



REVISED AGENDA - VICTORIA CITY COUNCIL

Thursday, May 13, 2021, 6:30 P.M.

6TH FLOOR BOARDROOM, CAPITAL REGIONAL DISTRICT, 625 FISGARD STREET, VICTORIA, B.C.

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

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

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

Pages

A. MUSIC

A video of a Post-secondary student (Diploma of Music Performance) that was recorded at the Lansdowne Campus of Camosun in the Spring of 2018. It was recorded through the Camosun Communications Applied Communications program directed by Lois Ferneyhough, Chair and Andy Bryce, Lead Instructor.

Alexandra: <https://vimeo.com/545580808>

B. APPROVAL OF AGENDA

*C. READING OF MINUTES

*C.1. Minutes from the daytime meeting held April 8, 2021 1

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D.2. Linda Murray: Permissive Tax Exemption Policy

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*E.6.	<u>"International Internal Audit Awareness Month" - May 2021</u>	44
*E.7.	<u>"Food Allergy Awareness Month" - May 2021</u>	45

F. PUBLIC AND STATUTORY HEARINGS

Public and Statutory Hearings will be convened by electronic means as authorized by Ministerial Order No. M192:

"Local Government Meetings and Bylaw Process (COVID-19) Order No. 3"

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

- You will be asked to state your name, and will then be placed on hold until it's your turn to speak.
- Please have your phone on mute or remain quiet when you join the call - any background noise or conversation will be heard in the live streamed meeting.
- When it is your turn to speak, staff will un-mute your call and announce the last 4 digits of your phone number.
- State your name, address and item you are speaking to.
- You will have 5 minutes to speak then will be cut off when the next speaker is connected.
- When speaking:
 - Using a 'speaker phone' is not recommended unless require by the user.
 - Turn off all audio from the meeting webcast.

For more information on Virtual Public Hearings, go

to: <https://www.victoria.ca/EN/meta/news/public-notice/virtual-public-hearings.html>

Please note that any videos you submit and the opinions you express orally will be webcast live and will be recorded to form a part of the public record. Correspondence you submit will form part of the public record and will be published on the agenda. Your phone number and email will not be included in the agenda. For more information on privacy and the FOIPPA Act please email foi@victoria.ca.

*F.1.	<u>1029 Queens Avenue: Rezoning Application No. 00693 and Development Permit with Variance No.00117</u>	46
	<i>Addenda: Additional Correspondence</i>	
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	<ul style="list-style-type: none"> • Motion to give 3rd reading to: <ul style="list-style-type: none"> • Zoning Regulation Bylaw, Amendment Bylaw (No. 1230), No. 21-051 • Motion to adopt: <ul style="list-style-type: none"> • Zoning Regulation Bylaw, Amendment Bylaw (No. 1230), No. 21-051 • Housing Agreement (1029 Queens Avenue) Bylaw (2021) No. 21-052 • Motion to approve the development permit with variance 	
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	<i>Addenda: Additional Correspondence</i>	
	<i>Council is considering an application to rezone to a site specific small-lot zone in order to subdivide the property and construct two new single-family homes.</i>	
F.2.a.	Opportunity for Public Comment & Consideration of Approval:	249
	<ul style="list-style-type: none"> • Motion to give 3rd reading to: <ul style="list-style-type: none"> • Zoning Regulation Bylaw, Amendment Bylaw (No. 1254) No. 21-047 • Motion to adopt: <ul style="list-style-type: none"> • Zoning Regulation Bylaw, Amendment Bylaw (No. 1254) No. 21-047 • Motion to approve the development permit with variance 	
*F.3.	<u>161-167 Robertson Street: Development Variance Permit Application No. 00255</u>	253
	<i>Addenda: Additional Correspondence</i>	
	<i>Council is considering an application to allow additional floor area within the basement level of the existing single-family dwelling.</i>	

F.3.a. Opportunity for Public Comment & Consideration of Approval

Motion to approve development variance permit

*F.4. 2747 Asquith Street: Development Variance Permit No. 00258

281

Addenda: Additional Correspondence

Council is considering an application proposing to renovate the existing single-family dwelling to create a secondary suite with a variance required to reduce the minimum distance from the parking stall to a street

F.4.a. Opportunity for Public Comment

Motion to approve development variance permit

G. REQUESTS TO ADDRESS COUNCIL

H. UNFINISHED BUSINESS

*I. REPORTS OF COMMITTEES

*I.1. Report from the May 6, 2021 COTW Meeting

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Link to the May 6, 2021 COTW Agenda

*I.1.a. 819-823 and 825/827 Fort Street: Development Permit with Variance No. 00169 (Fairfield)

*I.1.b. First Nations Participation in Climate Change Adaptation Planning

*I.1.c. Council Member Motion: Adjustment for Honouraria for Seniors' Task Force

*I.1.d. 1120-1128 Burdett Avenue: Rezoning Application No. 00734 and Development Permit with Variances Application No. 00146 (Fairfield)

*I.1.e. 1314 and 1318 Wharf Street: Update Report for Rezoning Application No. 00701 and Heritage Alteration Permit with Variances Application No. 00236 (Downtown)

*I.1.f. 324/328 Cook Street and 1044, 1048 and 1052/1054 Pendergast Street: Rezoning Application No. 00634 and Development Permit with Variances Application No. 000527 (Fairfield)

*I.1.g. 714 Cormorant Street: Application for a New Liquor Primary Licence for Tora Tiki (Downtown)

*I.1.h. Permissive Tax Exemption Policy - Ethno-Cultural Groups Community Centres

*I.1.i. Sheltering Update

*I.1.j. Council Member Motion: Advocating for Startups Impacted by Covid19

*I.2. Report from the May 13, 2021 COTW Meeting

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[Link to the May 13, 2021 COTW meeting](#)

*I.2.a. Proposed Capital Regional District Liquid Waste Management Core Area and Western Communities Service Loan Authorization Bylaw No. 4375

J. NOTICE OF MOTIONS

*K. BYLAWS

*K.1. Bylaws for 580 - 582 Niagara Street: Rezoning Application No. 00721

303

A report recommending:

1st and 2nd readings of: Zoning Regulation Bylaw, Amendment Bylaw (No. 1251) No. 21-028
1st, 2nd and 3rd readings of: Housing Agreement (580-582 Niagara Street) Bylaw (2021) No. 21-029

The application is ready to proceed to Public Hearing and proposes to rezone from the R-2 Two Family Dwelling District Zone to a site-specific zone in order to allow for two additional units in an existing duplex, for a total of four residential units. The two additional units are existing but unapproved. Two of the units would be secured as rental through a housing agreement.

*K.2. Bylaw for 1244 Wharf Street: Rezoning Application No. 00739

317

A report recommending:

1st and 2nd readings of: Zoning Regulation Bylaw, Amendment Bylaw (No. 1243), No. 21-012

The application is ready to proceed to Public Hearing and proposes to amend the Zoning Regulation Bylaw for land known as 1244, 1250 and 1252 Wharf Street in the IHMc Zone, Inner Harbour McQuades District, to add a new hotel use as a permitted use, and to remove the location restriction for residential uses.

*K.3. Bylaw for 1628 Edgeware Road: Rezoning Application No. 00726

319

A report recommending:

- **3rd reading of:**
 - Zoning Regulation Bylaw, Amendment Bylaw (No. 1255), No. 21-

- **Adoption of:**
 - Zoning Regulation Bylaw, Amendment Bylaw (No. 1255), No. 21-050

The purpose of this Bylaw is to correct an error in Zoning Regulation Bylaw, Amendment Bylaw (No. 1250), by amending the Zoning Regulation Bylaw to add restrictions with respect to floor area to the R1-50 Zone, Edgeware Road Rest Home District. The requirement for a Public Hearing was waived pursuant to section 464(2) of the *Local Government Act*.

***L. CORRESPONDENCE**

- | | | |
|--------------|--|------------|
| *L.1. | <u>Letter from the City of Burnaby</u> | 323 |
| | <i>A letter from the City of Burnaby regarding support for laid-off hotel and tourism industry workers.</i> | |
| *L.2. | <u>Letter from the UBCM President</u> | 324 |
| | <i>A letter from the UBCM President, Brian Frenkel, regarding provincial response to 2020 Resolutions.</i> | |
| *L.3. | <u>Letter from the City of Dawson Creek</u> | 327 |
| | <i>A letter from the City of Dawson Creek regarding the Help Cities Lead Campaign.</i> | |
| *L.4. | <u>Letter from the District of Highlands</u> | 329 |
| | <i>A letter from the District of Highlands regarding old-growth logging.</i> | |
| *L.5. | <u>Letter from the Minister of Labour and Minister of Tourism, Arts, Culture and Sport</u> | 331 |
| | <i>A letter from the Minister of Labour and Minister of Tourism, Arts, Culture and Sport regarding support for British Columbia's (BC) hotel workers and tourism industry workers.</i> | |
| *L.6. | <u>Letter from the City of Dawson Creek</u> | 333 |
| | <i>A letter from the City of Dawson Creek regarding the resolution to Ministers of Labour and Tourism.</i> | |

***M. NEW BUSINESS**

- | | | |
|--------------|--|------------|
| *M.1. | <u>Council Member Motion: Preventing Sexualized Violence and Building a Culture of Consent in Victoria's Hospitality Industry</u> | 334 |
| | <i>A Council Member Motion regarding proposed action to prevent sexualized</i> | |

violence and building a culture of consent in Victoria's hospitality industry.

***M.2. Council Member Motion: Task Force on Sexual Abuse**

348

Referred from the April 1 Committee of the Whole Meeting

A Council Member Motion regarding the proposed establishment of a task force on Sexual Abuse.

***M.3. Rise and Report**

***M.3.a. From a closed meeting held May 6, 2021**

Legal Advice - Sexual Violence Prevention - Municipal Authority
Limitations

Motion:

That this report be received for information and staff report back in an open meeting with a policy relating to sexual harassment and a violence prevention plan for liquor licence applicants.

CARRIED UNANIMOUSLY

N. QUESTION PERIOD

***O. CLOSED MEETING**

MOTION TO CLOSE THE MAY 13, 2021 COUNCIL MEETING TO THE PUBLIC

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 part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

- *Section 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.*

***O.1. NEW BUSINESS**

***O.2. Legal Advice - Community Charter Section 90(1)(i)**

P. ADJOURNMENT



MINUTES - VICTORIA CITY COUNCIL

April 8, 2021, 4:00 P.M.

6TH FLOOR BOARDROOM, CAPITAL REGIONAL DISTRICT, 625 FISGARD STREET,
VICTORIA, B.C.

To be held immediately following the Committee of the Whole Meeting
The City of Victoria is located on the homelands of the Songhees and Esquimalt People
Due to the COVID19 Pandemic, public access to City Hall is not permitted.
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PRESENT: Mayor Helps in the Chair, Councillor Andrew, Councillor Thornton-Joe, Councillor Young

PRESENT VIA ELECTRONIC PARTICIPATION: Councillor Alto, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts

STAFF PRESENT: J. Jenkyns - City Manager, S. Thompson - Deputy City Manager / Director of Finance, P. Bruce - Fire Chief, T. Zworski - City Solicitor, T. Soulliere - Director of Parks, Recreation & Facilities, P. Bellefontaine - Director of Engineering & Public Works, C. Kingsley - City Clerk, B. Eisenhauer - Head of Engagement, J. Jensen - Head of Human Resources, A. Hudson - Assistant Director of Community Planning, C. Havelka - Deputy City Clerk, L. Van Den Dolder - Assistant City Solicitor, J. O'Connor - Deputy Director of Finance, K. Moore - Head of Business and Community Relations, C. Mycroft - Manager of Executive Operations, P. Angelblazer - Committee Secretary,

B. APPROVAL OF AGENDA

Moved By Councillor Andrew

Seconded By Councillor Dubow

That the agenda be approved.

Amendment:

Moved By Councillor Andrew

Seconded By Councillor Thornton-Joe

That the following items are added to the agenda:

E.1.b.e. Revenue and Tax Policy Benchmark Monitoring and 2021 Tax Rates

E.1.b.f. UBCM Strengthening Communities' Services Program Grant Application

CARRIED UNANIMOUSLY

On the main motion as amended:

CARRIED UNANIMOUSLY

C. READING OF MINUTES

C.1 Minutes from the daytime meeting held March 11, 2021

Moved By Councillor Thornton-Joe

Seconded By Councillor Alto

That the minutes from the daytime meeting held March 11, 2021 are approved.

