 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 because 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

7.1 **Notice.** If sent as follows, notice under this Agreement is 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, British Columbia V8W 1P6
Attention: Director of Sustainability Planning
and Community Development

Facsimile: 250-361-0386

to the Owner:

1070937 B.C. LTD.
c/o Cox Taylor
Barristers and Solicitors
Third Floor, 26 Bastion Square
Victoria, British Columbia V8W 1H9

or on registration of a strata plan for the Lands, to the Strata Corporation and to the Owner of any Dwelling Unit 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,

(a) notice sent by the impaired service is 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.

7.2 **Time.** Time is to be the essence of this Agreement.

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

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

7.5 **Headings.** 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.

7.6 **Language.** 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.

7.7 **Equitable Remedies.** The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement and that the public interest strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement.

7.8 **Cumulative Remedies.** No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.

7.9 **Entire Agreement.** This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.

7.10 **Further Assurances.** Each of the parties will do, execute, and deliver, or cause to be done, executed, and delivered all such further acts, documents and things as may be reasonably required from time to time to give effect to this Agreement.

7.11 **Amendment.** This Agreement may be amended from time to time, by consent of the Owner and a bylaw duly passed by the Council of the City and thereafter if it is signed by the City and the Owner.

7.12 **Applicable Laws.** This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.

7.13 **No Derogation from Statutory Authority.** Nothing in this Agreement shall:

(d) 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

(e) 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.

7.14 **Joint and Several.** The Owner, if more than one, are jointly and severally obligated to perform and observe every covenant, warranty, and agreement of the Owner herein contained.

7.15 **Counterpart.** 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.

7.16 **Effective Date.** This Agreement is effective as of the date of the signature of the last party to sign.

AS EVIDENCE OF their agreement, the parties have executed this instrument as of the date shown below:

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

_____
MAYOR Lisa Helps

_____
Chris Coates, CITY CLERK

Date signed:_____

HEYWOOD AVENUE DEVELOPMENTS INC.
by its authorized signatory(ies):

_____
Print Name: DAVID A. JAWL

_____
Print Name:_____

Date signed: 04.27.17.

REPORTS OF COMMITTEES

1. Committee of the Whole – April 6, 2017

1. Rezoning Application No. 00542 for 141 Cambridge Street - Update on Signage

Motion:
It was moved by Councillor Alto, seconded by Councillor Lucas, that Council advance Rezoning Application No. 00542 to first and second reading of the Zoning Regulation Amendment Bylaw and a Public Hearing date be set.

Carried Unanimously

3. CONSENT AGENDA

3.5 Rezoning Application No. 00542 for 141 Cambridge Street - Update on Signage

Committee received a report dated March 24, 2017, from the Director of Sustainable Planning and Community Development regarding an error in which the required signage was not erected on the property, by the applicant, for an application that was previously heard by Committee of the Whole.

Motion: It was moved by Councillor Alto, seconded by Councillor Coleman, that Council advance Rezoning Application No. 00542 to first and second reading of the Zoning Regulation Amendment Bylaw and a Public Hearing date be set.

CARRIED UNANIMOUSLY 17/COTW

REPORTS OF COMMITTEES

2. Committee of the Whole – March 23, 2017

1. Rezoning Application No. 00542 for 141 Cambridge Street (Fairfield)

Motion:
It was moved by Councillor Coleman, seconded by Councillor Alto, that Council instruct staff to prepare the necessary Zoning Regulation Amendment Bylaw that would authorize the proposed development outlined in Rezoning Application No. 00542 for 141 Cambridge Street, that first and second reading of the Zoning Regulation Amendment Bylaw be considered by Council and a Public Hearing date be set.

Carried Unanimously

3. CONSENT AGENDA

3.1 Rezoning Application No. 00542 for 141 Cambridge Street (Fairfield)

Committee received a report dated March 8, 2017, from the Director of Sustainable Planning and Community Development regarding an application to increase the maximum floor area of the principal building and permit a roof deck.

Motion: It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that Council instruct staff to prepare the necessary Zoning Regulation Amendment Bylaw that would authorize the proposed development outlined in Rezoning Application No. 00542 for 141 Cambridge Street, that first and second reading of the Zoning Regulation Amendment Bylaw be considered by Council and a Public Hearing date be set.

CARRIED UNANIMOUSLY 17/COTW

CITY OF VICTORIA

Committee of the Whole Report
For the Meeting of April 06, 2017

To:	Committee of the Whole	**Date:**	March 24, 2017
From:	Jonathan Tinney, Director, Sustainable Planning and Community Development		
Subject:	**Rezoning Application No. 00542 for 141 Cambridge Street - Update on Signage**		

RECOMMENDATION

That Council advance Rezoning Application No. 00542 to first and second reading of the Zoning Regulation Amendment Bylaw and a Public Hearing date be set.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis, and recommendations regarding an error in which the required signage was not erected on the property, by the applicant, for an application that was previously heard by Committee of the Whole. The Land Use Procedures Bylaw requires the applicant to post the sign or signs on the subject property for a minimum of 10 days prior to the initial Committee meeting.

The following points were considered in assessing this Application:

- the applicants remedied the situation by contacting Staff about the error and immediately erecting the correct signage on the property
- the signage has remained on the site for 10 days prior to this Committee of the Whole meeting, fulfilling the intent of the Land Use Procedures Bylaw.

BACKGROUND

On March 23, 2017, Council directed Staff to prepare the required bylaws and advance the proposed development outlined in Rezoning Application No. 00542 for 141 Cambridge Street, that first and second reading of the Zoning Regulation Amendment Bylaw be considered by Council and a Public Hearing date be set. The Rezoning Application is to increase the allowable floor area for a single-family dwelling and permit a roof deck on the primary building.

The following differences from the standard zone are being proposed and would be accommodated in the new zone:

- increase the maximum floor area from 300m^2 to 385m^2
- permit a roof deck.

It was later brought to Staff's attention that the applicants neglected to post the required signage as set out in the Land Use Procedures Bylaw (see attached letter, dated March 23, 2017, from the applicant). Signage has since been posted on the site for the required 10 days. At the time

of writing this report no additional correspondence has been received; however, if new correspondence is received it will be paired with the application through the normal process.

CONCLUSIONS

By not erecting a sign on the property at 141 Cambridge Street, the application became inconsistent with the *Land Use Procedures Bylaw*. The applicants have since corrected the situation by erecting a sign 10 days prior to the April 06, 2017 Committee of the Whole meeting. Any comments received during this period have been attached to this report.

ALTERNATE MOTION

That Council decline to advance Rezoning Application No. 00542 to first and second reading of the Zoning Regulation Amendment Bylaw and a Public Hearing.

Respectfully submitted,

JH

Michael Angrove
Planner
Development Services

Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager: _____

Date: March 29, 2017

List of Attachments

- Letter from applicant, dated March 23, 2017
- Committee of the Whole Report, for the meeting of March 23, 2017

From: Info @ Zebra Group [mailto:info@zebragroup.ca]
Sent: March 23, 2017 10:39 AM
To: Michael Angrove <mangrove@victoria.ca>
Cc: Alison Meyer <ameyer@victoria.ca>; 'Lorne Duncan' <lorne.duncan@petroglyph.ca>
Subject: FW: Rezoning Sign Template-141 Cambridge St, REZ00542

Dear Mike and Alison,

My sincere apologies about the lack of signage on site for the 141 Cambridge Street rezoning application, it is my fault that the information did not get passed along to the homeowners and the task delegated between us, I'm embarrassed to say.

I neglected to forward this information to our clients when the information came to us in December. I remember being very pleased to get the Plan Summary Review before the end of the year, but obviously the site sign information got lost in the bustle just before and after the holiday break.

Mr. Duncan has already contacted a signmaker since the Committee of the Whole meeting this morning, and has ordered the sign; we will get it erected on site as soon as humanly possible and forward a photo of the installed sign to you, Michael.

Again, very sorry for the oversight. I hope that it does not impede the progress of the application but understand that it might have to be delayed to the next COW meeting in two weeks.

Sincerely,
Kristin

ZEBRA DESIGN
1161 NEWPORT AVENUE
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Phone 250.360.2144 Ext.0#
Fax 250.360.2115
Email info@zebragroup.ca
Website www.zebragroup.ca

CITY OF VICTORIA

Committee of the Whole Report
For the Meeting of March 23, 2017

To: Committee of the Whole **Date:** March 8, 2017

From: Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject: **Rezoning Application No. 00542 for 141 Cambridge Street**

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Amendment Bylaw that would authorize the proposed development outlined in Rezoning Application No. 00542 for 141 Cambridge Street, that first and second reading of the Zoning Regulation Amendment Bylaw 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 141 Cambridge Street. The proposal is to rezone from the current R1-B Zone, Single Family Dwelling District, to a site-specific zone in order to increase the maximum floor area of the principal building and permit a roof deck.

The following points were considered in assessing this Application:

- the proposal is consistent with the Traditional Residential urban place designation in the *Official Community Plan*, 2012
- the proposal is consistent with the Conservation and General Residential Areas designation within the Fairfield excerpts in the *Suburban Neighbourhoods* 1984 plan.

BACKGROUND

Description of Proposal

This Rezoning Application is to increase the allowable floor area for a single-family dwelling and permit a roof deck on the primary building.

The following differences from the standard zone are being proposed and would be accommodated in the new zone:

- increase the maximum floor area from 300m^2 to 385m^2
- permit a roof deck.

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 single-family dwellings with a variety of architectural styles. There is one heritage-registered property on the same block frontage.

Existing Site Development and Development Potential

The site is presently developed as a single-family dwelling. Under the current R1-B Zone, the property could be developed as a single-family dwelling with a maximum height of 7.6m. Roof decks are prohibited in the current zone.

Data Table

The following data table compares the proposal with the existing R1-B Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal	Zone Standard R1-B Zone, Single Family Dwelling District
Site area (m^2) - minimum	613.19	460
1st & 2nd storey floor area (m^2) (max)	249.11	280.00
Total floor area (including basement) (m^2) - maximum	385*	300.00
Lot width (m) - minimum	15.24	15
Height (m) - maximum	7.55	7.60
Storeys - maximum	2	2
Site coverage % - maximum	39.74	40.00
Roof deck	Yes*	Not Permitted

Zoning Criteria	Proposal	Zone Standard R1-B Zone, Single Family Dwelling District
Setbacks (m) - minimum:		
Front	7.58	7.50
Rear	12.54	10.06
Side (north)	1.52	1.52
Side (south)	3.66	3.00
Combined side yards	5.18	4.50
Parking - minimum	1	1

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the Fairfield-Gonzales CALUC at a Community Meeting held on September 26, 2016. The minutes from the meeting are attached to this report.

In addition to the CALUC meeting, the applicant has obtained signatures from adjacent residents, all of whom appear to be in support of the Application to increase the maximum floor area and permit a roof deck.

ANALYSIS

Official Community Plan

The *Official Community Plan* identifies the property as within the Traditional Residential urban place designation, within which single-family dwellings are an envisioned use.

Local Area Plans

The Fairfield excerpts within the *Suburban Neighbourhoods* plan identify the property as within the Conservation and General Residential Area. This area aims to conserve the traditional residential streetscapes and permits rezoning in instances of deteriorated housing. The proposal is consistent with the plan by maintaining the traditional single-family dwelling streetscape and by architecturally designing the dwelling to be sensitive to the character of the surrounding buildings. A report conducted by Maximilian Huxley Corporation in 2015 noted the cost of renovating the existing dwelling would be significantly higher than the cost of building a new dwelling.

Regulatory Considerations

The proposal's combined first and second-storey floor area is compliant with the zone standard; however, the calculation for the maximum floor area includes the basement and thus the proposal is non-compliant with the maximum floor area. In the R1-B Zone, the maximum floor area acts as density and can only be increased through rezoning the property.

Roof decks are not permitted within the R1-B Zone; however, the applicant has undertaken consultation with immediate neighbours and has noted that there are no privacy concerns voiced by the adjacent residents.

CONCLUSIONS

This proposal to increase the maximum floor area and permit a roof deck is consistent with both the *Official Community Plan* and the *Suburban Neighbourhoods* plan in maintaining the traditional low density character of the neighbourhood. The proposed variations to the standard zone are minimal in nature and adjacent residents have no objections to the proposal.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00542 for the property located at 141 Cambridge Street.

Respectfully submitted,

Michael Angrove
Planner
Development Services

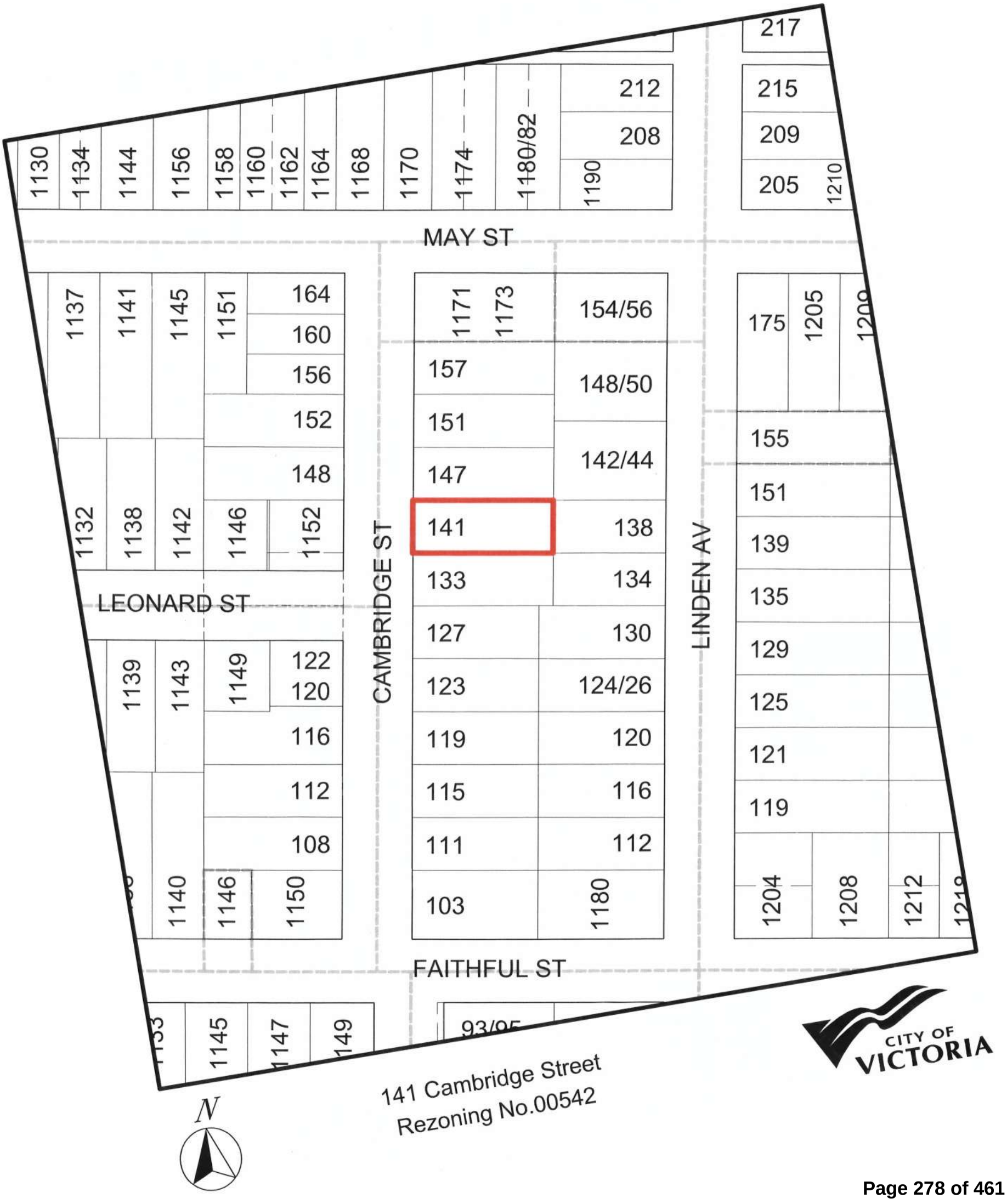
Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

Date: March 14, 2017

List of Attachments

- Subject Map
- Aerial Map
- Plans, dated/date stamped January 27, 2017
- Letter from applicant to Mayor and Council, dated March 7, 2017
- Community Association Land Use Committee Minutes, dated September 26, 2016
- Survey of neighbours regarding proposal.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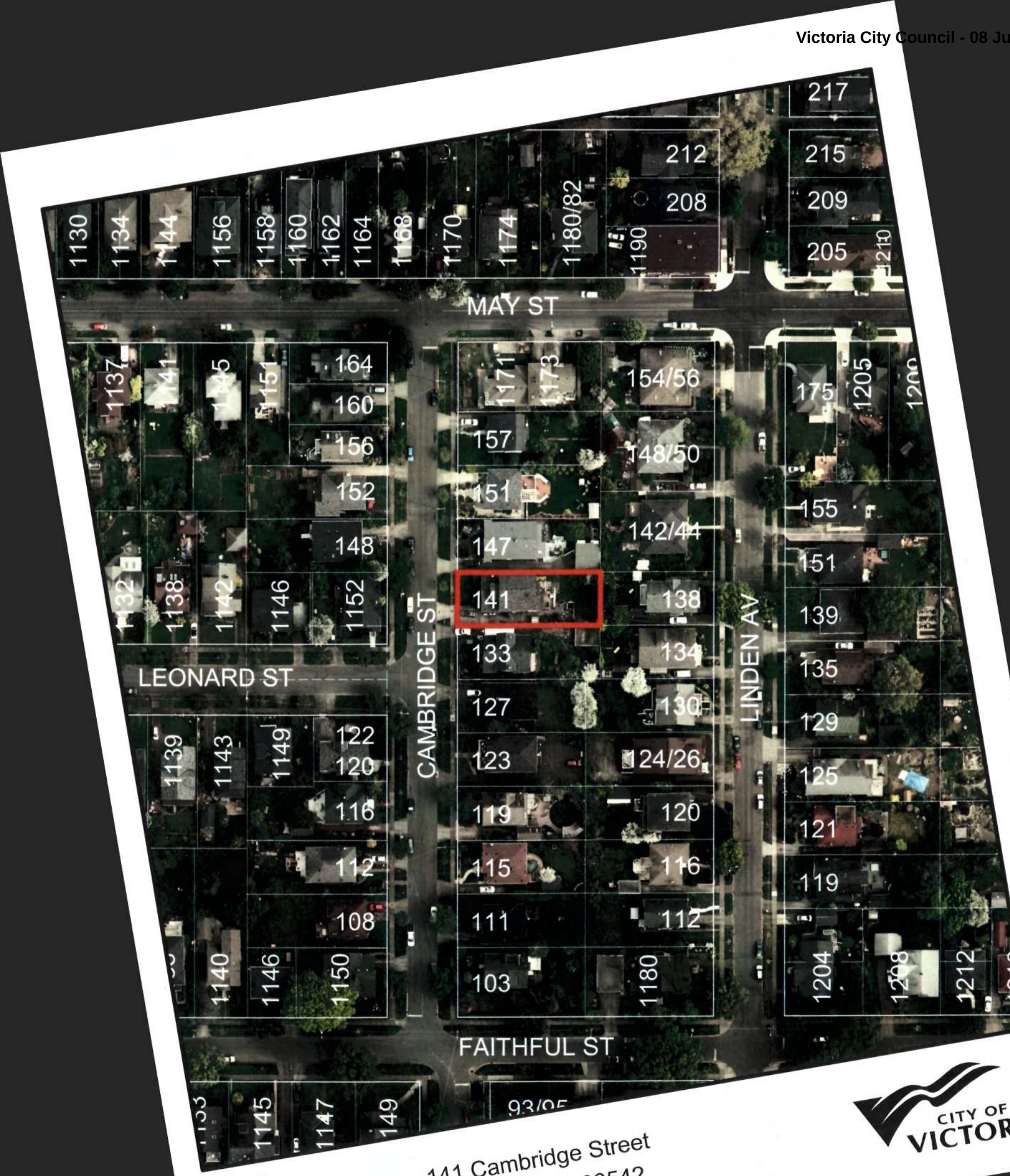
141 Cambridge Street
Rezoning No.00542
CITY OF VICTORIA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141 Cambridge Street
Rezoning No.00542
CITY OF VICTORIA

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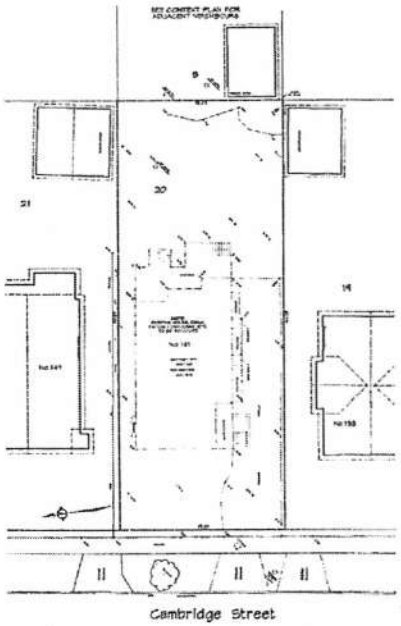
City of Victoria
JAN 27 2017
Planning & Development Department
Development Services Division



Existing Site Plan
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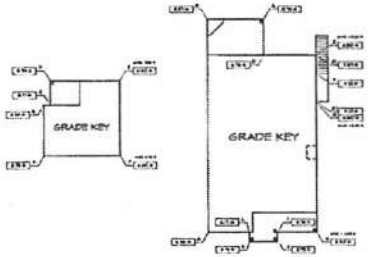

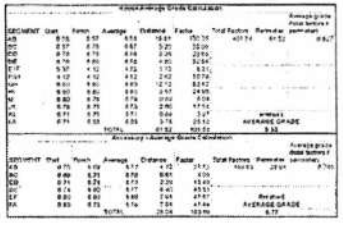

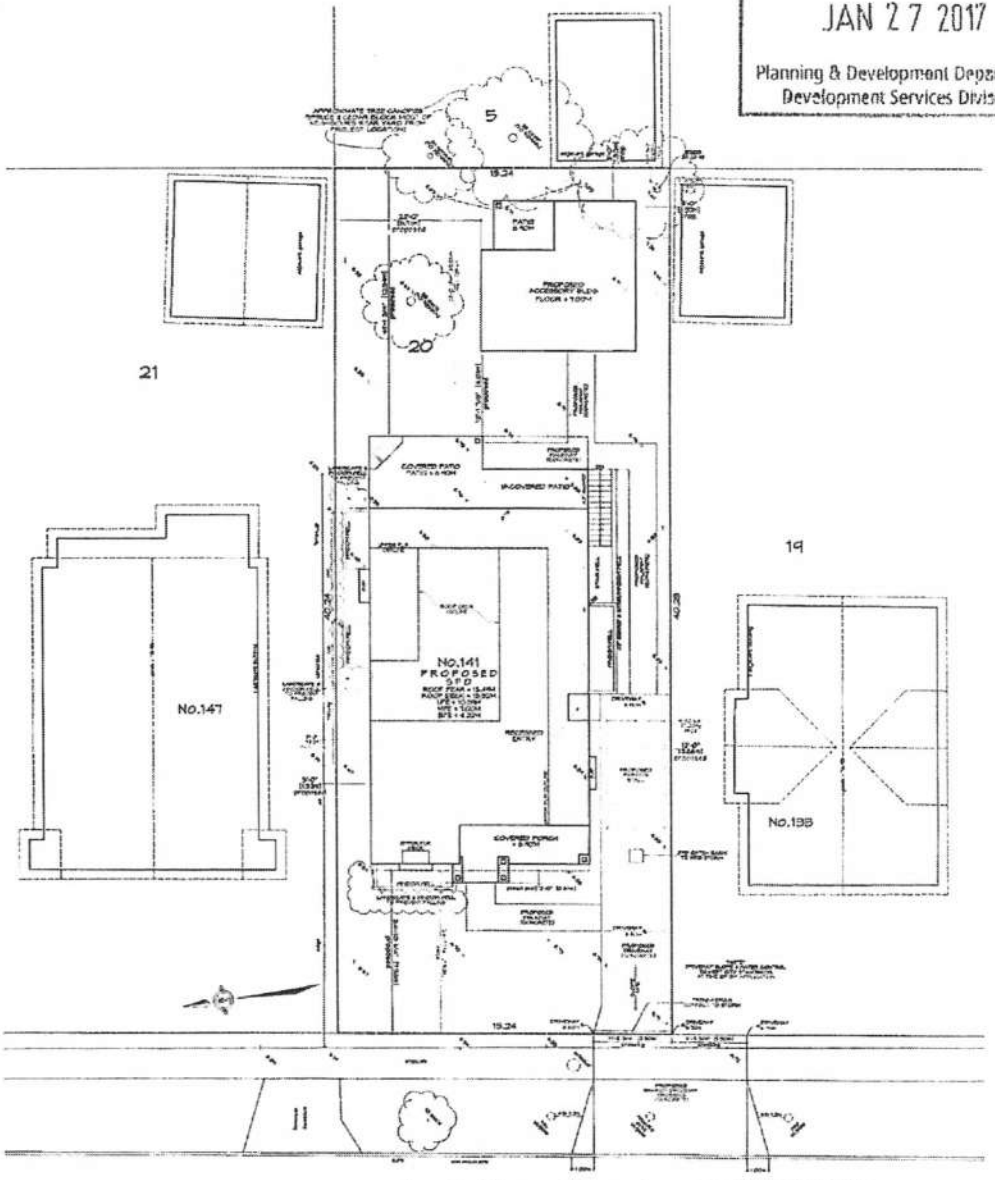

Proposed Site Plan
Scale: 1:100

SITE DATA - 141 CAMBRIDGE ST., VICTORIA

LEGAL DESCRIPTION - LOT 20, FAIRFIELD FARM ESTATE, VICTORIA CITY, PLAN 847

CURRENT ZONING - R1-B

	PROPOSED
LOT AREA	618.19 M² (6600.21 FT²)
LOT WIDTH	15.24 M (50.00')
LOT DEPTH (AVG.)	40.34 M (132.02')
SETBACKS	
FRONT	7.56 M (24.81')
REAR	12.84 M (41.14')
SIDE (N)	1.52 M (5.00')
SIDE (S)	3.66 M (12.00')
SIDE (COMBINED)	5.18 M (17.00')
AVG. GRADE	6.56 M (21.42')
BUILDING HEIGHT	7.59 M (24.77')
STOREYS	2 STOREYS + BSMT
FLOOR AREA	
ROOF DECK EXCLUDED	52.84 M² (568.53 FT²) EXCLUDED
UPPER FLOOR	104.46 M² (1124.76 FT²)
MAIN FLOOR	144.82 M² (1558.61 FT²)
BASEMENT	135.84 M² (1462.64 FT²)
1ST/2ND STOREYS, TOTAL	249.11 M² (2681.45 FT²)
ALL FLOORS, TOTAL	865.00 M² (4144.15 FT²)
TOTAL FLOOR AREA	249.11 M² (2681.45 FT²)
FLOOR AREA RATIO	0.41
SITE COVERAGE	24.74 % INCLUDING ACCESSORY BLDG
PARKING	1 SPACE

	PROPOSED
ACCESSORY BLDG	PROPOSED
REAR YARD AREA	198.17 M² (2057.68 FT²)
SETBACKS	
REAR	1.52 M (5.00')
SIDE (N)	6.71 M (22.00')
SIDE (S)	1.52 M (5.00')
TO HOUSE	4.01 M (13.16')
AVG. GRADE	6.77 M (22.21')
BUILDING HEIGHT	3.46 M (11.35')
FLOOR AREA	36.96 M² (397.84 FT²)
SITE COVERAGE	24.48 % OF REAR YARD

RE-ISSUED FOR REZONING JAN. 29, 2017

DRAWING LIST:

SK01	SITE PLAN & DATA
SK02	FLOOR PLANS
SK03	FLOOR PLANS
SK04	ELEVATIONS
SK05	ELEVATIONS
SK06	ACCESSORY ELEVATIONS & STREETSCAPE
SK07	CONTEXT PLAN & PHOTOS

ZEBRADESIGN
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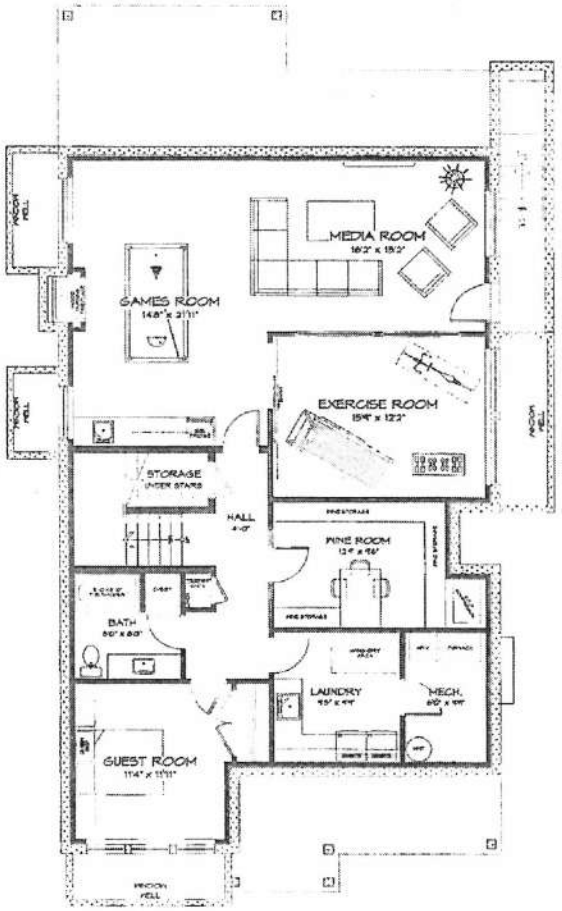
Fax: (250) 360-2119

Drawn By: K. KOSHMAN
Date: AUG. 04, 2016
Scale: AS NOTED
Project: PROPOSED NEW SFD & ACCESSORY BLDG 141 CAMBRIDGE ST
Title: SITE PLAN & SITE DATA

REV. NO.	DESCRIPTION	DATE
A	ADD TRENCH DRAIN, CATCH BASIN AND NOTE RE WATER CONTROL	JAN. 25/17

Revision: RE-ISSUED FOR REZONING AUG. 04/16; REV A JAN. 25/17
Sheet: SK 01
Proj No. TBD

Received
City of Victoria
JAN 27 2017
Planning & Development Department
Development Services Division



Lower Floor Plan
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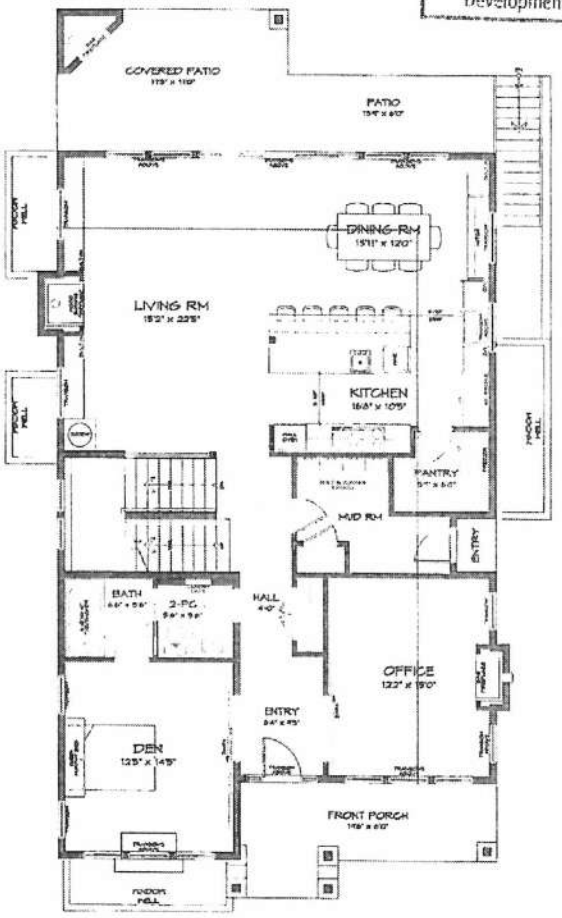

Main Floor Plan
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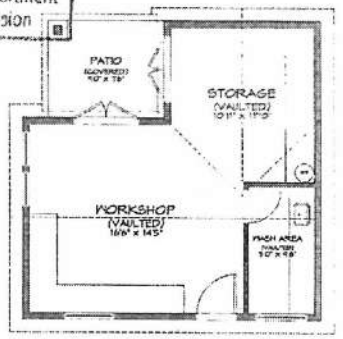

Accessory Shed
Scale: 1:50

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JAN. 23, 2017

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Drawn By: K. KOSHMAN
Date: AUG. 09, 2016
Scale: AS NOTED
Project:
PROPOSED NEW SFD & ACCESSORY BLDG
141 CAMBRIDGE ST
Title:
FLOOR PLANS

REV. NO.	DESCRIPTION	DATE
A	NO CHANGES	JAN. 23/17

Revision:
Sheet:
SK 02
Proj.No. TBD

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JAN 27 2017
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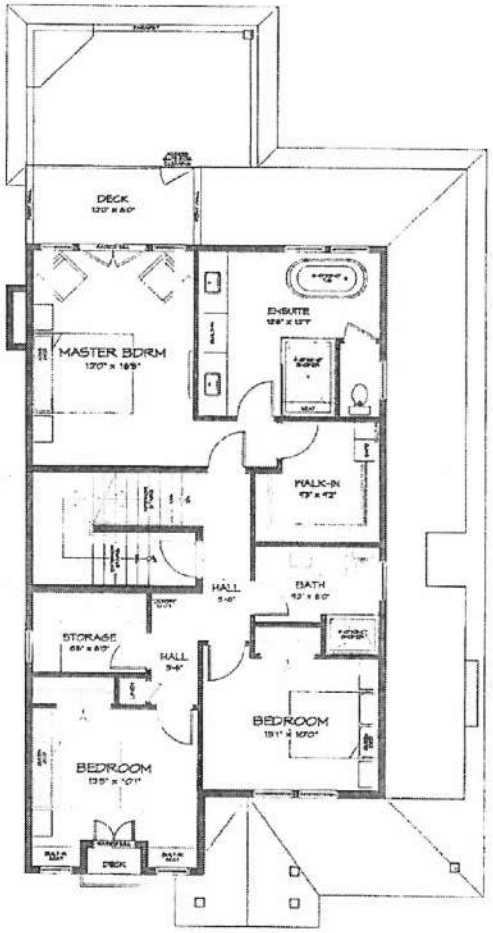
Development Services Division