CARRIED UNANIMOUSLY

C.2 Minutes from the daytime meeting held January 28, 2021

Moved By Councillor Thornton-Joe

Seconded By Councillor Alto

That the minutes from the daytime meeting held January 28, 2021 are approved.

CARRIED UNANIMOUSLY

D. PROCLAMATIONS

D.1 "Global Meetings Industry Day" - April 8, 2021

Moved By Councillor Alto

Seconded By Councillor Young

That the following proclamation be endorsed:

1. "Global Meetings Industry Day" - April 8, 2021

CARRIED UNANIMOUSLY

E. REPORTS OF COMMITTEE

E.1 Committee of the Whole

E.1.a Report from the April 1, 2021 COTW Meeting

**E.1.a.a-2747 Asquith Street: Development Variance Permit No. 00258
(Oaklands)**

Moved By Councillor Andrew

Seconded By Councillor Young

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

“That Council authorize the issuance of Development Variance Permit Application No. 00258 for 2747 Asquith Street in accordance with:

1. Plans date stamped January 21, 2021.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
 - i. reduce the minimum distance from the parking stall to a street from 1.0m to 0.87m.
3. The Development Permit lapsing two years from the date of this resolution.”

CARRIED UNANIMOUSLY

E.1.a.b.-901 Gordon Street: Seed and Stone Cannabis Store Referral

Moved By Councillor Andrew

Seconded By Councillor Alto

1. That Council direct staff to advise the Liquor and Cannabis Regulation Branch (LCRB): The Council of the City of Victoria supports the application of Seed and Stone at 901 Gordon Street to receive a provincial cannabis retail store license with the following comments:
 - a. The Council recommends that the Liquor and Cannabis Regulation Branch issue a license to Seed and Stone at 901 Gordon Street.
 - b. City staff did not raise any concerns about this referral in terms of community impacts.
 - c. Residents’ views were solicited through a mail-out to property owners and occupiers within 100 meters of this address and to the relevant neighbourhood association. The City sent 702 notices and received 2 responses. The City did not receive correspondence from the Downtown Residents Association. 1 respondent supports the application, and 1 respondent opposes the application.
2. That Council direct staff to advise the LCRB of Council’s recommendation subject to the applicant’s compliance with applicable City bylaws and permits.

CARRIED UNANIMOUSLY

E.1.a.c. 780-798 Fort Street & 1106-1126 Blanshard Street: Rezoning Application No. 00745, Development Permit with Variances Application No. 000580, Heritage Designation Application No. 000196 (Downtown)

Council discussed the following:

- *Concerns about the height and the impacts on local businesses.*

Moved By Councillor Young

Seconded By Councillor Andrew

Rezoning Application No. 00745

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendments that would authorize the proposed development outlined in Rezoning Application No. 00745 for 780-798 Fort Street and 1106-1126 Blanshard Street, subject to minor plan amendments to correct the public realm details, and that first and second reading of the Zoning Regulation Bylaw Amendments be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Preparation and execution of legal agreements, to the satisfaction of City Staff, to:
 - a. Secure 21 residential units as rental for 60 years;
 - b. Restrict the stratification of units at 780-798 Fort Street and 1106-1126 Blanshard Street;
 - c. Secure public realm improvements as indicated on the plans dated November 20, 2020;
 - d. Secure the historic rehabilitation of the ground floor storefronts to preserve the original transoms, and restore the altered transoms and bulkheads, as can be accommodated without displacing existing commercial tenants, in accordance with the heritage conservation plan, dated March 2021;
 - e. Secure a sewer attention.
2. Confirmation of the communication with existing tenants within the Montrose Apartments, outlining the commitments made to not evict tenants as part of the proposed renovations and, in instances where this cannot be avoided, tenant assistant commitments identified, to the satisfaction of the Director of Sustainable Planning and Community Development.
3. That Council authorize the Mayor and City Clerk to execute encroachment agreements, to be executed at the time of the building permit approval, if the other necessary approvals are

granted, in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works, for:

- a. building encroachments adjacent to Blanshard Street and View Street for the existing Montrose Apartments;
 - b. anchor-pinning in the City right-of-way.
4. That Council direct staff to explore, with the applicant, the possibility of securing significant internal heritage features and unit lay outs, within the Heritage Designation, as well as securing the installation of thermal windows when replaced.
 5. That Council request that the applicant consider instituting vacancy controls to help secure the affordability of the housing units and de-incentivize renovations.

Development Permit with Variances

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. 00745, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit with Variances Application No. 000580 for 780-798 Fort Street & 1106-1126 Blanshard Street, in accordance with:

1. Plans date stamped November 18, 2020 with minor plan revisions to address Advisory Design panel comments, to the satisfaction of the Director of Sustainable Planning and Community Development.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. increase the building height from 60 metres to 66 metres for Development Area A
 - ii. reduce the west side yard setback from 6 metres to 2.65 metres, for portions of the building 17.5 metres above average grade for Development Area A.
3. The Development Permit lapsing two years from the date of this resolution.”

Heritage Designation Application No. 000196

That Council direct staff to prepare the Heritage Designation Bylaw for the property located at 1114-1126 Blanshard Street and bring it forward for introductory readings, and after giving notice and allowing an opportunity for public comment at a joint Public Hearing with Rezoning Application No. 00745 for 780-798 Fort Street and 1106-1126 Blanshard Street, if it is approved, consider the following motion:

“That Council approve the designation of the property located at 1114-1126 Blanshard Street, in accordance with the Conservation Plan prepared by Donald Luxton and Associates Inc. dated March 2021, pursuant to Section 611 of the Local Government Act, as a Municipal Heritage Site.”

FOR (8): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, and Councillor Young

OPPOSED (1): Councillor Isitt

CARRIED (8 to 1)

E.1.a.d. 545 Manchester Road and 520 Dunedin Street: Development Variance Permit No. 00256 (Burnside)

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

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

“That Council authorize the issuance of Development Variance Permit Application No. 00256 for 545 Manchester Road and 520 Dunedin Street in accordance with:

1. Plans date stamped February 1, 2021.
2. Development meeting all *Fence Bylaw* requirements, except for the following variance:
 - i. increase the height of fence from 1.2m to 1.83m.
3. The Development Permit lapsing two years from the date of this resolution.”

FOR (7): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Loveday, Councillor Thornton-Joe, and Councillor Young

OPPOSED (2): Councillor Isitt, and Councillor Potts

CARRIED (7 to 2)

E.1.a.e. Strategic Plan Actions - Public Hearing-Only Council Meetings and Video Submissions to Public Hearings

Council discussed the following:

- *Enhancing opportunities for members of the public to provide comment on the business of Council.*

- *Appropriateness of referring smaller changes to Council procedures to the Governance Review.*

Moved By Councillor Isitt

Seconded By Councillor Andrew

That this item be referred to the Governance Review:

That Council direct staff to:

1. Bring forward amendments to the Council Procedures Bylaw to:
 - a. formally establish daytime Council meetings to follow Committee of the Whole meetings and the order of business for them.
 - b. establish the Order of Business for evening Council meetings to include Public Hearings, Opportunities for Public Comment and Request to Address Council and Question Period.
2. Approve amendments to the Public Hearing Speaking Policy and Request to Address Council Policy to permit pre-recorded audio and video submissions and telephone participation.

Motions Arising:

Council Procedures

That Council requests that staff restore the inclusion of Committee of the Whole reports and reading of Bylaws on the agendas of ordinary evening Council Meetings as soon as practicable.

That as part of the Governance Review, that Council consider live video submissions from the members of the public.

Amendment:

Moved By Councillor Andrew

Seconded By Mayor Helps

That Council requests that ~~staff restore the inclusion of Committee of the Whole reports and reading of Bylaws on the agendas of ordinary evening Council Meetings as soon as practicable~~ **readings of bylaws and Committee of the Whole items to daytime Council meetings two weeks after they have been originally discussed.**

FOR (6): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Thornton-Joe, and Councillor Young

OPPOSED (3): Councillor Isitt, Councillor Loveday, and Councillor Potts

CARRIED (6 to 3)

Motion to refer:

Moved By Councillor Potts

Seconded By Councillor Dubow

Refer this matter to the governance review

FOR (2): Councillor Dubow, and Councillor Potts

OPPOSED (7): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Isitt, Councillor Loveday, Councillor Thornton-Joe, and Councillor Young

DEFEATED (2 to 7)

On the main motion as amended:

That this item be referred to the Governance Review:

That Council direct staff to:

1. Bring forward amendments to the Council Procedures Bylaw to:
 - a. formally establish daytime Council meetings to follow Committee of the Whole meetings and the order of business for them.
 - b. establish the Order of Business for evening Council meetings to include Public Hearings, Opportunities for Public Comment and Request to Address Council and Question Period.
2. Approve amendments to the Public Hearing Speaking Policy and Request to Address Council Policy to permit pre-recorded audio and video submissions and telephone participation.

Motions Arising:

Council Procedures

That Council requests that readings of bylaws and Committee of the Whole items move to daytime Council meetings two weeks after they have been originally discussed.

That as part of the Governance Review, that Council consider live video submissions from the members of the public.

CARRIED UNANIMOUSLY

E.1.a.f. Strategic Plan Actions - Lobbyist Registry Considerations

Moved By Councillor Andrew

Seconded By Councillor Loveday

That Council refer considerations for creating a lobbyist registry to the Governance Review to evaluate additional methods to strengthen accountability and transparency in local governance.

CARRIED UNANIMOUSLY

E.1.a.g. Governance Review

Moved By Councillor Andrew

Seconded By Councillor Thornton-Joe

That Council direct staff to initiate the procurement process for selecting consultant services for a Governance Review and report back to Council with the workplan once the consultant is selected.

CARRIED UNANIMOUSLY

E.1.a.h. Proposed Donation: Swim Platform in Gorge Waterway

Moved By Councillor Andrew

Seconded By Councillor Loveday

That Council approve receipt of the donation of the swim platform from Aryze Developments Ltd, and direct staff to:

1. Complete a donation agreement with Aryze Developments Ltd, with terms satisfactory to the Director of Parks, Recreation and Facilities, and Chief Financial Officer; and in a form satisfactory to the City Solicitor;
2. Include the cost of maintaining the platform in the draft 2022 Financial Plan.
3. Discuss options with the donor related to the issuance of a tax receipt and potential recovery of some of the tax savings towards the cost of upgrades, maintenance, and/or replacement of the asset.

CARRIED UNANIMOUSLY

E.1.b Report from the April 8, 2021 COTW Meeting

E.1.b.a. 812 Craigflower Road - Referral of Proposed Esquimalt OCP Amendment

Moved By Councillor Andrew

Seconded By Councillor Alto

That Council direct staff to:

1. Forward this report to the Township of Esquimalt as comment on the Township's referral of the Official Community Plan (OCP) amendment for 812 Craigflower Road.
2. Communicate that Council finds the provision of housing along Craigflower Road, including diverse unit sizes, supports broader objectives of the City of Victoria's OCP by allowing housing convenient to services, amenities, transit, and the downtown core, thereby benefiting the region.
3. Communicate that Council encourages the inclusion of Transportation Demand Management (TDM) measures in a rezoning.
4. That Council request that Esquimalt notify Victoria residents within a notification distance consistent with that provided to Esquimalt property owners for OCP amendments and rezonings and invite their comments should this proposal move forward to public hearing.

FOR (8): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe

OPPOSED (1): Councillor Young

CARRIED (8 to 1)

Councillor Isitt withdrew from the meeting at 4:30 p.m. due to a non-pecuniary conflict of interest.

E.1.b.b. 819-823 Esquimalt Road - Referral of Proposed Esquimalt OCP Amendment

Moved By Councillor Andrew

Seconded By Councillor Loveday

That Council direct staff to:

1. Forward this report to the Township of Esquimalt as comment on the Township's referral of the Official Community Plan (OCP) amendment for 819-823 Esquimalt Road.
2. Communicate that Council finds the provision of housing, and seniors' housing, in the Esquimalt Road Corridor supports broader objectives of the City of Victoria's OCP and Victoria West Neighbourhood plan by allowing housing convenient to services, amenities and transit, thereby benefiting the region.
3. Communicate that Council encourages the Township of Esquimalt to recognize the status of Esquimalt Road as part of the City of Victoria's bicycle network, the CRD's Priority Inter-Community (PIC) network, its status as a commuter cycling route in Esquimalt's earlier Bicycle Network Plan (2001), as well as a Frequent Transit Corridor in the BC Transit Future

Plan; the opportunity to align with future Bus Rapid Transit implementation; the opportunity to improve what are currently sub-optimal bicycle facilities along Esquimalt Road; and the value of the urban forest, in order to:

- a. determine a desired cross-section for Esquimalt Road which includes sufficient space for safe cycling facilities, pedestrians, and street trees;
- b. consult with City of Victoria Engineering staff in developing the above cross-section;
- c. seek Statutory Right-of-Way or highway dedication to achieve this cross-section along this section of Esquimalt Road and frontage works as part of this rezoning process, as appropriate.
- d. Communicate that Council hopes consideration and assistance will be given to any current tenants that will be displaced by this development.