Upper Floor Plan
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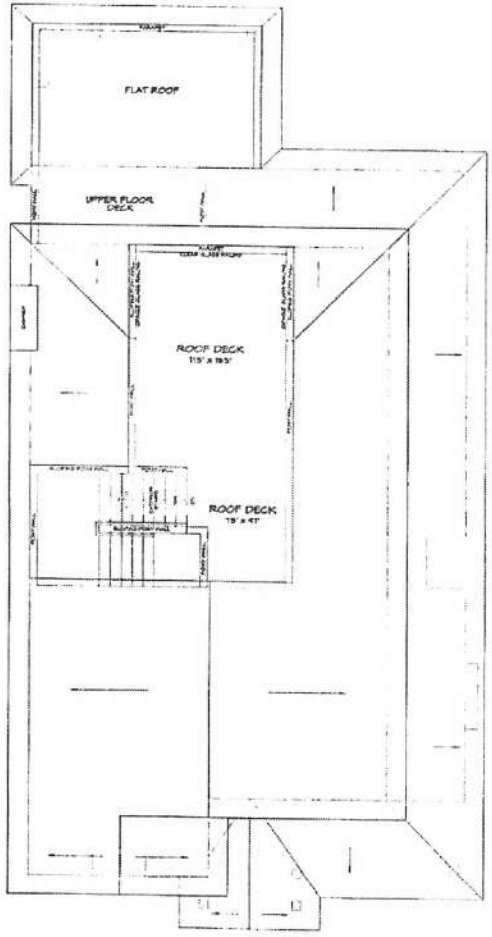

Roof Deck Plan
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RE-ISSUED FOR REZONING
JAN. 25, 2017

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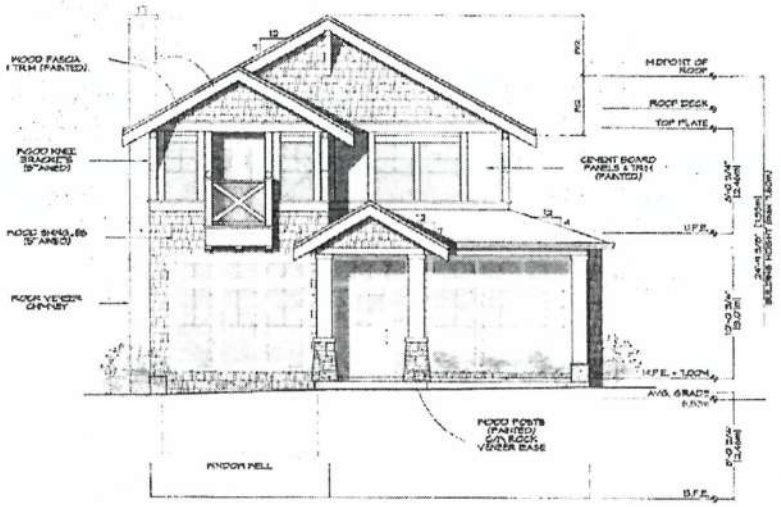
Drawn By: K. KOSHMAN
Date: AUG. 09, 2016
Scale: AS NOTED
Project:
PROPOSED NEW SFD & ACCESSORY BLDG 141 CAMBRIDGE ST
Title:
FLOOR PLANS

REV. NO.	DESCRIPTION	DATE
A	NOTE OPAQUE AND CLEAR GLASS RAILINGS	JAN. 25/17

Revision:
REV A JAN. 25/17
Sheet:
SK 03
Proj.No. TBD

Received
City of Victoria
JAN 27 2017
Planning & Development Department
Development Services Division



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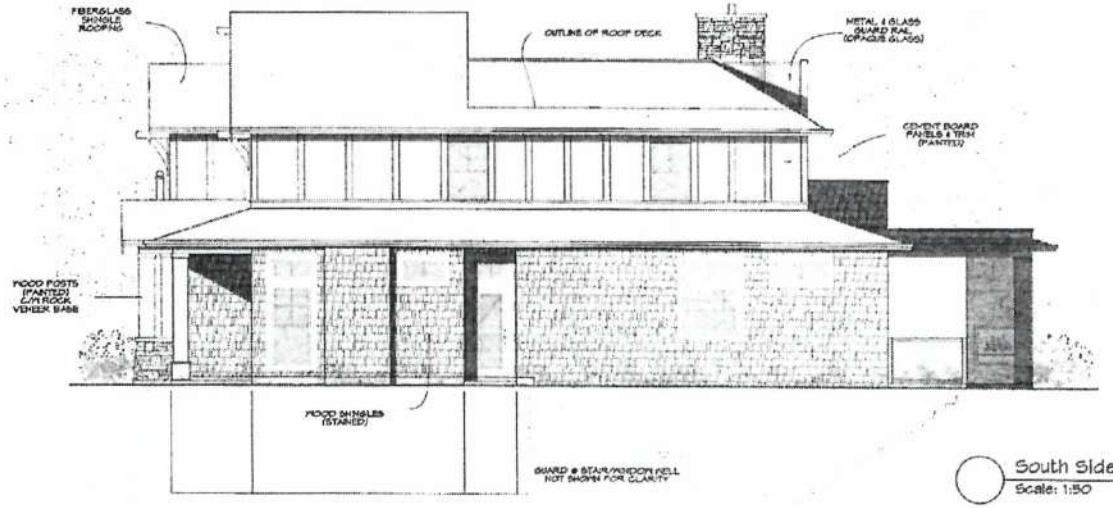

South Side Elevation
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REV. NO	DESCRIPTION	DATE
A	NOTE OPAQUE AND CLEAR GLASS RAILINGS	JAN. 25/17

RE-ISSUED FOR REZONING
JAN. 25, 2017

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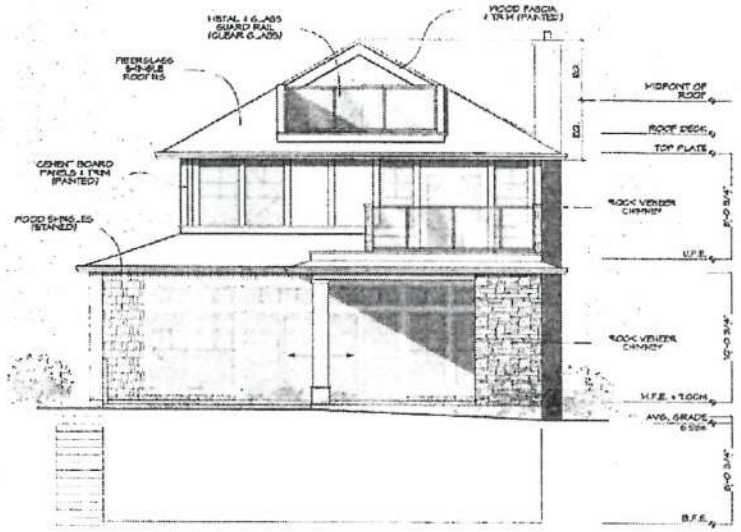
Drawn By: K. KOSHMAN
Date: AUG. 09, 2016
Scale: AS NOTED
Project:
PROPOSED NEW SFD & ACCESSORY BLDG
141 CAMBRIDGE ST
Title:
ELEVATIONS
Revision:
1st SUBMISSION AUG 09/16
REV. A JAN. 25/17
Sheet:
SK 04
Proj.No. TBD

Received
City of Victoria
JAN 27 2017
Planning & Development Department
Development Services Division



Rear Elevation
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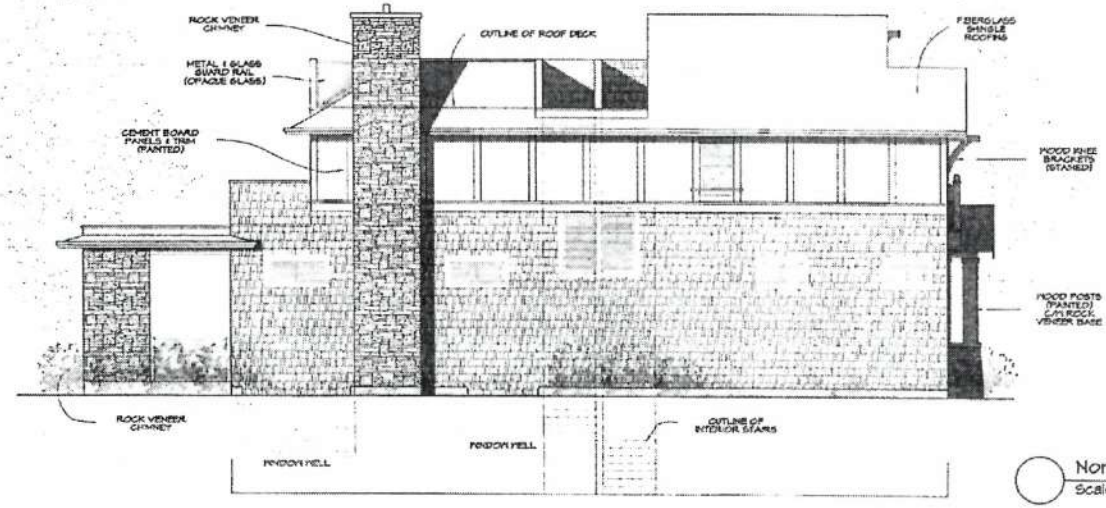

North Side Elevation
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RE-ISSUED FOR REZONING
JAN. 23, 2017

REV. NO.	DESCRIPTION	DATE
A	NOTE OPAQUE AND CLEAR GLASS RAILINGS	JAN 23/17

ZEBRADESIGN
1161 NEWPORT AVE
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Drawn By: K. KOSHMAN
Date: AUG. 09, 2016
Scale: AS NOTED
Project:
PROPOSED NEW SFD & ACCESSORY BLDG
141 CAMBRIDGE ST
Title:
ELEVATIONS
Revision:
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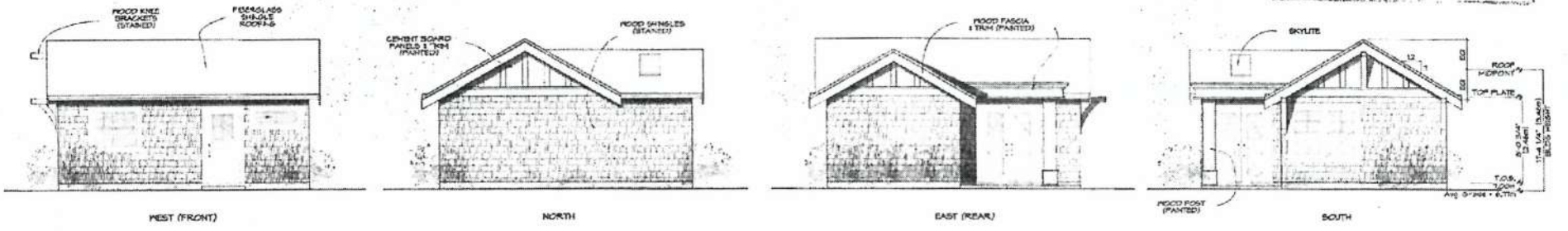
Proj No. TBD

Received
City of Victoria
JAN 27 2017
Planning & Development Department
Development Services Division



Accessory Elevations
Scale: 1:50

Streetscape
Scale: 1:75

RE-ISSUED FOR REZONING
JAN. 25, 2017

ZEBRADESIGN

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Victoria, B.C. V8S 5E6
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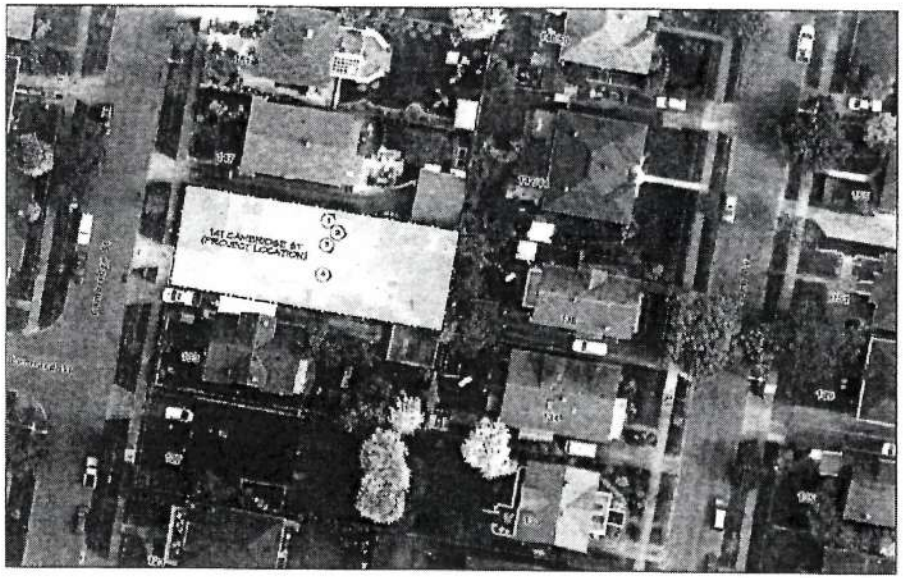
Drawn By: K. KOSHMAN
Date: AUG. 09, 2016
Scale: AS NOTED
Project:
PROPOSED NEW SFD & ACCESSORY BLDG
141 CAMBRIDGE ST
Title:
ACCESSORY ELEVATIONS & STREETSCAPE

REV. NO.	DESCRIPTION	DATE
A	NO CHANGES	JAN. 25/17

Revision:
Sheet: SK 06
Proj.No. TBD

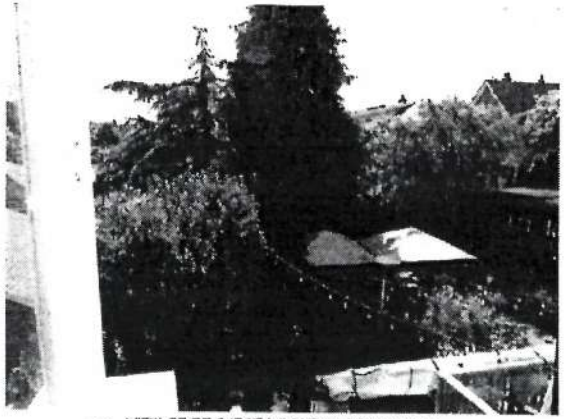
Received
City of Victoria
JAN 27 2017
Planning & Development Department
Development Services



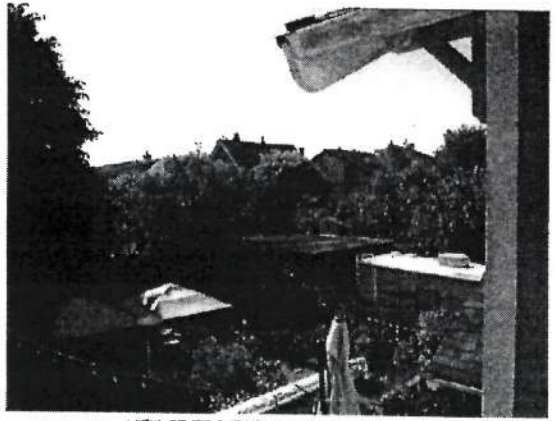
CONTEXT PLAN

④ VIEW OF PROJECT LOCATION REAR YARD
& 138 LINDEN AVE
(FROM EXISTING SFD UPPER FLOOR)

① VIEW OF 147 CAMBRIDGE REAR YARD
(FROM EXISTING SFD UPPER FLOOR)



② VIEW OF PROJECT LOCATION REAR YARD
& 138 LINDEN AVE
(FROM EXISTING SFD UPPER FLOOR)



③ VIEW OF PROJECT LOCATION REAR YARD
& 138 CAMBRIDGE REAR YARD
(FROM EXISTING SFD UPPER FLOOR)

RE-ISSUED FOR REZONING
JAN. 29, 2017

ZEBRADESIGN

1161 NEWPORT AVE
Victoria, B.C. V8S 3S6
Phone: (250) 360-2144
Fax: (250) 360-2118

Drawn By: K. KOSHMAN

Date: AUG. 09, 2016

Scale: AS NOTED

Project:
PROPOSED NEW SFD
& ACCESSORY BLDG
141 CAMBRIDGE ST

Title:
CONTEXT PLAN
& PHOTOS

REV. NO.	DESCRIPTION	DATE
A	NO CHANGES	JAN. 29/17

Revision:
1ST SUBMISSION AUG. 09/16
REV A JAN. 29/17

Sheet: SK 07

Proj.No. TBD

ZEBRADESIGN

March 7, 2017

#1 Centennial Square
Victoria, B.C.
V8W 1P6

Re: Rezoning application for 141 Cambridge Street, Victoria B.C.

Dear Mayor and Council,

We would like to summarize points from the two previous letters that accompanied our original submission and the revision package per departmental review comments.

When purchasing the property at 141 Cambridge Street, owners Jody MacLeod and Lorne Duncan at first pursued the option of renovating the existing home. When investigation proved that a satisfactory renovation would be prohibitively expensive, they revised their plan and hired Zebra Design to develop the design of a new home that would fit in with the character of neighbouring homes and also incorporated salvaged elements such as cabinetry, flooring and light fixtures from the existing home.

After discussion with the City, it was determined that their desire to have a full basement to house elderly parents or possibly add a future suite, would require a variance application. In anticipation of that application, Lorne and Jody canvassed their neighbours and received full support for the plans. However upon further investigation by the City, it was determined that a site-specific rezoning would be required in order to achieve the additional floor area in the basement, as floor area cannot be varied in the R1-B zone. This is why we are applying to rezone the property. Due to the location of the property, Lorne and Jody also have a great desire for a private roof deck. In anticipation of the requirement for a variance for a roof deck, canvassing of neighbours also included the proposed roof deck. We have now received confirmation from the Development Services division that a Development Variance Permit will not be separately required for the roof deck, should the site-specific rezoning be approved.

The "extra" floor area in the lower level of the home that would be allowed by this rezoning request would not alter the footprint of the house design, nor would it change the exterior appearance of the home from the street. We would have exactly the same building height and same massing, and the increase in basement floor area would not impact any of the neighbours. The only difference would be having a full basement, as compared to a partial basement with partial crawlspace (as would be permitted with the current zoning). We feel it would be a huge detriment to the house if we were not to be able to finish the basement, and it is our

ZEBRA DESIGN & INTERIORS GROUP INC. • 1161 NEWPORT AVENUE, VICTORIA BC V8S 5E6
PHONE: (250) 360-2144 FAX: (250) 360-2115
Email: info@zebragroup.ca Website: www.zebragroup.ca

understanding that there is a shortage of rental units in the City of Victoria, not likely to be soon resolved.

Regarding the roof deck, maintaining maximum privacy for both the neighbours and the property owners our clients has been of paramount concern throughout the design process. Overlook has been minimized by multiple efforts.

The proposed roof deck has been designed with utmost concealment, set well back from all sides of the house and not directly overlooking adjacent houses and nearby neighbours. The roof deck is nested into the pitched roofline on three sides, effectively obscuring between 60 - 70% of the perimeter of the deck area. The sight lines of the proposed roof deck to the side property lines are obscured by the shapes of the roof on the front and both sides of the new home. We have changed the deck enclosure glass at the sides to be obscured/opaque glass but we think that the rear yard privacy will be very well protected, enough to support using the clear glass on the rear (East facing) panel.

Please note that the photos that we included to augment our application package were taken from the existing home's upper floor, at the top of arm's reach - physically as high as we could safely get the camera without installing a scaffold - and as you can see the privacy to the rear is really very good – one cannot see through the trees to the property behind. It is quite a distance from the roof deck to the rear property line (a little over 58 feet). Sight lines are also blocked by the rear neighbour's garage and additionally by our proposed accessory building, so even in winter, privacy will be protected back there. Additionally the roof deck will not likely be utilized in winter, but in the summer when the foliage is on the trees. Furthermore, we have canvassed the neighbours in person and the roof deck application is supported by all. Please see enclosed signatures of support gathered in person by Lorne and Jody.

Thank you for your time in review of the revised application.

Sincerely,

Rus Collins
Zebra Design & Interiors Group Inc.

ZEBRA DESIGN & INTERIORS GROUP INC. • 1161 NEWPORT AVENUE, VICTORIA BC V8S 5E6
PHONE: (250) 360-2144 FAX: (250) 360-2115
Email: info@zebragroup.ca Website: www.zebragroup.ca

FAIRFIELD GONZALES
COMMUNITY ASSOCIATION
the place to connect

Minutes of Sept 26, 2016 Fairfield-Gonzales Community Association Land Use Committee.

Attendees: David Biltek (Vice Chair), Don Monsour (Chair & President of FGCA), Corey Burger, Heather Murphy

141 Cambridge Aves

The developer and the applicants introduced the project including the two major variances:

1. Allow the house to have a full basement
2. Allow a roof deck

Questions from the community:

Q – Purpose of space in basement? Can it be a suite? Is the entrance to the basement legal?

The basement is currently designed to be extra living space; it could be suited without a rezoning but the plan isn't to be suited right now. The entrance is legal.

Q – Where is the deck facing?

The deck faces the back yard

Q – Is the accessory building a garden suite? What plumbing does it have?

No. That would require a rezoning. The accessory building has plumbing for water only

Q – How much parking?

There is one parking stall in the front of the property in front of the house

Q – Is this a single family house?

Yes

Q – What is the footprint? How tall is the building?

The footprint is the same as the current building, while the height is lower than existing house

Q – Have you spoken with neighbours?

1330 FAIRFIELD RD. VICTORIA, BC V8S 5J1
Tel. 250.382.4604 Fax 250.382.4613
www.fairfieldcommunity.ca
place@fairfieldcommunity.ca

Yes, and we have canvassed for support

Q – How many days can a roof deck be used?

That has been considered and the design looks at sun angle to maximize usage

Q – Are there any plans for AirBnB?

No

Comments from community

- Felt it was good as it was a single family house. They felt that the banning of roof decks was extreme and like how the applicant designed a deck that ensures privacy and felt it was a good compromise
- Not concerned about roof deck
- Like how design conforms
- One neighbour mentioned that the zoning that considers basement as first floor is painful & curious

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Tel. 250.382.4604 Fax 250.382.4613
www.fairfieldcommunity.ca
place@fairfieldcommunity.ca

June/July 2016

City of Victoria
Building and Development
1 Centennial Square
Victoria, B.C. V8W 1P6

Re: 141 Cambridge Street - Application for Development Variance Permit

After reviewing the plans and elevations for the proposal at 141 Cambridge Street, we the undersigned have no objections to the proposed variance application.

SIGNATURE/ PRINT NAME	ADDRESS	DATE
Richard Moulton	138 Linden Victoria	July 5, 2016
Kelly Jones	142 Linden Ave Victoria	July 6, 2016
Elea & Paul Plastino	144 Linden Ave Victoria	July 6/2016
Brigitte & Pat Trethewey	134 Linden Ave	July 6/2016
Kristina Aykroyd	157 Cambridge St.	Sept. 19/2016

June/July 2016

City of Victoria
Building and Development
1 Centennial Square
Victoria, B.C. V8W 1P6

Re: 141 Cambridge Street - Application for Development Variance Permit

After reviewing the plans and elevations for the proposal at 141 Cambridge Street, we the undersigned have no objections to the proposed variance application.

SIGNATURE/ PRINT NAME	ADDRESS	DATE
Justine Hunter	133 Cambridge St.	July 2, 2016
SHERRY HURST	1152 Leonard St.	July 4, 2016.
CHERYL FITZPATRICK ~~Jen Barber~~	147 CAMBRIDGE ST.	July 4, 2016
Jen Barber	151 Cambridge St.	July 4, 2016
George Fitzpatrick	147 cambridge st	July 4 2016
Stephanie Bacon	148 CAMBRIDGE ST.	JULY 4, 2016
Wendy Norris		

Rezoning Application
for
141 Cambridge St.

CITY OF VICTORIA

Victoria City Council - 08 Jun 2017

LINDEN AV
CAMBRIDGE ST
ARD ST
175
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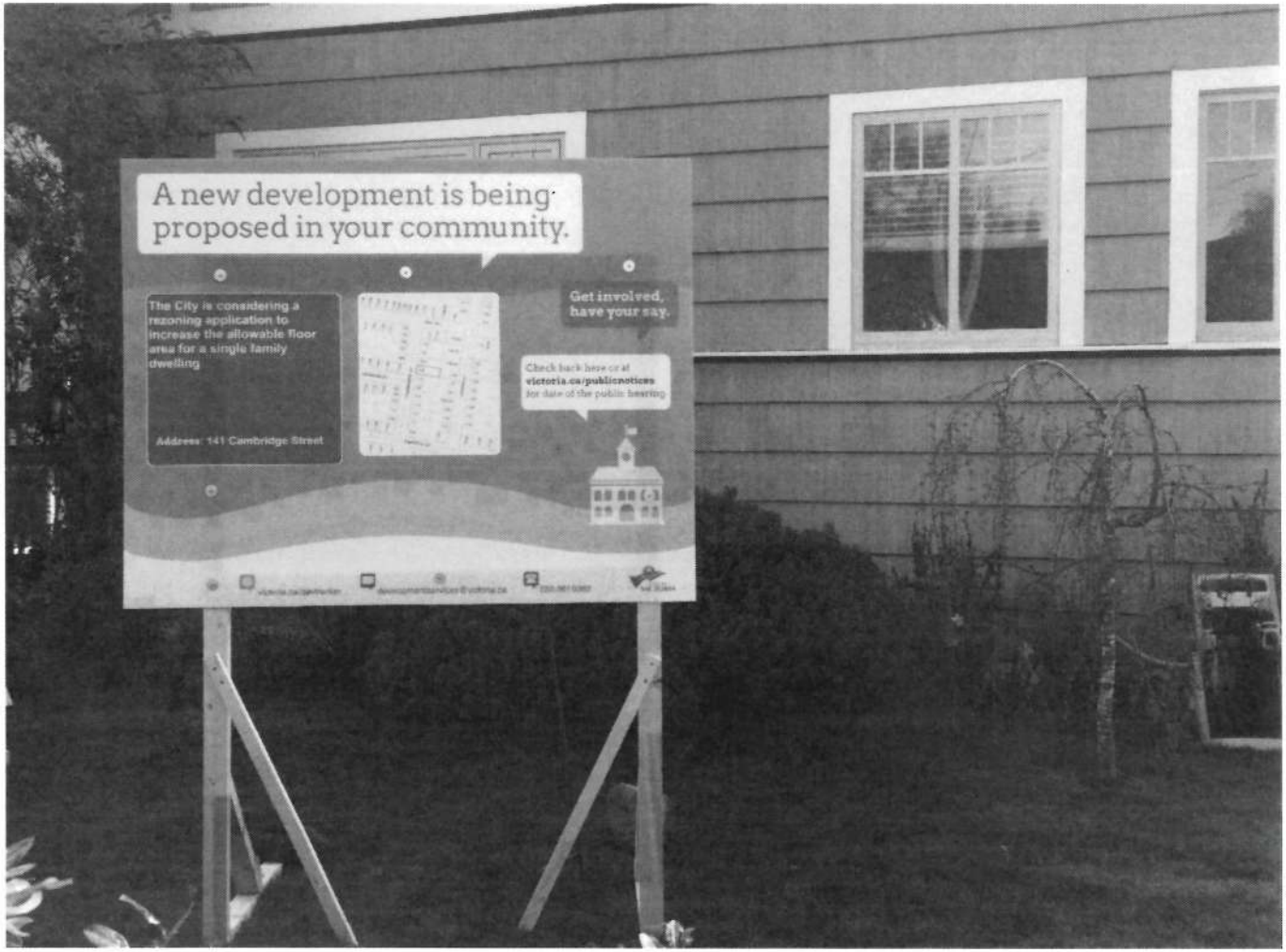
A new development is being proposed in your community.
The City is considering a rezoning application to increase the allowable floor area for a single family dwelling
Address: 141 Cambridge Street
Get involved, have your say.
Check back here or at victoria.ca/publicnotices for date of the public hearing

Alicia Ferguson

From: Public Hearings
Subject: RE: Re 141 Cambridge Street

-----Original Message-----
From: Richard Moulton
Sent: Tuesday, May 30, 2017 4:54 AM
To: Public Hearings <PublicHearings@victoria.ca>
Subject: Re 141 Cambridge Street

Re 141 Cambridge Street

Our house is on Linden directly behind 141 Cambridge and we have no objection to the planned changes

Richard & Sheila Moulton , 138 Linden

This email has been checked for viruses by Avast antivirus software.
https://www.avast.com/antivirus

Pamela Martin

From: Hunter, Justine [redacted]
Sent: Thursday, June 08, 2017 9:25 AM
To: Public Hearings
Cc: Darryl Gittins
Subject: 141 Cambridge St zoning bylaw application

To whom it may concern:

We are the homeowners of 131 Cambridge St. and will be unable to attend tonight's public hearing regarding the application to rezone the property next door to us, at 141 Cambridge.

We would like the city to be aware we have been consulted about the planned changes to include a roof deck and increased floor space, and we are fully in support of their application.

Many homes on our street have been amended over the 15 years we have lived here to accommodate the changing needs of families, and we have supported those changes: It is our neighbours that make it such a terrific neighbourhood.

Regards,
Justine Hunter and Darryl Gittins

133 Cambridge St.
Victoria BC
V8V 4B1

NO. 17-031

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by creating the R1-40 Zone, Cambridge 2 Single Family Dwelling District, and to rezone land known as 141 Cambridge Street from the R1-B Zone, Single Family Dwelling District to the R1-40 Zone, Cambridge 2 Single Family Dwelling.

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. 1093)".

2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in the Table of Contents of Schedule "B" under the caption PART 1 – DETACHED DWELLING ZONES by adding the following words:

"1.132 R1-40 Cambridge 2 Single Family Dwelling"

3 The Zoning Regulation Bylaw is also amended by adding to Schedule B after Part 1.131 the provisions contained in Schedule 1 of this Bylaw.

4 The land known as 141 Cambridge Street, legally described as Lot 20, Fairfield Farm Estate, Victoria City, Plan 897 and shown hatched on the map attached to and forming part of this Bylaw as Appendix 1, is removed from the R1-B Zone, Single Family Dwelling District, and placed in the R1-40 Zone, Cambridge 2 Single Family Dwelling District.

READ A FIRST TIME the	**25th**	day of	**May**	2017
READ A SECOND TIME the	**25th**	day of	**May**	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 1.132 – R1-40 ZONE, CAMBRIDGE 2 SINGLE FAMILY DWELLING DISTRICT

1.132.1 Permitted Uses in this Zone

The following uses are the only uses permitted in this Zone:

a. Uses permitted in the R1-B Zone, Single Family Dwelling District, subject to the regulations set out in Part 1.2 of the Zoning Regulation Bylaw

b. Single family dwelling subject to the regulations contained in this Part, with no more than one of the following accessory uses:

- Secondary suite subject to the regulations in Schedule "J";
- Garden suite subject to the regulations in Schedule "M"; or
- Roomers or Boarders up to a maximum of 4

1.132.2 Lot Area

a. Lot area (minimum)	460m^2
b. Lot width (minimum average)	15m
c. Panhandle lot	Subject to the regulations in Schedule "H"

1.132.3 Floor Area of the Principal Building

a. Floor area, of all floor levels combined (minimum)	70m^2
b. Floor area, for the first and second storeys combined (maximum)	280m^2
c. Floor area, of all floor levels combined (maximum)	385m^2
d. Private garage: floor area of all floor levels combined (maximum)	37m^2

1.132.4 Height, Storeys, Roof Decks

a. Principal building height (maximum)	7.6m in height
b. Storeys (maximum)	2 storeys
c. Roof Deck	Permitted

PART 1.132 – R1-40 ZONE, CAMBRIDGE 2 SINGLE FAMILY DWELLING DISTRICT

1.132.5 Setbacks, Projections

a. Front yard setback (minimum)	7.5m
except for the following maximum projections into the setback:	
• steps less than 1.7m in height	2.5m
• porch	1.6m
b. Rear yard setback (minimum)	7.5 or 25% of lot depth whichever is greater
c. Side yard setback from interior lot lines (minimum)	1.5m or 10% of the lot width whichever is greater
	3.0m for one side yard
d. Combined side yard setbacks (minimum)	4.5m
e. Eave projections into setback (maximum)	0.75m

1.132.6 Site Coverage, Parking

a. Site coverage (maximum)	40%
b. Parking	Subject to the regulations in Schedule "C"

1.132.7 Outdoor Features

a. The setbacks set out in section 1.132.5 apply to outdoor features as though they are buildings

b. Outdoor features may not exceed a height of 3.5m from natural grade or finished grade, whichever is lower

Appendix 1 to Bylaw No.17-031

141 Cambridge Street
Rezoning No.00542

CITY OF VICTORIA

BYLAWS

a. Bylaws for Victoria Housing Strategy Implementation – Minimum Unit Sizes

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

1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1101) No. 17-049*

Carried Unanimously

DRAFT

CITY OF VICTORIA

Council Report
For the Meeting of May 25, 2017

To:	Committee of the Whole	**Date:**	May 11, 2016
From:	Jonathan Tinney, Director, Sustainable Planning and Community Development		
Subject:	**Minimum Unit Sizes**		

RECOMMENDATION

1. That Council consider first and second readings of Bylaw No. 17-049.
2. That Bylaw No. 17-049 be considered at a Public Hearing.