CARRIED UNANIMOUSLY

Councillor Isitt returned to the meeting at 4:32 p.m.

E.1.b.c. Renters' Advisory Committee - Term Extension

Moved By Councillor Andrew

Seconded By Councillor Dubow

1. That Council approve extending the Renters' Advisory Committee as follows:
 - a. Initiate cyclical two-year terms from April 2021 to November 2023 which will realign with annual Council committee member appointments thereafter.
 - b. Rotate half of the members annually to provide overlapping terms.
 - c. Extend the term of current committee members to November 2022.
 - d. Appoint new committee members to fill current vacancies.
 - e. Update the Terms of Reference to reflect the new cyclical term.
 - f. Continue the committee on an ongoing basis.
2. That Council will consider the appointment of equity seeking groups to the committee and direct staff to ask members of equity seeking groups to self-identify if they wish, for the Renters Advisory Committee.

3. Council direct staff to amend the Renters Advisory Committee proposed terms of reference to add explicit reference to a class of membership for people with lived experience with disability and a reasonable accommodation provision to signal that people of various abilities can participate, specifically, amend attachment C, Terms of Reference Renters' Advisory Committee:
 - a. Under 2. Composition, a sentence to follow "The Renters' Advisory Committee will be comprised of up to twelve (12) members of the public appointed for two (2) year terms (renewable for one additional term), representing the diverse perspectives and experiences of renters and renters' advocates". The new sentence will read, "**Three members will have expertise or lived experience on accessibility issues.**"
 - b. Under 4. Procedure, add a sentence at the end "**The City will reasonably accommodate members' disabilities, as appropriate.**"

Motion Arising:

That Council refer this matter to the Governance Review:

1. Direct staff to ensure that members with disabilities are able to serve on all boards, task forces and advisory committees. This may be added to the Terms of Reference for the Governance Review to ensure that it is addressed comprehensively, or addressed earlier if possible, through amendment of the terms of references as they come up for review and renewal, or as a group.

FOR (8): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe

OPPOSED (1): Councillor Young

CARRIED (8 to 1)

E.1.b.d. 2021 Financial Plan Update - Police Budget Allocation Formula and Request for Additional Officers to Support Bylaw Services

Moved By Councillor Andrew

Seconded By Councillor Thornton-Joe

That Council:

1. Approve an increase of \$296,122 or 0.21% in property taxes to fund the shift of policing costs due to the phase-in of the new budget allocation formula

2. Approve \$25,000 for additional policing support for bylaw services staff for the month of April 2021 from the 2021 contingency budget

The Mayor requested that the motions be considered separately.

On number one:

That Council:

1. Approve an increase of \$296,122 or 0.21% in property taxes to fund the shift of policing costs due to the phase-in of the new budget allocation formula

FOR (6): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Potts, Councillor Thornton-Joe, and Councillor Young

OPPOSED (3): Councillor Isitt, Councillor Loveday, and Councillor Dubow

CARRIED (6 to 3)

On number two:

That Council:

2. Approve \$25,000 for additional policing support for bylaw services staff for the month of April 2021 from the 2021 contingency budget

FOR (6): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Potts, Councillor Thornton-Joe, and Councillor Young

OPPOSED (3): Councillor Isitt, Councillor Loveday, and Councillor Dubow

CARRIED (6 to 3)

E.1.b.e. Revenue and Tax Policy Benchmark Monitoring and 2021 Tax Rates

Moved By Councillor Andrew

Seconded By Councillor Young

That Council:

1. Approve 2021 tax rates in alignment with the Revenue and Tax Policy as follows:

Residential	3.2209
-------------	--------

Utility	35.6621
Major Industrial	10.7096
Light Industrial	10.7096
Business	10.7096
Rec/Non-Profit	7.0635

2. Direct staff to bring forward Tax Bylaw, 2021 for introductory readings to the daytime Council meeting on April 15, 2021.

FOR (8): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe, Councillor Young

OPPOSED (1): Councillor Isitt

CARRIED (8 to 1)

E.1.b.e. UBCM Strengthening Communities' Services Program Grant Application

Councillor Dubow withdrew from the meeting at 4:38 p.m. as he was absent for the vote and discussion at Committee of the Whole.

Councillor Thornton-Joe requested that a., c., e., and f., be considered separately.

Mayor Helps requested that d. be considered separately.

Councillor Thornton-Joe withdrew from the meeting at 4:39 due to a non-pecuniary conflict of interest as she is on the Board of the Coalition to End Homelessness which is involved with a., c., e., and f.

Moved By Councillor Alto

Seconded By Councillor Andrew

That Council:

1. Authorize City staff to submit an application to the UBCM Strengthening Communities' Services Program for the following proposed activities:
 - a. Tiny Homes Project
 - b. Outdoor Sheltering in Parks – Temporary Service Supports
 - c. Additional Bylaw and Peer Outreach Resources
 - d. Additional Protective Services Resources
 - e. Greater Victoria Coalition to End Homelessness – Move-in Mobilization and Welcoming Neighbourhoods Mobilization
 - f. Aboriginal Coalition to End Homelessness – Outreach Services and Supports

- g. Burnside Gorge Community Association – Community Integration and Inclusion Working Group, Improved Safety, and Clean and Safe Team
- h. Canadian Mental Health Association – Pilot of Civilian-Led Mobile Mental Health Crisis Team

On section 1 a, c, e, and f:

CARRIED UNANIMOUSLY

Councillor Thornton-Joe returned to the meeting at 4:41 p.m.

On section d.:

d. Additional Protective Services Resources

FOR (6): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Loveday, and Councillor Thornton-Joe, Councillor Young

OPPOSED (2): Councillor Isitt, Councillor Potts

CARRIED (6 to 2)

On the remaining sections 1 b, g, h, 2 and 3:

That Council:

2. Authorize City staff to submit an application to the UBCM Strengthening Communities' Services Program for the following proposed activities:
 - a. Tiny Homes Project
 - b. Outdoor Sheltering in Parks – Temporary Service Supports
 - c. Additional Bylaw and Peer Outreach Resources
 - d. Additional Protective Services Resources
 - e. Greater Victoria Coalition to End Homelessness – Move-in Mobilization and Welcoming Neighbourhoods Mobilization
 - f. Aboriginal Coalition to End Homelessness – Outreach Services and Supports
 - g. Burnside Gorge Community Association – Community Integration and Inclusion Working Group, Improved Safety, and Clean and Safe Team
 - h. Canadian Mental Health Association – Pilot of Civilian-Led Mobile Mental Health Crisis Team

3. Authorize staff to provide overall grant management, should the grant application be awarded funding.
4. Authorize the Mayor and City Clerk to execute a grant agreement with terms generally in accordance with the outline in this report.

CARRIED UNANIMOUSLY

Councillor Dubow returned to the meeting at 4:43 p.m.

F. BYLAWS

F.1 Bylaws for 1913 and 1915 Fernwood Road: Rezoning Application No. 00626 and Development Permit with Variances Application No. 00073

Moved By Councillor Alto

Seconded By Councillor Andrew

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

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1241) No. 21-001

CARRIED UNANIMOUSLY

Councillor Alto withdrew from the meeting at 4:44 p.m. due to a pecuniary conflict of interest as they own property near the next item.

Councillor Andrew withdrew from the meeting at 4:44 p.m. due to a pecuniary conflict of interest as they own property near the next item.

F.2 Bylaws for 3120 Washington Avenue: Rezoning Application No. 00735

Moved By Councillor Potts

Seconded By Councillor Isitt

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

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1246) No. 21-020

CARRIED UNANIMOUSLY

Moved By Councillor Dubow

Seconded By Councillor Thornton-Joe

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

1. Housing Agreement (3120 Washington Avenue) Bylaw (2021) No. 21-021

CARRIED UNANIMOUSLY

Councillor Alto returned to the meeting at 4:46 p.m.

Councillor Andrew returned to the meeting at 4:46 p.m.

F.1 Bylaws for 1913 and 1915 Fernwood Road: Rezoning Application No. 00626 and Development Permit with Variances Application No. 00073

Moved By Councillor Alto

Seconded By Councillor Andrew

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

1. Housing Agreement (1913 and 1915 Fernwood) Bylaw (2021) No. 21-002

CARRIED UNANIMOUSLY

F.3 Bylaw for Parks Regulation Amendment Bylaw

Council discussed the following:

- *Future reviews of sheltering regulations at Central Park.*

Moved By Councillor Isitt

Seconded By Councillor Dubow

That Council postpone consideration of the item.

CARRIED UNANIMOUSLY

F.4 Development Cost Charges Bylaw Amendment Bylaw

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That the following bylaw **is adopted:**

1. Development Cost Charges Bylaw, Amendment Bylaw No. 21-046

CARRIED UNANIMOUSLY

F.3 Bylaw for Parks Regulation Amendment Bylaw

Moved By Councillor Andrew

Seconded By Councillor Young

That the motion be lifted from the table.

CARRIED UNANIMOUSLY

Moved By Councillor Andrew
Seconded By Councillor Young

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

1. Parks Regulation Bylaw, Amendment Bylaw (No. 15) 21-049

FOR (7): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, and Councillor Young

OPPOSED (2): Councillor Dubow, and Councillor Isitt

CARRIED (7 to 2)

Motion arising:

Moved By Councillor Potts
Seconded By Councillor Isitt

That the sheltering prohibition in Central Park be reviewed in July 2022, using criteria that takes into consideration equity, accessible community green space, hygiene amenities and other parks where sheltering is permitted.

CARRIED UNANIMOUSLY

G. CORRESPONDENCE

G.1 Letter from the City of Pitt Meadows

Moved By Councillor Isitt
Seconded By Councillor Andrew

That the correspondence from the City of Pitt Meadows be received for information.

CARRIED UNANIMOUSLY

H. CLOSED MEETING

Moved By Councillor Andrew
Seconded By Councillor Young

MOTION TO CLOSE THE APRIL 8, 2021 COUNCIL MEETING TO THE PUBLIC

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 part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

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)(g) litigation or potential litigation affecting the municipality;

Section 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

CARRIED UNANIMOUSLY

I. APPROVAL OF CLOSED AGENDA

Moved By Councillor Andrew

Seconded By Councillor Young

That the closed agenda be approved.

Amendment:

Moved By Councillor Thornton-Joe

Seconded By Councillor Andrew

That the agenda of the April 8, 2021, Closed Meeting be amended as follows:

Consent Agenda:

K.1 - Minutes from the closed Committee of the Whole meeting held March 11, 2021

K.2 - Minutes from the closed Committee of the Whole meeting held January 28, 2021

N.1 - Appointment – Community Charter Section 90(1)(a)

CARRIED UNANIMOUSLY

Councillor Isitt requests that item M.1 be pulled from the consent agenda.

On the main motion as amended:

CARRIED UNANIMOUSLY

J. CONSENT AGENDA

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That the following items be approved without further debate

CARRIED UNANIMOUSLY

K.1 Minutes from the closed Committee of the Whole meeting held March 11, 2021

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That the minutes from the closed Committee of the Whole meeting held March 11, 2021 are approved.

CARRIED UNANIMOUSLY

K.2 Minutes from the Closed Council meeting held January 28, 2021

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That the minutes from the closed Council meeting held January 28, 2021 are approved.

CARRIED UNANIMOUSLY

N. NEW BUSINESS

N.1 Appointments - Community Charter Section 90(1)(a)

Council discussed an appointment matter.

The discussion and motion were recorded and kept confidential.

N.2 Legal Advice/Litigation - Community Charter Section 90(1)(g) & 90(1)(i)

Council discussed a legal advice/litigation matter.

The discussion was recorded and kept confidential.

Council recessed the closed meeting at 5:13 p.m. and reconvened at 9:06 p.m.

Councillor Loveday withdrew from the meeting at 9:29 p.m. due to a pecuniary conflict of interest.

O. ADJOURNMENT

Moved By Councillor Andrew

Seconded By Councillor Young

That the Closed Council Meeting be adjourned at 9:29 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR

DRAFT



MINUTES - VICTORIA CITY COUNCIL

April 22, 2021, 6:30 P.M.

6TH FLOOR BOARDROOM, CAPITAL REGIONAL DISTRICT,
625 FISGARD STREET, VICTORIA, B.C.

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

PRESENT: Mayor Helps in the Chair, Councillor Andrew, Councillor Thornton-Joe

PRESENT
ELECTRONICALLY: Councillor Alto, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Young

PRESENT
ELECTRONICALLY
FOR A PORTION OF
THE MEETING: Councillor Dubow (in person at 7:23 p.m.)

STAFF PRESENT: J. Jenkyns - City Manager, S. Thompson - Deputy City Manager / Director of Finance, C. Kingsley - City Clerk, T. Soulliere - Director of Parks, Recreation & Facilities, T. Zworski - City Solicitor, B. Eisenhower - Head of Engagement, P. Bellefontaine - Director of Engineering & Public Works, K. Hoese - Director of Sustainable Planning and Community Development, C. Havelka - Deputy City Clerk, C. Mycroft - Manager of Executive Operations, L. Taylor - Senior Planner, S. Webb - Manager of Transportation, M. Heiser - Council Secretary

A. APPROVAL OF AGENDA

The City Clerk outlined amendments to the agenda.

Moved By Councillor Andrew

Seconded By Councillor Thornton-Joe

That the agenda be approved as amended.

Amendment:

Moved By Councillor Thornton-Joe

Seconded By Councillor Andrew

That the following speakers be added to the agenda:

G.1 Steve Smith – Richardson Street Bike Lanes

G.2 Brian Kendrick - Richardson Street Bike Lanes

G.3 Janice Williams – Richardson Street Bike Lanes

CARRIED UNANIMOUSLY

Amendment:

Moved By Councillor Loveday

Seconded By Councillor Potts

That the following speakers be added to the agenda:

G.4 Corey Burger – Richardson Street Bike Lanes

CARRIED UNANIMOUSLY

On the main motion as amended:

CARRIED UNANIMOUSLY

B. POETRY READING

The Youth Poet Laureate, James Summer, read a poem titled "Christmas Gift".

D. REQUESTS TO ADDRESS COUNCIL

Moved By Councillor Andrew

Seconded By Councillor Thornton-Joe

That the following speakers be permitted to address Council.

CARRIED UNANIMOUSLY

D.1 Jade Baird, Sicily Fox , Ashley Yaredic, Rachel Dufort: The Delivery of the Petition to Remove Trutch's Name

Outlined why Council should remove Joseph Trutch's name from Trutch Street.

D.2 Reuben Rose-Redwood: Renaming Trutch Street

Outlined why Council should remove Joseph Trutch's name from Trutch Street.

D.4 Angela Plasterer, German/Canadian Cultural Association of Victoria: Non-profit Cultural Facilities Eligible for Permissive Tax Exemptions

Outlined why Council should change policy to allow permissive tax exemptions for the following organization: German/Canadian Cultural Association of Victoria.

D.5 Linda Murray, Eidsvold No. 53, Sons of Norway: Permissive Tax Exemption 2022 for Non-profit Societies

Outlined why Council should change policy to allow permissive tax exemptions for the following non-profit society: Eidsvold No. 53, Sons of Norway.

D.6 Raj Singh Toor: Komagata Maru Recognition

Outlined why Council should consider naming a park, street or some civic asset in memory of the Komagata Maru passengers.

F. PUBLIC AND STATUTORY HEARINGS

F.1 1913 and 1915 Fernwood Road: Rezoning Application No. 00626 and Development Permit with Variances Application No. 00073

Zoning Regulation Bylaw, Amendment Bylaw (No. 1241) - No. 20-001:

To rezone the land known as 1913 and 1915 Fernwood Road from the R-2 Zone, Two Family Dwelling District, to the R1-49 Zone, Fernwood Conversion District, to permit a multi-unit residential building consisting of approximately four ground-oriented dwelling units.

Development Permit Application

The Council of the City of Victoria will also consider issuing a development permit for the land known as 1913 and 1915 Fernwood Road, in Development Permit Area 16 (DPA 16): General Form and Character, for the purposes of approving the exterior design and finishes for the multi-unit residential building as well as landscaping.

F.1.a Public Hearing & Consideration of Approval

Leanne Taylor (Planner): Advised that the application is to convert the existing duplex to a multi-unit residential building.

Mayor Helps opened the public hearing at 7:04 p.m.

Karl Veldkamp (Applicant): Provided information regarding the application.

Council recessed from 7:18 p.m. until 7:24 p.m. to provide an opportunity for members of the public to call to speak live.

No persons called in to speak to the proposed application.

Council discussed the following:

- *Proposed sidewalk and statutory right-of-way*
- *Standards for boulevards*
- *Rental conversion policies*
- *Proposed housing agreement considerations*

Mayor Helps closed the public hearing at 7:28 p.m.

Moved By Councillor Andrew

Seconded By Councillor Thornton-Joe

That the following bylaw **be given third reading:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1241) No. 21-001

Council discussed the following:

- *History of rental units*
- *Rental assistance for relocation*
- *Housing affordability and modest densification*
- The loss of existing affordable housing

Motion to speak:

Moved By Councillor Dubow

Seconded By Councillor Alto

That Councillor Isitt be permitted to speak again on this matter.

CARRIED UNANIMOUSLY

Motion to speak:

Moved By Councillor Dubow

Seconded By Councillor Loveday

That Councillor Potts be permitted to speak again on this matter.

CARRIED UNANIMOUSLY

On third reading of the bylaw:

FOR (8): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, Councillor Young
OPPOSED (1): Councillor Isitt

CARRIED (8 to 1)

Moved By Councillor Andrew

Seconded By Councillor Thornton-Joe

That the following bylaw **be adopted:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1241) No. 21-001

FOR (8): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, Councillor Young
OPPOSED (1): Councillor Isitt

CARRIED (8 to 1)

Moved By Councillor Alto

Seconded By Councillor Andrew

That the following bylaws **be adopted**:

1. Housing Agreement (1913 and 1915 Fernwood) Bylaw (2021) No. 21-002

CARRIED UNANIMOUSLY

Moved By Councillor Andrew

Seconded By Councillor Alto

That Council authorize the issuance of Development Permit with Variances Application No. 00073 for 1913 and 1915 Fernwood Road, in accordance with:

1. Plans date stamped October 31, 2019.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the required number of parking spaces from 5 to 4;
 - ii. reduce the continuous landscaping screen between a surface vehicle parking area and an adjacent lot primarily for residential uses from 1 m to 0.60m;
3. reduce the side yard setback for an accessory building from 0.60m to 0.17m.
4. The Development Permit lapsing two years from the date of this resolution.

FOR (8): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, Councillor Young
OPPOSED (1): Councillor Isitt

CARRIED (8 to 1)

Councillor Alto withdrew from the meeting at 7:48 p.m. due to a pecuniary conflict of interest as they own property near the following item.

Councillor Andrew withdrew from the meeting at 7:48 p.m. due to a pecuniary conflict of interest as they own property near the following item.

F.2 3120 Washington Avenue: Rezoning Application No. 00735

Zoning Regulation Bylaw, Amendment Bylaw (No. 1246) - No. 21-020:

To rezone the land known as 3120 Washington Avenue from the R1-B Zone, Single Family Dwelling District, to the R1-51 Zone, Washington 8 Cottage Cluster District, to permit eight two-storey single family dwelling units on a lot.

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

Leanne Taylor (Planner): Advised that the application is to construct eight single-family dwellings on one lot.

Mayor Helps opened the public hearing at 7:50 p.m.

Niall Paltiel (Applicant): Provided information regarding the application.

Todd Buchanan (Washington Avenue): Expressed support for the application due to the proposed design and complementary aspects of the neighbourhood.

Frances Frank (Washington Avenue): Expressed support for the application due to the fit and appearance proposed within neighbourhood.

Council recessed from 8:06 p.m. until 8:11 p.m. to provide an opportunity for members of the public to call to speak live.

No further persons called in to speak to the proposed application.

Council discussed the following:

- *Comments received from neighbouring properties regarding fencing*

Mayor Helps closed the public hearing at 8:14 p.m.

Moved By Councillor Thornton-Joe

Seconded By Councillor Loveday

That the following bylaw **be given third reading:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1246) No. 21-020

Council discussed the following:

- *Comments shared through public participation and video submission*
- *Densification of traditional residential areas*

CARRIED UNANIMOUSLY

Moved By Councillor Thornton-Joe

Seconded By Councillor Dubow

That the following bylaw **be adopted:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1246) No. 21-020

CARRIED UNANIMOUSLY

Moved By Councillor Thornton-Joe

Seconded By Councillor Dubow

That the following bylaws **be adopted:**

2. Housing Agreement (3120 Washington Avenue) Bylaw (2021) No. 21-021

CARRIED UNANIMOUSLY

Councillor Alto and Councillor Andrew returned to the meeting at 8:20 p.m.

F.3 540 Dallas Road: Development Variance Permit Application No. 00251

Development Variance Permit Application No. 00251

The City of Victoria will be considering the issuance of a Development Variance Permit for the land known as 540 Dallas Road for the purpose of varying certain requirements of the *Zoning Regulation Bylaw* namely: increasing the site coverage and reducing the open site space to add a small addition to the rear of the existing seniors' residential building in order to create an enclosed walkway.

F.3.a Opportunity for Public Comment & Consideration of Approval

Leanne Taylor (Planner): Advised that the application is to add a walkway addition to the existing building with variances.

Mayor Helps opened the opportunity for public comment at 8:22 p.m.

Laurie Aves (Applicant): Provided information regarding the application.

Council recessed from 8:26 p.m. until 8:31 p.m. to provide an opportunity for members of the public to call to speak live.

No persons called in to speak to the proposed application.

Mayor Helps closed the opportunity for public comment at 8:31 p.m.

Moved By Councillor Thornton-Joe

Seconded By Councillor Andrew

That Council authorize the issuance of Development Variance Permit Application No. 00251 for 540 Dallas Road in accordance with:

1. Plans date stamped November 12, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. increase the maximum site coverage from 40.0% to 44.15%;
 - ii. reduce the minimum open site space from 60.0% to 46.7%.
3. The Development Variance Permit lapsing two years from the date of this resolution.

CARRIED UNANIMOUSLY

F.4 545 Manchester Road and 520 Dunedin Street: Development Variance Permit No. 00256

Development Variance Permit Application No. 00256

The City of Victoria will be considering the issuance of a Development Variance Permit for the land known as 545 Manchester Road and 520 Dunedin Street for

the purpose of varying certain requirements of the *Fence Bylaw* namely: increase the height of fence from 1.2m (4ft) to 1.83m (6ft) along the Manchester Road frontage.

F.4.a Opportunity for Public Comment & Consideration of Approval

Leanne Taylor (Planner): Advised that the application is to construct a 1.83m fence in the front yard.

Mayor Helps opened the opportunity for public comment at 8:35 p.m.

Helen Merlot (Applicant): Provided information regarding the application.

Brian Mackay (Dunedin Street): Expressed support for the application due to the proposed increase in safety.

Council recessed from 8:54 p.m. until 8:59 p.m. to provide an opportunity for members of the public to call to speak live.

Gayle Chong (Manchester Road): Expressed support for the application due to the effect on security for the building.

No further persons called in to speak to the proposed application.

Council discussed the following:

- *Reduction in crime in the area with an existing 6 foot fence*

Mayor Helps closed the opportunity for public comment at 9:06 p.m.

Moved By Mayor Helps

Seconded By Councillor Thornton-Joe

That Council authorize the issuance of Development Variance Permit Application No. 00256 for 545 Manchester Road and 520 Dunedin Street in accordance with:

1. Plans date stamped February 1, 2021.
2. Development meeting all Fence Bylaw requirements, except for the following variance:
 - i. increase the height of fence from 1.2m to 1.83m.
3. The Development Permit lapsing two years from the date of this resolution.

Council discussed the following:

- *Safety for all in the neighbourhood*
- *Overall concern in the Burnside Gorge neighbourhood*
- *Long term solutions for current obstacles*

FOR (8): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, Councillor Young
OPPOSED (1): Councillor Dubow

CARRIED (8 to 1)

G. REQUESTS TO ADDRESS COUNCIL

Moved By Councillor Andrew

Seconded By Councillor Dubow

That the following speakers be permitted to address Council.

CARRIED UNANIMOUSLY

G.1 Steve Smith – Richardson Street Bike Lanes

Outlined why Council should not construct bike lanes on Richardson Street due to the change in traffic.