BACKGROUND

Removing minimum unit sizes in multi-unit zones across Victoria was identified as a way to improve the diversity of housing options in the City in the *Victoria Housing Strategy 2016-2025.*

Staff prepared amendments to the *Zoning Regulation Bylaw*, which were considered at a Public Hearing on January 26, 2017, but referred back to Committee of the Whole on February 2, 2017, where Council amended the motion as follows:

1. That Council direct staff to revise the draft bylaw to establish minimum unit sizes of 33m^2 in all zones outlined in the report with the exception of R3-A-SC Zone, Low Profile Multiple Dwelling (Senior Citizen).
2. That for a Development Variance Permit to authorize anything under the 33m^2, staff should engage the applicant with regard to a housing agreement for the property.

The bylaw now before Council is to address item 1: to set a minimum unit size of 33m^2 in each of the five multi-unit zones in Victoria where the current minimum unit size is greater than 33m^2. The following table shows how the sizes will change:

Zone		Minimum Floor Area m^2	New Minimum Floor Area m^2
R3-AM-1	Mid-Rise Multiple Dwelling District	33	No change
R3-AM-2	Mid-Rise Multiple Dwelling District	33	No change
R3-G	**Garden Apartment District**	**33.5**	**33**
R-78	McClure Street Multiple Dwelling District	33	No change
R3-A-SC	Low Profile Multiple Dwelling (Senior Citizen) District	28	No change

Zone		Minimum Floor Area m^2	New Minimum Floor Area m^2
R3-L	**Low Density Multiple Dwelling District**	**46**	**33**
R3-1	Multiple Dwelling District	33	No change
R3-2	Multiple Dwelling District	33	No change
R3-B	Bonus Multiple Dwelling District	33	No change
R3-H	High Density Multiple Dwelling District	33	No change
R3-S	**Special Multiple Dwelling District**	**74**	**33**
R3-A1	Low Profile Multiple Dwelling District	33	No change
R3-A2	Low Profile Multiple Dwelling District	33	No change
CR-3	Commercial Residential Apartment District	33	No change
CR-3M	Commercial Residential Apartment Modified District	33	No change
CR-G	**Commercial Residential Gorge Road District**	**76**	**33**
C1-NM	Neighbourhood (Modified) Shopping District	33	No change
CR-4	Upper Cook Commercial Residential District	33	No change
CR-NP	North Park Commercial Residential District	33	No change
CR-4-OB	Oak Bay Commercial Residential District	33	No change
T-6	James Bay Transient Accommodation District	33	No change
CHP-R3	**Cathedral Hill Precinct (Multiple Dwelling) District**	**37**	**33**

Respectfully submitted,

Lindsay Milburn
Senior Planner - Housing Policy
Community Planning

Jonathan Tinney
Director
Sustainable Planning and Community Development

Report accepted and recommended by the City Manager:

Date: May 16, 2017

List of Attachments

- Attachment 1: Zoning maps showing affected zones.
- Attachment 2: Zoning Amendment Bylaw No. 17-049

Multi-unit residential zones greater than 33m2

Legend

City Boundary

Lands subject to the proposed bylaw

REPORTS OF COMMITTEES

1. Committee of the Whole – February 2, 2017

5. Victoria Housing Strategy Implementation – Removing Minimum Unit Sizes

Motion:
It was moved by Councillor Loveday, seconded by Councillor Lucas:

1. That Council direct staff to revise the draft bylaw to establish Minimum unit sizes of 33m² in all zones outlined in the report with the exception of R3-A-SC zone, Low Profile Multiple Dwelling (Senior Citizen).
2. That for a Development Variance Permit to authorize anything under the 33m², staff should engage the applicant with regard to a housing agreement for the property.

Carried Unanimously

4.5 Victoria Housing Strategy Implementation – Removing Minimum Unit Sizes

Committee received a report that was referred back from the January 26, 2017 Council meeting for clarification and further discussion at Committee of the Whole.

Committee discussed:
- Relaxing the minimum unit sizes rather than eliminating them altogether.

Motion: It was moved by Councillor Isitt, seconded by Councillor Thornton-Joe, that Council direct staff to revise the draft bylaw to establish Minimum unit sizes of $33m^2$ in all zones outlined in the report with the exception of R3-A-SC zone, Low Profile Multiple Dwelling (Senior Citizen).

Committee discussed:
- Being careful to not promote transient accommodations.
- Ensuring that there is a mechanism in place to ensure that units are actually affordable.

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

1. that Council direct staff to revise the draft bylaw to establish Minimum unit sizes of $33m^2$ in all zones outlined in the report with the exception of R3-A-SC zone, Low Profile Multiple Dwelling (Senior Citizen).
2. **that for a Development Variance Permit to authorize anything under the $33m^2$, staff should engage the applicant with regard to a housing agreement for the property.**

On the amendment:
CARRIED UNANIMOUSLY 17/COTW

Main motion as amended:

1. that Council direct staff to revise the draft bylaw to establish Minimum unit sizes of $33m^2$ in all zones outlined in the report with the exception of R3-A-SC zone, Low Profile Multiple Dwelling (Senior Citizen).
2. that for a Development Variance Permit to authorize anything under the $33m^2$, staff should engage the applicant with regard to a housing agreement for the property.

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

Amanda Ferguson

From: Victoria E. Adams [redacted]
Sent: Thursday, January 26, 2017 6:10 PM
To: Lisa Helps (Mayor); Ben Isitt (Councillor); Charlayne Thornton-Joe (Councillor); Chris Coleman (Councillor); Geoff Young (Councillor); Jeremy Loveday (Councillor); Margaret Lucas (Councillor); Marianne Alto (Councillor); Pam Madoff (Councillor)
Cc: Public Hearings
Subject: Proposed Changes to Victoria's Housing Strategy Implementation - Removing Minimum Unit Sizes - Zoning Regulation Amendement Bylaw (No. 15) No. 16.-094

26 January, 2017

Mayor and Council
City of Victoria

Re: **Proposed Changes to the Victoria Housing Strategy Implementation – Removing Minimum Unit Sizes: Zoning Regulation Amendment Bylaw (No. 15) No. 16-094**

I wish to oppose the proposed bylaws changes to remove the minimum size of residential units in Victoria.

To eliminate the restriction on the size of residential units (allegedly, to increase the number of affordable dwellings by increasing the density of housing in an already limited building environment), will only serve to exacerbate the City's serious housing problem.

Is this change— with the reduction of parking requirements, and revising of secondary suite bylaws— a strategy to serve developers and property investors who use housing as a speculative commercial commodity? Does the City's decision to eliminate minimum size, allow developers to build "micro-unit" condo towers? Or permit hotel-suite conversions into micro-units— many of which are less than 250 square feet – the size of a shoebox, coffin, or closet? This appears to be the real endgame.

The "low hanging fruit" housing plan of the City is nothing but a convenient way to create vehicles for real estate investors to market untaxed, unregulated, high-priced fashionable short-term vacation rentals to well-heeled tourists and others seeking the City's attractions. If micro-apartments are the future of urban housing, they will increase the 'ground rent' or dollar per square foot developers will both earn, and come to expect for their investment. Clearly, the winners in this strategy are: the developers, the owners of posh pieds-a-terre, and the City which reaps the rewards: higher property taxes.

Sixty percent of Victoria residents rent their living accommodation; many have done so for decades. Working families, students, and seniors living on fixed incomes are the losers in this proposed bylaw change. They face growing displacement through "renovictions", (more than 5,000 applications have been received by the Province's Tenancy Branch in the past year), in a city with less than a one percent vacancy rate and unaffordable, unavailable places to move. Others face homelessness with the growing number of older rental homes and apartment property demolitions. Currently 86 percent of the housing supply in the CRD is geared toward households with annual incomes in excess of $100,000.

The erosion of building codes and zoning regulations means that standard-sized living units (one-bedroom units 400-650 sq. feet) which represent the majority of rental units, are now being whittled down to cubicles with Juliet balconies, mini-sized dorm units with built-in beds, shelves and appliances including limited amenities such as shared lounges or roof-top gardens.

Is it coincidence that U.S. cities such as San Francisco, Boston, Washington, and Austin, Texas which are home to numerous legal micro suites also have the highest proportion of Airbnb and other short-term vacation rental units? In other words, is this novel form of accommodation really being introduced to fill a local housing need? Or is it fueled by commercial real estate interests who want to cash in on the lucrative short-term vacation rental market?

Who can live in these boxes? Young, single professionals and high-tech contractors who are willing to walk or bike to work? Is the City being transformed into an exclusive enclave of short-term vacation rentals and compact cubbies for upscale transient tourists and hip Silicon-Valley types? Who among the more than 37 percent of households living alone in this city, (many of whom are retirees), would wish to live in these premium-priced, uncomfortable minimalist units?

In a City which is already facing a significant increase in vehicle-related accidents in the high-density population core, and increased levels of social alienation and depression, miniscule living units pose yet another significant population health risk. Are Seattle's 90 sq. ft. micro units the answer to living a healthy lifestyle? Or are millennial multi-taskers (working three to four part-time jobs) being asked to accept a minimalist, multi-function form of accommodation in the name of modernity?

Before jumping on the bandwagon of housing affordability by reducing the size of a livable dwelling unit, Council needs to consider the potential health risks and crowding challenges that may well outweigh the promised benefits of this change in bylaw regulations. In return for relaxing parking requirements and eliminating minimum unit sizes, how many units will be secured as affordable rental units? Or will such units be restricted to high-income individuals?

Some say that property in Victoria is worth its weight in gold; but, all that glitters is not gold. Especially when the majority of the City's rental households will be evicted and displaced— to make way for these infinitesimal pieces of paradise in the sky or wee ground-oriented tiny homes.

Sincerely,

Victoria Adams
James Bay resident

Burnside Gorge Community Association
T. 250-388-5251 | F. 250-388-5269
info@burnsidegorge.ca | www.burnsidegorge.ca

January 27, 2017

Mayor & Council
#1 Centennial Square
Victoria, BC

Dear Mayor and Council,

The Burnside Gorge Community Association (BGCA) and its Land Use Committee (LUC) are writing in response to the proposed City Council motion to remove the minimum unit size requirements from multi-unit zones throughout Victoria in order to support the Victoria Housing Strategy 2016-2025.

While the BGCA fully supports the goal of providing affordable housing for Victoria's residents, we believe this motion is an inappropriate method of increasing housing affordability in our community. It also contradicts goals laid out in the Official Community Plan, such as developing family-friendly housing in all neighbourhoods. Burnside Gorge has one of the highest concentrations of low-income single occupancy housing in the city, including the many former motels along Gorge Road. The proposed removal of minimum unit sizes in the designated zoning areas basically amounts to single resident occupancy which does not encourage a diversity of housing in the area and does little for the overall development of our community for families.

The BGCA supports the recent City of Victoria Garden Suite initiative and is of the opinion that integrating garden suites throughout the neighbourhood results in a much more cohesive, family oriented community than a localized block of minimally sized units.

As expressed in the past, BGCA also has concerns about a continued precedent being set for affordable housing projects that have their development cost charges waived or reduced. Developers for many rezoning applications for affordable or supportive housing projects in the past few years have argued that the cost of amenity contributions would render their projects unviable. The cumulative effect of waiving amenity contributions is a lack of improvement in the public realm around these projects, many of which are in close proximity to each other. Residents of these developments and the surrounding neighbourhood, deserve access to high quality public infrastructure improvements that DCC's pay for. In the past two months alone, the LUC has heard from developers of 736 Princess Avenue, 3025 Douglas Street, and 2915 Douglas Street (former Super 8) requesting a parking variance to 0. While we applaud the City's efforts to creatively address issues surrounding affordable housing removal of minimum unit sizes stymies our capacity to promote the development of the neighbourhood in line with the recently completed Local Area Plan.

In closing the BGCA is not supportive of the motion to remove minimum unit size requirements. At the same time we wish to reinforce our commitment to working with the City of Victoria and Council in an active and meaningful way for the benefit of our community's development.

Sincerely,

Avery Stetski
President

TAPS
TOGETHER AGAINST POVERTY SOCIETY

302 – 895 Fort Street, Lekwungen Territories, Victoria, BC, Canada V8W 1H7
Tel: (250) 361-3521 Fax: (250) 361-3541 Web: www.tapsbc.ca

31 January 2017

City Hall
1 Centennial Square
Lekwungen Territories
Victoria, BC
V8W 1P5

ATTN: Victoria Mayor and Council

Through Mayor Lisa Helps:

RE: Housing Affordability Task Force – Minimum Unit Size (Zoning Regulation Amendment Bylaw [No. 15] No. 16-094

This letter is written in response to recent Council deliberations on minimum unit size that reference recommendations from the Mayor's Housing Affordability Task Force, of which TAPS was a member. TAPS received an invitation from city staff, January 10, 2017, to participate in community consultations held January 26, 2017. We were unable to attend and offer the following feedback ahead of future Council considerations.

TAPS supports a *modest* reduction in the minimum unit size for the 3-4 zones with limits above 33m2 (355ft2), and does not support removal or a reduction of the minimum unit size of 33m2 for all other zones under consideration. It is reasonable to require developers who seek to build beneath this threshold to seek approval through council by way of request for variance. Affordability and livability are both crucially important in serving the interest of low income Victorians and it is our view that allowing developers to build units under 33m2, roughly the size of two city parking stalls, compromises livability without a guarantee of increased affordability on balance.

Where a specific relaxation of minimum unit sizes is requested, Council should adopt a policy on what is a reasonable minimum. In the interest of livability, we suggest that a reduction much further below 33m2 is not appropriate. Further, approval of any relaxation should be contingent on securing it as permanent or long standing rental market housing or affordable housing.

Citizens of Victoria, who are desperately in need of affordable housing, deserve to have the option of enough space to live in comfortably with a family, to host friends, and to live with dignity rather than merely exist within a small cramped space. Access to sunlight is important but livability is about more than an un-opening window. While small built units can make sense

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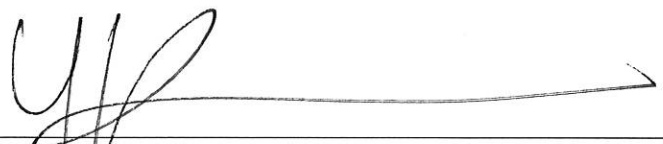
The Law Foundation of British Columbia, United Way of Greater Victoria,
Province of British Columbia,
and other generous donors.

in some locations and for some individuals there must be thought to ensuring a variety of size and form built affordable units.

Please note that the recommendations brought forward in the final report from the Mayor's Task Force on Housing Affordability do not reflect a consensus of the group participants. While TAPS supports many of the recommendations there was not full agreement from all parties on each recommendation. Specifically, TAPS does not support the removal of all minimum unit size requirements in multi-unit developments as noted above.

Sincerely,



Yuka Kurokawa,
Tenant Legal Advocate, TAPS
tenantadvocate@tapsbc.ca

Amanda Ferguson

From: Victoria E. Adams [redacted]
Sent: Thursday, January 26, 2017 6:10 PM
To: Lisa Helps (Mayor); Ben Isitt (Councillor); Charlayne Thornton-Joe (Councillor); Chris Coleman (Councillor); Geoff Young (Councillor); Jeremy Loveday (Councillor); Margaret Lucas (Councillor); Marianne Alto (Councillor); Pam Madoff (Councillor)
Cc: Public Hearings
Subject: Proposed Changes to Victoria's Housing Strategy Implementation - Removing Minimum Unit Sizes - Zoning Regulation Amendement Bylaw (No. 15) No. 16.-094

26 January, 2017

Mayor and Council
City of Victoria

Re: **Proposed Changes to the Victoria Housing Strategy Implementation – Removing Minimum Unit Sizes: Zoning Regulation Amendment Bylaw (No. 15) No. 16-094**

I wish to oppose the proposed bylaws changes to remove the minimum size of residential units in Victoria.

To eliminate the restriction on the size of residential units (allegedly, to increase the number of affordable dwellings by increasing the density of housing in an already limited building environment), will only serve to exacerbate the City's serious housing problem.

Is this change— with the reduction of parking requirements, and revising of secondary suite bylaws— a strategy to serve developers and property investors who use housing as a speculative commercial commodity? Does the City's decision to eliminate minimum size, allow developers to build "micro-unit" condo towers? Or permit hotel-suite conversions into micro-units— many of which are less than 250 square feet – the size of a shoebox, coffin, or closet? This appears to be the real endgame.

The "low hanging fruit" housing plan of the City is nothing but a convenient way to create vehicles for real estate investors to market untaxed, unregulated, high-priced fashionable short-term vacation rentals to well-heeled tourists and others seeking the City's attractions. If micro-apartments are the future of urban housing, they will increase the 'ground rent' or dollar per square foot developers will both earn, and come to expect for their investment. Clearly, the winners in this strategy are: the developers, the owners of posh pieds-a-terre, and the City which reaps the rewards: higher property taxes.

Sixty percent of Victoria residents rent their living accommodation; many have done so for decades. Working families, students, and seniors living on fixed incomes are the losers in this proposed bylaw change. They face growing displacement through "renovictions", (more than 5,000 applications have been received by the Province's Tenancy Branch in the past year), in a city with less than a one percent vacancy rate and unaffordable, unavailable places to move. Others face homelessness with the growing number of older rental homes and apartment property demolitions. Currently 86 percent of the housing supply in the CRD is geared toward households with annual incomes in excess of $100,000.

The erosion of building codes and zoning regulations means that standard-sized living units (one-bedroom units 400-650 sq. feet) which represent the majority of rental units, are now being whittled down to cubicles with Juliet balconies, mini-sized dorm units with built-in beds, shelves and appliances including limited amenities such as shared lounges or roof-top gardens.

Is it coincidence that U.S. cities such as San Francisco, Boston, Washington, and Austin, Texas which are home to numerous legal micro suites also have the highest proportion of Airbnb and other short-term vacation rental units? In other words, is this novel form of accommodation really being introduced to fill a local housing need? Or is it fueled by commercial real estate interests who want to cash in on the lucrative short-term vacation rental market?

Who can live in these boxes? Young, single professionals and high-tech contractors who are willing to walk or bike to work? Is the City being transformed into an exclusive enclave of short-term vacation rentals and compact cubbies for upscale transient tourists and hip Silicon-Valley types? Who among the more than 37 percent of households living alone in this city, (many of whom are retirees), would wish to live in these premium-priced, uncomfortable minimalist units?

In a City which is already facing a significant increase in vehicle-related accidents in the high-density population core, and increased levels of social alienation and depression, miniscule living units pose yet another significant population health risk. Are Seattle's 90 sq. ft. micro units the answer to living a healthy lifestyle? Or are millennial multi-taskers (working three to four part-time jobs) being asked to accept a minimalist, multi-function form of accommodation in the name of modernity?

Before jumping on the bandwagon of housing affordability by reducing the size of a livable dwelling unit, Council needs to consider the potential health risks and crowding challenges that may well outweigh the promised benefits of this change in bylaw regulations. In return for relaxing parking requirements and eliminating minimum unit sizes, how many units will be secured as affordable rental units? Or will such units be restricted to high-income individuals?

Some say that property in Victoria is worth its weight in gold; but, all that glitters is not gold. Especially when the majority of the City's rental households will be evicted and displaced— to make way for these infinitesimal pieces of paradise in the sky or wee ground-oriented tiny homes.

Sincerely,

Victoria Adams
James Bay resident

Burnside Gorge Community Association
T. 250-388-5251 | F. 250-388-5269
info@burnsidegorge.ca | www.burnsidegorge.ca

January 27, 2017

Mayor & Council
#1 Centennial Square
Victoria, BC

Dear Mayor and Council,

The Burnside Gorge Community Association (BGCA) and its Land Use Committee (LUC) are writing in response to the proposed City Council motion to remove the minimum unit size requirements from multi-unit zones throughout Victoria in order to support the Victoria Housing Strategy 2016-2025.

While the BGCA fully supports the goal of providing affordable housing for Victoria's residents, we believe this motion is an inappropriate method of increasing housing affordability in our community. It also contradicts goals laid out in the Official Community Plan, such as developing family-friendly housing in all neighbourhoods. Burnside Gorge has one of the highest concentrations of low-income single occupancy housing in the city, including the many former motels along Gorge Road. The proposed removal of minimum unit sizes in the designated zoning areas basically amounts to single resident occupancy which does not encourage a diversity of housing in the area and does little for the overall development of our community for families.

The BGCA supports the recent City of Victoria Garden Suite initiative and is of the opinion that integrating garden suites throughout the neighbourhood results in a much more cohesive, family oriented community than a localized block of minimally sized units.

As expressed in the past, BGCA also has concerns about a continued precedent being set for affordable housing projects that have their development cost charges waived or reduced. Developers for many rezoning applications for affordable or supportive housing projects in the past few years have argued that the cost of amenity contributions would render their projects unviable. The cumulative effect of waiving amenity contributions is a lack of improvement in the public realm around these projects, many of which are in close proximity to each other. Residents of these developments and the surrounding neighbourhood, deserve access to high quality public infrastructure improvements that DCC's pay for. In the past two months alone, the LUC has heard from developers of 736 Princess Avenue, 3025 Douglas Street, and 2915 Douglas Street (former Super 8) requesting a parking variance to 0. While we applaud the City's efforts to creatively address issues surrounding affordable housing removal of minimum unit sizes stymies our capacity to promote the development of the neighbourhood in line with the recently completed Local Area Plan.

In closing the BGCA is not supportive of the motion to remove minimum unit size requirements. At the same time we wish to reinforce our commitment to working with the City of Victoria and Council in an active and meaningful way for the benefit of our community's development.

Sincerely,

Avery Stetski
President

PUBLIC AND STATUTORY HEARINGS

2. Victoria Housing Strategy Implementation – Removing Minimum Unit Sizes

1. **Public Hearing**
Zoning Regulation Bylaw, Amendment Bylaw (No. 1079) No. 16-094
The purpose of this Bylaw is to amend the *Zoning Regulation Bylaw* to remove minimum unit sizes from multi-unit zones throughout the City of Victoria and to include certain minimum livability standards for dwelling units within those zones. The proposed amendments will affect lands located in the following zones:

R3-AM-1 Zone, Mid-Rise Multiple Dwelling District
R3-AM-2 Zone, Mid-Rise Multiple Dwelling District
R3-G Zone, Garden Apartment District
R-78 Zone, McClure Street Multiple Dwelling District
R3-A-SC Zone, Low Profile Multiple Dwelling (Senior Citizen) District
R3-L Zone, Low Density Multiple Dwelling District
R3-1 Zone, Multiple Dwelling District
R3-2 Zone, Multiple Dwelling District
R3-B Zone, Bonus Multiple Dwelling District
R3-H Zone, High Density Multiple Dwelling District
R3-S Zone, Special Multiple Dwelling District
R3-A1 Zone, Low Profile Multiple Dwelling District
R3-A2 Zone, Low Profile Multiple Dwelling District
CR-3 Zone, Commercial Residential Apartment District
CR-3M Zone, Commercial Residential Apartment Modified District
CR-G Zone, Commercial Residential Gorge Road District
C1-NM Zone, Neighbourhood (Modified) Shopping District
CR-4 Zone, Upper Cook Commercial Residential District
CR-NP Zone, North Park Commercial Residential District
CR-4-OB Zone, Oak Bay Commercial Residential District
T-6 Zone, James Bay Transient Accommodation District
CHP-R3 Zone, Cathedral Hill Precinct (Multiple Dwelling) District.

A. Meyer (Assistant Director of Development Services): Advised that the rezoning application is to amend the Zoning Regulation Bylaw to remove minimum residential unit sizes in multi-unit residential zones.

Mayor Helps opened the public hearing at 9:36 p.m.

Council discussed the following:
- *The allowance of short term vacation rentals.*

Roxanne Leese (Selkirk Aveue): Expressed support for the application as it would allow people who are marginalized to live with dignity.

Marg Gardner (Chair of James Bay Community Association): Expressed concerns regarding the application, as increased density in the James Bay neighbourhood would negatively affect the community.

Mayor Helps closed the public hearing at 9:52 p.m.

2. **Bylaw Approval**

Motion:
It was moved by Mayor Helps, seconded by Councillor Alto, that the following bylaw **be given third reading:**
1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1079) No. 16-094

Council discussed the following:
- *That this would allow for more affordable housing.*
- *Whether the complete elimination of unit size is supportable.*

Motion to refer:
It was moved by Councillor Isitt, seconded by Councillor Madoff, that the motion be referred back to Committee Of The Whole to allow Council and staff to address concerns.

Council discussed the following:
- *Whether further refinements to the bylaw should be made.*
- *That amendments can be made at future meetings, while still allowing for affordable housing to be created in the interim.*

On the motion to refer:
Carried

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

BYLAWS

1. FIRST READING

Motion:
It was moved by Councillor Loveday, seconded by Councillor Coleman, that the following bylaw **be given first reading:**

1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1079) No. 16-094*
   (Bylaw for Victoria Housing Strategy Implementation – Removing Minimum Unit Sizes)

Carried

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

2. SECOND READING

Motion:
It was moved by Councillor Alto, seconded by Councillor Lucas, that the following bylaw **be given first reading:**

1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1079) No. 16-094*
   (Bylaw for Victoria Housing Strategy Implementation – Removing Minimum Unit Sizes)

Carried

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

CITY OF VICTORIA

Council Report
For the Meeting of December 8, 2016

To:	Council	**Date:**	November 25, 2016
From:	Jonathan Tinney, Director, Sustainable Planning and Community Development		
Subject:	Victoria Housing Strategy Implementation – Removing Minimum Unit Sizes		

RECOMMENDATIONS

1. That Council consider first and second readings of Bylaw No. 16-094;
2. That Bylaw No. 16-094 be considered at a Public Hearing to be scheduled by staff.

BACKGROUND

Attached for Council's initial consideration is a copy of the proposed Bylaw No. 16-094. This matter came before Council on September 15, 2016 where the following resolution was approved:

That Council direct staff to:

1. Prepare amendments to the *Zoning Regulation Bylaw* to remove minimum residential unit size regulations and add new regulations that address liveability in the following zones:
   - i. R3-AM-1 Zone, Mid-Rise Multiple Dwelling District
   - ii. R3-AM-2 Zone, Mid-Rise Multiple Dwelling District
   - iii. R3-G Zone, Garden Apartment District
   - iv. R-78 Zone, McClure Street Multiple Dwelling District
   - v. R3-A-SC Zone, Low Profile Multiple Dwelling (Senior Citizen) District
   - vi. R3-L Zone, Low Density Multiple Dwelling District
   - vii. R3-1 Zone, Multiple Dwelling District
   - viii. R3-2 Zone, Multiple Dwelling District
   - ix. R3-B Zone, Bonus Multiple Dwelling District
   - x. R3-H Zone, High Density Multiple Dwelling District
   - xi. R3-S Zone, Special Multiple Dwelling District
   - xii. R3-A1 Zone, Low Profile Multiple Dwelling District
   - xiii. R3-A2 Zone, Low Profile Multiple Dwelling District
   - xiv. CR-3 Zone, Commercial Residential Apartment District
   - xv. CR-3M Zone, Commercial Residential Apartment Modified District
   - xvi. CR-G Zone, Commercial Residential Gorge Road District
   - xvii. C1-NM Zone, Neighbourhood (Modified) Shopping District
   - xviii. CR-4 Zone, Upper Cook Commercial Residential District
   - xix. CR-NP Zone, North Park Commercial Residential District
   - xx. CR-4-OB Zone, Oak Bay Commercial Residential District
   - xxi. T-6 Zone, James Bay Transient Accommodation District

xxii. CHP-R3 Zone, Cathedral Hill Precinct (Multiple Dwelling) District.

2. Bring forward the proposed zoning amendments for consideration of first and second readings in the Fall of 2016.

3. Notify:
   i. the Community Association Land Use Committees, the Urban Development Institute, Together Against Poverty Society, and members of the Mayor's Task Force on Housing Affordability on the proposed zoning amendments through a stakeholder email with an opportunity to comment at a public hearing
   ii. the general public through newspaper notices and the City's website and social media channels, with an opportunity for comment up to, and at the public hearing.

4. That the Zoning Bylaw amendments include the requirement for an operable window in each unit.

CHANGES

Staff have altered the liveability requirements in Council's direction "That the Zoning Bylaw amendments include the requirement for an operable window in each unit" by changing "operable window" to "window to the outside" after further considering the practicality of this requirement. It was stressed that a number of developments may find the requirement to have a window that opens problematic, often posing a safety or security risk. For example, ground floor units with operable windows may present a security concern in some buildings; while in supportive housing or other developments in which residents struggle with mental wellness, addiction, or behavioural issues, a window that opens may, in itself, present a safety risk. Because the BC Building Code contains rules ensuring ventilation and emergency egress, a window that does not open does not pose any risk to safety and access to fresh air. Access to natural light is not covered by the Code, so the inclusion of a new requirement for buildings with no minimum unit size to contain at least one window to the outside will ensure units receive natural light. This new zoning regulation will work in conjunction with the Code to ensure liveability standards are in place, and provide flexibility for developments in need of balancing multiple objectives in their designs.

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: December 1, 2016

Attachment: Bylaw No. 16-094

NO. 16-094

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by amending the Schedule A definitions to include a definition for 'window to the outside' and by amending Zones R3-AM-1, R3-AM-2, R3-G, R-78, R3-A-SC, R3-L, R3-1, R3-2, R3-B, R3-H, R3-S, R3-A1, R3-A2, CR-3, CR-3M, CR-G, C1-NM, CR-4, CR-NP, CR-4-OB, T-6, and CHP-R3 to remove reference to minimum residential unit sizes in multi-unit residential zones and replacing with livability regulations.

The Council of The Corporation of the City of Victoria enacts the following provisions:

Title

1 This Bylaw may be cited as "ZONING REGULATION BYLAW, AMENDMENT BYLAW (No. 1079)"

Zoning Regulation Bylaw

2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended as follows:

(a) In Part 3.10 (R3-AM-1 and R3-AM-2 Zones, Mid-Rise Multiple Dwelling District) of Schedule B:

(i) in section 3.10.15 (Suite Size) by repealing that section and substituting the following new section 3.10.15:

"Livability of Dwelling Units

15. Each self-contained dwelling unit shall have at least one window to the outside."

(b) In Part 3.1 (R3-G Zone, Garden Apartment District) of Schedule B:

(i) in section 3.1.3 (Size of Dwelling Units) by repealing that section and substituting the following new section 3.1.3:

"Livability of Dwelling Units

3 Each self-contained dwelling unit shall have at least one window to the outside."

(c) In Part 3.101 (R-78 Zone, McClure Street Multiple Dwelling District) of Schedule B:

(i) in section 3.101.8 (Self-contained Dwelling Unit Size) by repealing that section and substituting the following new section 3.101.8:

"3.101.8 Livability of Dwelling Units

Each self-contained dwelling unit shall have at least one window to the outside."

(d) In Part 3.13 (R3-A-SC Zone, Low Profile Multiple Dwelling (Senior Citizen) District) of Schedule B:

(i) in section 3.13.3 (Minimum Size of Dwelling Unit) by repealing that section and substituting the following new section 3.13.3:

"Livability of Dwelling Units

3 Each dwelling unit shall have at least one window to the outside."

(e) In Part 3.2 (R3-L Zone, Low Density Multiple Dwelling District) of Schedule B:

(i) in section 3.2.6 (Floor Area) by repealing the following lines:

"Multiple Dwelling conversion (See Sec. 15) $46m^2$"

"Multiple Dwellings $46m^2$"

(ii) in section 3.2.8 (Multiple Dwellings, Churches, and Public Schools) by adding the following new paragraph (i) immediately after paragraph (h):

"(i) Each self-contained dwelling unit in a multiple dwelling shall have at least one window to the outside."

(f) In Part 3.3 (R3-1 and R3-2 Zone, Multiple Dwelling District) of Schedule B:

(i) in sections 3.3.2 and 3.3.3 (Size and Height Restrictions)

(1) by repealing paragraph 3.3.2

(2) by renumbering paragraph 3.3.3 as 3.3.2

(ii) by renumbering all subsequent sections after new section 3.3.2 in new sequential order

(iii) by adding new section 23 immediately after renumbered section 22 (Balcony Enclosures):

"Livability of dwelling units

23 Each dwelling unit in a multiple dwelling shall have at least one window to the outside."

(g) In Part 3.4 (R3-B Zone, Bonus Multiple Dwelling District) of Schedule B:

(i) in section 3.4.2 (Floor Area) by repealing that section and substituting the following new section 3.4.2:

"Livability of Dwelling Units

2. Each dwelling unit in a multiple dwelling shall have at least one window to the outside."

(h) In Part 3.5 (R3-H Zone, High-Density Dwelling District) of Schedule B:

(i) in section 3.5.2 by repealing that section and substituting the following new section 3.5.2:

"2. Each dwelling unit in a multiple dwelling shall have at least one window to the outside."