G.2 Brian Kendrick - Richardson Street Bike Lanes

Outlined why Council should not construct bike lanes on Richardson Street due to traffic disruptions and lack of consultation.

G.3 Janice Williams – Richardson Street Bike Lanes

Outlined why Council should not construct bike lanes on Richardson Street due to traffic disruptions.

G.4 Corey Burger – Richardson Street Bike Lanes

Outlined why Council should move forward with the bike lanes on Richardson Street.

H. UNFINISHED BUSINESS

H.1 Five Year Financial Plan, 2021

Motion to lift the matter from the table:

Moved By Councillor Thornton-Joe

Seconded By Councillor Andrew

That this matter be lifted to the table.

CARRIED UNANIMOUSLY

Council discussed the following:

- *The engagement consultation process*
- *Traffic disruption versus traffic safety*
- *Project review by First Responders*
- *Trust among the citizens*

On the motion arising:

That Council direct staff to delay the Richardson Street bike lane project until further consultation and engagement has been conducted and a report back to Council has been provided.

FOR (3): Councillor Andrew, Councillor Thornton-Joe, Councillor Young
OPPOSED (6): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts,

DEFEATED (3 to 6)

K. BYLAWS

K.1 Bylaw for 2021 Tax Rates

Moved By Councillor Andrew

Seconded By Councillor Thornton-Joe

That the following bylaw **be adopted**:

1. Tax Bylaw, 2021 No. 21-048

FOR (8): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, Councillor Young
OPPOSED (1): Councillor Isitt

CARRIED (8 to 1)

K.2 Bylaw for Business Improvement Area Rate

Moved By Councillor Andrew

Seconded By Councillor Thornton-Joe

That the following bylaw **be adopted**:

1. Business Improvement Area Rate Bylaw No. 21-053

CARRIED UNANIMOUSLY

K.3 Bylaw for Boulevard Tax

Moved By Councillor Andrew

Seconded By Councillor Thornton-Joe

That the following bylaw **be adopted**:

1. Boulevard Tax Bylaw No. 21-05

CARRIED UNANIMOUSLY

K.4 Bylaw for Fire Prevention and Regulation Amendment Bylaw

Moved By Councillor Alto

Seconded By Councillor Andrew

That the following bylaw **be adopted**:

1. Fire Prevention and Regulation Bylaw, Amendment Bylaw (No. 01) No. 21-010

CARRIED UNANIMOUSLY

K.5 Bylaw for False Alarms Amendment Bylaw

Moved By Councillor Andrew

Seconded By Councillor Alto

That the following bylaw **be adopted**:

1. False Alarms Bylaw, Amendment Bylaw (No. 1) No. 21-018

CARRIED UNANIMOUSLY

O. ADJOURNMENT

Moved By Councillor Andrew

Seconded By Councillor Thornton-Joe

That the Council meeting adjourn.

TIME: 10:27 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR

Address to Council – 13 May 2021

Authors: Chelsey Thorpe & Alexandra Kierstead, on behalf of Survivors Support Victoria

Trauma-Informed Training for Council members and senior city staff

1. Proposal: To include trauma-informed training for city staff and council to ensure public commentary is appropriate, empathetic, and inclusive of the population in order to not cause undue harm to citizens and society as a whole.
2. Background:
 - a. What is Trauma Informed Practice and why is it important?
 - i. Trauma-Informed Practice is a strengths-based framework grounded in an understanding of and responsiveness to the impact of trauma. It emphasises physical, psychological, and emotional safety for everyone, and creates opportunities for survivors to rebuild a sense of control and empowerment.
 - ii. Traumatic stress has profound impacts on multiple domains of life and increases the risk of many adverse outcomes — such as mental and physical health problems, academic difficulties, arrest and incarceration, food insecurity, and homelessness.
 - iii. Four “Rs”: realizing the widespread impact of trauma and pathways to recovery, recognizing the signs and symptoms of trauma among consumers of services and staff, responding by integrating knowledge about trauma into practice and policy; and proactively resisting re-traumatization. Trauma-informed approaches to practice have demonstrated effectiveness in reducing the use of seclusion and restraint, improving substance use and mental health outcomes and enhancing the quality of environments.
 - b. What is the relevance for government institutions?
 - i. Trauma-informed practice initially gained traction in human and mental health service sectors at the local level, but has recently been embraced by a wide array of sectors at multiple levels of government.

- ii. Increases in legislative attention to trauma-informed practice signal a need for a trauma-informed workforce and integration of knowledge about trauma into the core curricula in public health, education, and criminal justice programs.
- iii. Many social problems are linked to trauma, a trauma-informed perspective is relevant to a range of local, provincial, federal, and international policies.

3. Context:

- a. City councillors as elected officials' need to ensure their actions and commentary are made with comprehension of the core issues faced by our society and the issues that disproportionately affect marginalized populations. Lack of knowledge and understanding can lack thoughtful consideration of the effect on the public in four ways:
 - i. Invalidation through denial. Denying the existence of rape culture discredits survivors of sexualized violence and causes harm by invalidating their lived experiences;
 - ii. Barriers to reporting. Suggesting all survivors must report in order to allow for perpetrators to be brought to justice disregards the many barriers that discourage survivors from reporting and further upholds a narrative that accountability is the responsibility of a survivor, placing additional burden on a person who should be focused on their healing;
 - iii. Limit of accountability. Supporting harmful narratives that maintain accountability is only executed through use of our legal system, which is in desperate need for reform, limits impressionable youth who may be exposed to such comments from comprehensive education on greater issues at play that they are likely to experience if they haven't already.
 - iv. Subjectivity limiting advocacy. Making ill-informed comments about a societal issue that plagues all western societies demonstrates an inability to remove one's position of privilege and advocate for the needs of the city in an objective way.
- b. Providing this training to city employees and elected officials is one part to establishing cultural change. Those in a position to represent our city and advocate for our needs should be setting an example for others, and without having a trauma-informed approach, alongside one that is

inclusive and intersectional, we risk future commentary having long-lasting negative effects on our population as discussed.

4. Justification:

a. Foundational Principles Of Responsible Conduct. There are 4 guiding principles for responsible conduct as brought forward by the Working Group on Responsible Conduct. Though we could find justification under all, we will focus on two that were not upheld in the recent comments and subsequent actions from an elected official.

i. Accountability. One point to fulfilling this principle is “listen to and consider the opinions and needs of the community in all decision making, and allow for discourse and feedback”.

1. An apology on a social media site is not full accountability. Acknowledging misjudgement and harmful actions, whether intended or not, is one aspect of accountability. There has been no transparent update provided from this member in terms of the education they are seeking.
2. The proposed solution in this particular case was swiftly brought forward yet lacked robust consultation with the communities named to participate. The motion did not account for how it would support the strategic plan nor did it provide a critical analysis of how this motion would further support or advocate for the ongoing staff work with regards to the 2019 motion to mandate sexualized violence prevention training across Victoria venues. Education needs to happen first and foremost before proposing the use of resources to solve issues that some officials neglected to address.
3. In order for elected officials to foster an environment where discourse and feedback is welcomed, they must remain open and judgement-free, instead of being met with criticism which communicates a lack of value for community input.

ii. Respect. One point to displaying respect to others and as a representative is that an official is to “create an environment of trust, including displaying awareness and sensitivity around comments and language that may be perceived as offensive or derogatory”.

1. Being trauma-informed allows for increased capacity to think before acting and to ensure commentary and actions are

executed in a way that is inclusive and minimizes the possibility of doing harm.

- b. Code of Conduct. Not only should trauma-informed training be a part of city staff training but there should be a code of conduct for elected officials that is made available to the public. The closest publication would be the excerpt from the City of Victoria's Strategic Plan 2019-2022, *Declaration of Principles and Values*, page 7 (see appendix 1).
 - i. These principles are made "to create a culture of deep respect". They reference inclusivity and intersectionality through mentions of "welcoming diversity and fostering a spirit of inclusion".
 - ii. Council is open to ongoing education as stipulated in "nurturing a culture of continuous learning with each other".
 - iii. Trauma-informed training would therefore be in line with council's declaration and would echo the importance for all persons to engage in continuing education at any point of their career to ensure those representing our city are doing so with an empathetic lens.

Appendix 1

Excerpt from City of Victoria's Strategic Plan 2019-2022, *Declaration of Principles and Values*, page 7.

VICTORIA CITY COUNCIL 2019–2022

Declaration of Principles and Values

IN ORDER to create a culture of deep respect, to build the relationships we need to do the work, and to aspire to be our highest selves even when it feels hard and when difficult decisions could stand to divide us, we are committed to:

1. Governing with integrity, transparency and an unwavering dedication to public service.
2. Welcoming diversity and fostering a spirit of inclusion and equity in everything we do.
3. Leading with creativity and courage.
4. Deep listening and critical thinking.
5. Assuming that everyone is here with good intention to make the community better.
6. Nurturing a culture of continuous learning with each other, staff and the public.
7. Working collaboratively and cooperatively with each other, staff and the public while welcoming a diversity of opinion and thought.
8. Practising generosity, curiosity and compassion.
9. Being patient, kind and caring.
10. Bringing a spirit of open-mindedness and open-heartedness to all of our work.
11. Keeping a sense of humour and light-heartedness with each other.
12. Reviewing these principles once a quarter with the same humility, honesty, and candour with which we govern.

CITY OF VICTORIA | Strategic Plan 2019–2022

References

Government of Canada. 2021. Trauma and violence-informed approaches to policy and practice. <https://www.canada.ca/en/public-health/services/publications/health-risks-safety/trauma-violence-informed-approaches-policy-practice.html>

Government of British Columbia. 2021 Responsible Conduct of Locally Elected Officials. <https://www2.gov.bc.ca/gov/content/governments/local-governments/governance-powers/conduct-of-locally-elected-officials/responsible-conduct>

Working Group on Responsible Conduct. 2018. Foundational Principles Of Responsible Conduct. https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/local-governments/governance-powers/foundational_principles_responsible_conduct.pdf

Working Group on Responsible Conduct. 2021. Forging the Path to Responsible Conduct in Your Local Government. <https://www.ubcm.ca/assets/Resolutions~and~Policy/Policy/Governance/Working~Group~on~Responsible~Conduct/Forging%20the%20Path%20to%20Responsible%20Conduct.pdf>

Reading List

Bowen, E.A., & Murshid, N.S. 2016. Trauma-Informed social policy: A conceptual framework for policy analysis and advocacy. *American Journal of Public Health*, 106(2), 223-229. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4815621/>

Kramer Tebes, J., Champine, R.B., Marlin, S.L., & Strambler, M.J. 2019. Population health and trauma-informed practice: Implications for programs, systems, and policies. *American Journal of Community Psychology*, 64, 494-508. <https://doi.org/10.1002/ajcp.12382>

Municipality of Saanich. 2020. Council Policy: Code of conduct. <https://www.saanich.ca/assets/Local~Government/Documents/Bylaws~and~Policies/Council~Policies/code-of-conduct.pdf>

Purtle, J., & Lewis, M. 2017. Mapping “Trauma-Informed” legislative proposals in U.S. Congress. *Administration and Policy in Mental Health*, 44, 867-876. <https://doi.org/10.1007/s10488-017-0799-9>



CITY OF VICTORIA

PROCLAMATION

“KOMAGATA MARU REMEMBRANCE DAY”

- WHEREAS** *on May 23, 1914, three hundred and seventy-six British Subjects from India of Sikh, Muslim and Hindu origin arrived in Vancouver Harbour aboard the Komagata Maru, seeking to enter Canada; and*
- WHEREAS** *on July 23, 1914, the Komagata Maru was forced to leave as a result of a discriminatory act by the Government of Canada, without allowing the passengers to disembark; and*
- WHEREAS** *in 2008 and 2016, behalf of the Descendants of the Komagata Maru Society request the BC Government and Government of Canada apologized for this act of discrimination, committing to learn from the mistakes of the past, to ensure they are never repeated; and*
- WHEREAS** *on June 10, 2020 Vancouver City Council apologized for its role in the Komagata Maru incident at the request of the Descendants of the Komagata Maru Society; and*
- WHEREAS** *the City of Victoria is committed to protecting People from hate, racism, and discrimination through legislation, education, and example; and*
- WHEREAS** *the City of Victoria is home to many diverse cultures where individuals can practice their beliefs and customs while respecting and learning from other traditions; and*
- WHEREAS** *the City of Victoria promotes multiculturalism and the full and free participation of all individuals in society.*

NOW, THEREFORE I do hereby proclaim Sunday, May 23rd, 2021 as “**KOMAGATA MARU REMEMBRANCE DAY**” on the **HOMELANDS** of the Lekwungen speaking **SONGHEES AND ESQUIMALT PEOPLE** in the **CITY OF VICTORIA, CAPITAL CITY** of the **PROVINCE of BRITISH COLUMBIA**.