(i) In Part 3.6 (R3-S Zone, Special Multiple Dwelling District) of Schedule B:

(i) in section 3.6.3 (Floor Area) by repealing that section and substituting the following new section 3.6.3:

"Livability of Dwelling Units

3 Each dwelling unit in a multiple dwelling shall have at least one window to the outside."

(j) In Part 3.9 (R3-A1 and R3-A2 Zone, Low Profile Multiple Dwelling District) of Schedule B:

(i) in section 3.9.8 (Minimum Apartment Size) by repealing that section and substituting the following new section 3.9.8:

"Livability of Dwelling Units

8. Each dwelling unit in a multiple dwelling shall have at least one window to the outside."

(k) In Part 4.14 (CR-3 Zone, Commercial Residential Apartment District) of Schedule B:

(i) in section 4.14.4 (Minimum Apartment Size) by repealing that section and substituting the following new section 4.14.4:

"Livability of Dwelling Units

4 Each dwelling unit in a multiple dwelling shall have at least one window to the outside."

(l) In Part 4.15 (CR-3M Zone, Commercial Residential Apartment Modified District) of Schedule B:

(i) in section 4.15.5 (Minimum Apartment Size) by repealing that section and substituting the following new section 4.15.5:

"Livability of Dwelling Units

5 Each dwelling unit in a multiple dwelling shall have at least one window to the outside."

(m) In Part 4.31 (CR-G Zone, Commercial Residential Gorge Road District) of Schedule B:

(i) in section 4.31.4 (Dwelling Unit Size) by repealing that section and substituting the following new section 4.31.4:

"Livability of Dwelling Units

4 Each dwelling unit in a multiple dwelling shall have at least one window to the outside."

(n) In Part 4.3.1 (C1-NM Zone, Neighbourhood (Modified) Shopping District) of Schedule B:

(i) in section 4.3.1.4 (Minimum Apartment Size) by repealing that section and substituting the following new section 4.3.1.4:

"Livability of Dwelling Units

4 Each dwelling unit in a multiple dwelling shall have at least one window to the outside."

(o) In Part 4.61 (CR-4 Zone, Upper Cook Commercial-Residential District) of Schedule B:

(i) in section 4.61.3

(1) by repealing paragraph 4.61.3(1)

and by renumbering paragraph 4.61.3(2) as 4.61.3

(ii) by adding a new section 4.61.9 immediately after section 4.61.8 (Parking) and adding the following new paragraph:

"Livability of Dwelling Units

9 Each self-contained dwelling unit in a multiple dwelling shall have at least one window to the outside."

(p) In Part 4.62 (CR-NP Zone, North Park Commercial Residential District) of Schedule B:

(i) in section 4.62.4 (Floor Area) by repealing that section and substituting the following new section 4.62.4:

"Livability of Dwelling Units

4 Each self-contained dwelling unit in a multiple dwelling shall have at least one window to the outside."

(q) In Part 4.75 (CR-4-OB Zone, Oak Bay Commercial Residential District) of Schedule B:

(i) in section 4.75.3 by repealing paragraph 4.75.3 b.

(ii) by adding a new section 4.75.9 immediately after section 4.75.8 (Vehicle and Bicycle Parking) and adding the following new section:

"4.75.9 Livability of Dwelling Units

a. Each self-contained dwelling unit in a multiple dwelling shall have at least one window to the outside."

(r) In Part 5.6 (T-6 Zone, James Bay Transient Accommodation District) of Schedule B:

(i) in sections 5.6.2 and 5.6.3 by repealing these two sections (Unit Size)

(ii) in section 5.6.4 by renumbering this section as 5.6.2

(iii) by renumbering all subsequent sections after new section 5.6.2 in new sequential order

(iv) by adding the following new section 5.6.13 immediately after renumbered section 5.6.12 (Parking):

"Livability of Dwelling Units

13 Each self-contained dwelling unit in a multiple dwelling shall have at least one window to the outside."

(s) In Part 8.1 (CHP-R3 Zone – Cathedral Hill Precinct (Multiple Dwelling) District) of Schedule B:

(i) in section 8.1.3 (Buildings) by repealing that section and substituting the following new section 8.1.3:

"3 Each dwelling unit in a multiple dwelling shall have at least one window to the outside."

Effective Date

3 This Bylaw comes into force on adoption.

READ A FIRST TIME the	day of	2016
READ A SECOND TIME the	day of	2016
Public hearing held on the	day of	2016
READ A THIRD TIME the	day of	2016
ADOPTED on the	day of	2016

CITY CLERK MAYOR

REPORTS OF COMMITTEES

1. Committee of the Whole – September 15, 2016

2. Victoria Housing Strategy Implementation – Removing Minimum Unit Sizes

It was moved by Councillor Isitt, seconded by Councillor Thornton-Joe, that Council direct staff to:

1. Prepare amendments to the *Zoning Regulation Bylaw* to remove minimum residential unit size regulations and add new regulations that address liveability in the following zones:
   - i. R3-AM-1 Zone, Mid-Rise Multiple Dwelling District
   - ii. R3-AM-2 Zone, Mid-Rise Multiple Dwelling District
   - iii. R3-G Zone, Garden Apartment District
   - iv. R-78 Zone, McClure Street Multiple Dwelling District
   - v. R3-A-SC Zone, Low Profile Multiple Dwelling (Senior Citizen) District
   - vi. R3-L Zone, Low Density Multiple Dwelling District
   - vii. R3-1 Zone, Multiple Dwelling District
   - viii. R3-2 Zone, Multiple Dwelling District
   - ix. R3-B Zone, Bonus Multiple Dwelling District
   - x. R3-H Zone, High Density Multiple Dwelling District
   - xi. R3-S Zone, Special Multiple Dwelling District
   - xii. R3-A1 Zone, Low Profile Multiple Dwelling District
   - xiii. R3-A2 Zone, Low Profile Multiple Dwelling District
   - xiv. CR-3 Zone, Commercial Residential Apartment District
   - xv. CR-3M Zone, Commercial Residential Apartment Modified District
   - xvi. CR-G Zone, Commercial Residential Gorge Road District
   - xvii. C1-NM Zone, Neighbourhood (Modified) Shopping District
   - xviii. CR-4 Zone, Upper Cook Commercial Residential District
   - xix. CR-NP Zone, North Park Commercial Residential District
   - xx. CR-4-OB Zone, Oak Bay Commercial Residential District
   - xxi. T-6 Zone, James Bay Transient Accommodation District
   - xxii. CHP-R3 Zone, Cathedral Hill Precinct (Multiple Dwelling) District.
2. That staff bring forward the proposed zoning amendments for consideration of first and second readings in the Fall of 2016,
3. That the City notify:
   - i. the Community Association Land Use Committees, the Urban Development Institute, Together Against Poverty Society, and members of the Mayor's Task Force on Housing Affordability on the proposed zoning amendments through a stakeholder email with an opportunity to comment at a public hearing
   - ii. the general public through newspaper notices and the City's website and social media channels, with an opportunity for comment up to and at the public hearing.
4. That the zoning amendments include the requirement for an operable window in each unit.

Carried Unanimously

4.2 Victoria Housing Strategy Implementation – Removing Minimum Unit Sizes

Committee received a presentation and a report dated September 1, 2016 providing information, analysis and recommendations on an approach to amending the *Zoning Regulation Bylaw* to add new regulations that address liveability.

Committee discussed:
- Other liveability standards which may need to be included in the Bylaw.

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

1. Prepare amendments to the *Zoning Regulation Bylaw* to remove minimum residential unit size regulations and add new regulations that address liveability in the following zones:
   i. R3-AM-1 Zone, Mid-Rise Multiple Dwelling District
   ii. R3-AM-2 Zone, Mid-Rise Multiple Dwelling District
   iii. R3-G Zone, Garden Apartment District
   iv. R-78 Zone, McClure Street Multiple Dwelling District
   v. R3-A-SC Zone, Low Profile Multiple Dwelling (Senior Citizen) District
   vi. R3-L Zone, Low Density Multiple Dwelling District
   vii. R3-1 Zone, Multiple Dwelling District
   viii. R3-2 Zone, Multiple Dwelling District
   ix. R3-B Zone, Bonus Multiple Dwelling District
   x. R3-H Zone, High Density Multiple Dwelling District
   xi. R3-S Zone, Special Multiple Dwelling District
   xii. R3-A1 Zone, Low Profile Multiple Dwelling District
   xiii. R3-A2 Zone, Low Profile Multiple Dwelling District
   xiv. CR-3 Zone, Commercial Residential Apartment District
   xv. CR-3M Zone, Commercial Residential Apartment Modified District
   xvi. CR-G Zone, Commercial Residential Gorge Road District
   xvii. C1-NM Zone, Neighbourhood (Modified) Shopping District
   xviii. CR-4 Zone, Upper Cook Commercial Residential District
   xix. CR-NP Zone, North Park Commercial Residential District
   xx. CR-4-OB Zone, Oak Bay Commercial Residential District
   xxi. T-6 Zone, James Bay Transient Accommodation District
   xxii. CHP-R3 Zone, Cathedral Hill Precinct (Multiple Dwelling) District.

2. That staff bring forward the proposed zoning amendments for consideration of first and second readings in the Fall of 2016,

3. That the City notify:
   i. the Community Association Land Use Committees, the Urban Development Institute, Together Against Poverty Society, and members of the Mayor's Task Force on Housing Affordability on the proposed zoning amendments through a stakeholder email with an opportunity to comment at a public hearing
   ii. the general public through newspaper notices and the City's website and social media channels, with an opportunity for comment up to and at the public hearing.

CARRIED UNANIMOUSLY 16/COTW

Amendment: It was moved by Councillor Isitt and seconded by Councillor Loveday, that the motion be amended to include the following:

that the zoning amendment include the requirement for an operable window in each unit.

On the amendment:
CARRIED UNANIMOUSLY 16/COTW

Committee discussed:

- Units including kitchen and bathroom facilities in order to be considered self-contained.
- Varying unit sizes in order to include families, couples and singles.
- Future enforcement of regulations on Airbnb.
- Ensuring that the smaller units will be affordable.
- Utilizing all of the square footage of the unit.
- Creating community spaces and outdoor living spaces

Main motion as amended

1. Prepare amendments to the *Zoning Regulation Bylaw* to remove minimum residential unit size regulations and add new regulations that address liveability in the following zones:
    i. R3-AM-1 Zone, Mid-Rise Multiple Dwelling District
    ii. R3-AM-2 Zone, Mid-Rise Multiple Dwelling District
    iii. R3-G Zone, Garden Apartment District
    iv. R-78 Zone, McClure Street Multiple Dwelling District
    v. R3-A-SC Zone, Low Profile Multiple Dwelling (Senior Citizen) District
    vi. R3-L Zone, Low Density Multiple Dwelling District
    vii. R3-1 Zone, Multiple Dwelling District
    viii. R3-2 Zone, Multiple Dwelling District
    ix. R3-B Zone, Bonus Multiple Dwelling District
    x. R3-H Zone, High Density Multiple Dwelling District
    xi. R3-S Zone, Special Multiple Dwelling District
    xii. R3-A1 Zone, Low Profile Multiple Dwelling District
    xiii. R3-A2 Zone, Low Profile Multiple Dwelling District
    xiv. CR-3 Zone, Commercial Residential Apartment District
    xv. CR-3M Zone, Commercial Residential Apartment Modified District
    xvi. CR-G Zone, Commercial Residential Gorge Road District
    xvii. C1-NM Zone, Neighbourhood (Modified) Shopping District
    xviii. CR-4 Zone, Upper Cook Commercial Residential District
    xix. CR-NP Zone, North Park Commercial Residential District
    xx. CR-4-OB Zone, Oak Bay Commercial Residential District
    xxi. T-6 Zone, James Bay Transient Accommodation District
    xxii. CHP-R3 Zone, Cathedral Hill Precinct (Multiple Dwelling) District.

2. That staff bring forward the proposed zoning amendments for consideration of first and second readings in the Fall of 2016.

3. That the City notify:
    i. the Community Association Land Use Committees, the Urban Development Institute, Together Against Poverty Society, and members of the Mayor's Task Force on Housing Affordability on the proposed

zoning amendments through a stakeholder email with an opportunity to comment at a public hearing

ii. the general public through newspaper notices and the City's website and social media channels, with an opportunity for comment up to and at the public hearing.

4. That the zoning amendment include the requirement for an operable window in each unit.

CARRIED UANIMOUSLY 16/COTW

CITY OF VICTORIA

Committee of the Whole Report
For the Meeting of September 15, 2016

To:	Committee of the Whole	**Date:**	September 1, 2016
From:	Jonathan Tinney, Director, Sustainable Planning and Community Development		
Subject:	**Victoria Housing Strategy Implementation - Removing Minimum Unit Sizes**		

RECOMMENDATION

That Council direct staff to:

1. Prepare amendments to the *Zoning Regulation Bylaw* to remove minimum residential unit size regulations and add new regulations that address liveability in the following zones:

    i. R3-AM-1 Zone, Mid-Rise Multiple Dwelling District
    ii. R3-AM-2 Zone, Mid-Rise Multiple Dwelling District
    iii. R3-G Zone, Garden Apartment District
    iv. R-78 Zone, McClure Street Multiple Dwelling District
    v. R3-A-SC Zone, Low Profile Multiple Dwelling (Senior Citizen) District
    vi. R3-L Zone, Low Density Multiple Dwelling District
    vii. R3-1 Zone, Multiple Dwelling District
    viii. R3-2 Zone, Multiple Dwelling District
    ix. R3-B Zone, Bonus Multiple Dwelling District
    x. R3-H Zone, High Density Multiple Dwelling District
    xi. R3-S Zone, Special Multiple Dwelling District
    xii. R3-A1 Zone, Low Profile Multiple Dwelling District
    xiii. R3-A2 Zone, Low Profile Multiple Dwelling District
    xiv. CR-3 Zone, Commercial Residential Apartment District
    xv. CR-3M Zone, Commercial Residential Apartment Modified District
    xvi. CR-G Zone, Commercial Residential Gorge Road District
    xvii. C1-NM Zone, Neighbourhood (Modified) Shopping District
    xviii. CR-4 Zone, Upper Cook Commercial Residential District
    xix. CR-NP Zone, North Park Commercial Residential District
    xx. CR-4-OB Zone, Oak Bay Commercial Residential District
    xxi. T-6 Zone, James Bay Transient Accommodation District
    xxii. CHP-R3 Zone, Cathedral Hill Precinct (Multiple Dwelling) District.

2. That staff bring forward the proposed zoning amendments for consideration of first and second readings in the Fall of 2016.

3. That the City notify:

    i. the Community Association Land Use Committees, the Urban Development Institute, Together Against Poverty Society, and members of the Mayor's Task Force on Housing Affordability on the proposed zoning amendments through a stakeholder email with an opportunity to comment at a public hearing
    ii. the general public through newspaper notices and the City's website and social media channels, with an opportunity for comment up to and at the public hearing.

EXECUTIVE SUMMARY

The purpose of this report is to provide information, analysis and recommendations on an approach to amending the *Zoning Regulation Bylaw* to remove minimum unit size regulations in multi-unit residential zones as part of implementation of the Victoria Housing Strategy, 2016-2025. Removing minimum unit size restrictions will allow developers to create more units of housing within the same buildable area, which has the potential to positively impact affordability if supply is increased.

City staff recommend Council consider removing minimum unit size regulations by amending each affected zone in the *Zoning Regulation Bylaw* as the best approach. There are 22 multi-unit residential and mixed-use zones that contain minimum residential unit sizes that staff recommend for inclusion in this amendment. To maintain liveability, it is also proposed that a new regulation be inserted into these zones that require at least one operable window to ensure small units have access to natural light and air. Please refer to the maps in Attachment 1 to review the properties affected by this change.

Should Council agree with this approach, staff will prepare the amendment bylaws to bring forward to Council for consideration of readings in the Fall of 2016. Staff will also communicate these proposed changes by notifying the Community Association Land Use Committees (CALUC), the Urban Development Institute (UDI), Together Against Poverty Society (TAPS), as well as members of the Mayor's Housing Affordability Task Force through a stakeholder email; the general public through newspaper notices, information on the City's website and social media channels, and inviting input prior to and at a Public Hearing.

PURPOSE

The purpose of this report is to provide information, analysis and recommendations on an approach to amending the *Zoning Regulation Bylaw* to remove minimum unit size regulations in city-wide multi-unit residential zones as directed in the Victoria Housing Strategy, 2016-2025.

BACKGROUND

The Victoria Housing Strategy

A key objective in Victoria's Strategic Plan, 2015 - 2018, is to Make Victoria More Affordable. The Mayor's Task Force on Housing Affordability was assembled to strategize how to activate that objective and the end result was the implementation of the Victoria Housing Strategy 2016-2025, which was approved by Council on June 16, 2016.

The Housing Strategy contains three broad Strategic Directions to improve housing affordability:

1. **Increase Supply** of attainable housing for low to moderate income households
2. **Encourage Diversity** of housing types, tenures, and prices across the City and within neighbourhoods
3. **Build Awareness** and partnerships for affordable housing through communication, education and advocacy

This report provides recommendations on how to implement a supporting action of Strategic Direction 1, Increase Supply: "Remove minimum unit size regulations in multi-unit residential zones."

ISSUES & ANALYSIS

More affordable housing stock is critically needed in the city of Victoria. Beyond the fiscal challenges of building this type of housing, there are a number of rules and regulations within the City's bylaws that may be acting as further deterrents to developing affordable housing. While the ability to supplement funding falls largely outside the City's purview, the relaxing of restrictions is something the City can control, and a number of actions to this end have been identified in the Victoria Housing Strategy. One of the most easily implemented actions the City can take is removing minimum unit size requirements in zoning to encourage the creation of more units for minimal cost increases, thus translating to more affordability.

Currently, minimum unit sizes are mandated in various forms throughout City zoning except in the Downtown core. City staff did a scan of all multi-unit residential zones outside of Downtown and found 22 zones where minimum unit sizes for multi-unit residential use are indicated in the zoning and could be amended relatively simply. For the purposes of efficiently enacting this action, the minimum unit sizes associated with secondary suites and house conversions are not being considered for this change as evaluations of those regulations have been identified as separate actions in the Housing Strategy.

Zones that indicate minimum unit sizes for multi-unit residential uses are as follows:

Zone		Minimum Floor Area m^2
1. R3-AM-1	Mid-Rise Multiple Dwelling District	33
2. R3-AM-2	Mid-Rise Multiple Dwelling District	33
3. R3-G	Garden Apartment District	33.5
4. R-78	McClure Street Multiple Dwelling District	33
5. R3-A-SC	Low Profile Multiple Dwelling (Senior Citizen) District	28
6. R3-L	Low Density Multiple Dwelling District	46
7. R3-1	Multiple Dwelling District	33
8. R3-2	Multiple Dwelling District	33
9. R3-B	Bonus Multiple Dwelling District	33
10. R3-H	High Density Multiple Dwelling District	33
11. R3-S	Special Multiple Dwelling District	74
12. R3-A1	Low Profile Multiple Dwelling District	33

Zone		Minimum Floor Area m^2
13. R3-A2	Low Profile Multiple Dwelling District	33
14. CR-3	Commercial Residential Apartment District	33
15. CR-3M	Commercial Residential Apartment Modified District	33
16. CR-G	Commercial Residential Gorge Road District	76
17. C1-NM	Neighbourhood (Modified) Shopping District	33
18. CR-4	Upper Cook Commercial Residential District	33
19. CR-NP	North Park Commercial Residential District	33
20. CR-4-OB	Oak Bay Commercial Residential District	33
21. T-6	James Bay Transient Accommodation District	33
22. CHP-R3	Cathedral Hill Precinct (Multiple Dwelling) District	37

Please refer to Attachment 1 for a map showing the extent of properties within these zones that would be affected by this proposed amendment.

Other Jurisdictions

City staff consulted with a sample of municipalities across Vancouver Island, within other Canadian provinces and the United States to determine if there are other jurisdictions that have removed minimum unit sizes from zoning. What staff learned was that no municipality is like another; each have different ways of regulating unit sizes and liveability, and regulations are often tailored to the specific needs of that city. Some municipalities have no minimum unit sizes identified in zoning but make reference to, or rely on, building code requirements that contain size regulations (e.g. Toronto; Portland). Others have a variety of minimum unit sizes depending on the local area and different rules for different types of housing. For example, Vancouver has a minimum unit size for apartments that can be relaxed for projects that will be operated as social housing or secured market rental. Some municipalities noted that their policies were changing, or that updates to outdated zoning regulations and policies are needed as they may not be sufficiently facilitating housing affordability.

Given the variety of ways unit sizes are regulated across municipalities, and that each market has different preferences or levels of acceptance, it is challenging to determine what would be considered best practice in regulating the minimum size of living spaces. Therefore the recommended approach to remove minimum unit sizes in the identified zones is based on Victoria's own experience and practice Downtown, where no minimum unit sizes exist in zoning. Smaller units have already been established and occupied Downtown and are contributing to the diversity of housing options in Victoria without major issues. As a supporting action it is also recommended that consideration for the liveability and quality of units be included in the bylaw amendments as noted below.

Liveability

The development of smaller multi-unit housing raises considerations for liveability, including access to natural light, air, privacy and proximity. Current building code has some regulations to mitigate these concerns such as the inclusion of a closet, adequate ventilation in living units, and a window, though in some cases, bedrooms are not required to have windows under the

building code if the rooms are sprinklered. The *Zoning Regulation Bylaw,* and some development permit area guidelines, deal with liveability in a limited manner through building setbacks. While to some degree liveability is subjective and challenging to measure, staff recommend that a new regulation related to maintaining liveability be inserted into the zones to align with the removal of minimum unit size requirements. A new regulation to require at least one operable window per residential unit could be required, and other liveability matters dealt with during development permit processes.

Parking Regulations Associated with Residential Units

The proposed zoning amendments alone will not fully remove barriers to the achievement of affordable housing. The *Zoning Regulation Bylaw* Schedule 'C' - Off-Street Parking Regulations requires 1.1 to 1.5 parking stalls per residential unit (depending on the zone) which would need to be provided on site or would require a variance process if relaxations were sought; however, the City is in the process of updating Schedule 'C' and examining appropriate parking requirements associated with affordable housing units. In conjunction with potential changes to parking requirements, these proposed zoning amendments to remove minimum unit sizes is the first step towards removing the barrier, and will work together to encourage additional housing supply and diversity.

Bylaw Amendment

To enact this change, staff will revise each of the indicated zones by removing language pertaining to minimum unit sizes and insert in its place recommended language on liveability (specifically the inclusion of at least one operable window per residential unit as described above).

Public Engagement on Proposed Amendments

The Mayor's Task Force on Housing Affordability invited the community to provide feedback on draft recommendations, and sought input through a workshop held June 1, 2015 co-hosted by the City of Victoria, the Urban Development Institute, and the Together Against Poverty Society. The workshop was also webcast live.

Should Council direct staff to proceed with these amendments, the above groups as well as the general public, will be informed of the changes and given opportunity to comment up to and at the Public Hearing.

IMPACTS

2015 - 2018 Strategic Plan

This action is a part of the Victoria Housing Strategy, 2016-2025, which was created to fulfill Objective 6 in the Strategic Plan: Make Victoria More Affordable. This action also exemplifies Objective 1, Innovate and Lead.

Impacts to Financial Plan

This action will have no direct impact on the Financial Plan and can be undertaken using existing staff resources.

Official Community Plan Consistency Statement

This action is consistent with the policy directions of "Land Management and Development" and "Housing and Homelessness" in the *Official Community Plan*.

CONCLUSIONS

Removing minimum unit size requirements in multi-unit residential zones is an easily achievable action that could improve affordability of new housing developments. Its implementation will mark the first of a number of actions identified on the Victoria Housing Strategy to be completed as planned and on schedule, with the long range result being that the City is better situated to achieve housing affordability for owners and renters.

Respectfully submitted,

Lindsay Milburn
Senior Planner - Housing Policy
Community Planning

Jonathan Tinney
Director
Sustainable Planning and Community Development

Report accepted and recommended by the City Manager:

Date: September 9, 2016

List of Attachments

- Attachment 1: Zoning maps showing extent of affected zones.

Zones Proposed for Amendment

City of Victoria

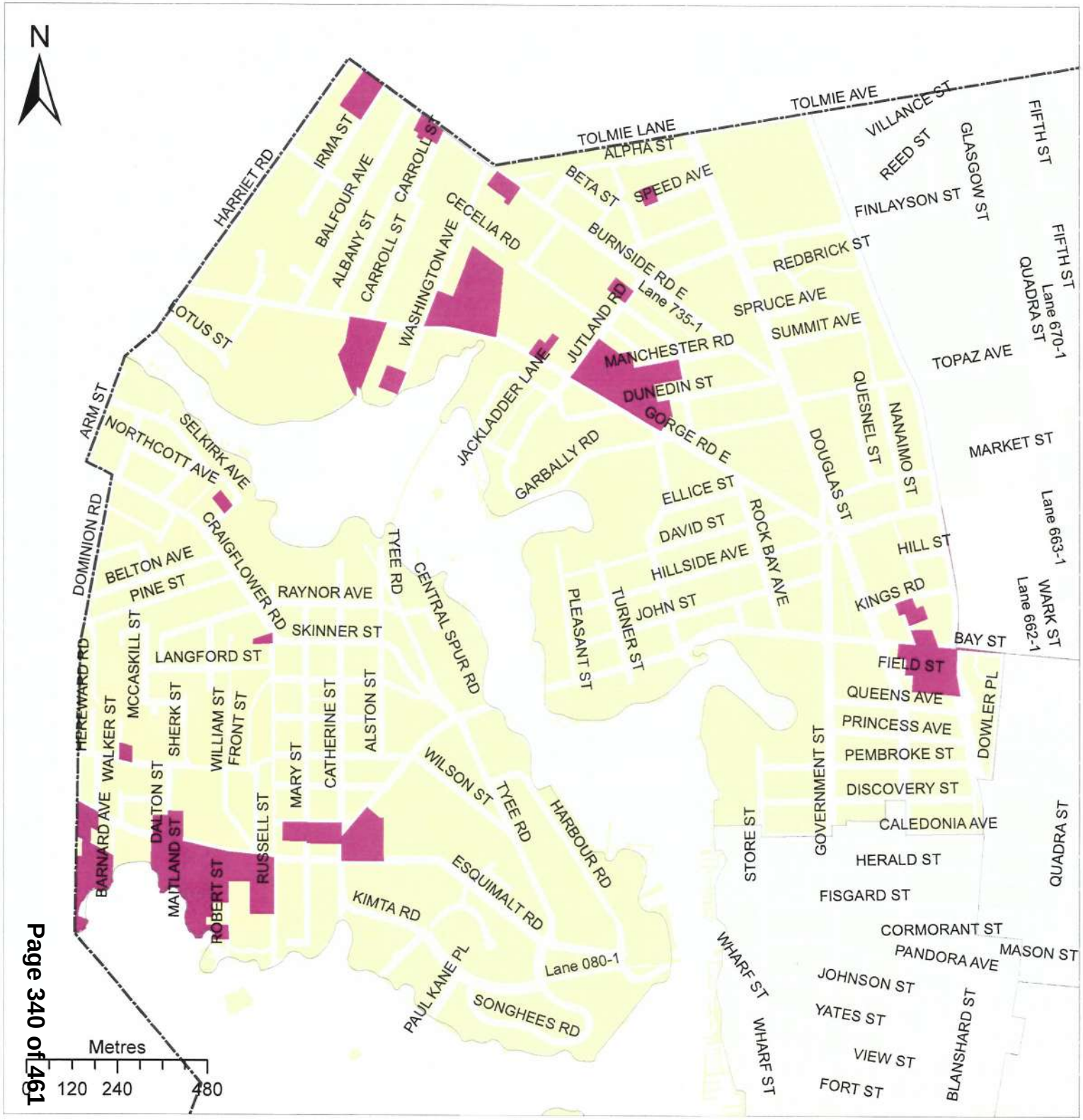
Legend

- City Boundary
- Zones with Multi-Unit Residential

Victoria City Council - 08 Jun 2017

Zones Proposed for Amendment

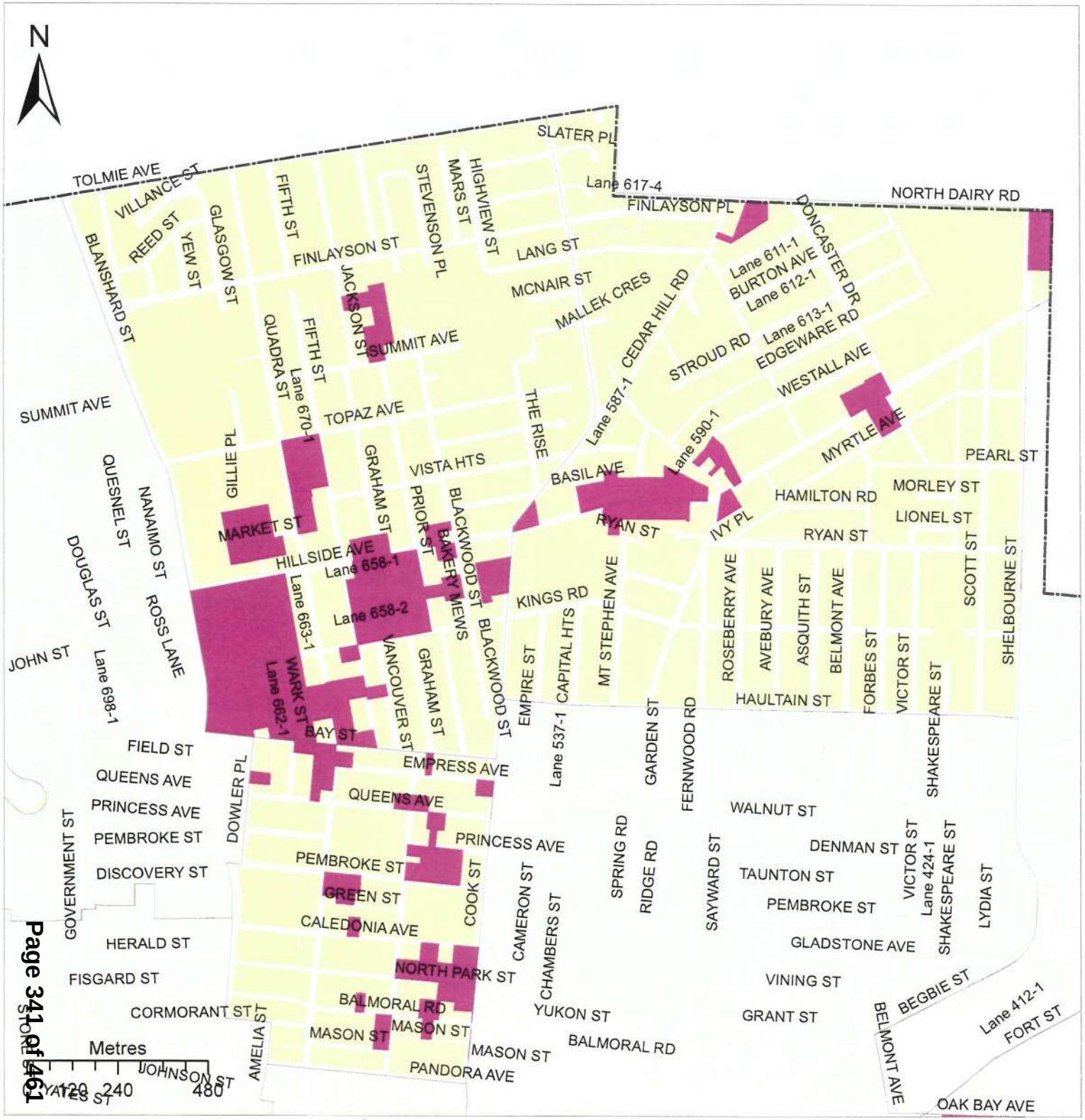
Victoria West and Burnside Gorge



Victoria City Council - 08 Jun 2017

Zones Proposed for Amendment

Hillside Quadra, Oaklands and North Park



Zones Proposed for Amendment
James Bay and Fairfield
Legend
City Boundary
Zones with Multi-Unit Residential
N
Metres
170 340 680
BELLA ST
PRONT ST
MARY ST
RUSSELL ST
BAY ST
ESQUIMALT RD
TYEE RD
HARBOUR RD
ROBERT ST
KIMTA RD
Lane 080-1
SONGHEES RD
STORE ST
GOVERNMENT ST
HERALD ST
FISGARD ST
CORMORANT ST
BLANSHARD ST
QUADRA ST
EMPRESS AVE
QUEENS AVE
PRINCESS AVE
PEMBROKE ST
CALEDONIA AVE
NORTH PARK ST
BALMORAL RD
MASON ST
PANDORA AVE
SPRING RD
RIDGE RD
BAY ST
WALNUT ST
DENMAN ST
TAUNTON ST
PEMBROKE ST
FORBES ST
VICTOR ST
GLADSTONE AVE
VINING ST
GRANT ST
FERNWOOD RD
BEGBIE ST
BELMONT AVE
ST CHARLES ST
CHAMBERS ST
RUDLIN ST
ORMOND ST
ROCKLAND AVE
ROYAL TERR
JOAN CRES
WHARF ST
BROAD ST
DOUGLAS ST
JOHNSON ST
YATES ST
VIEW ST
FORT ST
GORDON ST
COURTNEY ST
MEARES ST
BURDETT AVE
VANCOUVER ST
COOK ST
RICHARDSON ST
Lane 090-1
HURON ST
KINGSTON ST
BELLEVILLE ST
QUEBEC ST
ONTARIO ST
MICHIGAN ST
SUPERIOR ST
MENZIES ST
HUMBOLDT ST
MINTO ST
CARNSEW ST
FAIRFIELD RD
SOUTHGATE ST
OSCAR ST
HAMLEY ST
BROOKE ST
THURLOW RD
MASTERS RD
MOSS ST
MCKENZIE ST
SUTLEJ ST
OLIPHANT AVE
OXFORD ST
BOND ST
MAY ST
LINDEN AVE
NURSERY RD
BRIDGE WAY
CIRCLE DR
FAITHFUL ST
HOWE ST
OLIVE ST
BUSHBY ST
Lane 282-1
DALLAS RD
LOVERS LANE
CLOVER POINT
MONTREAL ST
DOCK ST
PILOT ST
OSWEGO ST
SAN JOSE AVE
SIMCOE ST
NIAGARA ST
BOYD ST
LEWIS ST
SOUTH TURNER ST
TORONTO ST
BEACON ST
BATTERY ST

Zones Proposed for Amendment

Fernwood, Jubilee
Rockland, and Gonzales

Legend

City Boundary

Zones with Multi-Unit Residential

Pamela Martin

Subject: FW: Mayor and Council email

-----Original Message-----
From: webforms@victoria.ca [mailto:webforms@victoria.ca]
Sent: Tuesday, September 13, 2016 9:43 PM
To: Victoria Mayor and Council <mayorandcouncil@victoria.ca>
Subject: Mayor and Council email

From: Elizabeth Conway
Email : [redacted]
Reference :
Daytime Phone : [redacted]
Dear Mayor Helps and Council,

The new minimum square footage
requirement you are proposing are not healthy for human beings and do not equal "
affordable " housing in any city. People need space to breath, particularly in their homes!

Mayor Helps said that condominiums "allow for more units " in a given building, but that benefits developers, not the people living in these units and YES, it does force families out of the downtown area.