IN WITNESS WHEREOF, I hereunto set my hand this 13th day of May, Two Thousand and Twenty-One.

LISA HELPS
MAYOR
CITY OF VICTORIA
BRITISH COLUMBIA

Sponsored By:
Descendants of the Komagata Maru Society



CITY OF VICTORIA

PROCLAMATION

“DO SOMETHING GOOD FOR YOUR NEIGHBOR DAY”

WHEREAS *“Do Something Good For Your Neighbor Day” is a nation wide effort to celebrate neighborly love and kindness; and*

WHEREAS *Do Something Good For Your Neighbor Day is founded by Starr Valentino in 2009, this grassroots movement was created to encourage and inspire people to show selfless love, compassion, and Acts of charity toward our fellow Neighbors; and*

WHEREAS *Today our country faces extremely difficult times and daunting challenges especially during this worldwide pandemic. This is the perfect time for this National Awareness Day; and*

WHEREAS *“Do Something Good For Your Neighbor Day” will help strengthen the Social bonds and values we all cherish; bring people in every city together for one common purpose; and*

WHEREAS *The City of Victoria residents of all ages, cultures, religions, and all economic backgrounds are encouraged to participate by spreading neighborly love and acts of kindness throughout our neighborhoods.*

NOW, THEREFORE *I do hereby proclaim Sunday May 16th, 2021 as “DO SOMETHING GOOD FOR YOUR NEIGHBOR DAY” on the HOMELANDS of the Lekwungen speaking SONGHEES AND ESQUIMALT PEOPLE in the CITY OF VICTORIA, CAPITAL CITY of the PROVINCE of BRITISH COLUMBIA.*

IN WITNESS WHEREOF, *I hereunto set my hand this thirteenth day of May, Two Thousand and Twenty-One.*

LISA HELPS
MAYOR
CITY OF VICTORIA
BRITISH COLUMBIA

Sponsored By:
Starr Valentino
Founder



CITY OF VICTORIA

PROCLAMATION

“POST TRAUMATIC STRESS DISORDER AWARENESS MONTH”

WHEREAS *June has been declared as PTSD Awareness Month each year around the world; and*

WHEREAS *for centuries we have recognized post traumatic stress disorder; and*

WHEREAS *PTSD can affect all ages, children through to seniors; and*

WHEREAS *treatment for PTSD is available; and*

WHEREAS *it is up to each of us to know that the PTSD Assessment form is a major tool to seek medical assistance; and*

WHEREAS *PTSD Awareness Month urges all to seek help for those who may have PTSD requiring medical assistance; and*

NOW, THEREFORE *I do hereby proclaim the month of June 2021 as “**POST TRAUMATIC STRESS DISORDER AWARENESS MONTH**” on the HOMELANDS of the Lekwungen speaking **SONGHEES AND ESQUIMALT PEOPLE** in the **CITY OF VICTORIA, CAPITAL CITY** of the **PROVINCE** of **BRITISH COLUMBIA**.*

IN WITNESS WHEREOF, *I hereunto set my hand this 13th day of May, Two Thousand and Twenty-One.*

LISA HELPS
MAYOR
CITY OF VICTORIA
BRITISH COLUMBIA

Sponsored By:
Debbie White



CITY OF VICTORIA

PROCLAMATION

“DEAFBLIND AWARENESS MONTH”

- WHEREAS** *Deafblindness is a unique information-gathering disability that incorporates the dual-sensory loss of both sight and hearing. Individuals who are deafblind can live full, meaningful lives as independently as possible with the right supports in place, such as Intervenor Services; and*
- WHEREAS** *the National Deafblind Awareness Committee is led by groups and organizations in British Columbia and across Canada that support individuals who are deafblind to increase their independence and improve their quality of life through specialized services; and*
- WHEREAS** *the National Deafblind Awareness Committee encourages the promotion of deafblindness and National Deafblind Awareness Month, including flag raisings and lighting up of local landmarks in communities across Canada; and*
- WHEREAS** *June is the birth month of Helen Keller, a person who was deafblind, known around the world for her perseverance and achievements and an inspiration to the deafblind community; and*
- WHEREAS** *June should be designated as Deafblind Awareness Month to recognize and celebrate the contributions that individuals who are deafblind make in their communities throughout British Columbia with the support of Intervenor who serve as a bridge to communication for individuals who are deafblind.*

NOW, THEREFORE *I do hereby proclaim the month of June 2021 as “DEAFBLIND AWARENESS MONTH” on the HOMELANDS of the Lekwungen speaking SONGHEES AND ESQUIMALT PEOPLE in the CITY OF VICTORIA, CAPITAL CITY of the PROVINCE of BRITISH COLUMBIA.*

IN WITNESS WHEREOF, *I hereunto set my hand this 13th day of May, Two Thousand and Twenty-One.*

LISA HELPS
MAYOR
CITY OF VICTORIA
BRITISH COLUMBIA

Sponsored By: Theresa Tancock
Canadian Deafblind Association - BC Chapter



CITY OF VICTORIA

PROCLAMATION

“PRIDE WEEK”

WHEREAS *the gay, lesbian, bisexual, transgender and questioning (LGBTQ2S+) community, their friends and allies are integral and important contributing members of Victoria; and*

WHEREAS *the City of Victoria recognizes and values the rights and freedoms of these and all Canadian citizens to love whom they choose and to establish for themselves a healthy vital family unit defined by that love; and*

WHEREAS *the citizens of the City of Victoria come together annually at “Pride Week” to celebrate the achievements of this freedom and to recognize those worldwide who have yet to establish these same rights.*

NOW, THEREFORE *I do hereby proclaim Monday, June 28th, 2021 to Sunday July 4th, 2021 as “PRIDE WEEK” on the HOMELANDS of the Lekwungen speaking SONGHEES AND ESQUIMALT PEOPLE in the CITY OF VICTORIA, CAPITAL CITY of the PROVINCE of BRITISH COLUMBIA.*

IN WITNESS WHEREOF, *I hereunto set my hand this 13th day of May, Two Thousand and Twenty-One.*

LISA HELPS
MAYOR
CITY OF VICTORIA
BRITISH COLUMBIA

Sponsored By:
David Tillson
Victoria Pride Society
Victoria, BC



CITY OF VICTORIA

PROCLAMATION

“INTERNATIONAL INTERNAL AUDIT AWARENESS MONTH”

WHEREAS *Internal auditing is an established profession, led by The Institute of Internal Auditors, with a globally recognized code of ethics and International Standards for the Professional Practice of Internal Auditing; and*

WHEREAS *Internal auditing is an independent, objective assurance and consulting activity designed to add value and improve an organization's operations. It helps an organization accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes; and*

WHEREAS *Internal auditing is a vital part of strengthening organizations and protecting stakeholders of both the public and private sectors; and*

WHEREAS *Internal auditing is an increasingly sophisticated and complex activity requiring specialized knowledge, training and education; and*

WHEREAS *The contribution of internal auditors to the success of organizations and the global economy at large deserves our recognition and commendations.*

NOW, THEREFORE *I do hereby proclaim the Month of May 2021 as “INTERNATIONAL INTERNAL AUDIT AWARENESS MONTH” on the HOMELANDS of the Lekwungen speaking SONGHEES AND ESQUIMALT PEOPLE in the CITY OF VICTORIA, CAPITAL CITY of the PROVINCE of BRITISH COLUMBIA.*

IN WITNESS WHEREOF, *I hereunto set my hand this 13th day of May, Two Thousand and Twenty-One.*

LISA HELPS
MAYOR
CITY OF VICTORIA
BRITISH COLUMBIA

Sponsored By:
Institute of Internal Auditors
Vancouver Island Chapter



CITY OF VICTORIA

PROCLAMATION

“FOOD ALLERGY AWARENESS MONTH”

- WHEREAS** *Food Allergy Awareness Month was established as a national month of encouraging food allergy awareness and supporting those who are impacted by food allergy and anaphylaxis; and*
- WHEREAS** *Food allergy affects over 3 million Canadians, including approximately 500,000 children; and*
- WHEREAS** *a food allergy is an immune system response to a food the body mistakenly believes is harmful. When a person with food allergy eats the food, his or her immune system releases massive amounts of chemicals, including histamine, that trigger a cascade of symptoms that can affect the respiratory system, the gastrointestinal tract, the skin, and/or the cardiovascular system; and*
- WHEREAS** *there is no cure for food allergy, strict avoidance is the only way to prevent an allergic reaction; and*
- WHEREAS** *anaphylaxis is a serious allergic reaction that comes on quickly and has the potential to become life-threatening; and*
- WHEREAS** *managing a food allergy on a daily basis involves constant vigilance and small amounts of an allergen can trigger an allergic reaction in some individuals; and*
- WHEREAS** *Food Allergy Canada is a national non-profit charity and Canada’s leading patient organization committed to educating, supporting, and advocating for the over 3 million Canadians living with food allergy.*

NOW, THEREFORE *I do hereby proclaim the month of May 2021 as “**FOOD ALLERGY AWARENESS MONTH**” on the HOMELANDS of the Lekwungen speaking **SONGHEES AND ESQUIMALT PEOPLE** in the **CITY OF VICTORIA, CAPITAL CITY** of the **PROVINCE** of **BRITISH COLUMBIA**.*

IN WITNESS WHEREOF, *I hereunto set my hand this 13th day of May, Two Thousand and Twenty-One.*

LISA HELPS
MAYOR
CITY OF VICTORIA
BRITISH COLUMBIA

Sponsored By:
The City of Victoria’s
Accessibility Advisory Committee

G.2 Bylaws for 1029 Queens Avenue: Rezoning Application No. 00693 and Development Permit with Variance Application No. 00117

Moved By Councillor Andrew
Seconded By Councillor Alto

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

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1230) No. 21-051

CARRIED UNANIMOUSLY

Moved By Councillor Andrew
Seconded By Councillor Thornton-Joe

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

1. Housing Agreement (1029 Queens Avenue) Bylaw (2021) No. 21-052

CARRIED UNANIMOUSLY

Moved By Councillor Andrew
Seconded By Councillor Alto

Development Permit with Variances Application No. 00117

Then 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. 00693, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00117 for 1029 Queens Avenue, in accordance with:

1. Plans date stamped January 20, 2020. (Revised plan date)
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - a. reduce the required vehicle parking from four stalls to one stall
 - b. reduce the front yard setback for the new building from 7.5m to 6.74m, and side yard setback from 3.0m to 2.24m with combined side yard setback from 4.5m to 3.29m.
3. Details of the bicycle parking (stall dimensions and security features) to be provided at building permit stage.
4. The Development Permit with Variances lapsing two years from the date of this resolution.

Request to add 1029 Queens Avenue to the City of Victoria Register of Heritage Properties (North Park)

That, concurrent with Rezoning Application No. 00693, if it is approved, Council approve the request to add the property located at 1029 Queens Avenue to the City of Victoria Register of Heritage Properties pursuant to section 598 of the Local Government Act."

CARRIED UNANIMOUSLY



**Council Report
For the Meeting of April 22, 2021**

To: Council **Date:** April 15, 2021
From: Karen Hoese, Director, Sustainable Planning and Community Development
Subject: **Update on Rezoning Application No. 00693 and Development Permit with Variance Application No .00117 for 1029 Queens Avenue**

RECOMMENDATION

Rezoning Application No. 00693

That Council give first and second readings of Zoning Regulation Bylaw Amendment No. 21-051 (Amendment No. 1230) and give first, second and third reading of Housing Agreement (1029 Queens Avenue) Bylaw No. 21-052.

Development Permit with Variances Application No. 00117

Then 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. 00693, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00117 for 1029 Queens Avenue, in accordance with:

1. Plans date stamped **January 20, 2020. (Revised plan date)**
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - a. reduce the required vehicle parking from four stalls to one stall
 - b. reduce the front yard setback for the new building from 7.5m to 6.74m, and side yard setback from 3.0m to 2.24m with combined side yard setback from 4.5m to 3.29m.
3. Details of the bicycle parking (stall dimensions and security features) to be provided at building permit stage.
4. The Development Permit with Variances lapsing two years from the date of this resolution.