It seems to me that you're just trying to satisfy developers greed and to create revenue for the ridiculous excess of restaurants downtown.

In my opinion, the minimum size for all housing should be 500 Sq. Ft. , with the smaller 350 Sq. Ft grandfathered in place.

Lastly, it also seems to me that new, unwanted rabbit hutch size, will suit some of Mayor Helps friends who it is rumoured wish to turn the low cost housing on 705-711 Johnson Street, into tiny condos.

Great! Mayor Helps her friends make money and makes 43 men homeless!

I'm ashamed to be a Victorian.

IMPORTANT NOTICE: This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law.If the reader of this message is not the intended recipient,or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify The City of Victoria immediately by email at publicservice@victoria.ca. Thank you.

[redacted]

Pamela Martin

Subject: FW: 250 FOOT APARTMENTS

From: [redacted]
Sent: Tuesday, September 13, 2016 10:16 AM
To: Councillors <Councillors@victoria.ca>
Subject: 250 FOOT APARTMENTS

Good Morning:

Micro apartments could work. However, if sold as condos such units are likely to be prime candidates for AIRBNB and/or occasional occupation-travelling business persons and snow birds. Perhaps they could be built as rentals, if we are truly looking to improve affordability in a city where over 60% are renters.

As for reducing parking requirements, this is long over due. At up to $50,000 to build an underground parking stall this is a burden on housing costs that no longer reflects reality. Much of such parking infrastructure will some become "stranded assets". For example, recent parking studies in the Cook Street Village area shows that car ownership is in the range of .9 per household, not the 1.4 required under current bylaws. Perhaps this should be job #1 in terms of improving affordability across the city.

Yours truly,

Ken Roueche
47 Howe Street
Victoria V8V 4K2
Canada

Tel: [redacted]

NO. 17-049

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by amending the R3-G, R3-L, R3-S, CR-G, and CHP-R3 Zones to reduce minimum residential unit sizes to 33m^2 to create consistency in multi-unit residential zones throughout the City.

The Council of The Corporation of the City of Victoria enacts the following provisions:

Title

1 This Bylaw may be cited as "ZONING REGULATION BYLAW, AMENDMENT BYLAW (No. 1101)"

Zoning Regulation Bylaw

2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended as follows:

(a) In Part 3.1 (R3-G Zone, Garden Apartment District) of Schedule B in section 3.1.3 (Size of Dwelling Units) by deleting "33.5m^2" and replacing with "33m^2"

(b) In Part 3.2 (R3-L Zone, Low Density Multiple Dwelling District) of Schedule B in section 3.2.6 (Floor Area) by deleting the following lines:

"Multiple Dwelling conversion (See Sec. 15) 46m^2"

"Multiple Dwellings 46m^2"

and substituting the following:

"Multiple Dwelling conversion (See Sec. 15) 33m^2"

"Multiple Dwellings 33m^2"

(c) In Part 3.6 (R3-S Zone, Special Multiple Dwelling District) of Schedule B in section 3.6.3 (Floor Area) by deleting "74m^2" and replacing with "33m^2"

(d) In Part 4.31 (CR-G Zone, Commercial Residential Gorge Road District) of Schedule B in section 4.31.4 (Dwelling Unit Size) by deleting "76m^2" and replacing with "33m^2"

(e) In Part 8.1 (CHP-R3 Zone – Cathedral Hill Precinct (Multiple Dwelling) District) of Schedule B in section 8.1.3 (Buildings) by deleting "37m^2" and replacing with "33m^2"

Effective Date

3 This Bylaw comes into force on adoption.

READ A FIRST TIME the **25th** day of **May** 2017

READ A SECOND TIME the	**25th**	day of	**May**	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

BYLAWS

d. Zoning Regulation Bylaw, Clarifying Amendments: Secondary Suites, Duplexes, and Garden Suites

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

1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1102) No. 17-050*

Carried Unanimously

DRAFT

CITY OF VICTORIA

Council Report
For the Meeting of May 25, 2017

To:	Council	**Date:**	May 11, 2017
From:	Jonathan Tinney, Director, Sustainable Planning and Community Development		
Subject:	Zoning Regulation Bylaw Clarifying Amendments: Secondary Suites, Duplexes, and Garden Suites		

RECOMMENDATIONS

1. That Council consider first and second readings of Bylaw No. 17-050;
2. That Bylaw No. 17-050 be considered at a Public Hearing.

BACKGROUND

Attached for Council's consideration is a copy of proposed Bylaw No. 17-050. Staff have identified three areas in the *Zoning Regulation Bylaw* that require updating to improve clarity and reduce confusion. These changes are editorial in nature and are not introducing new policy changes.

The changes covered in this bylaw are:

1. Remove references to the deleted Schedule J – Secondary Suites in the Table of Contents and several residential zones;
2. Amend the R-2 zone (Two Family Dwelling District) to include the requirement that outdoor features greater than 0.6m in height are subject to site coverage and setback regulations – this change was adopted in January 2016 in all low-density residential zones; however the R-2 zone was missed during that update;
3. Amend Schedule C – Parking to clarify that no additional parking is required for garden suites.

The attached bylaw is presented for Council's consideration for first and second readings and a public hearing.

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: May 17, 2017

Attachments:

1. Appendix 1: Bylaw No. 17-050

No. 17-050

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Zoning Regulation Bylaw by removing reference to deleted Schedule J – Secondary Suites from the Table of Contents and from the R1-A, R1-B, R1-G, R1-G6, R1-G8, R1-35 and R1-39 Zones; amending the R-2 Zone, Two Family Dwelling District by adding the requirement that outdoor features are subject to site coverage, height and setback regulations; and by adding a parking requirement for Garden Suites to Schedule C – Off-Street Parking.

Under its statutory powers, including Section 479 of the *Local Government Act,* the Council of the Corporation of the City of Victoria, in public meeting, enacts as follows:

Title

1 This Bylaw may be cited as "Zoning Regulation Bylaw, Amendment Bylaw (No.1102)".

Zoning Regulation Bylaw

2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in Schedule B as follows:

(a) in the Table of Contents, by deleting "Schedule J Secondary Suite Conversion Regulations" from the list of General Regulations,

(b) by deleting "subject to the regulations in Schedule "J"" from the following subsections:

(i) Part 1.1 – R1-A Zone, Rockland Single Family Dwelling District, section 1.1.1.a,

(ii) Part 1.2 – R1-B Zone, Single Family Dwelling District, section 1.2.1.a,

(iii) Part 1.6 – R1-G Zone, Gonzales Single Family Dwelling District, section 1.6.1.a,

(iv) Part 1.112 – R1-G6 Zone, Chadwick Place Single Family Dwelling District, section 1.112.1.a,

(v) Part 1.127 – R1-39 Zone, Cambridge Single Family Dwelling, section 1.127.1.a,

(c) in Part 1.120 – R1-35 Zone, Langford Street District, by deleting the following:

(i) in section 1.120.1.a "subject to the regulations in Schedule 'J' ",

(ii) the entirety of section 1.120.8 Secondary Suite Regulations and replace with the following: "1.120.8 [intentionally deleted]",

(d) in Part 1.121 – R1-G8 Zone, Foul Bay Single Family Dwelling District, by deleting the following:

(i) in section 1.121.a "subject to the regulations in Schedule 'J' ",

(ii) the entirety of section 1.121.3.d, and

(e) in Part 2.1 – R-2, Two Family Dwelling District by adding the following section 2.1.7 immediately after section 2.1.6:

"

2.1.7 Outdoor Features

a. The setbacks set out in section 2.1.5 apply to outdoor features as though they are buildings

b. Outdoor features may not exceed a height of 3.5m from natural grade or finished grade, whichever is lower".

3 The Zoning Regulation Bylaw is amended in Schedule C – Off-Street Parking, under Building Class A (Residential), by adding number 16 immediately following number 15, and inserting the following building class and associated number of parking spaces:

"16 Garden Suite No off-street parking required".

Effective Date

4 This Bylaw comes into force on adoption.

READ A FIRST TIME the	**25th**	day of	**May**	2017
READ A SECOND TIME the	**25th**	day of	**May**	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

COMMITTEE OF THE WHOLE MOTIONS FROM THE MEETING HELD JUNE 8, 2017

For the Council Meeting of June 8, 2017, the Committee recommends the following:

1. Request to remove restrictive covenant CA4941711 at 2540 Quadra Street (Hillside/Quadra)

That Council authorize the Mayor and City Clerk to execute a legal instrument, in the form satisfactory to the City Solicitor, to discharge covenant number CA4941711 from the property with the civil address of 2540 Quadra Street.

2. First Quarterly Report 2017

That Council receive the First Quarterly report 2017 for information.

That Council direct staff to report to Council with a briefing note including Detailed Design drawings for the crosswalk improvements at Cook and Haultain Streets

That Council direct staff to proceed with planning and implementation of the dog off-leash pilot projects for Fisherman's Wharf Park (one year) and Oaklands Park (one year) in 2017.

3. Social Procurement in Context and Community Benefit Infrastructure Pilot

That Council received the report for information

4. Cycle Network Implementation Update – Fort Street Design

That Council direct staff to:

1. Approve the value-engineered, "complete streets" AAA Bicycle Facility in 2017/2018, and implement the three 800-1000 block crosswalk upgrades in future years;
2. Amend the 2017 Financial Plan to allocate an additional $270,000 from the Gas Tax Reserve to fund the Fort Street project, and authorize staff to proceed to tender a construction contract as outlined in this report;
3. Amend the 2017 Financial Plan to allocate an additional $110,000 from the Accessibility Capital Reserve for accessibility features for the Fort Street Bike Lane project; and
4. The 8 parking spots and taxi stand on 600 block of Fort Street be retained, that we fund the $500,000 by borrowing from the infrastructure reserve and that we repay the infrastructure reserve, with interest, from revenues generated from those 8 parking meters until the amount is repaid.

5. Updated on Rezoning Application No. 00466 and Heritage Alteration Permit Application No. 00214 for 913-929 Burdett Avenue and 914-924 McClure Street (Fairfield)

Rezoning Application No. 00466

1. That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00466 for 913-929 Burdett Avenue and 914-924 McClure Street; and that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council.
2. That Council instruct staff:

   a. To prepare a Housing Agreement Bylaw to secure a minimum of 50% of the total units as market rental for a minimum of 20 years, plus a minimum of 26 units be used as assisted living for a minimum of 20 years, and that future strata bylaws cannot prohibit strata owners from renting residential strata units, and repeal the formerly adopted Housing Agreement from a past development proposal.
   b. That a portion of the units in the building be secured at below market rent.
3. That the introductory readings of these Bylaws be considered by Council and a Public Hearing date be set once the following conditions are met:
   a. Preparation of a Section 219 Covenant for sewage attenuation as required, and executed by the applicant to the satisfaction of the Director of Engineering and Public Works.
4. That Council give authorization for the following, if the Housing Agreement and Rezoning Bylaws are adopted:
   a. Mayor and City Clerk to execute the documents required in order to discharge or terminate the following legal documents related to a past development proposal, which are not applicable to the current development proposal:
      i. S.219 Covenant relating to the provision of full frontage works along the Burdett Avenue and McClure Street frontages
      ii. Statutory Right-of-Way for the provision of a 1.2m public walkway along the east of the property
      iii. Heritage Revitalization Agreement dated February 14, 2008.
   b. Introduction of a bylaw to repeal the February 14, 2008 Heritage Revitalization Agreement, as required.

Heritage Alteration Permit No. 00214
Following consideration of Rezoning Application No. 00466, staff recommend that Council consider this updated motion with respect to Heritage Alteration Permit with Variances No. 00214:

"That Council authorize the issuance of the Heritage Alteration Permit No. 00214 for 913-929 Burdett Avenue and 914-924 McClure Street in accordance with:
1. Plans date stamped May 3, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
   a. increasing the building height from 16.5m to 20.55m
   b. reducing the front yard setback from 10.6m to 8.75m
   c. Reducing the rear yard setback from 5.4m to 4.7m
   d. Reducing the west yard setback from 3.6m to 3.2m for the principal building and from 3.6m to 3.05m for the Cartreff Residence.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of City staff.
4. The Heritage Alteration Permit is subject to the conditions for Mount St. Angela (917-923 Burdett Avenue), the Cartreff Residence (913 Burdett Avenue), and the Temple Residence (924 McClure Street), detailed in Appendix A, Appendix B, and Appendix C attached to this report.
5. Sustainability features and construction achieving the BUILT GREEN® Certification level.
6. The Heritage Alteration Permit lapsing two years from the date of this resolution."

6. Application for a Permanent Change to Hours of Service for a Liquor Primary Licence (212046), D'arcy McGee's, 1127 Wharf Street (Downtown)

That Council direct staff to provide the following response to the Liquor Licensing Agency:

1. Council, after conducting a review with respect to noise and community impacts, does support the application of D'arcy McGee's, located at 1127 Wharf Street to extend closing hours from 1:00 am to 2:00 am on Fridays and Saturdays.

   Providing the following comments on the prescribed considerations:

   a. The impact of noise on the community in the vicinity of the establishment has been considered in relation to the request to extend the hours to 2:00 am on Friday and Saturdays and is not expected be a significant issue.
   b. If the application is approved, the impact on the community is expected to be positive economically as the approval supports the request of the business.
   c. The views of residents were solicited via a mail out to neighbouring property owners and occupiers within 50 metres of the licensed location and a notice posted at the property. The City received one letter in support of the application and three letters opposed to the application which included a letter from the Victoria Downtown Residents Association. The letter from VDRA states a number of concerns related to densification of similar establishments with similar closing hours due the proximity of existing residential units.
   d. Council recommends the issuance of the license.

7. 2016 Regional Growth Strategy - Dispute Resolution Process

That Council advise the CRD of the City's interest in appointing a designated representative to participate in the RGS dispute resolution process.

8. Lessons Learned Policy

That Council receive this report for information.

9. Public Engagement Roadmap

That Council endorse the Public Engagement Roadmap and direct staff to report back for final consideration after consultation.

10. Correspondence Management Policy

That Council approve the Correspondence Management Policy and include an amendment to Section D of the policy:
Correspondence received from the Federal or Provincial Government, ***Regional,*** *Local and First Nations Governments ~~within the capital Regional District~~, shall, where the subject matter warrants…*

CITY OF VICTORIA

Council Report
For the Meeting of June 8, 2017

To:	Council	**Date:**	June 2, 2017
From:	C. Coates, City Clerk		
Subject:	Land Use Contract Discharge Bylaws		

RECOMMENDATION

That Council consider first and second readings of the following bylaws:
1. Bylaw No. 17-055 – Land Use Contract Discharge (104 Dallas Road) Bylaw
2. Bylaw No. 17-056 - Land Use Contract Discharge (1177-1185 Fort Street) Bylaw
3. Bylaw No. 17-057 - Land Use Contract Discharge (1964 Fort Street) Bylaw
4. Bylaw No. 17-058 - Land Use Contract Discharge (1195 Fort Street) Bylaw
5. Bylaw No. 17-059 - Land Use Contract Discharge (1022 Pandora Avenue) Bylaw
6. Bylaw No. 17-060 - Land Use Contract Discharge (717 Market Street and 2735 Douglas Street) Bylaw
7. Bylaw No. 17-061 - Land Use Contract Discharge (902 Caledonia Avenue and 1911 Quadra Street) Bylaw
8. Bylaw No. 17-062 - Land Use Contract Discharge (1633 Hillside Avenue and 3055 Schoot Street) Bylaw
9. Bylaw No. 17-063 - Land Use Contract Discharge (910 Government Street and 525 Broughton Street) Bylaw
10. Bylaw No. 17-064 - Land Use Contract Discharge (1248 Fort Street) Bylaw
11. Bylaw No. 17-065 - Land Use Contract Discharge (1112 Whart Street) Bylaw
12. Bylaw No. 17-066 - Land Use Contract Discharge (1720 Cook Street) Bylaw
13. Bylaw No. 17-067 - Land Use Contract Discharge (1175 Cook Street) Bylaw

BACKGROUND

Attached for Council's initial consideration are copies of the bylaws proposed for the discharge of several Land Use Contracts.

The issue came before Council on April 27, 2017 where the following resolution was approved:

Land Use Contract Termination - Phase 1
That Council direct Staff to draft a bylaw, and bring it forward for Council's consideration, that would terminate the following Land Use Contracts one year after its adoption:
1. H4795 for the property at 104 Dallas Road
2. G87520 for the property at 717 Market Street
3. E36725 for the properties at 902 Caledonia Avenue & 1911 Quadra Street

4. D5298 for the property at 910 Government Street
5. F14579 for the property at 1022 Pandora Avenue
6. A83118 for the property at 1112 Wharf Street
7. H821 for the property at 1175 Cook Street
8. F41707 for the property at 1177-1185 Fort Street
9. G97568 for the property at 1195 Fort Street
10. G34262 for the property at 1248 Fort Street
11. H3131 for the properties at 1633 Hillside Avenue & 3055 Scott Street
12. F67058 for the property at 1720 Cook Street
13. F87124 for the property at 1964 Fort Street

Respectfully submitted,

Chris Coates
City Clerk

Jocelyn Jenkyns
Deputy City Clerk

Report accepted and recommended by the City Manager:

Date: June 2, 2017

NO. 17-055

LAND USE CONTRACT DISCHARGE (104 DALLAS ROAD) BYLAW

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to discharge a land use contract in relation to 104 Dallas Road.

Under its statutory powers, including section 548 of the *Local Government Act*, the Council of the City of Victoria enacts the following provisions:

Title

1 This Bylaw may be cited as the “LAND USE CONTRACT DISCHARGE (104 DALLAS ROAD) BYLAW".

Definitions

2 In this Bylaw,

"Land" means the land civically known as 104 Dallas Road and legally described as Strata Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and the Common Property, Strata Plan VIS1374.

“Land Use Contract” means the contract registered in the Victoria Land Title Office as Instrument No. H4796 and Modification Instrument No. N37866.

Discharge of land use contract

3 The Land Use Contract registered against the Lands is discharged.

4 The Mayor and City Clerk are authorized to execute all documents necessary for the discharge of the Land Use Contract referred to in section 3 of this Bylaw.

Commencement

5 This bylaw comes into force one year after 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.

CITY CLERK MAYOR

NO. 17-056

LAND USE CONTRACT DISCHARGE (1177-1185 FORT STREET) BYLAW

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to discharge a land use contract in relation to 1177-1185 Fort Street.

Under its statutory powers, including section 548 of the *Local Government Act*, the Council of the City of Victoria enacts the following provisions:

Title

1 This Bylaw may be cited as the “LAND USE CONTRACT DISCHARGE (1177-1185 Fort Street) BYLAW".

Definitions

2 In this Bylaw,

"Land" means the land civically known and legally described as

(i) 1177 Fort Street, Lot 3, Fairfield Farm Estate, Victoria City, Plan 675, Except Part Taken for Road Purposes as Shown on Said Plan; and

(ii) 1185 Fort Street, The Westerly 1/2 of Lot 2, Fairfield Farm Estate, Victoria City, Plan 675, Except Part Taken for Road Purposes as Shown on Said Plan.

“Land Use Contract” means the contract registered in the Victoria Land Title Office as Instrument No. F41707 and Modification Instrument No. J100351.

Discharge of land use contract

3 The Land Use Contract registered against the Lands is discharged.

4 The Mayor and City Clerk are authorized to execute all documents necessary for the discharge of the Land Use Contract referred to in section 3 of this Bylaw.

Commencement

5 This bylaw comes into force one year after 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.

CITY CLERK MAYOR

NO. 17-057

LAND USE CONTRACT DISCHARGE (1964 FORT STREET) BYLAW

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to discharge a land use contract in relation to 1964 Fort Street.

Under its statutory powers, including section 548 of the *Local Government Act*, the Council of the City of Victoria enacts the following provisions:

Title

1 This Bylaw may be cited as the “LAND USE CONTRACT DISCHARGE (1964 FORT STREET) BYLAW".

Definitions

2 In this Bylaw,

"Land" means the land civically known as 1964 Fort Street and legally described as Strata lots 1, 2, 3, 4, 5, 6, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32 and the Common Property, Strata Plan VIS842.

“Land Use Contract” means the contract registered in the Victoria Land Title Office as Instrument No. F87124.

Discharge of land use contract

3 The Land Use Contract registered against the Lands is discharged.

4 The Mayor and City Clerk are authorized to execute all documents necessary for the discharge of the Land Use Contract referred to in section 3 of this Bylaw.

Commencement

5 This bylaw comes into force one year after 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.

CITY CLERK MAYOR

NO. 17-058

LAND USE CONTRACT DISCHARGE (1195 FORT STREET) BYLAW

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to discharge a land use contract in relation to 1195 Fort Street.

Under its statutory powers, including section 548 of the *Local Government Act*, the Council of the City of Victoria enacts the following provisions:

Title

1 This Bylaw may be cited as the “LAND USE CONTRACT DISCHARGE (1195 FORT STREET) BYLAW".

Definitions

2 In this Bylaw,

3 "Land" means the land civically known as 1195 Fort Street and legally described as Lot 1, Fairfield Farm Estate, Victoria City, Plan 675, Except Part Taken for Road Purposes as Shown on Said Plan and the East 1/2 Of Lot 2, Fairfield Farm Estate, Victoria City, Plan 675, Except Part Taken For Road Purposes As Shown On Said Plan.

“Land Use Contract” means the contract registered in the Victoria Land Title Office as Instrument No. G97568 and Modification Instrument No. J39731.

Discharge of land use contract

4 The Land Use Contract registered against the Lands is discharged.

5 The Mayor and City Clerk are authorized to execute all documents necessary for the discharge of the Land Use Contract referred to in section 3 of this Bylaw.

Commencement

6 This bylaw comes into force one year after 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.

CITY CLERK MAYOR

NO. 17-059

LAND USE CONTRACT DISCHARGE (1022 PANDORA AVENUE) BYLAW

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to discharge a land use contract in relation to 1022 Pandora Avenue.

Under its statutory powers, including section 548 of the *Local Government Act*, the Council of the City of Victoria enacts the following provisions:

Title

1 This Bylaw may be cited as the “LAND USE CONTRACT DISCHARGE (1022 PANDORA AVENUE) BYLAW".

Definitions

2 In this Bylaw,

"Land" means the land civically known as 1022 Pandora Avenue and legally described as Lot A, Suburban Lot 15, Victoria City, Plan 30174.

“Land Use Contract” means the contract registered in the Victoria Land Title Office as Instrument No. F14579.

Discharge of land use contract

3 The Land Use Contract registered against the Lands is discharged.

4 The Mayor and City Clerk are authorized to execute all documents necessary for the discharge of the Land Use Contract referred to in section 3 of this Bylaw.

Commencement

5 This bylaw comes into force one year after 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.

CITY CLERK MAYOR

NO. 17-060

LAND USE CONTRACT DISCHARGE (717 MARKET STREET AND 2735 DOUGLAS STREET) BYLAW

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to discharge a land use contract in relation to 717 Market Street and 2735 Douglas Street.

Under its statutory powers, including section 548 of the *Local Government Act*, the Council of the City of Victoria enacts the following provisions:

Title

1 This Bylaw may be cited as the “LAND USE CONTRACT DISCHARGE (717 MARKET STREET AND 2735 DOUGLAS STREET) BYLAW".

Definition

2 In this Bylaw,

3 "Land" means the land civically known and legally described as:

(i) 717 Market Street, Lot 1, Section 4, Victoria District, Plan 32835; and

(ii) 2735 Douglas Street, Lot A, Section 4, Victoria District, Plan 28000 except Part in Plan 32835.

“Land Use Contract” means the contract registered in the Victoria Land Title Office as Instrument No. G87520.

Discharge of land use contract

4 The Land Use Contract registered against the Lands is discharged.

5 The Mayor and City Clerk are authorized to execute all documents necessary for the discharge of the Land Use Contract referred to in section 3 of this Bylaw.

Commencement

6 This bylaw comes into force one year after 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.

CITY CLERK MAYOR

NO. 17-061

LAND USE CONTRACT DISCHARGE (902 CALEDONIA AVENUE AND 1911 QUADRA STREET) BYLAW

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to discharge a land use contract in relation to 902 Caledonia Avenue and 1911 Quadra Street.

Under its statutory powers, including section 548 of the *Local Government Act*, the Council of the City of Victoria enacts the following provisions:

Title

1 This Bylaw may be cited as the “LAND USE CONTRACT DISCHARGE (902 CALEDONIA AVENUE AND 1911 QUADRA STREET) BYLAW".

Definitions

2 In this Bylaw,

"Land" means the land civically known as 902 Caledonia Avenue and 1911 Quadra Street and legally described as Lot A, Suburban Lot 7, Victoria City, Plan 29399.

“Land Use Contract” means the contract registered in the Victoria Land Title Office as Instrument No. E36725.

Discharge of land use contract

3 The Land Use Contract registered against the Lands is discharged.

4 The Mayor and City Clerk are authorized to execute all documents necessary for the discharge of the Land Use Contract referred to in section 3 of this Bylaw.

Commencement

5 This bylaw comes into force one year after 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.

CITY CLERK MAYOR

NO. 17-062

LAND USE CONTRACT DISCHARGE (1633 HILLSIDE AVENUE AND 3055 SCOTT STREET) BYLAW

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to discharge a land use contract in relation to 1633 Hillside Avenue And 3055 Scott Street.

Under its statutory powers, including section 548 of the *Local Government Act*, the Council of the City of Victoria enacts the following provisions:

Title

1 This Bylaw may be cited as the “LAND USE CONTRACT DISCHARGE (1633 HILLSIDE AVENUE AND 3055 SCOTT STREET) BYLAW".

Definitions

2 In this Bylaw,

"Land" means the land civically known and legally described as:

(i) 1633 Hillside Avenue, Lot A, Section 29-30, Victoria District, Plan 42972; and

(ii) 3055 Scott Street, Lot B, Section 29-30, Victoria District, Plan 42972.

“Land Use Contract” means the contract registered in the Victoria Land Title Office as Instrument No. H3131 and Modification Instrument No. P89878.

“Covenant” means the covenant, related to the Land Use Contract, registered in the Victoria Land Title Office as Instrument No. P89879.

Discharge of land use contract

3 The Land Use Contract registered against the Lands is discharged.

4 The Mayor and City Clerk are authorized to execute all documents necessary for the discharge of the Land Use Contract referred to in section 3 of this Bylaw.

5 The Mayor and City Clerk are authorized to execute all documents necessary to discharge the Covenant once the Land Use Contract is discharged.

Commencement

6 This bylaw comes into force one year after 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.

CITY CLERK MAYOR

NO. 17-063

LAND USE CONTRACT DISCHARGE (910 GOVERNMENT STREET AND 525 BROUGHTON STREET) BYLAW

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to discharge a land use contract in relation to 910 Government Street and 525 Broughton Street.

Under its statutory powers, including section 548 of the *Local Government Act*, the Council of the City of Victoria enacts the following provisions:

Title

1 This Bylaw may be cited as the “LAND USE CONTRACT DISCHARGE (910 GOVERNMENT STREET AND 525 BROUGHTON STREET) BYLAW".

Definitions

2 In this Bylaw,

"Land" means the land civically known and legally described as:

(i) 910 Government Street, Strata Lot 1, Section 18, Victoria District, Strata Plan VIS612 and the Common Property, Strata Plan VIS612; and

(ii) 525 Broughton Street, Lots A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, and the Common Property, Strata Plan VIS730.

“Land Use Contract” means the contract registered in the Victoria Land Title Office as Instrument No. D5298 and Modification Instruments No. N54256, R21876, EG44906, and EP38282.

Discharge of land use contract

3 The Land Use Contract registered against the Lands is discharged.

4 The Mayor and City Clerk are authorized to execute all documents necessary for the discharge of the Land Use Contract referred to in section 3 of this Bylaw.

Commencement

5 This bylaw comes into force one year after 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.

CITY CLERK MAYOR

NO. 17-064

LAND USE CONTRACT DISCHARGE (1248 FORT STREET) BYLAW

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to discharge a land use contract in relation to 1248 Fort Street.

Under its statutory powers, including section 548 of the *Local Government Act*, the Council of the City of Victoria enacts the following provisions:

Title

1 This Bylaw may be cited as the “LAND USE CONTRACT DISCHARGE (1248 FORT STREET) BYLAW".

Definitions

2 In this Bylaw,

3 "Land" means the land civically known as 1248 Fort Street and legally described as Lot A, Section 4, Spring Ridge, Victoria City, Plan 3041.

“Land Use Contract” means the contract registered in the Victoria Land Title Office as Instrument No. G34262 and Modification Instruments No. S75949, ES2462A.

Discharge of land use contract

4 The Land Use Contract registered against the Lands is discharged.

5 The Mayor and City Clerk are authorized to execute all documents necessary for the discharge of the Land Use Contract referred to in section 3 of this Bylaw.

Commencement

6 This bylaw comes into force one year after 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.

CITY CLERK MAYOR

NO. 17-065

LAND USE CONTRACT DISCHARGE (1112 WHARF STREET) BYLAW

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to discharge a land use contract in relation to 1112 Wharf Street.

Under its statutory powers, including section 548 of the *Local Government Act*, the Council of the City of Victoria enacts the following provisions:

Title

1 This Bylaw may be cited as the “LAND USE CONTRACT DISCHARGE (1112 WHARF STREET) BYLAW".

Definitions

2 In this Bylaw,

"Land" means the land civically known as 1112 Wharf Street and legally described as Lot 1, Victoria City, Plan 26841.

“Land Use Contract” means the contract registered in the Victoria Land Title Office as Instrument No. A83118.

Discharge of land use contract

3 The Land Use Contract registered against the Lands is discharged.

4 The Mayor and City Clerk are authorized to execute all documents necessary for the discharge of the Land Use Contract referred to in section 3 of this Bylaw.

Commencement

5 This bylaw comes into force one year after 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.

CITY CLERK MAYOR

NO. 17-066

LAND USE CONTRACT DISCHARGE (1720 COOK STREET) BYLAW

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to discharge a land use contract in relation to 1720 Cook Street.

Under its statutory powers, including section 548 of the *Local Government Act*, the Council of the City of Victoria enacts the following provisions:

Title

1 This Bylaw may be cited as the “LAND USE CONTRACT DISCHARGE (1720 COOK STREET) BYLAW".

Definitions

2 In this Bylaw,

"Land" means the land civically known as 1720 Cook Street and legally described as Lot 1, Suburban Lots 13 and 14, Victoria City, Plan 30882.

“Land Use Contract” means the contract registered in the Victoria Land Title Office as Instrument No. F67058 and Modification Instrument No. EM1567.

Discharge of land use contract

3 The Land Use Contract registered against the Lands is discharged.

4 The Mayor and City Clerk are authorized to execute all documents necessary for the discharge of the Land Use Contract referred to in section 3 of this Bylaw.

Commencement

5 This bylaw comes into force one year after 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.

CITY CLERK MAYOR

NO. 17-067

LAND USE CONTRACT DISCHARGE (1175 COOK STREET) BYLAW

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to discharge a land use contract in relation to 1175 Cook Street.

Under its statutory powers, including section 548 of the *Local Government Act*, the Council of the City of Victoria enacts the following provisions:

Title

1 This Bylaw may be cited as the “LAND USE CONTRACT DISCHARGE (1175 COOK STREET) BYLAW".

Definitions

2 In this Bylaw,

"Land" means the land civically known as 1175 Cook Street and legally described as Lot A of Lots 1093, 1094 And 1095, Victoria City, Plan 32303.

“Land Use Contract” means the contract registered in the Victoria Land Title Office as Instrument No. H821 and Modification Instrument No. EW121099.

Discharge of land use contract

3 The Land Use Contract registered against the Lands is discharged.

4 The Mayor and City Clerk are authorized to execute all documents necessary for the discharge of the Land Use Contract referred to in section 3 of this Bylaw.

Commencement

5 This bylaw comes into force one year after 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.

CITY CLERK MAYOR

CITY OF VICTORIA

Council Update Report
For the Meeting of June 8, 2017

To: Council **Date:** May 26, 2017

From: Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject: **Land Use Procedures Bylaw Update**

RECOMMENDATION

That Council give 1st and 2nd readings for the attached Land Use Procedures Bylaw which include proposed amendments that would enable staff to approve:

1. Encroachment agreements for awnings, canopies and decorative features that are attached to a building but hang over a City property where the proposal is consistent with an approvable delegated Development Permit.
2. Underpinning encroachment agreements associated with the construction of a building where the construction has been approved by Council.

EXECUTIVE SUMMARY

The purpose of this report is to inform Council that, in accordance with Council's motion of May 25, 2017, the necessary Land Use Procedures Bylaw Amendments as described in the May 18, 2017 Committee of the Whole Report, have been prepared (bylaw attached).

In addition, staff recommend for Council's consideration further changes to the Land Use Procedures Bylaw to address potential liability issues associated with encroachments on City land. The proposed changes would enable the appropriate City staff member to approve agreements for two types of encroachments:

1. The first type of encroachment would be for decorative features that are attached to a building but hang over City property where the proposal is consistent with an approvable delegated Development Permit. This could be for elements such as, awnings, canopies and architectural features. It would not include any type of indoor or outdoor living space such as bay windows or balconies. The delegation would be to:
    a. the Director of Parks, Recreation and Facilities for encroachments of a City park
    b. the Director of Engineering and Public Works for encroachments of a City street; and,
    c. the Head of Strategic Real Estate for encroachments of any other City property.

2. The second type would be for underpinning encroachment agreements where they facilitate the construction of a building that otherwise has been approved by Council. Approval of these encroachments would be delegated to the Director of Engineering.

This delegation would enable staff to complete encroachment agreements in these specific circumstances without obtaining Council approval. It would not give staff more authority over approving delegated Development Permits, but could help streamline processes while ensuring liability issues are addressed.

The fee for an underpinning encroachment agreement pursuant to this delegation will be $750, plus $25 per square metre of area of the proposed excavation face that will be supported by anchor rods and abuts a City street. There will not be any fee for the decorative features encroachment agreement, as the City's position based on the contents of the Official Community Plan is to encourage developers to provide awnings, canopies, etc., as these features provide weather protection and an improved public realm.