Request to add 1029 Queens Avenue to the City of Victoria Register of Heritage Properties (North Park)

That, concurrent with Rezoning Application No. 00693, if it is approved, Council approve the request to add the property located at 1029 Queens Avenue to the City of Victoria Register of Heritage Properties pursuant to section 598 of the Local Government Act. “

EXECUTIVE SUMMARY

The purpose of this report is to present Council with an update on the Rezoning and Development Permit with Variances Applications for the property located at 1029 Queens Street. The proposal is to rezone from the R-2 Zone, Two Family Dwelling District, to a new zone in order to retain the existing two-family dwelling and permit a new two-family rental residential building in the side yard. The proposed variances are related to siting and vehicle parking. The application was considered by Council on December 12, 2019, where the following resolution was approved:

Rezoning Application No. 00693

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00693 for 1029 Queens 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. Placement of the existing duplex on the Heritage Register. (Refer to the Heritage Report on this application.)*
- 2. Preparation and execution of legal agreement to secure the rental housing along with affordability considerations to the satisfaction of the Director of Sustainable Planning and Community Development.*
- 3. A legal agreement to secure four car share memberships (one per dwelling unit) plus a \$100 usage credit for each membership to the satisfaction of the Director of Engineering and Public Works.*

Development Permit with Variances Application No. 00117

That prior to setting the Public Hearing for the Rezoning Application, the applicant consider revisions to the proposed two-family dwelling to create a more direct relationship with the street to the satisfaction of the Director of Sustainable Planning and Community Development.

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00693, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variance Application No. 00117 for 1029 Queens Avenue, in accordance with:

- 1. Plans date stamped July 26, 2019.*
- 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:*
 - a. reduce the required vehicle parking from four stalls to one stall*
 - b. allow more than one principal building on a lot*

- c. *variances for front yard setback for the new building from 7.5m to 6.74m, and side yard setback from 3.0m to 2.24m with combined side yard setback from 4.5m to 3.29m.*
3. *The Development Permit lapsing two years from the date of this resolution.*
4. *Details of the bicycle parking (stall dimensions and security features) to be provided at building permit stage.*

Request to add 1029 Queens Avenue to the City of Victoria Register of Heritage Properties (North Park)

That, concurrent with Rezoning Application No. 00693, if it is approved, Council approve the request to add the property located at 1029 Queens Avenue to the City of Victoria Register of Heritage Properties pursuant to section 598 of the Local Government Act. “

COMMENTS

Building Design

The applicant revised the design of the proposed two-family dwelling to establish a better street relationship by creating a front door on the street elevation. The newly introduced front door and adjacent window are framed by an overhang, creating a defined street entry to the lower unit. The paving materials also emphasize this area as an entry. The proportions of the proposed two-family dwelling and design revisions create a good fit with the existing two-family dwelling.

The recommendation for the Development Permit with Variances Application has been updated accordingly to reflect the revised plan submission.

Variances

While drafting the new site-specific zone, it was discovered that the variance to limit the number of principal dwellings conflicted with the intent of the new zone to allow an additional two-family dwelling on the property. Therefore, this variance has been eliminated and the number of buildings has been clarified in the new zone. All other variances remain the same.

Public Hearing Conditions

As a condition of rezoning, Council requested that the applicant secure the rental housing along with affordability considerations to *the satisfaction of the Director of Sustainable Planning and Community Development*. The applicant executed a housing agreement, which provides for the following:

- all units will be rental in perpetuity, except for one unit may be owner-occupied to provide flexibility for the owner
- each unit is designated as a “median income unit” in perpetuity and the monthly rent will be no more than 30% of the median gross household income limit for one, two and three-bedroom units as defined in the housing agreement.

An agreement with MODO has been registered on title to provide a MODO membership for each dwelling unit on the property, for a total of four memberships plus a driving credit of \$100 per each resident that becomes a MODO driver.

The recommendation provided for Council's consideration contains the appropriate language to advance this application to a Public Hearing.

Respectfully submitted,

Leanne Taylor
Senior Planner
Development Services Division

Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager

List of Attachments

- Revised plans dated January 20, 2020

GENERAL NOTES

GENERAL NOTES
ALL MATERIALS AND CONSTRUCTION METHODS TO CONFORM TO THE CURRENT EDITION OF THE BRITISH COLUMBIA BUILDING CODE (BCBC), GOOD CONSTRUCTION PRACTICE, AS WELL AS ANY OTHER LOCAL BUILDING CODES OR BYLAWS WHICH MAY TAKE PRECEDENCE

ALL MEASUREMENTS TO BE VERIFIED ON SITE BY BUILDER PRIOR TO CONSTRUCTION. COMMENCEMENT OF CONSTRUCTION OR ANY PART THEREOF CONSTITUTES ACCEPTANCE OF THE DRAWINGS/SITE CONDITIONS AND MEANS DIMENSIONS & ELEVATIONS HAVE BEEN VERIFIED & ARE ACCEPTABLE

IF ANY DISCREPANCIES ARISE, THEY SHOULD BE REPORTED TO THE DESIGNER

DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALE

FRAMING LUMBER SHALL BE GRADED #2 OR BETTER UNLESS OTHERWISE SPECIFIED

ALL INTERIOR FINISHES, CASINGS, WINDOW TYPES AND MILLWORK TO OWNERS APPROVAL

STAIR TREADS TO BE PLYWOOD OR OTHER ENGINEERED PRODUCT AND SECURED WITH SCREWS AND SUB-FLOOR ADHESIVE

TEMPORARY HEAT REQUIRED PRIOR TO DRYWALL INSTALLATION TO ASSIST IN DRYING OF FRAMEWORK. MOISTURE CONTENT OF FRAMEWORK MUST NOT EXCEED 19%

SITE PLAN
LAYOUT TO BE CONFIRMED BY A CURRENTLY REGISTERED BRITISH COLUMBIA LEGAL LAND SURVEYOR

ALL SET BACKS TO BE CONFIRMED BY THE OWNER AND BUILDER

ALL GRADE ELEVATIONS ARE THE RESPONSIBILITY OF THE OWNER AND BUILDER

VERIFY EXISTING AND PROPOSED GRADES PRIOR TO CONSTRUCTION

FOUNDATION
THE BUILDER IS RESPONSIBLE FOR LOCATING THE FOOT PRINT OF THE STRUCTURE IN THE PROPER PLACE AS PER PLANS

CONCRETE FOUNDATION WALLS NOT SUBJECT TO SURCHARGE SHALL BE INSTALLED ON COMPACTED, UNDISTURBED, INORGANIC STABLE SOILS BELOW THE DEPTH OF FROST PENETRATION WITH AN ALLOWABLE BEARING PRESSURE OF 75 kPa OR GREATER. IF SOFTER CONDITIONS APPLY, THE BEARING CAPACITY AND SIZE OF FOOTINGS ARE TO BE DESIGNED BY A QUALIFIED ENGINEER

THE SILL PLATE IS TO BE FASTENED TO THE FOUNDATION WALL WITH NOT LESS THAN 12.7mm Ø ANCHOR BOLTS SPACED NOT MORE THAN 2.4m O.C. OR FOR BRACED WALL PANELS 2 15mm Ø ANCHOR BOLTS PER BRACED WALL PANEL 500mm FROM THE ENDS OF THE FOUNDATION AND SPACED 1.7m O.C. EMBEDDED 100mm DEEP

ALL LUMBER IN CONTACT WITH CONCRETE SHALL BE TREATED OR PROTECTED BY A MOISTURE RESISTANT GASKET

IT IS THE RESPONSIBILITY OF THE OWNER/CONTRACTOR TO HAVE SITE SOIL CONDITIONS INSPECTED AND ADVISE THE DESIGNER OF ANY SOIL CONDITIONS WHICH MAY REQUIRE ENGINEERING

ALL FOUNDATION WALLS ARE 200mm THICK 20MPa CONCRETE UNLESS OTHERWISE SPECIFIED

FOUNDATION WALLS MAY BE A MAXIMUM OF 4' HIGH FROM GRADE TO UNDERSIDE OF FLOOR IF Laterally UNSUPPORTED AT TOP. ALL OTHER CONCRETE FOUNDATION WALLS TO BE ENGINEERED

FRAMING
ALL ENGINEERED COMPONENTS TO BE SIZED BY SUPPLIER

ALL SPANS AND LOADINGS SHALL CONFORM TO THE CURRENT VERSION OF THE BCBC. VERIFICATION OF ALL COMPONENTS IS THE RESPONSIBILITY OF THE OWNER/BUILDER. ANY COMPONENTS WHICH CANNOT BE DESIGNED WITH THE BCBC SHALL BE DESIGNED BY A QUALIFIED ENGINEER

TRUSSES AND LAYOUT ARE TO BE ENGINEERED AND INSTALLED ACCORDING TO MANUFACTURERS SPECIFICATIONS

IT IS ASSUMED THAT THE CONTRACTOR IS FAMILIAR WITH THE 2018 BCBC AND INDUSTRY STANDARDS FOR WOOD FRAME CONSTRUCTION. NOT EVERY DETAIL OF WOOD FRAMING IS SHOWN ON THESE DRAWINGS

ALL LINTELS DOUBLE 2X10 S.S. SPF FOR CLEAR SPANS UP TO 5' UNLESS OTHERWISE NOTED

EXTERIOR WALL THICKNESS SHOWN ARE MEASURED FROM OUTSIDE OF EXTERIOR SHEATHING TO INSIDE OF DRYWALL

INTERIOR WALL THICKNESS SHOWN ARE MEASURED FROM OUTSIDE OF DRYWALL TO OUTSIDE OF DRYWALL

ROOM MEASUREMENTS SHOWN ARE TO THE NEAREST INCH. DIMENSIONS SHOWN ARE TO THE NEAREST 1/2"

CONFIRM ALL VANITY'S, BATHTUBS, SHOWERS AND KITCHEN CUPBOARDS WITH OWNER PRIOR TO FRAMING AS THESE MAY REQUIRE MODIFICATIONS TO THE ROOM SIZES

ROOFING
ALL ROOFING SHALL BE APPLIED TO THE MANUFACTURERS SPECIFICATIONS AND SHALL INCLUDE EAVE PROTECTION FROM ICE DAMMING AND SNOW BUILD UP

PLUMBING AND ELECTRICAL
ANY PLUMBING AND ELECTRICAL SHOWN ON THESE PLANS IS FOR ILLUSTRATIONAL PURPOSES ONLY AND MUST BE DESIGNED AND INSTALLED BY A QUALIFIED PROFESSIONAL

FLASHING
ALL PENETRATIONS THROUGH THE ROOF WILL REQUIRE FLASHING.

ALL ROOFING TO INCLUDE STEP FLASHING.

ALL EXPOSED OPENINGS TO INCLUDE FLASHING

ALL FLASHING END DAMS TO BE 25mm (1") HIGH

DOORS
FRAME OPENING TO BE 1 1/4" WIDER THAN DOOR
FRAME HEIGHT 83" FOR EXTERIOR DOORS AND 82.5" FOR INTERIOR DOORS.
FRAME OPENING 1 1/4" WIDER THAN BIFOLD DOORS AND FRAME HEIGHT IS 81.5"
ALL INTERIOR DOORS TO BE 30" WIDE UNLESS OTHERWISE SPECIFIED

FENESTRATION
ALL WINDOWS, DOORS & SKYLIGHTS TO CONFORM TO NAFS-08 AND THE CANADIAN SUPPLEMENT TO NAFS

FENESTRATION PERFORMANCE REQUIREMENTS:
CLASS R - PG 30 - +VE/-VE DP = 1440Pa/1440Pa - WATER PENETRATION RESISTANCE = 260Pa - CANADIAN AIR INFILTRATION/EXFILTRATION = A2

WINDOW/DOOR LABELS TO BE LEFT IN PLACE UNTIL FINAL INSPECTION

SUPPLY AND INSTALL ALL WINDOW TYPES, INTERIOR CASINGS AND MILLWORK TO OWNERS APPROVAL

ALL WINDOWS ADJACENT TO BATH TUBS TO BE SAFETY GLASS

GUARDS/HANDRAILS
INSTALL GRASPABLE HANDRAIL TO ALL INTERIOR STAIRS AT 34" TO 38" ABOVE STAIR NOSING

INSTALL GUARDS AT ALL BALCONIES, DECKS AND PORCHES GREATER THAN 2' ABOVE GRADE . INSTALL GUARD AT 42" HEIGHT WHERE SURFACE IS GREATER THAN 6" ABOVE ADJACENT SURFACE, OTHERWISE 36" GUARDRAIL ALLOWABLE