These are private encroachment agreements that would not be registered in the Land Title Office; therefore, they do not run with the land to bind future owners. Instead, we have contractually required in the template encroachment agreements, to be appended to the Land Use Procedures Bylaw that in the event of an ownership change the property owner must assign the encroachment agreement to the new owner. The previous owner remains bound by the encroachment agreement if they fail to assign the agreement to the new owner; however, this does not ensure that the encroachment agreement will bind future owners to the same extent that registration in the Land Title Office would.

Staff explored the option of requiring that these agreements be registered in the Land Title Office; however, this would result in a $3000-$5000 cost increase for the applicant for processing these types of delegated approvals, as well as, an additional four to six weeks of processing time for the City. These impacts would largely defeat the purpose of the delegated permit system which is aimed at streamlining processes. It also presents a barrier to introducing items such as canopies and decorative features which ultimately improve the public realm, are identified as desirable in the Official Community Plan and numerous other City policies, yet already come at significant expense to applicants. These factors, combined with the fact that the proposed changes, although not perfect, represent a vast improvement in terms of formalizing these types of building features that overhang City land.

If Council would prefer to not delegate authority to staff to handle these two types of encroachment agreements, the proposed bylaw could be amended by striking out the sections related to this issue and Schedules 1, 4 and 5.

ALTERNATE MOTION

That Council strike out the sections related to this issue and Schedules 1, 4 and 5, and provide 1st and 2nd readings of the attached Land Use Procedures Bylaw as amended.

Respectfully submitted,

Rob Bateman
Senior Process Planner
Development Services Division

Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

Date: June 5, 2017

List of Attachments:

- Proposed Land Use Procedures Bylaw (No. 17-054)

NO. 17-054

LAND USE PROCEDURES BYLAW, AMENDMENT BYLAW (NO. 5)

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Land Use Procedures Bylaw to:

1. clarify the application process for temporary use permits;
2. update application fees related to development applications;
3. eliminate or reduce application fees for developments with affordable housing;
4. delegate approvals of certain types of encroachments to staff; and
5. make housekeeping and process consistency amendments.

Under its statutory powers, including Parts 14 and 15 of the *Local Government Act* and section 154 of the *Community Charter*, the Council of the Corporation of the City of Victoria in a public meeting assembled enacts the following provisions:

Title

1 This Bylaw may be cited as the "LAND USE PROCEDURES BYLAW, AMENDMENT BYLAW (NO. 5)".

Amendments

2 Bylaw No. 16-028, Land Use Procedures Bylaw, 2016, is amended as follows in the table of contents:

(a) in Part 2:

(i) by deleting sections 12, 13, and 26,

(ii) by renumbering sections 14 through 20 as new sections 12 through 18,

(iii) by inserting the following new section 19 – 20 after newly renumbered section 18:

"19. – 20. Affordable Housing application fee",

(iv) by renumbering sections 23 through 25 as new sections 24 through 26,

(v) by inserting the following new section 23 after section 22:

"23. Landscape security",

(vi) by renumbering sections 27 through 33 as new sections 29 through 35,

(vii) by inserting the following new section 27 – 28 after newly renumbered section 26:

"27. – 28. Application Sign Posting Requirements – other applications",

(b) in Part 3:

(i) by renumbering sections 34 through 36 as new sections 36 through 38,

(ii) by inserting the following new section 39 after newly renumbered section 38:

"39. Landscape security delegation",

(iii) by renumbering sections 37 through 41 as new sections 40 through 44,

(c) after newly renumbered section 44, by inserting the following new Part 4:

"**PART 4 – ENCROACHMENTS IN DELEGATED APPROVALS**
45. – 49. Encroachments for decorative features
50. – 53. Encroachments for anchor rods
54. General", and

(d) in Schedules, after "Schedule D Delegated Approvals", by inserting the following:

"Schedule E Landscape Security
Schedule F Encroachment for Decorative Features
Schedule G Encroachment for Anchor Rods".

3 The Land Use Procedures Bylaw, 2016, is further amended as follows in section 4:

(a) by adding the following new definition immediately before the definition for "ADP":

""**affordable housing**" means

any housing units for which both of the following conditions are satisfied:

(a) the development containing the unit is fully owned and operated by a registered non-profit residential housing society or government agency, or a private developer has entered into a legally binding arrangement in perpetuity with a registered non-profit residential housing society or government agency; and

(b) the unit is secured as affordable in a housing agreement or covenant with the City",

(b) by adding the following new definition immediately after the definition for "ADP":

""**anchor rod**" means

any steel or other rod, pipe or thing an intended purpose of which is to shore or support an excavation face or to prevent subsidence",

(c) by adding the following new definition immediately after the definition for "Director":

""**Engineer**" means

the City's Director of Engineering and Public Works or a person acting under his authority", and

(d) by adding the following new definition immediately after the definition for "public hearing":

""**temporary use permit**" or "**TUP**" means
a permit authorized by Section 493 of the *Local Government Act*".

4 The Land Use Procedures Bylaw, 2016, is further amended as follows:

(a) in section 5(d), by striking out "commercial or industrial",

(b) in section 6, by repealing paragraph (b), and substituting the following:

"(b) arrange and participate in a Community Meeting not more than six months in advance of the application submission date.",

(c) in section 7(a), by striking out "Section 26" and substituting "Section 27",

(d) by repealing sections 12 and 13,

(e) by renumbering sections 14 through 20 as new sections 12 through 18,

(f) in newly renumbered section 16, by striking out "Section 17" and substituting "Section 15",

(g) in newly renumbered section 18, by repealing paragraph (c),

(h) in newly renumbered section 18, by renumbering paragraphs (d) and (e) as new paragraphs (c) and (d),

(i) by inserting the following new sections 19 and 20 after the newly renumbered section 18:

"**Affordable Housing application fee**

19. Notwithstanding Section 18, for an application under this Bylaw where all of the dwelling units proposed in the development are affordable housing dwelling units, no base application fee or variance fee is required.

20. Notwithstanding Section 18, for an application under this Bylaw where a portion of the dwelling units proposed in the development are affordable housing dwelling units, the base application fee and variance fee are reduced based on the floor area of affordable housing units as a

percentage of the total floor area of the building. Fees are not reduced for floor areas associated with common areas, parking or amenity space.",

(j) in section 21, by striking out ", or the large project fee, or both,",

(k) by renumbering sections 23 through 26 as new sections 24 through 27,

(l) by inserting the following new section 23 after section 22:

"**Landscape security**

23. The City may require the applicant to provide landscape security calculated in accordance with Schedule E of this Bylaw, and if landscape security is required, it must be provided to the City before issuance of a building permit.",

(m) in newly renumbered section 25, by striking out "Section 33" and substituting "Section 35",

(n) in newly renumbered section 26(d), by striking out "commercial or industrial",

(o) by inserting the following new section 28 after newly renumbered section 27:

"28. Section 27(a) does not apply to City-initiated *Zoning Regulation Bylaw* amendments that involve ten or more parcels.",

(p) by renumbering sections 27 through 36 as new sections 29 through 38,

(q) in newly renumbered section 30, by striking out "consisted" and substituting "consistent",

(r) in newly renumbered section 31(d), by striking out "commercial or industrial",

(s) in newly renumbered section 36, by striking out "set out column C" and substituting "set out in column C",

(t) in newly renumbered section 38, by striking out "Section 35" and substituting "Section 37",

(u) by inserting the following new section 39 after newly renumbered section 38:

"**Landscape security delegation**

39. Council delegates to the Director the authority to require landscape security in accordance with Section 23, which amount shall be calculated in accordance with Schedule E of this Bylaw.",

(v) by renumbering sections 37 through 41 as new sections 40 through 44,

(w) in newly renumbered section 41, by striking out "Direction" and substituting

"Director",

(x) after newly renumbered section 44, by inserting the new Part 4 attached to this Bylaw as Schedule 1,

(y) by repealing Schedule A and substituting the new Schedule A attached to this Bylaw as Schedule 2,

(z) in Schedule B, section 1(d), by striking out "commercial or industrial",

(aa) in Schedule D, in the table for the following Permit Types:

(i) "Landscaping changes without an approved Development Permit or Heritage Alteration Permit",

(ii) "DP for new buildings and building additions that are less than 150m^2 in floor area", and

(iii) "DP for changes to landscaping previously approved under a Development Permit or Heritage Alteration Permit",

by repealing from Column C "A landscape security may be required to ensure compliance with the approved plans.", and

(bb) by adding the new Schedule E, Schedule F and Schedule G attached to this Bylaw as Schedule 3, Schedule 4 and Schedule 5.

Effective Date

5. This Bylaw comes into force one month after the date of adoption.

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 1

"**PART 4 – ENCROACHMENTS IN DELEGATED APPROVALS**

Encroachments for decorative features

45. Council delegates to the individual provided in section 46 the authority to approve an encroachment on the terms provided in sections 48 and 49, if all of the following requirements are satisfied:

    (a) the application has been delegated to the Director in accordance with section 36 of this Bylaw;

    (b) the proposed development does not require any approvals by Council;

    (c) the application includes any awning, canopy, siding, sign or other decorative architectural feature that encroaches upon, under or over City property; and

    (d) in the Engineer's opinion, the encroachment can be removed without affecting the support or stability of the building.

46. The delegated authority to approve an encroachment pursuant to section 45 is the following person (the "**Delegated Authority**"):

    (a) for an encroachment upon, under or over City street, to the Engineer;

    (b) for an encroachment upon, under or over City park, to the City's Director of Parks, Recreation and Facilities; and

    (c) for an encroachment upon, under or over any other City property, to the City's Head of Strategic Real Estate.

47. The delegation authority in section 45 does not apply to any encroachment that contains habitable space, including balconies and bay windows.

48. Any owner of real property desiring permission to excavate for, construct, use or maintain any encroachment permitted by section 45 upon, under or over City property appurtenant to such real property, or desiring permission to continue the existence, maintenance or use of any encroachment permitted by section 45 on City property appurtenant to such real property previously existing, maintained or used without City permission, shall submit to the Delegated Authority a written application accompanied by such plans as the Delegated Authority may require showing the details of such encroachment, to the satisfaction of the Delegated Authority; and the Delegated Authority, upon being satisfied as to the safety and advisability of such encroachment, may grant permission for such encroachment.

49. (a) Before proceeding with the excavation for or construction of or continuing the existence, use or maintenance of an encroachment for which permission has been granted by the City pursuant to section 48, the owner shall first enter into an agreement with the City in the form of

Schedule F.

(b) The Delegated Authority is authorized to execute the agreement in the Form of Schedule F if permission has been granted pursuant to section 48.

Encroachments for anchor rods

50. Council delegates to the Engineer the authority to approve an encroachment on the terms provided in sections 51 to 53, if both of the following requirements are satisfied:

(a) the proposed development has already been approved by Council; and

(b) the application includes any installation of anchor rods that encroach upon, under or over City property.

51. A person intending the installation of anchor rods under any City property shall, before commencing the installation, submit to the Engineer a written application for permission accompanied by plans sealed by a professional engineer indicating the proposed:

(a) depth, length and number of anchor rods;

(b) area of excavation face abutting City property;

(c) details of which anchor rods will be removed, de-tensioned or fully grouted and the time by which they will be removed, de-tensioned or fully grouted; and

(d) such other details as the Engineer may require.

52. The Engineer, if of the opinion that the use of anchor rods will not adversely affect the City's property or interests, may permit the installation of anchor rods pursuant to section 50 in accordance with plans submitted under section 51, if the owner of the real property to which the anchor rods will be appurtenant first:

(a) pays the City a non-refundable fee of $750;

(b) pays the City a one-time charge of $25 per square metre of area of the proposed excavation face that will be supported by anchor rods and abuts a street or lane as calculated by the Engineer; and

(c) enters into an agreement with the City in the form of Schedule G.

53. The Engineer is authorized to execute the agreement in the Form of Schedule G if permission has been granted pursuant to section 52.

General

54. Council delegates to the Engineer and the City Solicitor the authority to grant permission for and authorize the execution by the Engineer of:

(a) a termination of any agreement authorized under this Part 4 pertaining to an encroachment when such encroachment has been removed to the satisfaction of the Engineer;

(b) the assignment of an existing encroachment agreement authorized under this Part 4 to a new property owner; and

(c) the release of an existing encroachment agreement authorized under this Part 4 when such agreement is to be replaced by a new agreement."

Schedule 2

City of Victoria
Bylaw No. 16-028

Schedule A

APPLICATION FEES

1 **Pre-application fee**

The pre-application fee for giving notice of a Community Meeting, is:

(1) $750 if notice of a Community Meeting must be given to owners and occupiers of properties within 100 metres of the subject property; or,

(2) $1250 if notice of a Community Meeting must be given to owners and occupiers of properties within 200 metres of the subject property.

2 **Base application fee**

(1) The base application fee for an application to amend the *Official Community Plan* is $2500.

(2) The base application fee described in paragraph (3) applies to the following applications:

(a) a *Zoning Regulation Bylaw* amendment;

(b) an application to amend a land use contract, if the amendment relates to density or use of an area covered by the contract;

(c) a heritage revitalization agreement bylaw if the agreement or an amendment would permit a change to the use or density of use that is not otherwise authorized by the applicable zoning;

(d) a temporary use permit.

(3) The base application fee for the applications listed in paragraph (2) is calculated as follows, plus $250 for each variance that is requested or proposed in the application:

(a) For an application in which the proposed development is exclusively residential use:

(i) Proposals pertaining to a single family dwelling unit: $2000 per dwelling unit proposed;

(ii) Proposals pertaining to a duplex: $3000;

(iii) Proposals pertaining to a triplex: $4000;

(iv) Proposals pertaining to one, two or three dwelling units that are not captured by paragraph (3)(a)(i), (ii) or (iii): $2000 per dwelling unit proposed;

(v) Proposals pertaining to more than three dwelling units (regardless of dwelling unit type): $6000 plus $0.50 per square metre of floor area

(b) For an application in which the proposed development is non-residential use or mixed use:

(i) Proposals equal to or under 500 square metres: $3000 plus $0.50 per square metre of floor area;

(ii) Proposals over 500 square metres: $6000 plus $0.50 per square metre of floor area.

(4) The base application fee described in paragraph (5) applies to the following applications:

(a) a development permit;

(b) a heritage alteration permit.

(5) The base application fee for the applications listed in paragraph (4) is calculated as follows, plus $250 for each variance that is requested or proposed in the application:

(a) For an application in which the proposed development is exclusively residential use:

(i) Proposals pertaining to a single family dwelling unit: $2000 per dwelling unit proposed;

(ii) Proposals pertaining to a duplex: $3000;

(iii) Proposals pertaining to a triplex: $4000;

(iv) Proposals pertaining to one, two or three dwelling units that are not captured by paragraph (5)(a)(i), (ii) or (iii): $2000 per dwelling unit proposed;

(v) Proposals pertaining to more than three dwelling units (regardless of dwelling unit type): $6000 plus $2.50 per square metre of floor area.

(b) For applications described in paragraphs (5)(a)(i), (ii) and (iii), no fee is required pursuant to paragraph (5) if the application also includes an application under (2), in which case the base application fee in paragraph (3) applies.

(c) For an application in which the proposed development is non-residential use or mixed use:

(i) Proposals equal to or under 500 square metres: $3000 plus $2.50 per square metre of floor area;

(ii) Proposals over 500 square metres: $6000 plus $2.50 per square metre of floor area.

(6) The base application fee for a development variance permit is $750 (includes one variance), plus $250 for each additional variance that is requested or proposed in the application beyond the first.

(7) The base application fee for a development permit for subdivision only is $250 for each new lot that is proposed to be created in the application.

(8) The base application fee for a permit which the Director is authorized to issue is $200.

(9) Notwithstanding paragraph (8), the base application fee for a permit which the Director is authorized to issue in:

(a) Development Permit Area 16 for buildings over 100 m^2 is 50% of the development permit fee as provided in paragraph (5);

(b) Development Permit Area 15E is 50% of the development permit fee as provided in paragraph (5).

(10) For a heritage alteration permit in which the proposed development is for a single family dwelling or a duplex:

(a) If there are no variances, no application fee is required;

(b) If there are variances, the base fee is not required, but the fee for each variance is $250.

(11) The base application fee to allow any “storefront cannabis retailer” use is the greater of $7500 and the application fee calculated in accordance with paragraph (3).

3 **Administration Fee**

(1) The administration fee for an application to amend a bylaw that requires a public hearing, payable when the Council forwards the bylaw to a public hearing, is $1800.

(2) The administration fee for an application in respect of which Council provides an opportunity for public comment, payable when Council determines the date of the opportunity for public comment, is as follows:

(a) For a temporary use permit: $1800;

(b) For all other applications: $200.

4 **Resubmission fee**

(1) If the plans submitted in support of the application require revisions as set out in an Application Review Summary as provided by the TRG, revised plans will be reviewed by City staff and no additional fees will be charged. If the revised plans do not address the requirements as set out in the Application Review Summary, a fee of $500 shall be required for each subsequent resubmission until all technical requirements have been addressed to the satisfaction of the Director.

(2) If plans are revised as a result of changes proposed by the applicant, and not requested by staff, Committee, Council, ADP or HAPL, then an additional fee of $500 shall be required for each new submission.

(3) There is no resubmission fee when an applicant resubmits revised plans in response to comments arising from Committee, Council, ADP or HAPL.

6 **Amendments to existing legal agreements**

The fee to have an existing legal agreement with the City amended is $500 plus the City's legal costs to complete the amendment.

7 **Request Council authorization**

The fee to request staff to prepare and present a report to Council in order to request Council authorization is $1000.

8 **Site profile for contaminated sites**

If a site profile for contaminated sites is required in conjunction with an application, the fee is $100.

Schedule 3

City of Victoria
Bylaw No. 16-028

Schedule E

LANDSCAPE SECURITY

1 **Landscape security amount**

The landscape security will be 120% of the total landscaping cost, based on an estimate of the landscaping costs that the applicant provides to the Director, with a minimum landscape security of $2000.

2 **Landscaping costs**

The landscaping costs included within the estimate provided to the Director include but are not limited to the following:

(1) Tree protection measures;

(2) Landscape grading;

(3) Landscape retaining walls;

(4) Landscape paving;

(5) Landscape structures;

(6) Landscape fencing;

(7) Landscape furnishings, such as benches;

(8) Growing medium;

(9) Labour;

(10) Irrigation; and

(11) Other landscape materials.

Schedule 4

City of Victoria
Bylaw No. 16-028

Schedule F

ENCROACHMENT FOR DECORATIVE FEATURES

EASEMENT (ENCROACHMENT) AGREEMENT

THIS AGREEMENT dated for reference the __th day of ___, _____

BETWEEN:

_____
_____

(the "**Owner**")

AND:

CITY OF VICTORIA
1 Centennial Square, Victoria, British Columbia, V8W 1P6

(the "**City**")

WHEREAS:

A. The Owner is the owner of the Lands (as defined in this Agreement);

B. The Owner has requested that the City grant its permission for the use of the Easement Area (as hereinafter defined), which areas are portions of City property in the City of Victoria, for the purposes of erecting and maintaining a part of a building such part being _____[*insert description of encroaching structures*] and all support structures related thereto (the "**Structures**") over City property as shown on the Easement Area (as hereinafter defined);

C. The City agrees to grant the Owner's request to encroach on the Easement Area, subject to the provisions of the City's bylaws as amended from time to time and subject to the terms and conditions of this Agreement, and the City agrees to grant the Owner an easement in that regard;

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of permission to encroach herein granted, the sum of ONE DOLLAR ($1.00) of lawful money of Canada paid by the Owner to the City, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by both parties, the Owner hereby covenants, promises and agrees with the City as follows:

1. LANDS

1.1 The Owner owns lands situated in Victoria, British Columbia, which is more particularly described as:
Parcel Identifier: _____
_____

(the "**Lands**");

1.2 The City is the owner of that portion of _____ [*insert legal description or name of street if roadway*] comprising an area of _____ square meters as more particularly identified on Plan _____ [*insert specifics of Plan or sketch*] as the easement (the "**Easement Area**"), a reduced copy of which is attached hereto as Schedule "A" (the "**Servient Tenement**").

2. EASEMENT - PERMISSION TO ENCROACH

2.1 Subject to the terms of this Agreement, the City as owner of the Servient Tenement, does hereby grant, convey and confirm unto the Owner as owner of the Lands (as Dominant Tenement) for the benefit of the Lands and to be appurtenant to the Lands for the use and enjoyment of the Owner and its servants, agents, tenants, invitees and licensees and the owner or owners of all or any part of the Lands an easement for the non-exclusive use from time to time in common with the City as owner of the Servient Tenement and its servants, agents, tenants, invitees and licensees, any other persons to whom the City has granted rights to use the Easement Area for the purposes of constructing, installing maintaining, repairing and replacing the Structures (the "**Works**") including the right on the part of the Owner to allow the Structures to remain in and encroach upon the Easement Area in accordance with the terms of this Agreement.

2.2 The Owner shall not erect any work or encroachment in the Easement Area other than the Structures. The Owner shall not permit the Structures to encroach on any City property other than the Easement Area.

3. TERM

3.1 This Agreement commences on the date that it is fully signed by both parties and, subject to Part 13 hereof, expires when the building which the Owner has constructed on the Lands (the "**Building**") is demolished or significantly structurally altered such that the Easement Area is no longer required for the purposes of erecting and maintaining the Structures. For certainty, the easement herein granted will terminate, and will be of no further effect in the event the Building is demolished or removed from the Lands or in the event that the Building is modified such that it no longer encroaches on the Servient Tenement.

4. TITLE

4.1 This Agreement does not give the Owner any legal or equitable interest of any kind in the Easement Area or any exclusive right to occupy the Easement Area. The Easement Area retains its status as a _____[*highway, park, City property*].

5. MAINTENANCE

5.1 The Owner will carry out the Works in a proper and workmanlike manner so as to do as little injury to the Servient Tenement as possible.

5.2 The Owner shall at all times and at its own expense keep and maintain the Structures and the Easement Area in good and sufficient repair and in a neat and clean condition and in a manner which does not pose any risk to persons or property, all to the satisfaction of the City (without any obligation on the part of the City to determine what is sufficient repair or a safe condition).

5.3 The Owner shall make good at its own expense, all damage or disturbance which may be caused to the surface of the Servient Tenement in the exercise of their rights hereunder.

5.4 The Owner shall not make any structural alterations to any Structures in the Easement Area without the prior written consent of the City, which consent will not be unreasonably withheld or delayed, but provided that the Owner may make temporary alterations to any Structures in the event of an emergency in order to prevent or avoid risks to persons or property and that the Owner so soon thereafter as is reasonable in the circumstances applies for the consent of the City with respect to any necessary permanent structural alterations to such Structures.

5.5 If the Owner fails to keep the Structures and Easement Area in good repair and maintenance to the satisfaction of the City, the City may give notice to the Owner demanding that repairs and maintenance be done within the time specified by the City and if the Owner fails to do so, to the City's satisfaction, the City may, in its sole discretion (without any obligation to do so), cause such repairs to be made, including structural changes, as it deems necessary at the Owner's expense. The Owner shall pay the costs of the repairs to the City forthwith on demand.

5.6 In making repairs or doing maintenance, the City may bring and leave upon the Lands and the Easement Area, the necessary materials, tools and equipment and the City shall not be liable to the Owner for any inconvenience, annoyance, loss of business or other injuries suffered by the Owner by reason of the City effecting the repairs or maintenance or doing any work hereunder.

6. DESIGN SPECIFICATIONS

6.1 The Owner shall ensure that any Structures placed in the Easement Area conform to the requirements and specifications of the British Columbia Building Code and all other applicable statutes, regulations, bylaws and codes.

7. ENVIRONMENTAL PROTECTION

7.1 The Owner shall not do or permit to be done anything which may or does contaminate the Easement Area or any surrounding area and the Owner shall be solely responsible to remove all such contamination and remediate it to residential standards.

8. COMPLIANCE WITH LAWS

8.1 The Owner shall in respect of its use of the Easement Area and in relation to the Works and the use of the Structures comply with all applicable statutes, laws, regulations, bylaws, orders and other requirements of every governmental authority having jurisdiction.

9. INDEMNITY AND INSURANCE

9.1 The Owner shall indemnify and hold harmless the City and its elected and appointed officials, officers, employees and agents from all suits, proceedings, losses, damages, expenses, demands, claims, costs (including actual costs of professional advisors and costs associated with remediation of contamination) and harm of any kind, howsoever caused, whether related to death, bodily injury, property loss, property damage or consequential loss or damage, arising out of or in any way connected with:

(a) The permission to encroach granted by this Agreement;

(b) The existence and use of the Easement Area for the purposes of the Works;

(c) Construction, maintenance, existence, use or removal of the Structures;

(d) The Owner's occupation or use of the Servient Tenement or the ground below or the air above for the purpose of such encroachment by the Building;

(e) Any failure to pay for labour and materials relating to the Structures;

(f) Any breach or default by the Owner under this Agreement; and

(g) Any wrongful act, omission or negligence of the Owner, its members, directors, officers, employees, contractors, subcontractors, licensees, invitees, customers and others for whom it is responsible.

9.2 The indemnity in Section 9.1 survives the expiry or earlier termination of this Agreement.

9.3 The Owner will take out and maintain during the Term, a policy of commercial general liability insurance against claims for bodily injury, death or property damage arising out of the use of the Lands by the Owner in the amount of not less than five million dollars per single occurrence, or such greater amount as the City may from time to time designate and shall provide the City with a certificate of insurance evidencing coverage, or a certified copy of such policy or policies if requested .

9.4 All policies of insurance required under section 9.3 shall:

(a) name the City as an additional insured;

(b) contain a provision requiring the insurer not to cancel or change the insurance without first giving the City thirty (30) days notice in writing;

(c) contain a cross liability clause in favour of the City; and

(d) be in a form and on such terms, including with respect to deductible amounts, as are satisfactory to the City, in the City's sole and absolute discretion.

9.5 If the Owner does not provide or maintain in force the insurance required by this Agreement, then without limiting the City's right to terminate this Agreement, the City may take out the necessary insurance and pay the premium for periods of one year at a time and the Owner shall pay to the City the amount of the premium immediately on demand.

9.6 If both the City and the Owner claim to be indemnified under any insurance required by this Agreement, the indemnity shall be applied first to the settlement of the claim of the City and the balance, if any, to the settlement of the claim of the Owner.

9.7 Maintenance of such insurance shall not relieve the Owner of liability under the indemnity provisions of this Agreement.

9.8 The foregoing provisions shall not limit the insurance required by law, nor relieve the Owner from the obligation to determine what insurance it requires for its own purposes.

9.9 No finding of negligence, whether joint or several, as against the City in favour of any third party shall operate to relieve or shall be deemed to relieve the Owner in any manner from any liability to the City, whether such liability arises under this Agreement, under the provisions of the *Community Charter* as amended from time to time, or otherwise.

10. RELEASE

10.1 The Owner releases the City and its elected and appointed officials, officers, employees and agents from all claims of any kind, whether known or unknown, whether or not relating to negligence, which the Owner now has or at any future time may have, however caused, arising out of or in any way connected with the permission to encroach granted by this Agreement, the existence and use of the Easement Area, the Works, or the exercise by the City of any of its rights pursuant to this Agreement.

10.2 The release in Section 10.1 survives the expiry or earlier termination of this Agreement.

11. REMEDIES

11.1 The City retains the right on the termination of this Agreement to proceed with the enforcement of any indemnity or other remedy provided in this Agreement or otherwise.

12. COMPENSATION

12.1 Notwithstanding any provision of this Agreement, the Owner shall not be entitled to compensation for injurious affection or disturbance resulting in any way from the removal of the Structures in accordance with the terms of this Agreement and, without limitation, shall not be entitled to business losses, loss of profit, loss of market value, relocation costs or other consequential loss by reason of the removal of the Structures or by reason of the termination of this Agreement.

13. TERMINATION

13.1 If the Owner fails to comply with the provisions of this Agreement, including, but not limited to, sections 5.2, 6.1, 7.1, 8.1 and 9.3 of the Agreement, this Agreement shall be terminated and all rights of the Owner hereunder shall thereupon lapse and be absolutely forfeited.

13.2 The City may, at any time, in its sole discretion, but acting in good faith, withdraw the rights it has granted to the Owner in this Agreement and terminate this Agreement on 12 months' written notice.

13.3 On receipt of notice under Section 13.1 or 13.2, the Owner shall, within the time period stated in the notice, at its expense, remove the Structures and otherwise restore the Easement Area to the satisfaction of the City.

13.4 If the Owner fails to remove the Structures as required by the City within the time period specified pursuant to this Agreement, the City may, in its sole discretion, cause the Structures to be removed at the Owner's expense.

13.5 In the circumstances described in Section 13.1, the City may, acting reasonably and in good faith, remove the Structures without notice if the subsistence of the Structures constitutes an immediate hazard to the public and if there is no other practical remedy available to the City to alleviate such immediate hazard, at the sole cost of the Owner.

14. ASSIGNMENT

14.1 The Owner shall not assign any of its rights and obligations arising from this Agreement to any person other than to the then-current owner of the Lands.

14.2 The Owner covenants and agrees not to transfer the Lands, or any portion thereof, without advising the purchaser or transferee of this Agreement and assigning the Owner's rights and obligations pursuant to this Agreement to the new owner of the Lands by mutual agreement.

14.3 In the event that the Owner fails to assign the rights and obligations of this Agreement to a new owner of the Lands as described in Section 14.2, the Owner shall continue to be bound by this Agreement in all respects notwithstanding that the Owner no longer owns the Lands.

15. RIGHT OF ENTRY

15.1 The City's employees or agents shall have the right at any and all times to enter into and upon the Lands and the Building for the purpose of maintaining or removing the Structures under this Agreement.

16. ALTERATION TO CITY PROPERTY AND PUBLIC STRUCTURES

16.1 In the event of any alteration or change made necessary to any present or future meter, water service, sewer, or other public structures or utility in the vicinity of the Lands by the construction, maintenance, use or removal of the Structures, the Owner shall reimburse the City or other utility provider for whatever expenses it may incur in making the alterations or changes that are deemed necessary by the City or the utility provider.

17. CITY'S RIGHTS RESERVED

17.1 This Agreement does not in any way restrict the right of the City at any time to widen, raise or lower, or otherwise alter the Servient Tenement abutting or adjoining the Lands (including by allowing the installation of utilities by various utility providers), or make orders or regulations for the use of the Servient Tenement, even if the effect of the alteration or the order or regulation may be to render the Structures, the Easement Area, or both, useless for the purposes of the Owner.

17.2 Nothing contained or implied in this Agreement will derogate from the obligations of the Owner under any other agreement with the City

17.3 Nothing contained or implied in this Agreement shall prejudice or affect the rights and powers of the City in the exercise of its functions under any public or private statutes, bylaws, order and regulations, all of which may be fully and effectively exercised in relation

to the Easement Area as if this Agreement had not been executed and delivered by the parties.

18. LICENCES AND PERMITS

18.1 The Owner shall, at its own expense, obtain and maintain all permits and authorizations as may be necessary and required to erect and maintain the Structures, including any building permit or electrical permit. Nothing in this Agreement relieves the Owner from the ordinary jurisdiction of the City.

19. OTHER MATTERS

19.1 The waiver by the City of default by the Owner shall not be deemed to be a waiver by the City of any subsequent default by the Owner. All waivers must be in writing.

19.2 Whenever it is required or desired that either party deliver a notice to the other, the delivery shall be deemed to be satisfactory if and deemed to have occurred when the notice has been:

(a) Delivered by hand, on the date of delivery; or

(b) Mailed by Xpresspost (Canada Post) requiring signature of the addressee on delivery, on the date received or on the sixth day after receipt of mailing by any Canada Post Office, whichever is the earlier, except that in the event of a strike or disruption in postal service, the notice shall not be deemed to be received until actually received;

to the address for that party on the first page of this Agreement or to whatever other address that may have, from time to time, been given by that party.

19.3 Whenever the singular or masculine is used in this Agreement, the same is deemed to include the plural or the feminine or the body politic or corporate as the context requires.

19.4 Every reference to each party is deemed to include the heirs, executors, administrators, corporate successors, permitted assigns, employees, agents, officers, elected officials and invitees of such party whenever the context so requires or allows.

19.5 Section headings are included for convenience only. They do not form a part of this Agreement and shall not be used in its interpretation.

19.6 If any part of this Agreement is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this Agreement.

19.7 This Agreement shall be governed and construed in accordance with the laws of the Province of British Columbia.

19.8 The parties hereto shall execute and do all such further deeds, acts, things, and assurances as may be reasonably required to carry out the intent of this Agreement.

20. TIME OF ESSENCE

20.1 Time is of the essence of this Agreement.

21. INTERPRETATION

21.1 No part of the fee of the soil of the Servient Tenement will pass to or be vested under or by these presents in the Owner or the Owner's invitees, agents or successors in title.

21.2 This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, successors, administrators and permitted assignees.

21.3 All provisions of this Agreement are to be construed as covenants and agreements as though the word importing covenants and agreements were used in each separate paragraph.

21.4 This Agreement is the entire agreement between the parties and the City had made no representations, warranties, guarantees, promises, covenants or agreements (oral or otherwise), to or with the Owner other than those expressed in this Agreement.

IN WITNESS WHEREOF the said Owner has hereunto set his hand and seal the day and year first above written.

The Corporation of the City of Victoria by its authorized signatories:)

_____)
[insert name and title of Delegated Authority])

_____*[name of owner]*)

by its authorized signatories:)

_____)
Authorized Signatory)

_____)
Authorized Signatory)

SCHEDULE "A"

(insert plan)

Schedule 5

City of Victoria
Bylaw No. 16-028

Schedule G

ENCROACHMENT FOR ANCHOR RODS

THIS AGREEMENT dated for reference the __th day of ___, _____.

BETWEEN:

_____
_____

(the "**Owner**")

AND:

CITY OF VICTORIA
1 Centennial Square, Victoria, British Columbia, V8W 1P6

(the "**City**")

WHEREAS:

A. The Owner is the owner of:
Parcel Identifier: _____
_____

(the "**Land**")

in the City;

B. The Owner has applied to the City for approval of the construction of a _____ [*describe development*] upon the Land, under the terms and conditions of the City of Victoria _____ [*insert permit type and number*].

C. In connection with the construction of the development referred to in Recital B, the Owner has requested the City to grant it permission to construct, use or continue the use or existence of an encroachment onto highways of which the City has the use and possession, which encroachment is appurtenant to the Land;

D. The City has agreed to grant the Owner's request, subject to the provision of all City bylaws and to the terms and condition herein set forth;

NOW THEREFORE, in consideration of the premises and the covenants herein contained and for other valuable consideration, receipt and sufficiency of which is hereby acknowledged by the parties, the parties hereto covenant and agree each with the other as follows:

1.0 ENCROACHMENT

1.1 The City (so far as it legally can, but not otherwise, and subject to this Agreement and applicable statutes and bylaws), grants unto the Owner permission to construct and maintain an encroachment comprising _____ [insert description of works (e.g. anchor rods, shotcrete, soldier piles)] into those parts of _____ [insert street(s) or intersection] (collectively, the "Highways") in the City of Victoria that adjoin the Land, all in accordance with the plans and specifications attached hereto as Schedule "A", (which encroachment, including all excavation or other work now or hereafter performed in connection therewith, is hereinafter referred to as the "Works").

2.0 USE

2.1 The Owner shall not erect any work or encroachment in the Highways other than the Works, nor shall the Owner use the Highways for any purpose save and except the Works. The Owner shall not permit the Works to encroach on any City property other than those portions of the Highways depicted on Schedule "A".

3.0 TERM

3.1 This Agreement commences on the date that it is fully signed by both parties and, subject to Sections 6.15 and 6.16 hereof, expires on _____[*insert date*].

4.0 CONSTRUCTION OF WORKS

4.1 The Owner shall retain a professional engineer licensed to practice in the Province of British Columbia with experience in the design and construction of works of a similar kind to those proposed to be installed under this Agreement (the said engineer to be referred to herein as the "**Owner's Consultant"**). The Owner's Consultant will be responsible for ensuring that the design and construction of the Works at all times is in accordance with sound engineering and construction practices, and is carried out in accordance with the terms of this Agreement.

4.2 The Owner's Consultant must provide written confirmation to the City, prior to the commencement of the construction of the Works, that it has thoroughly investigated the location of existing services and utilities, and that the installation of the Works in their proposed location will not interfere with or cause damage to any existing underground utilities or services, whether of the City, the Capital Regional District, or any private or public utility. The Owner shall be solely responsible for the cost of the location of all such services for the purpose of obtaining and providing such confirmation.

4.3 Prior to the commencement of construction of the Works, the Owner's Consultant must submit a detailed plan, bearing his professional seal showing in cross section the profile of all underground services within the area of the Highways covered by this Agreement, as well as, in relation thereto, the proposed location of all _____ [*insert description of works*] that are to form part of the Works. The City reserves the right to

require that any portion of the Works be relocated, where in the reasonable opinion of the City's Director of Engineering and Public works (the "**Director**"), the proposed location of the Works or any portion thereof may interfere with or damage underground services of the City, the Capital Regional District or any private or public utility, or may impact the protected root zones of City street trees.

4.4 The Works shall be installed strictly in accordance with the plans and specifications that are attached as Schedule "A" to this Agreement, unless the Director authorizes the modification of such plans or specifications.

4.5 The Owner shall at all times and at its own expense keep and maintain the Works and the Highways in good and sufficient repair and in a manner which does not pose any risk to persons or property, all to the satisfaction of the Director (without any obligation on the part of the Director to determine what is sufficient repair or a safe condition).

4.6 If the Owner fails to keep the Works and the Highways in good repair and maintenance to the satisfaction of the Director, the Director may give notice to the Owner demanding that repairs and maintenance be done within the time specified by the City and if the Owner fails to do so, to the City's satisfaction, the City may, in its sole discretion (without any obligation to do so), cause such repairs to be made, including structural changes or filling up any excavation, as it deems necessary at the Owner's expense. The Owner shall pay the costs of the repairs to the City forthwith on demand.

4.7 The Owner shall in respect of its use of the Highways and in relation to the Works comply with all applicable statutes, laws, regulations, bylaws, orders and other requirements of every governmental authority having jurisdiction.

4.8 If during the course of construction the Owner's Consultant determines that any part of the _____ [*insert description of works*] comprising the Works are required to be placed in a location other than shown on the plans and specifications attached as Schedule "A", or determines that additional _____ [*insert description of works*] are required to be installed within the Highways, the Owner's Consultant must first obtain the authorization of the Director before proceeding with such modification to the Works.

4.9 The City makes no representation or warranty as to the subsurface soil conditions within the area of the Highways within which the Works are to be constructed, including as to whether the soil or groundwater within the Highways contains any contamination, special waste or prescribed substance in a quantity or concentration that exceeds the standards permitted under the provisions of the *Environmental Management Act* and Regulations thereto. The City will not be responsible for any increased or additional costs (including, without limitation, any costs associated with delays in proceeding with the Works), incurred by the Owner in constructing the Works as a result of the presence of any such special waste, contamination or prescribed substance, or any other soil or groundwater contamination within the Highways, environmental consultant's fees, the cost of any permits for removal or disposal of contaminated soils or groundwater, or the removal, disposal or treatment of contaminated soil or groundwater that is required to be removed from the Highways as a result of the Works being undertaken, or any other similar costs.

4.10 When backfilling the excavation made in connection with the Works, the Owner's Consultant will ensure that all anchor rods are de-tensioned prior to backfilling, and that all _____ [*insert description of works*] are removed to a depth of at least 4 feet

below grade, or greater if achievable. Backfilling must be brought up to existing grade and completed to City standards and specifications and the satisfaction of the Director.

4.11 After the completion of backfilling, the Owner must provide to the City a set of engineered drawings prepared by the Owner's Consultant that identify in cross section and plan views the location of all anchor rods_____ [*insert any additional works*], as installed (referred to herein as the "**As Built Drawings**"). The Owner must also provide to the City a letter prepared by the Owner's Consultant and bearing his professional seal, certifying that the Works have been installed in accordance with the As Built Drawings hereto modified with the approval of the Director, and that all anchor rods left within the Highways have been de-tensioned.

4.12 The Owner will be responsible throughout the construction of the Works to protect persons and property in the vicinity of the Works from injury, loss or damage.

4.13 The Owner shall not do or permit to be done anything which may or does contaminate the Highways or the surrounding area and the Owner shall be solely responsible to remove all such contamination and remediate it to residential standards.

4.14 The Owner shall at its sole cost arrange to have all of the City's storm drains and sewer mains within the Highways, in the area of the Works, inspected by video camera before commencement and after completion of the Works to ensure that no damage has resulted through construction of the Works. This work shall be coordinated through the City's Underground Utilities Division.

5.0 NO RELIEF

5.1 It is understood, covenanted and agreed by and between the parties hereto that no provision of this Agreement and no act or omission or finding of negligence, whether joint or several, as against the City, in favour of any third party, shall operate to relieve the Owner in any manner whatsoever from any liability to the City in the premises, or under these presents, or under the provisions of the *Community Charter*, or any bylaw of the City and amendments thereto, or otherwise.

6.0 OWNER'S COVENANTS

The Owner further covenants and agrees as follows:

Fee

6.1 That it will pay to the City a non-refundable fee of $750.00 and shall pay a one-time charge of $25 per square meter of area of the proposed excavation face that will be supported by anchor rods and abuts a street or lane as calculated by the Engineer.

_____ [*insert calculation of fee (e.g. 280 m2 x $25.00 / per m2 [Face Area] = $7000.00 + $750.00 = $ 7750.00)*] This fee is to be paid prior to the commencement of the Works.

Save Harmless

6.2 To indemnify and hold harmless the City and its elected and appointed officials, officers,

employees and agents from all suits, proceedings, losses, damages, expenses, demands, claims, costs (including actual costs of professional advisors and costs associated with remediation of contamination) and harm of any kind, howsoever caused, whether related to death, bodily injury, property loss, property damage or consequential loss or damage, arising out of or in any way connected with:

(a) the Works encroaching upon under or over the Highways,

(b) construction, maintenance, existence, use or removal of the Works,

(c) the Owner's occupation or use of the Highways or the ground below or the air above for the purpose of such encroachment by the Works,

(d) the negligence of the Owner or its employees, agents, contractors, subcontractors or consultants, including the Owner's Consultant, in relation to the design or construction of the Works, and

(e) any failure of or damage to the Works at any time, including without limitation, failure due to errors in design of the Works, or faulty or defective materials or workmanship, whether or not the result of negligence on the part of the Owner or it employees, agents, sub-contractors or consultants including the Owner's Consultant.

6.3 That the indemnity in section 6.2 survives the expiry or earlier termination of this Agreement.

6.4 To charge his interest in the Land in favour of the City for the payment of all sums which may at any time hereafter be payable by the City in respect of any claims, loss, damage or expense of whatsoever kind arising:

(a) from the construction, maintenance or existence of the Works, or

(b) from the permission hereby granted,

and to answer any indemnity or payment provided in the bylaws of the City or under the terms of this agreement.

Insurance

6.5 To take out and maintain during the term a policy of commercial general liability insurance against claims for bodily injury, death or property damage arising out of the use of the Land by the Owner in the amount of not less than five million dollars per single occurrence, or such greater amount as the City may from time to time designate and shall provide the City with a certificate of insurance evidencing coverage, or a certified copy of such policy or policies if requested.

6.6 All policies of insurance required under section 6.5 shall:

(a) name the City as an additional insured;
(b) contain a provision requiring the insurer not to cancel or change the insurance without first giving the City thirty (30) days notice in writing;

(c) contain a cross liability clause in favour of the City; and
(d) be in a form and on such terms, including with respect to deductible amounts, as are satisfactory to the City, in the City's sole and absolute discretion.

6.7 That if the Owner does not provide or maintain in force the insurance required by this Agreement, then without limiting the City's right to terminate this Agreement, the City may take out the necessary insurance and pay the premium for periods of one year at a time and the Owner shall pay to the City as additional licence fees the amount of the premium immediately on demand.

6.8 That if both the City and the Owner claim to be indemnified under any insurance required by this Agreement, the indemnity shall be applied first to the settlement of the claim of the City and the balance, if any, to the settlement of the claim of the Owner.

6.9 That maintenance of such insurance shall not relieve the Owner of liability under the indemnity provisions of this Agreement.

6.10 That the foregoing provisions shall not limit the insurance required by law, nor relieve the Owner from the obligation to determine what insurance it requires for its own purposes.

Release

6.11 To release the City and its elected and appointed officials, officers, employees and agents from all claims of any kind, whether known or unknown, whether or not relating to negligence, which the Owner now has or at any future time may have, however caused, arising out of or in any way connected with the permission to encroach granted by this Agreement, the use of the Highways, the Works, or the exercise by the City of any of its rights pursuant to this Agreement.

6.12 That the release in Section 6.11 survives the expiry or earlier termination of this Agreement.

Remedies

6.13 That the City retains the right on the termination of this Agreement to proceed with the enforcement of any indemnity or other remedy provided in this Agreement or otherwise.

Compensation

6.14 That notwithstanding any provision of this Agreement, the Owner shall not be entitled to compensation for injurious affection or disturbance resulting in any way from the removal of the Works in accordance with the terms of this Agreement and, without limitation, shall not be entitled to business losses, loss of profit, loss of market value, relocation costs or other consequential loss by reason of the removal of the Works or by reason of the termination of this Agreement.

Termination

6.15 That if the Owner fails to comply with the provisions of this Agreement, including, but not limited to, sections 4.5, 4.7, 4.13 and 6.5 of the Agreement, this Agreement shall be terminated and all rights of the Owner hereunder shall thereupon lapse and be absolutely

forfeited, but the City, nevertheless, shall be entitled to proceed with the enforcement of any security or indemnity herein provided, or upon any bond or otherwise in satisfaction of any claim, loss or expenses of whatsoever kind arising under this Agreement, or from the permission hereby granted.

6.16 That the City may, at any time, in its sole discretion, but acting in good faith, withdraw the rights it has granted to the Owner in this Agreement and terminate this Agreement on 3 months' written notice.

6.17 That on receipt of notice under Section 6.15 or 6.16, the Owner shall, within the time period stated in the notice, at its expense, remove the Works and otherwise restore the Highways to the satisfaction of the City.

6.18 That if the Owner fails to remove the Works as required by the City within the time period specified pursuant to this Agreement, the City may, in its sole discretion, cause the Works to be removed at the Owner's expense.

Entry

6.19 That the City reserves the right for itself, its servants or agents, at any and all reasonable times, to enter into and upon the Land for the purpose of inspecting the Works so as to determine whether the Owner is in compliance with this Agreement.

Works

6.20 That in the event that the construction, maintenance, use or removal of the Works necessitates any alteration or change to any meter, water service, sewer or other public works or utility in the vicinity of the Works, the Owner will reimburse the City for whatever sums may be incurred by the City in making such alterations or changes as may be deemed necessary by the Director.

7.0 ASSIGNMENT

7.1 The Owner shall not assign any of its rights and obligations arising from this Agreement to any person other than to the then-current owner of the Land.

7.2 The Owner covenants and agrees not to transfer the Land, or any portion thereof, without advising the purchaser or transferee of this Agreement and assigning the Owner's rights and obligations pursuant to this Agreement to the new owner of the Land by mutual agreement.

7.3 In the event that the Owner fails to assign the rights and obligations of this Agreement to a new owner of the Land as described in Section 7.2, the Owner shall continue to be bound by this Agreement in all respects notwithstanding that the Owner no longer owns the Land.

8.0 ALTERATION OF MUNICIPAL WORKS

8.1 This Agreement shall not in any way operate to restrict the right of the City at any time to:

(a) alter the road, curb, gutter, sidewalk or boulevard abutting or adjoining the Land, notwithstanding that the effect of such alteration in width or elevation may be to render the Works useless or of less value for the purposes of the Owner; or

(b) construct or maintain any form of structure or utility on, over or under any portion of the Highways on or in which the Works encroach and for such purpose require that the Works be removed in part or in whole; and

the Owner covenants that, in the event of the City effecting any such alteration or construction or in requiring removal of all or part of the Works, the Owner will release and forever discharge, and hereby releases and forever discharges, the City from all manner of claims of any nature whatsoever, which may arise by reason of such alteration in width or elevation as aforesaid, or by reason of the discontinuance and removal of the Works, as a result of such alteration in width or elevation or construction.

9.0 CITY'S RIGHTS RESERVED

9.1 Nothing contained or implied in this Agreement will derogate from the obligations of the Owner under any other agreement with the City.

9.2 Nothing contained or implied in this Agreement shall prejudice or affect the rights and powers of the City in the exercise of its functions under any public or private statutes, bylaws, order and regulations, all of which may be fully and effectively exercised in relation to the Highways as if this Agreement had not been executed and delivered by the parties.

10.0 LICENCES AND PERMITS

10.1 The Owner shall, at its own expense, obtain and maintain all permits and authorizations as may be necessary and required to erect and maintain the Works, including any building permit or electrical permit. Nothing in this Agreement relieves the Owner from the ordinary jurisdiction of the City.

11.0 OTHER MATTERS

11.1 The waiver by the City of default by the Owner shall not be deemed to be a waiver by the City of any subsequent default by the Owner. All waivers must be in writing.

11.2 Whenever it is required or desired that either party deliver a notice to the other, the delivery shall be deemed to be satisfactory if and deemed to have occurred when the notice has been:

(a) Delivered by hand, on the date of delivery; or
(b) Mailed by Xpresspost (Canada Post) requiring signature of the addressee on delivery, on the date received or on the sixth day after receipt of mailing by any Canada Post Office, whichever is the earlier, except that in the event of a strike or disruption in postal service, the notice shall not be deemed to be received until actually received;

to the address for that party on the first page of this Agreement or to whatever other address that may have, from time to time, been given by that party.

11.3 Whenever the singular or masculine is used in this Agreement, the same is deemed to

include the plural or the feminine or the body politic or corporate as the context requires.

11.4 Every reference to each party is deemed to include the heirs, executors, administrators, corporate successors, permitted assigns, employees, agents, officers, elected officials and invitees of such party whenever the context so requires or allows.

11.5 Section headings are included for convenience only. They do not form a part of this Agreement and shall not be used in its interpretation.

11.6 If any part of this Agreement is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this Agreement.

11.7 This Agreement shall be governed and construed in accordance with the laws of the Province of British Columbia.

11.8 The parties hereto shall execute and do all such further deeds, acts, things, and assurances as may be reasonably required to carry out the intent of this Agreement.

12.0 TIME OF ESSENCE

12.1 Time is of the essence of this Agreement.

13.0 INTERPRETATION

13.1 No part of the fee of the soil of the Highways will pass to or be vested under or by these presents in the Owner or the Owner's invitees, agents or successors in title.

13.2 This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, successors, administrators and permitted assignees.

13.3 All provisions of this Agreement are to be construed as covenants and agreements as though the word importing covenants and agreements were used in each separate paragraph.

13.4 This Agreement is the entire agreement between the parties and the City had made no representations, warranties, guarantees, promises, covenants or agreements (oral or otherwise), to or with the Owner other than those expressed in this Agreement.

IN WITNESS WHEREOF the said Owner has hereunto set his hand and seal the day and year first above written.

The Corporation of the City of Victoria by its authorized signatory)
)
)
)
)
)
_____)
[*Insert name*])
Director of Engineering and Public Works)

_____[*name of owner*])
)
by its authorized signatories:)
)
)
_____)
Authorized Signatory)
)
)
_____)
Authorized Signatory)

SCHEDULE "A"

(insert plans and specifications)

PUBLIC AND STATUTORY HEARINGS

3. Rezoning Application No. 00458 for 149 Montreal Street

1. **Public Hearing**
Rezoning Application No. 00458
To amend the Zoning Regulation Bylaw for the R1-8 Zone, Montreal Day Care District, relating to the lands known as 149 Montreal Street to add as a permitted use a day care that accommodates not more than 32 children and adding regulations relating to floor area, building height, setbacks and parking.

Existing Zone: R1-8 Zone, Montreal Day Care District

Legal Description: Lot 1, Section 25, Beckley Farm, Victoria City, Plan 5275

Leanne Taylor (Senior Planner): *Advised that the application is to allow for the proposal of a daycare building.*

Mayor Helps opened the public hearing at 7:13 p.m.

Rosalie Chartrand-Rodrigue (James Bay Child Care Society Expansion Chair): Provided information regarding the application by outlining the purpose of their non-profit group, the building design, and parking concern mitigation that has been undertaken.

Council discussed the following:
- *The possibility of having a covenant placed on the property, limiting the hours of operation.*
- *The limited level of consultation that has occurred between the applicant and neighbours.*

Nicholas Read (Montreal Street): Expressed concerns relating to the application, as the number of children allowed in a residential neighbourhood should be limited to mitigate neighbourhood impacts.

Councillor Coleman joined the meeting at 7:42 p.m.

Enid Elliot (Menzies Street): Expressed support for the application, as there is a need for daycares in the James Bay neighbourhood.

Tim Thielmann (Berwick Street): Expressed support for the application, as there is a need for daycares in the James Bay neighbourhood.

Nicole Little (Niagara Street): Expressed concerns relating to the application, due to issues with increased traffic and increased density in the James Bay neighbourhood.

Caren Zilber-Shlensky (Wildwood Avenue): Expressed support for the application, as there is a need for daycares in the James Bay Neighbourhood.

Caitlyn Lemiski (Balmoral Road): Expressed support for the application, and advised that as the new president of the James Bay Child Care Society, further consultation with neighbours will be undertaken.

Deanne Loubardeas (Niagara Street): Expressed concerns relating to the application, due to issues with increased density in the James Bay neighbourhood and the negative impact on neighbours.

Chante Davis (Lewis Street): Expressed support for the application, as there is a need for daycares in the James Bay neighbourhood.

Peter Brown (Montreal Street): Expressed concerns relating to the application, as it will negatively impact the neighbours.

Sandy Bannikoff (St. Lawrence Street): Expressed concerns relating to the application, as it will create traffic congestion.

Alanna Dixon (Dallas Road): Expressed support for the application, as there is a need for daycares in the James Bay neighbourhood.

Lindsay Surly (Michigan Street): Expressed support for the application, as there is a need for daycares in the James Bay neighbourhood.

Councillor Lucas withdrew from the meeting at 8:20 p.m. and returned at 8:23 p.m.

Lincoln Shlensky (Wildwood Avenue): Expressed support for the application, as there is a need for daycares in the James Bay neighbourhood.

Thomas Maler (Ladysmith Street): Expressed concerns relating to the application, due to parking concerns and as it will negatively impact the neighbours.

Roberta Turton (Simcoe Street): Expressed support for the application, as there is a need for daycares in the James Bay neighbourhood.

Danielle Davis (Davie Street): Expressed support for the application, as there is a need for daycares in the City of Victoria.

Melissa Dubois (Inverness Road): Expressed support for the application, as there is a need for daycares in the City of Victoria.

Kelsey O'Romey (Bay Street): Expressed support for the application, as there is a need for daycares in the City of Victoria.

Beth Collins (Berwick Street): Expressed support for the application, as there is a need for daycares in the James Bay neighbourhood.

Richard Martin (Simcoe Street): Expressed concerns relating to the application, as it will negatively impact the neighbours.

Lindsay Robertson (Niagara Street): Expressed support for the application, as there is a need for densification and daycares in the James Bay neighbourhood.

Jamal Hammoud (North Park Street): Expressed support for the application, as there is a need for daycares in the City of Victoria.

Council discussed the following:

- *Whether a covenant to restrict hours of the daycare operation would be viable.*

Councillor Loveday withdrew from the meeting at 8:53 p.m. and returned at 8:54 p.m.

- *Whether reducing the number of children would make the application more supportable and would be feasible for the applicant.*

Councillor Isitt withdrew from the meeting at 9:01 p.m. and returned at 9:03 p.m.

Mayor Helps closed the public hearing at 9:03 p.m.

Council recessed from 9:03 p.m. to 9:11 p.m.

2. **Bylaw Approval**

Motion:
It was moved by Mayor Helps, seconded by Councillor Isitt, that the following bylaw **be given third reading:**
1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1071) No. 17-015

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

Subject to registration of a covenant on title restricting child-care operations to 7:00 am - 6:00 pm from Mondays to Fridays, while permitting Board Meetings and janitorial work outside these hours, and permitting no more than two special events per month outside these hours.

On the amendment:
Carried Unanimously

Council discussed the following:
- *Whether restricting the hours of child-care operations mitigates the impact on neighbours, while allowing for an increase in daycare facilities in the James Bay neighbourhood.*
- *The impact that 32 children may have on the residential neighbourhood.*
- *How parking and traffic concerns could be mitigated.*

Main motion as amended:
That the following bylaw be given third reading:
1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1071) No. 17-015

Subject to registration of a covenant on title restricting child-care operations to 7:00 am - 6:00 pm from Mondays to Fridays, while permitting Board Meetings and janitorial work outside these hours, and permitting no more than two special events per month outside these hours.

On the main motion as amended:
Carried Unanimously

Final adoption of Zoning Regulation Bylaw, Amendment Bylaw (No. 1071) No. 17-015, pending execution of legal document.

NO. 17-015

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Zoning Regulation Bylaw for the R1-8 Zone, Montreal Day Care District, to add as a permitted use a day care that accommodates not more than 32 children and adding regulations relating to floor area, building height, setbacks, site coverage and parking.

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.1071)".

2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in Schedule B, Part 1.61 *[R1-8 Zone, Montreal Day Care District]* as follows:

(a) by repealing Sections 1, 2 and 3 and replacing those Sections with the following new Sections in Schedule 1 of this Bylaw:

"Sections 1.61.1 through 1.61.6."

READ A FIRST TIME the	**13th**	day of	**April**	2017
READ A SECOND TIME the	**13th**	day of	**April**	2017
Public hearing held on the	**27th**	day of	**April**	2017
READ A THIRD TIME the	**27th**	day of	**April**	2017
ADOPTED on the		day of		2017

CITY CLERK MAYOR

PART 1.61 – R1-8 ZONE, MONTREAL DAY CARE DISTRICT

1.61.1 Permitted Uses in this Zone

The following uses are the only uses permitted in this Zone:

a. All of the uses permitted in the R1-B Zone, Single Family Dwelling District.

b. A day care that accommodates not more than 32 children

1.61.2 General

If the primary use of a Lot is a use permitted in the R1-B, Single Family Dwelling District,

a. The regulations in the R1-B Zone, Single Family Dwelling District apply

b. The regulations set out in Parts 1.61.3-1.61.6 do not apply

1.61.3 Floor Area, Lot Area and Lot Width

a. Floor area, for the first and second storeys combined (maximum)	300m^2
b. Floor area, of all floor levels combined (minimum)	70m^2
c. Lot area (minimum)	460m^2
d. Lot width (minimum average)	15m

1.61.4 Height, Roof Decks

a. Principal building height (maximum)	8.0m
b. Roof deck	Not Permitted

PART 1.61 – R1-8 ZONE, MONTREAL DAY CARE DISTRICT

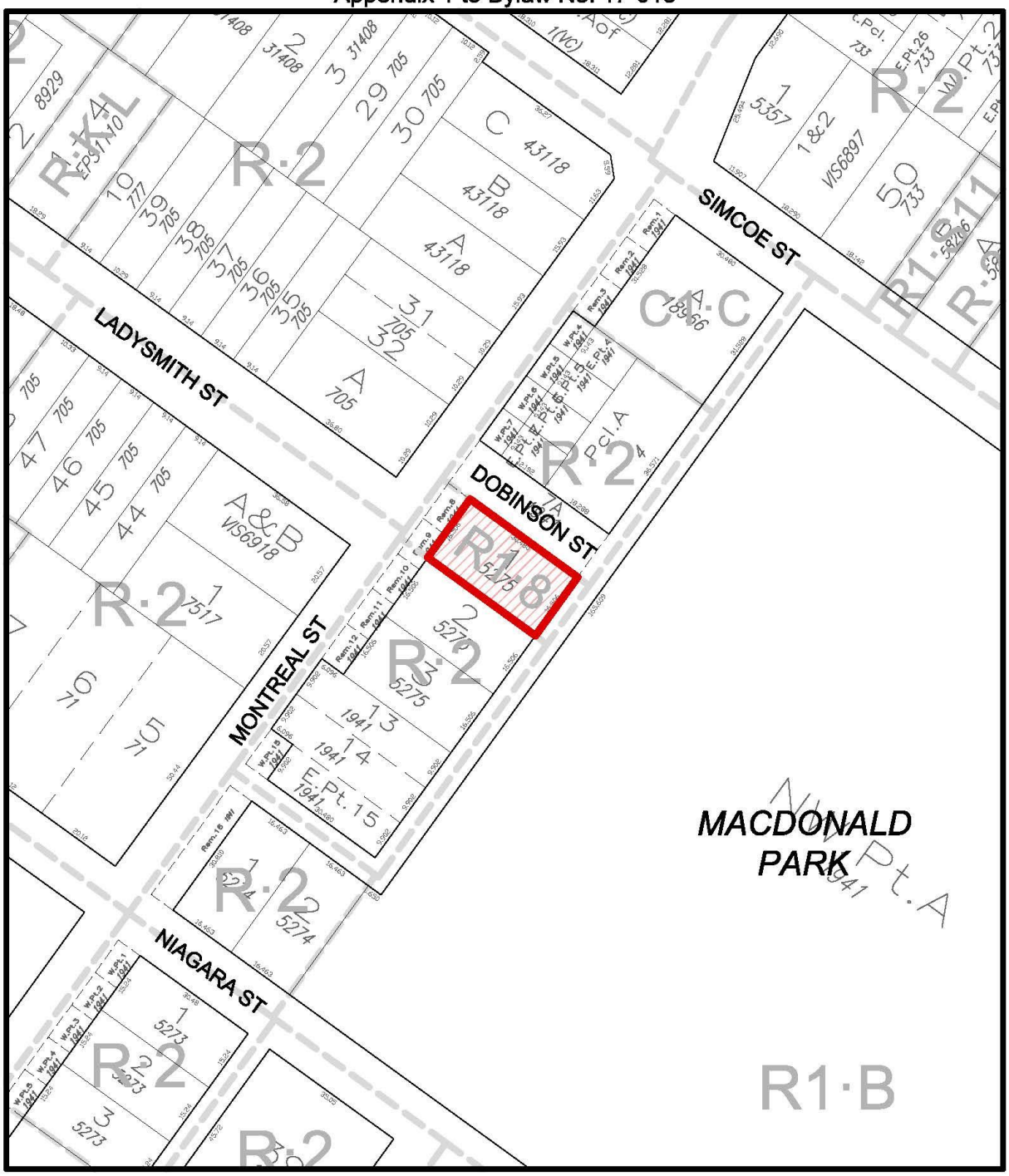
1.61.5 Setbacks, Projections

a. Front yard setback (minimum)	6.9m
Except for the following maximum projections into the setback:	
• Steps less than 1.7m in height	2.5m
• porch	1.6m
b. Rear yard setback (minimum)	7.6m
c. Side yard setback from interior lot lines (minimum)	1.65m
d. Side yard setback on a flanking street for a corner lot (minimum)	1.3m
e. Eave projections into setback (maximum)	0.75m

1.61.6 Vehicle Parking, Bicycle Parking and Site Coverage

a. Vehicle parking for a day care	No parking required
b. Bicycle parking (minimum)	Subject to the regulations in Schedule "C"
c. Open site space (minimum)	40%

Appendix 1 to Bylaw No. 17-015



149 Montreal Street
Rezoning #00458

CITY OF VICTORIA

Office of the Minister of Finance

Cabinet du ministre des Finances

Ottawa, Canada K1A 0G5

MAYOR'S OFFICE
APR 25 2017
VICTORIA, B.C.

AVR APR 19 2017

2017FIN452882

Her Worship Lisa Helps
Mayor
City of Victoria
1 Centennial Square
Victoria, BC V8W 1P6

Dear Mayor Helps:

On behalf of the Minister of Finance, the Honourable Bill Morneau, thank you for your correspondence of February 6, 2017, which was referred by the Minister of Environment and Climate Change, the Honourable Catherine McKenna, indicating your support for Private Member's Bill C-323, *An Act to Amend the Income Tax Act (Rehabilitation of Historic Property)*.

Bill C-323 is a Private Member's Bill, introduced by The Honourable Peter Van Loan, which seeks to introduce a tax credit of 20 percent of qualifying costs to rehabilitate historic properties, and an accelerated deduction of the capital cost of the rehabilitation for such properties. Recently, the House of Commons referred Bill C-323 to the House of Commons Standing Committee on Environment and Sustainable Development for further examination. Its progress can be followed on the Parliament of Canada website at www.parl.gc.ca.

The Government of Canada recognizes the importance of preserving Canada's heritage properties. For example, Budget 2016 provided an additional $20 million over two years, starting in 2016-17, to support the Parks Canada Agency's National Historic Sites Cost Sharing Program. This program provides funding to charitable and non-profit organizations to help protect nationally significant cultural infrastructure, and was expanded to include heritage lighthouses and railways.

The Government also demonstrated its commitment to national parks, national marine conservation areas and national historic sites in Budget 2017 by providing up to $364 million on a cash basis over two years, starting in 2018-2019, to the Parks Canada Agency to continue its management of these places. Furthermore, Budget 2017 announced that a medium- and long-term plan is under development to ensure ongoing support to these highly valued areas.

Canada

The Department of Finance Canada is continually reviewing tax matters to ensure that the existing system is as fair and as current as possible. In this regard, your comments are welcomed and appreciated.

Thank you for writing.

Sincerely,

Richard Maksymetz
Chief of Staff to
The Honourable Bill Morneau – Minister of Finance

DISTRICT OF
HIGHLANDS

MAYOR'S OFFICE
MAY 01 2017
VICTORIA, B.C.

File: 0470.28

April 27, 2017

Mayor Lisa Helps
City of Victoria
No. 1 Centennial Square
Victoria, BC V8W 1P6

Dear Mayor Helps:

Re: FUTURE OF MCPHERSON PLAYHOUSE

District of Highlands Council wishes to extend their appreciation of the informative presentiation from City of Victoria Councillors, Marianne Alto and Pamela Madoff, along with representatives from the Royal and McPherson Theatres, Lorne DeLarge, Lloyd Fitzsimonds and Randy Joynt on the future of McPherson Playhouse and the Royal Theatre.

Council voted to continue this conversation with The City of Victoria. We look forward to hearing from you or a representative on this matter in the future.

Yours truly,

Tina Neurauter,
Corporate Officer

1980 Millstream Road, Victoria, B C V6B 6H1
Tel: (250) 474-1773 Fax: (250) 474-3677 Web: www.highlands.ca

DISTRICT OF SUMMERLAND

13211 Henry Ave, Box 159
Summerland BC V0H 1Z0
Tel: 250-494-6451 Fax: 250-494-1415
www.summerland.ca

April 27, 2017

MAYOR'S OFFICE
MAY 05 2017
VICTORIA, B.C.

File# 400-60

The City of Victoria
Mayor Lisa Helps
No. 1 Centennial Square
Victoria BC V8W 1P6

Dear Mayor Helps,

Re: Resolution in support for the extension of taxation authority for vacant and derelict buildings to local governments

Please be advised that Summerland Council passed the following resolution at the April 24, 2017 regular council meeting:

> *THAT the District of Summerland supports the resolution passed by Victoria City Council regarding the Extension of Taxation Authority for Vacant and Derelict Buildings to Local Governments.*

The lack of affordable housing and vacant storefronts continues to be a problem in Summerland. Council looks forward to the opportunity to participate in this debate at the 2017 UBCM Convention in September.

Sincerely,

T. Mayea

Tricia Mayea
Manager of Legislative Services

GREATER VICTORIA PUBLIC LIBRARY

May 2, 2017

RECEIVED
MAY 12 2017
LEGISLATIVE SERVICES

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

Dear Mayor Helps and Council,

RE: Greater Victoria Public Library Branch Naming

The Greater Victoria Public Library Board is pleased to work in partnership with the City of Victoria on our shared vision for library service in Victoria, and in particular for James Bay residents. Creating great library spaces to meet user needs is a key priority for GVPL and the new branch in James Bay will greatly increase the accessibility and impact of library services in Victoria.

The new branch will open in early 2018. As per the terms of the Library Operating Agreement, Section 8.6, naming of library branches is jointly determined by the Library Board and the Municipality responsible for the branch service area. We would welcome the opportunity to discuss a joint process with the goal to establish a branch name by the fall.

Please contact our CEO, Maureen Sawa to follow up on this request.

Sincerely,

Rob Martin
Chair, Greater Victoria Public Library Board

cc: Chris Coates, City Clerk, City of Victoria
Maureen Sawa, CEO, Greater Victoria Public Library

ADMINISTRATION & CENTRAL BRANCH 735 Broughton Street, Victoria, BC V8W 3H2 • 250 940-GVPL (4875) Fax 250-385-5971
BRUCE HUTCHISON BRANCH • CENTRAL SAANICH BRANCH • EMILY CARR BRANCH • ESQUIMALT BRANCH • GOUDY BRANCH
JUAN DE FUCA BRANCH • LANGFORD HERITAGE BRANCH • NELLIE MCCLUNG BRANCH • OAK BAY BRANCH • SAANICH CENTENNIAL BRANCH

BRITISH COLUMBIA

Ref: 23133

MAYOR'S OFFICE
12.
MAY 2017
VICTORIA, B.C.

May 5, 2017

Her Worship Lisa Helps
Mayor of the City of Victoria
1 Centennial Square
Victoria BC V8W 1P6

Dear Mayor Helps:

Thank you for your April 5, 2017 letter regarding extending the authority to introduce the vacant homes tax to local governments across the province. I appreciate hearing Council's perspective on this issue.

As the relevant legislation is within the area of responsibility of the Ministry of Community, Sport and Cultural Development, I have forwarded your letter to that ministry for their review and attention.

Thank you for writing.

Sincerely,

Dave Nikolejsin
Deputy Minister

pc: Office of the Premier

Jacquie Dawes, Deputy Minister
Ministry of Community, Sport and Cultural Development

Ministry of Natural Gas Development and Minister Responsible for Housing

Office of the Deputy Minister

Mailing Address:
PO Box 9319, Stn Prov Govt
Victoria, BC V8W 9N3

Telephone: 250 952-0504
Facsimile: 250 952-0269

Location:
8th Floor, 1810 Blanshard Street
Victoria

Website: www.gov.bc.ca/ener/

UBCM Union of BC Municipalities

May 17, 2017

MAYOR'S OFFICE
MAY 25 2017
VICTORIA, B.C.

Mayor Lisa Helps
City of Victoria
1 Centennial Square
Victoria BC V8W 1P6

Dear Mayor Helps:

Re: 2016 Resolutions

Please find attached the provincial response to the 2016 resolution(s) put forward by your Council and endorsed by the UBCM membership at Convention.

I trust this information will be of assistance to you. Please feel free to contact Reiko Tagami, UBCM Information & Resolutions Coordinator, with any questions.

Tel: 604.270.8226 ext. 115 Email: rtagami@ubcm.ca

Sincerely,

Councillor Murry Krause
President

Enclosure

2016 B34 Respect for Local Government **Victoria**

Whereas the BC Supreme Court upheld local government land use authority with respect to the disposal of contaminated soils in the case of Cowichan Valley (Regional District) v. Cobble Hill Holdings Ltd., 2016 BCSC 489;

And whereas the risk remains that local government land use regulations relating to disposal of contaminated soils may be overridden by provincial Order-in-Council:

Therefore be it resolved that UBCM call on the Province of British Columbia to respect local government land use authority and provide for thorough and appropriate consideration of local government input and land use regulations in the contaminated soils permitting process.

Convention Decision: **Endorsed**

Provincial Response

Ministry of Environment

Environmental Management Act (EMA) authorizations address discharges of waste to the environment. Land Use, and more specifically, zoning is the responsibility of the local government. The EMA letter of transmittal, which accompanies the permit, reminds all permittees that it is their responsibility to abide by all other legislative requirements, including local zoning requirements.

2016 B62 Legislation and Action for a Barrier-free BC **Victoria**

Whereas British Columbians with disabilities encounter a variety of physical, sensory and technological barriers as well as ones related to communication, education, employment, attitudes and many others on a daily basis;

And whereas the Government of British Columbia launched a non-mandatory, non-legislated initiative entitled "Accessibility 2024" in 2014 with the goal of making BC the most progressive province in Canada for people with disabilities by the year 2024;

And whereas both the Province of Ontario and the Province of Manitoba have enacted disability legislation with the Province of Nova Scotia working toward the introduction and enactment of disability legislation in 2016:

Therefore be it resolved that UBCM believes it is important to achieve a barrier-free province for all persons with disabilities and calls upon BC's Legislative Assembly to enact a strong and effective British Columbians with Disabilities Act.

Convention Decision: **Endorsed**

Provincial Response

Ministry of Social Development and Social Innovation

Accessibility 2024 was released by the Premier in June 2014 and is a 10-year action plan focused on making BC the most progressive province in Canada for people with disabilities by 2024.

In Accessibility 2024, our government has committed to consulting on options for a made-in-BC approach to accessibility-related legislation. Any consultation around BC accessibility legislation would be done with the participation of local governments, the disability community, the business community and other British Columbians.

In June, the Federal Government initiated an engagement process with provinces, territories, municipalities, stakeholders and the public to consult on national accessibility consultation, and our government will be working very closely with our federal counterparts to support this process. We want to ensure we build on those conversations and look forward to working with the federal government in their national consultation.

2016 B65 Time Available for Mail Ballot Process **Victoria**

Whereas the British Columbia Local Government Act prescribes local government election processes, including the candidate nomination period and other election timelines;

And whereas local governments endeavour to ensure best practices and operational efficiencies are employed to encourage voter turnout;

And whereas the time period between the end of the nomination period and the beginning of the election period, through advance voting opportunities, is insufficient to enable voters who are absent from the jurisdiction during the voting period, to participate in voting through a mail ballot process:

Therefore be it resolved that UBCM request that the Province of British Columbia amend the Local Government Act, prior to the 2018 Local General Elections, to increase the time period between the end of the candidate nomination period and the beginning of the election period, to facilitate the administration of the mail ballot process and provide greater voting opportunities for citizens.

Convention Decision: **Endorsed**

Provincial Response

Ministry of Community, Sport and Cultural Development

Government is interested in supporting local governments seeking to improve their efficiency and effectiveness and encourages practical ideas for raising voter turnout during local government elections.

As indicated by the UBCM Resolutions Committee, this is the first time that the Ministry has been made aware of a request to extend the time period between the end of the nomination period and the beginning of the election period for the purpose of mail ballot voting opportunities.

Amending the legislation in the Local Government Act to extend the time between the end of the nomination period and the beginning of the election period may have a significant impact on the timing of other election processes including the set date for regular elections (3rd Saturday of October) and any by-elections. Consequential changes to the election process, either before the current nomination period or after the current election period, would also need to be considered and researched.

To explore this issue further, work would need to be undertaken with election administrators, through the Local Government Management Association. That work would assist to better understand the extent and impact of the mail ballot timing issue, including the reasons why the current timing is problematic; how Chief Election Officers currently handle and administer mail ballot voting; as well as considering any practical solutions already in use.

2016 B122 National Pharmacare Program **Victoria**

Whereas the City of Victoria has been recognized and demonstrated its commitment to the importance of healthy citizens as the foundation of a healthy, engaged and economically vibrant community; and Canada is currently the only country with a national medicare program that does not have a national pharmacare program, with over 3 million Canadians unable to afford the cost of medicines prescribed by doctors, and the risk of having no insurance for medicines particularly high among lower income Canadians, including many workers with precarious and seasonal employment;

And whereas research suggests that adding a national pharmacare program to our national health care system is sound policy, both economically and socially; would lower costs to businesses by as much as $8 billion per year, with a corresponding competitive advantage for Canadian companies; and could produce substantial cost savings for local government expenditures on employee benefits;

And whereas a national prescription drug formulary would support better quality prescribing, including reducing dangerous and inappropriate prescribing to Canadian seniors:

Therefore be it resolved that the Government of British Columbia work with all provinces and the federal government to develop and implement a national pharmacare program as an extension of Canadian Medicare, to improve the health outcomes of citizens, ensure fairness in access to medicine, and provide for greater efficiency and effectiveness in Canada's health care system.

Convention Decision: **Endorsed**

Provincial Response

Ministry of Health

Under the Canada Health Act all necessary drug therapy administered within a Canadian hospital setting is insured and publicly funded. Outside of the hospital setting, provincial and territorial governments are responsible for the administration of their own publicly-funded prescription drug benefit programs.

Most Canadians have access to insurance coverage for prescription medicines through public and/or private insurance plans. The federal, provincial and territorial governments offer varying levels of coverage, with different eligibility requirements, premiums and deductibles. The publicly-funded drug programs generally provide insurance coverage for those most in need, based on age, income, and medical condition.

In January 2016, the Federal/Provincial/Territorial Health Ministers committed to work together to address the issues of affordability, accessibility and appropriate use of pharmaceuticals. On the topic of a proposed "national pharmacare program" there remains a lack of consensus of what "national pharmacare" means as there are differing definitions and interpretations since drugs are currently funded privately (predominantly) and publicly. Further, depending on what model of national pharmacare is contemplated, the potential financial costs/savings and complexity of implementation will vary tremendously. Due to the lack of clarity, there is no consensus at this time on any specific action, although there remains ongoing exploration of this highly complex proposal.

In British Columbia, PharmaCare is the Ministry of Health program that provides public drug coverage through ten drug plans. The Fair PharmaCare plan provides assistance to residents with the cost of eligible prescription drugs and designated medical supplies based on their net income reported to the Canada Revenue Agency. The lower their income, the more help they receive. British Columbians with the lowest incomes do not need to meet a deductible and receive immediate assistance.

The federal government did address the idea of a national PharmaCare program during the 2015 election campaign. They said that they will work with the provinces to lower drug costs and determine how to make measurable progress on the health care issues that matter to Canadians, including the affordability of prescription drugs. They also said that they are committed to creating a plan that covers the catastrophic costs associated with major diseases like cancer, diabetes, and arthritis.

On August 6, 2010, at a meeting of the Council of the Federation, Premiers agreed to establish a pan-Canadian Purchasing Alliance (pCPA) to consolidate public sector procurement of common drugs (brand and generic), medical supplies, and equipment, where appropriate. The alliance is intended to leverage the combined purchasing power of public drug plans in multiple jurisdictions, leading to lower drug costs, increased access to drug treatment options and increased consistency of listing decisions across participating

provinces and territories.

BC has strongly supported pCPA and remains very active. As a result, a total of 63 brand pharmaceutical negotiations were concluded by March 31, 2015, resulting in an estimated annual savings of $315 million to provincial and territorial drug plans. In addition, the prices of 14 of the most common generic drugs have been reduced to 18 percent of the brand name prices since 2012, which is projected to result in annual savings of $190 million to provincial and territorial drug plans.

Besides building on the overall success that is being achieved by the pCPA, and establishing a pCPA Office to provide additional support for this initiative, further analysis at the provincial and federal levels is required to provide a better understanding of the potential for additional savings, and evidence-based decision making for improved access and consistency across Canada, before a national PharmaCare program can be developed.

2016 OF1 Building New Student Housing **Victoria**

Whereas the Alliance of BC Students (ABCS) has identified that over the past ten years, the growth in full time and international student populations at British Columbia post-secondary educational institutions has greatly outpaced development of new student housing spaces, forcing students to search for affordable housing off-campus in rental markets with low vacancy rates;

And whereas ABCS research indicates that if the restriction on debt were removed for the development of university residences, the business case exists to unlock over 20,000 new student housing spaces province wide:

Therefore be it resolved that the provincial government remove the restriction on public entity debt that presently applies to British Columbia's public post-secondary educational institutions, **or employ other mechanisms that have been successful in providing housing options,** thereby enabling these colleges and universities to take on debt to build new student housing.

Convention Decision: **Endorsed as Amended**

Provincial Response

Ministry of Advanced Education

Government remains committed to working with post-secondary institutions to increase the supply of student housing in a sustainable manner that meets the needs of students.

As part of the Provincial Government's $500 million investment announced in September 2016, a mix of new affordable rental housing will be developed to meet the needs of a wide variety of people throughout the province. This could include partnering with post-secondary institutions on the construction of new affordable student housing.

The Ministry of Advanced Education is exploring options to increase student housing spaces, including looking at different financing vehicles to enable public post-secondary institutions to increase student housing without debt being added to the province's books.

Making a difference...together

625 Fisgard Street, PO Box 1000
Victoria, BC, Canada V8W 2S6

T: 250.360.3078
F: 250.360.3079
www.crd.bc.ca

RECEIVED
MAY 2 6 2017

May 23, 2017

0400-20
Correspondence/Meetings/General
5220-20
Climate Action CEEI

The Honourable Christy Clark
Premier of British Columbia
Box 9041, Station PROV GOVT
Victoria, BC V8W 9E1
via e-mail: premier@gov.bc.ca

Dear Premier Clark:

RE: COMMUNITY ENERGY AND EMISSIONS INVENTORY

The Capital Regional District (CRD) seeks provincial action to deliver on its climate action reporting commitments to support local and regional governments to reduce greenhouse gas emissions. We request that the Province continue to provide on-road transportation sector data in future Community Energy and Emissions Inventories (CEEI).

With the introduction of the BC Climate Action Charter in 2007, the Province committed to supporting local government emission tracking by publishing CEEI every two years. As on-road transportation is recognized as a major contributor to community emissions (over half in the capital region, for example), they were a part of the 2007 and 2010 CEEI. The 2012 CEEI, released in January 2017, did not include on-road transportation and there has been no release of the 2014 reports. The tracking and reporting of these emissions is a critical component of any local government climate action strategy to meet Official Community Plan and Regional Growth Strategy emission reduction targets, as well has Bill 27 and BC Climate Action Charter commitments.

The CRD and our community are committed to climate action. The region's municipalities and the CRD have signed on to the Climate Action Charter. In addition, the CRD established a Climate Action Service to support corporate, municipal, electoral area and public initiatives, fulfilled our provincial climate commitments and incorporated a climate lens for our major capital projects and all service delivery. The Province estimates that local governments have control or influence over approximately 45% of the greenhouse gas emissions in British Columbia. They also experience the greatest impacts of climate change and are best suited to reducing their community's vulnerability. However, the CRD is also reliant on the Province for timely and accurate data to reduce emissions.

The CRD, along with other local governments, requires on-road transportation data, timely resources and ongoing support to build low carbon, resilient and healthy communities. The CRD looks forward to working with the Province on key aspects of climate action and encourages the Province to deliver on its commitments as soon as possible.

Sincerely,

Barbara Desjardins
Chair, Capital Regional District Board

Wastewater Treatment Project
510-1675 Douglas Street
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Wastewater Treatment Project
Treated for a cleaner future

May 31, 2017

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

Attn: Mayor Helps

Dear Mayor Helps:

RE: RESOLUTIONS FROM THE CITY OF VICTORIA

On behalf of the Core Area Wastewater Treatment Project Board (the Project Board), I am writing to you regarding resolutions from the City of Victoria's April 13 and May 11, 2017 meetings.

In addition to the City of Victoria's April 13th resolutions, the Project Board received similar resolutions from the Core Area Liquid Waste Management Committee's (the CALWMC) April 12th meeting. For completeness and consistency we have prepared one response which we believe addresses the City of Victoria's and the CALWMC's resolutions. The Project Board's responses are below.

> *BE IT RESOLVED THAT Council requests that the Core Area Wastewater Treatment Project Board:*
> 1. *Negotiate a Change Order with Harbour Resource Partners to ensure that enforceable Performance Standards are in place upon completion of the McLoughlin Point wastewater treatment plant to ensure that odour levels do not to exceed 2 Odour Units.*

The Project Board reviewed this request in detail and discussed it at its May 2, 2017, open Project Board meeting. At the conclusion of the discussion, the Project Board voted unanimously in favour of the staff recommendation to not explore a Change Order with Harbour Resource Partners (HRP).

The guiding principle for the design of the McLoughlin Point Wastewater Treatment Plant is that there will be no detectable odour by residents. The contract specifies that:

a) All process tankage must be covered, which will result in one of the highest levels of odour capture and treatment in the industry;
b) The plant include a robust and reliable treatment strategy consisting of a two stage odour control system utilizing a bioscrubber followed by activated carbon, that is capable of treating all odorous air streams;
c) Back-up odour control equipment and back-up power generators be installed, which will reduce the possibility of odour escaping the plant in the unlikely event there is an equipment or power failure; and,
d) A 24 hour odour control monitoring system be installed, which will ensure that odour requirements are met or exceeded.

Under normal operating conditions, atmospheric odour modelling predicts that the odour at the plant's property line will be approximately two odour units. The performance standard within the contract of up to five odour units provides a margin to deal with an extraordinary event such as an equipment or power failure. The Capital Regional District (CRD) will maintain the facility in accordance with an asset management plan that will mitigate the risk of any such failures.

The scope of the contract with HRP includes the design, build and finance of the McLoughlin Point Wastewater Treatment Plant. The contract is structured such that third party debt capital is at risk until HRP can demonstrate that the plant has satisfactorily achieved operational capability, including compliance with contract odour specifications. Such performance will have to be demonstrated continuously over a 90-day acceptance period for HRP (and their lenders) to receive full payment. In determining whether to put their capital at risk, third party lenders satisfied themselves that HRP's designs are capable of meeting the contract specifications; including the odour specifications.

In addition, HRP must demonstrate that the plant can meet the contract standards with respect to odour performance during a two-year performance period after achieving operational capability. If the odour specifications are not met over this two-year performance period, HRP will be obliged to upgrade the plant as required to meet the standards. HRP are therefore incentivized to design and build the plant so that it can be operated well below the performance standard.

Re-opening the contract to establish the odour performance limit at two odour units is therefore unnecessary to achieve the guiding principle (that there be no detectable odour by residents) and would also have significant impacts to both schedule and budget.

2. *Report back to the Core Area Liquid Waste Management Committee and the public on the advisability and cost of reducing operating Noise levels when measured at the McLoughlin Point property line to 55 Decibels.*

The Project Board reviewed this request in detail and discussed it at the May 2, 2017 open Project Board meeting. At the conclusion of the discussion, the Project Board voted unanimously in favour of the staff recommendation to not explore a Change Order with Harbour Resource Partners (HRP).

The guiding principle for the design of the McLoughlin Point Wastewater Treatment Plant is that operating noise levels are within reasonable levels for all residents. The reference point is noise bylaws and agreements with the Township of Esquimalt and City of Victoria.

The contract specifies that:

a) Noise enclosures are required for equipment which generates high levels of noise, such as air blowers and generators;
b) Acoustic baffles will be installed on the intake and exhaust louvers;
c) Accoustic insulation of walls, doors and roofs as necessary to meet noise control bylaws; and
d) Noise levels at receptors must be in compliance with municipal bylaws.

The contract specifies that operational noise from the McLoughlin Point Wastewater Treatment Plant must not exceed 60 decibels at the plant's property line. Under normal operating conditions noise modelling shows that the predicted decibel levels in James Bay (the closest location to the plant site in the City of Victoria) and other surrounding areas in the City of Victoria, will not exceed 35 decibels. This is 5 decibels below the most stringent limit in the City of Victoria's bylaw.

The noise modelling was undertaken assuming a "worst case scenario" of 60 decibels everywhere along the McLoughlin Point Wastewater Treatment Plant site's property line. However, actual noise levels from the treatment facility, once operational, are anticipated to be lower.

The scope of the contract with HRP includes the design, build and finance of the McLoughlin Point Wastewater Treatment Plant. The contract is structured such that third party debt capital is at risk until HRP can demonstrate that the plant has satisfactorily achieved operational capability, including compliance with contract noise specifications. Such performance will have to be demonstrated continuously over a 90-day acceptance period for HRP (and their lenders) to receive full payment. In determining whether to put their capital at risk, third party lenders satisfied themselves that HRP's designs are capable of meeting the contract specifications.

Re-opening the contract to establish the operating noise limit at 55 decibels is therefore unnecessary to achieve reasonable levels of noise for all residents and would have significant impacts to both schedule and budget.

3. *Continue and improve consultation with James Bay, Victoria West, Fairfield and Downtown residents on mitigation of construction and long-term impacts from conveyancing infrastructure, the McLoughlin Point wastewater treatment and the Clover Point Pump Station.*

The Project Board reviewed this request in detail and discussed it at the May 2, 2017 open Project Board meeting. At the conclusion of the discussion, the Project Board voted unanimously in favour of the staff recommendation outlined below, which is in agreement with the request.

The Project Team will continue to look for ways to build relationships and expand their communications tools in order to provide timely information about construction planning and to hear questions and concerns. As the Project moves into the construction phase, it is expected that the level of engagement will increase as the Project Team will have more information to share with potentially impacted communities. The Project Team's communications will follow the linear nature of the construction of the Project, which starts in Esquimalt and James Bay, moves into Fairfield Gonzales in the fall and Saanich in 2018. For each phase of the Project, the Project Team will communicate with communities to provide information and hear questions and concerns. The Project Team will continue to use all the communications tools described in the Project's Communications and Engagement plan, which include a 24/7 phone line, web updates, residential mail updates, email updates, construction bulletins, community liaison meetings, community information meetings, and where appropriate, door-to-door visits.

4. *Closely monitor geotechnical issues along the Dallas Road waterfront and advise the public and Core Area Liquid Waste Management Committee of any issues that arise and solutions.*

Of note, since the City of Victoria passed the above resolution at its April 13th meeting, the following resolution was passed at its May 11th meeting:

That Victoria Council request that the Project Board put in place risk mitigation measures to protect the Dallas Road Bluffs during construction including but not limited to:

a. *Assembling an interdisciplinary team to study and address the protection of the bluffs.*

b. *As part of the detailed design of the conveyancing, include a plan for the preservation of the bluffs.*

That the Victoria City Council request the Project Board to report out to the public at one of their regular community meetings, to the JBNA and to Victoria City Council on the measures.

The following response captures the direction of the Project Board to Resolution 4 from the City of Victoria's April 13th meeting and elaborates on the Project Team's plans in order to address the related resolution from the City of Victoria's May 11th meeting.

Geotechnical investigations and monitoring will take place along Dallas Road with an enhanced focus on the shoreline and bluffs prior to, during and after the construction of the Clover Point Forcemain and related pipework. The geotechnical investigations will include a series of test holes drilled along the pipe alignment to establish existing geological conditions and to collect samples for laboratory testing and use in establishing geotechnical design parameters for the pipe and bluff stability analysis. The geotechnical monitoring will include the installation of instruments near the bluffs and along the pipe alignment. Recordings from these instruments will be used to monitor conditions during the construction and post construction phase of the project.

The design process for the conveyance system from Ogden Point to Clover Point (the Clover Point Forcemain) has begun. It includes the development of an indicative design and a final design. Stantec, as the owner's engineer, will undertake the indicative design. Another qualified engineering firm (the 'Second Engineering Firm') will review the indicative design and prepare the final design. Both firms will have input into the undertaking of, and access to, the outcome of geotechnical investigations and monitoring outlined above.

Specifically, the Project Team will competitively procure the Second Engineering Firm to review the indicative design and prepare the final design. This firm will have expertise in the fields of geotechnical, terrain analysis, environmental and civil engineering. The firm will be provided with the indicative design and the results of the geotechnical investigations undertaken to date, and will be responsible for reviewing that work as part of developing the final design. They will also be responsible for fulfilling the duties of Engineer of Record as defined by the Association of Professional Engineers and Geoscientists of British Columbia (APEGBC). Professional members of the firm, and their qualifications, will be noted as part of their work.

As part of their scope of work, the Second Engineering Firm will prepare a plan to mitigate any impacts on the bluffs during construction. As noted, this plan will include post construction monitoring for 12 months following completion of construction.

Reports detailing the results of the geotechnical investigations and the indicative alignment will be complete in the fall of 2017. The Project Team will report on these to the public at one of their regular community information meetings, to the James Bay Neighbourhood Association and to Victoria City Council. Results will also be posted on the Project website.

THAT Council requests that the Core Area Wastewater Treatment Project Board:
Seek Green Shores Certification of the Clover Point Pump Station, reflecting

a) proximity of the site to the marine shoreline;
b) opportunities for marine and terrestrial ecological restoration arising from several decades of use of the site and seabed for wastewater conveyancing, and
c) the mandate of the federal land grant to the City of Victoria emphasizing use of the land for parks and greenspace purpose .

AND THAT Council directs staff to pursue Green Shores Certification in discussions with the CRD relating to design of the Clover Point Pump Station and associated works.

The Project Board reviewed this request and discussed it at the May 2, 2017, open Project Board meeting. At the conclusion of the discussion, the Project Board voted unanimously in favour of the staff recommendation outlined below, which is in agreement with the request.

The Project Team will review the Green Shores certification process and determine whether the certification might be appropriate for the Clover Point Pump Station, and identify any impacts to cost and schedule for pursuing the certification.

I trust that the above information provides useful background to the Project Board's decisions.

Sincerely,

Jane Bird, Chair
Core Area Wastewater Treatment Project Board

JB:dd

VICTORIA
Community Action Plan on
Discrimination

8 May 2017

City of Victoria
1 Centennial Square
Victoria, BC
V8W 1P6
[via email]

ATTN: City of Victoria – Mayor and Council

Through Mayor Lisa Helps:

RE: Rezoning/Development Applications: Discrimination and the City of Victoria

As a signatory to both the *Canadian Coalition of Municipalities Against Racism and Discrimination* and the *Vienna Declaration*, the City of Victoria has committed to taking concrete action to identify, monitor, and proactively address forms of individualized and systemic racism and discrimination in the Victoria community[1]. The Community Action Plan on Discrimination (CAP-D) was endorsed by the City in 2013 as part of the City's commitment to human rights and non-discrimination, and is comprised of community organizations and community members dedicated to building a safe, inclusive, and welcoming community for all.

The purpose of CAP-D is to raise awareness around social profiling, stigma, discrimination, bullying and harassment, and to liaise with the City of Victoria to eliminate actions, systems, and behaviors that are associated with, or serve to perpetuate these negative and exclusionary societal factors.

CAP-D is requesting that Mayor and Council take immediate action to ensure that all City-endorsed public consultations with respect to land use and development in Victoria be carried out in a manner that upholds the City's commitment to non-discrimination.
This request is prompted by the bullying and discriminatory behaviour[2] directed towards people living in poverty and those living with addictions by Victoria residents at a Community Association Land Use Committee (CALUC) meeting held on April 24, 2017.

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[1] Time for Action: Social and Racial Profiling in Victoria, CAP on Discrimination Steering Committee: Presentation to Victoria City Council, March 28, 2013.
[2] **Discrimination** - The denial of equal treatment, civil liberties and opportunity to individuals or groups with respect to education, accommodation, health care, employment and access to services, goods and facilities. Behaviour that results from prejudiced attitudes by individuals or institutions, resulting in unequal outcomes for persons who are perceived as different. Differential treatment that may occur on the basis of

While this request arises in response to recent instances of social profiling and discrimination based on visible poverty, the proposed measures are relevant to all forms of discrimination in land use development, including but not limited to race, nationality, gender, age, religion, political or ethnic affiliation, sexual orientation, marital or family status, physical, developmental or mental disability.

It is a well-recognized principle of municipal planning that a local government cannot discriminate against individuals in land use decisions, unless specifically authorized by statute. Section 479 of the *BC Local Government Act* gives statutory authority to local governments to regulate the use of land, buildings and other structures within defined zones. This authority applies only to *uses* and does not extend to the regulation of potential *users.* The distinction between "uses" of a property and "users" of a property ought to be foremost in any application process so as to avoid any direct or indirect adverse treatment of individuals through municipal zoning practices. Where participants in community consultation are permitted to consider the users of a property in discriminatory terms, the comments offered are not only potentially harmful to the would-be residents who form part of the broader community, but are often based on stereotypes and serve no value to legitimate considerations associated with land use decisions.

The focus of rezoning applications in residential neighbourhoods ought to be about buildings, and not the personal characteristics of those who might inhabit them. Nevertheless, the "kind" of people living in the building proposed at the former Mt. Edwards Court Care Home located at 1002 Vancouver St, Victoria BC, V8V 3V8, was the focus of many of the participants at the April 24th CALUC. Potential residents of the building, namely people living in poverty, many of whom are in various stages of addictions recovery, were characterized as "dangerous", "violent", and "a risk to children". One commentator even suggested the potential residents should be shipped out of town.

In an example of bullying and intimidation at the April 24th meeting, a resident opposed to the application interrupted the CALUC process by insisting on a show-of-hands of attendees who were either for or against the rezoning. The participant demanded the "poll" be recorded for the report to Council from the CALUC. Through intimidation and outside of a formal consent based process, participants were forced to visibly express their position on the application before an emotional and often hostile room. In addition, individual attendees who spoke in favor of the rezoning application which seeks to provide housing for low income seniors at various stages of

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race, nationality, gender, age, religion, political or ethnic affiliation, sexual orientation, marital or family status, physical, developmental or mental disability. Includes the denial of cultural, economic, educational, political and/or social rights of members of non-dominant groups. (NOTE: in Canada, equal treatment for all is guaranteed under the law regardless of race, national or ethnic origin, colour or religion. The list of prohibited grounds in the Canadian Human Rights Act includes race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability and conviction for which a pardon has been granted.) [Canadian Commission for UNESCO, Toolkit: Canadian Coalition of Municipalities Against Racism and Discrimination, 2012]

addictions recovery were confronted outside and during the April 24th meeting with hostility and anger for their position.

Unfortunately, the discriminatory language used at the April 24th CALUC to describe people living in poverty does not represent an isolated incident. Our members have witnessed multiple public consultations and meetings through the CALUC, and in Council Chambers, regarding rezoning applications and development that has permitted discriminatory language toward people living in poverty and struggling with disabilities such as addictions.

As participatory community consultation through the CALUC and Council public hearings are an essential component of all rezoning and variance permits, we ask for the City's leadership in facilitating safe, inclusive, and constructive public consultation by implementing the following measures:

1. Clearly communicate to the public the terms of reference to be addressed in rezoning/development applications, including explicit direction that an individual's race, social or economic status are not acceptable considerations for approval or denial of these applications.

2. Prepare and present a physical list of guidelines which outline acceptable behaviours in public consultations, including anti-bullying and anti-discrimination best practises. Require that this list be displayed in a visible location during all community meetings, including CALUC meetings endorsed by the City of Victoria.

3. Provide revised *principals and policies*[3] to guide future CALUC meetings, specifically targeted at eliminating bullying and the discrimination of marginalized individuals based on their protected personal characteristics. Revise a similar set of policies and procedures to ensure all hearings before Council conducted in Council Chambers include the same.

4. Develop and implement procedures to confront bullying and discriminatory conduct which would allow for the denial or reasonable restriction on the participation of organizations and individuals in CALUC meetings or Council Chamber's that violate the City of Victoria's commitment to human rights, anti-racism and anti-discrimination.

5. Lead in the convening of a public meeting to confront community stigma associated with poverty and addictions through dialogue[4] in partnership with the Centre for Addictions

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[3] Community Association Land Use Committee (CALUC) Procedures, Approved by Council, December 2016.

[4] CARBC on the importance of **dialogue** – "We have become used to debates that pit one against another: idea against idea, agenda against agenda, and person against person. But debates don't build community. Those who lose do not go away, they simply stop taking part. Disconnection actually contributes to the tensions and divisions that are having devastating consequences in our world. People who are disconnected have important knowledge that can help us build safer and healthier communities.

Research of BC (CARBC) and The BC Ministry of Public Safety & Solicitor General (see attached: *Community Dialogue on Opioid Use - Call for Funding*).

The CAP-D's role is not to offer a position or to advocate for any development or rezoning requests. It is the purpose of our committee to assist Council to adhere to its anti-discrimination commitments, and it is with this purpose in mind that we now write to Mayor and Council. It is an obligation of Council to provide robust, transparent, and inclusive community consultations that welcome a rich diversity of opinions and facts regarding rezoning and development applications. Furthermore, it is Council's legal obligation to ensure that these consultations are free from discrimination, bullying, and harassment.

We therefore ask Council to show immediate leadership by liaising with CAP-D and members of the public to enhance anti-discrimination policies in advance of future CALUC and Council meetings, thereby ensuring the City of Victoria's compliance with obligations pursuant to the *BC* and *Canadian Human Rights Codes,* and demonstrating Council's commitment to the *Canadian Coalition of Municipalities Against Racism and Discrimination* and the *Vienna Declaration.*

We believe the above recommendations offer a clear path forward towards true inclusive community engagement.

Sincerely,

Stephen Portman, Advocacy Lead
Together Against Poverty Society
TAPS, CAP-D Member

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Jack Phillips, Board Co-Chair
Society of Living Intravenous Drug Users
SOLID, CAP-D Member

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Encl.

Community Dialogue on Opioid Use - Call for Funding: The BC Ministry of Public Safety & Solicitor General and University of Victoria's Centre for Addictions Research of BC (CARBC)

By talking to people from different backgrounds and vantage points, we become more informed. When we are more informed, we tend to make better choices. Those choices affect everybody."

CAP-D Organizational Members:

Vancouver Island Immigrant and Refugee Society (VIRCS)
Together Against Poverty Society (TAPS)
Vancouver Island Human Rights Coalition (VIHRC)
Greater Victoria Committee to End Homelessness (CTEHV)
Aids Vancouver Island (AVI)
Society of Living Illicit Drug Users (SOLID)
Action Committee of People with Disabilities (ACPD)