TOPLESS GLASS GUARDS TO BE ENGINEERED WITH SEALED DRAWINGS

VENTILATION
PROVIDE ATTIC AND CRAWLSPACE ACCESS AND VENTILATION IN ACCORDANCE WITH BCBC

PROVIDE HEATING, MECHANICAL VENTILATION, AND AIR CONDITIONING WHERE REQUIRED IN ACCORDANCE WITH BCBC AND LOCAL BYLAWS

MECHANICAL CONTRACTOR TO PROVIDE MECHANICAL CHECKLIST COMPLETE WITH FAN & DUCT SIZES PRIOR TO FRAMING INSPECTION

MISC.
SMOKE/CARBON MONOXIDE ALARMS TO BE PROVIDED ON EVERY FLOOR AND ARE TO BE HARDWIRED AND WITHIN 5m OF EACH BEDROOM IN EVERY SUITE AND INTERCONNECTED TO ALL FLOORS. SMOKE ALARMS TO ALSO BE PROVIDED IN EVERY BEDROOM. ALL SMOKE ALARM LOCATIONS WILL HAVE BOTH PHOTOELECTRIC AND IONIC DETECTION SYSTEMS

BEDROOM WINDOWS FOR EGRESS SHALL HAVE OPENINGS WITH AREAS NOT LESS THAN 3.8ft² WITH NO DIMENSION LESS THAN 15"

IT IS THE RESPONSIBILITY OF THE CONTRACTOR AND/OR OWNER TO CHECK AND VERIFY ALL ASPECTS OF THESE PLANS PRIOR TO START OF CONSTRUCTION OR DEMOLITION.
ADAPT DESIGN DOES NOT ACCEPT RESPONSIBILITY FOR THE FOLLOWING:
-INFORMATION PROVIDED ON EXISTING BUILDINGS OR SITE
-CONFORMITY OF PLANS TO SITE
-ERRORS AND/OR OMISSIONS
-ANY HOUSE BUILT FROM THESE PLANS
THESE PLANS REMAIN THE PROPERTY OF ADAPT DESIGN AND CAN BE RECLAIMED AT ANY TIME



Issued		
COVER SHEET & GENERAL INFO		
A-001	COVER SHEET	<input type="checkbox"/>
A-002	SITE PLAN	<input type="checkbox"/>
A-003	SITE SERVICING AND LANDSCAPE PLAN	<input type="checkbox"/>
PLANS		
A-102	PR. DUPLEX FLOOR PLANS	<input type="checkbox"/>
A-103	EX. FLOOR PLANS	<input type="checkbox"/>
ELEVATIONS		
A-201	PR. DUPLEX ELEVATIONS	<input type="checkbox"/>
A-202	EXISTING ELEVATIONS	<input type="checkbox"/>
A-203	EXISTING ELEVATIONS	<input type="checkbox"/>
A-204	EX. WORKSHOP ELEVATIONS	<input type="checkbox"/>
SECTIONS		
A-301	CROSS SECTION	<input type="checkbox"/>

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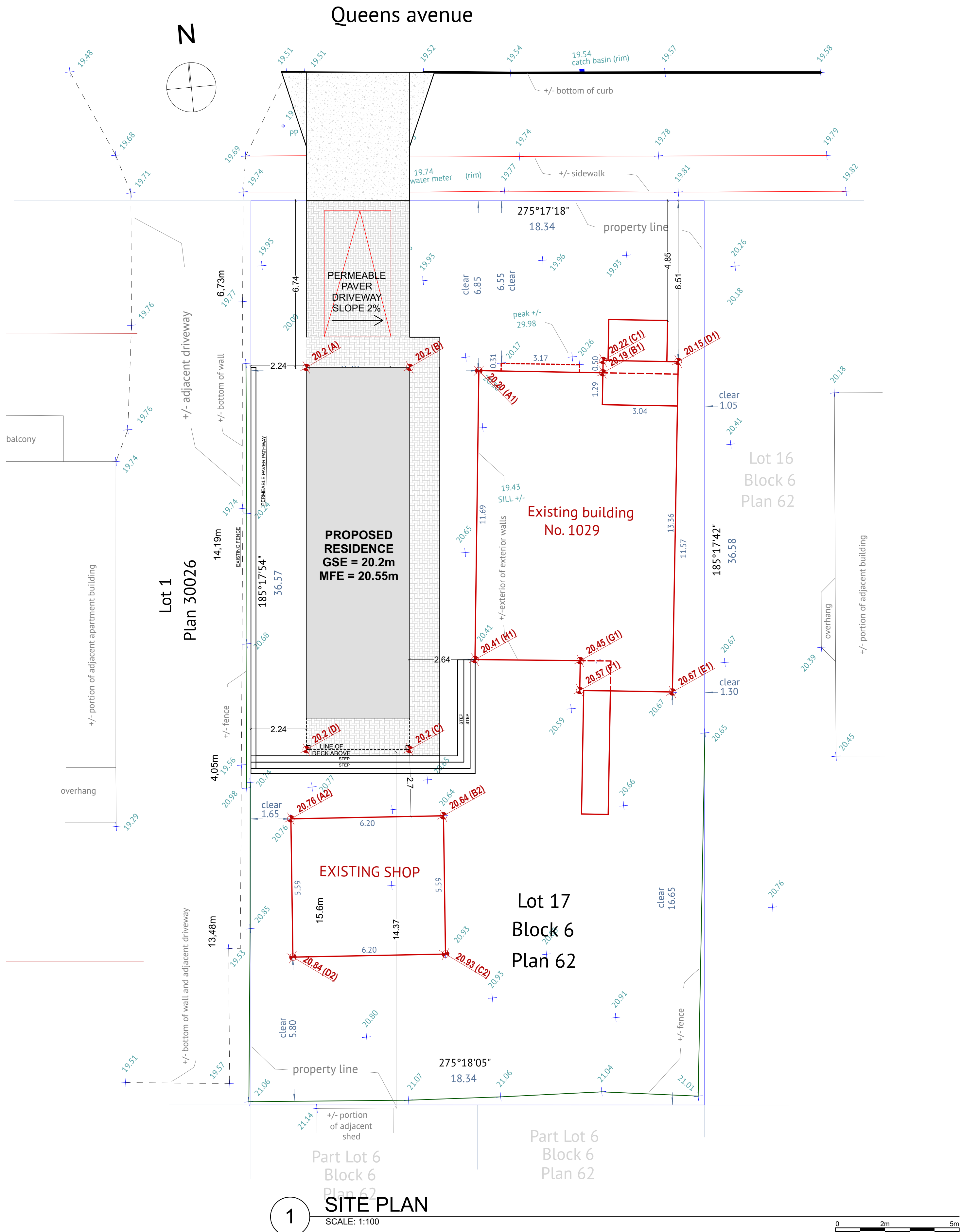
ISSUED:

PROJECT:

REZONE TO CREATE NEW CARRIAGE HOME (DUPLEX)

COVER SHEET

A-001



Proposed residence

GRADE POINTS
A = 20.47m
B = 20.54m
C = 21.10m
D = 21.08m

GRADE POINTS	AVERAGE OF POINTS		DISTANCE BETWEEN GRADE POINTS	TOTALS
Points A&B	((20.2+20.2) / 2)	x	4.2m	= 84.8
Points B&C	((20.2+20.2) / 2)	x	15.4m	= 311.1
Points C&D	((20.2+20.2) / 2)	x	4.2m	= 84.8
Points D&A	((20.2+20.2) / 2)	x	15.4m	= 311.1
PERIMETER OF BUILDING = 39.2m				791.8

GRADE CALCULATION
791.8 / 39.2 = 20.2m

Existing building No. 1029

GRADE POINTS
A1 = 20.20m E1 = 20.67m
B1 = 20.19m F1 = 20.57m
C1 = 20.22m G1 = 20.45m
D1 = 20.15m H1 = 20.41m

GRADE POINTS	AVERAGE OF POINTS		DISTANCE BETWEEN GRADE POINTS	TOTALS
Points A1&B1	((20.20+20.19) / 2)	x	4.97m	= 100.37
Points B1&C1	((20.19+20.22) / 2)	x	0.50m	= 10.10
Points C1&D1	((20.22+20.15) / 2)	x	3.04m	= 61.36
Points D1&E1	((20.15+20.67) / 2)	x	13.36m	= 272.68
Points E1&F1	((20.67+20.57) / 2)	x	2.51m	= 51.76
Points F1&G1	((20.57+20.45) / 2)	x	1.21m	= 24.82
Points G1&H1	((20.45+20.41) / 2)	x	5.50m	= 112.37
Points H1&A1	((20.41+20.20) / 2)	x	11.69m	= 237.37

PERIMETER OF BUILDING = 42.78m 870.83

GRADE CALCULATION
870.83 / 42.78 = 20.37

Existing Garage

GRADE POINTS
A2 = 20.76m
B2 = 20.64m
C2 = 20.93m
D2 = 20.84m

GRADE POINTS	AVERAGE OF POINTS		DISTANCE BETWEEN GRADE POINTS	TOTALS
Points A2&B2	((20.76+20.64) / 2)	x	6.20m	= 128.34
Points B2&C2	((20.64+20.93) / 2)	x	5.59m	= 116.19
Points C2&D2	((20.93+20.84) / 2)	x	6.20m	= 129.49
Points D2&A2	((20.84+20.76) / 2)	x	5.59m	= 116.27

PERIMETER OF BUILDING = 23.58m 490.29

GRADE CALCULATION
490.29 / 23.58 = 20.79

Property Information

Project Type: New Carriage House
Owners: Jenny Farkas
Address: 1029 Queens Avenue
Legal Description: Lot 17, Block 6, Section 3,
Victoria District, Plan 62

Zoning: Site Specific

Setbacks:

Proposed Duplex:	
Rear	14.37m
Side	2.24m
Front	6.74m
Height	6.18m
Ex. House	2.64m
Ex. Garage	2.70m

Existing Duplex	
Rear	6.5m
Side	1.05m
Front	16.7m
Existing Garage	
Rear	5.8m
Side	1.65m

Floor Area

Proposed Duplex	
Main Floor	567 SF (52.7 SM)
Upper Floor	567 SF (52.7 SM)
Total	1134 SF (105.4 SM)
Existing Duplex	
Lower Floor	1003 SF (93.2 SM)
Main Floor	1029 SF (95.6 SM)
Upper Floor	472 SF (43.9 SM)
Existing Workshop	328 SF (30.5 SM)

Lot Area:	7219 SF (670.7 SM)
Combined Bld. Footprint	2143 SF (199.0 SM)
Site Coverage	29.7%
Rear Yard Open Site Space	86.9%

Applicable Codes

-BC Building Code Current Edition (2018)

Energy

Compliance path: BCBC Step Code
Requirements applicable to this project: Level 1
See compliance report

Ventilation

BCBC 9.32



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ISSUED:

SITE PLAN

A-002

LANDSCAPE PLAN LEGEND

SYMBOL

DESCRIPTION

LAWN

PLANTING AREA

PERMEABLE PAVERS

CONCRETE

BARK MULCH

GRAVEL

PLANTING AREA TO CONSIST OF:

Trees/tall shrubs

Azara Microphylla - Azara

Pittosporum Tenuifolium - Kohuhu

Medium height shrubs

Holodiscus discolor - Ocean spray

Ribes sanguineum - Red currant

Philadelphus lewisii - Mock orange

Mahonia aquifolium - Tall oregon grape

Groundcover

Polystichum munitum - Sword ferns

Arctostaphylos uva ursi - Kinnikinnick

Vaccinium ovatum - Evergreen huckleberry

TREE LEGEND

EXISTING TREE RETAINED OR PROPOSED NEW TREE

EXISTING TREE REMOVED

SEE ARBORIST REPORT FOR FURTHER INFORMATION INCLUDING TREE PROTECTION FENCING

LANDSCAPE PLAN

SCALE: 1:100

0

2m

5m

This detailed site servicing plan illustrates the proposed development on Lot 1, Plan 15949, which is 555 m² in area. The plan shows the layout of the 'PROPOSED RESIDENCE' (GSE = 20.2m, MFE = 20.55m) and an 'EXISTING SHOP'. It details the placement of various trees, including existing ones like the 7m DBH Hawthorn and Japanese Laurel, and proposed ones like Cherry, Plum, and Apple. The plan also shows the location of a shed to be removed, a patio, and a bike storage area. Infrastructure details include the new storm sewer lateral, new water service, and the cap existing sewer lateral. The plan also shows the location of the existing building No. 1029 and the existing shop. The plan is oriented with North at the top and includes a scale bar from 0 to 5m.

PRELIM SITE SERVICING PLAN
SCALE: 1:100

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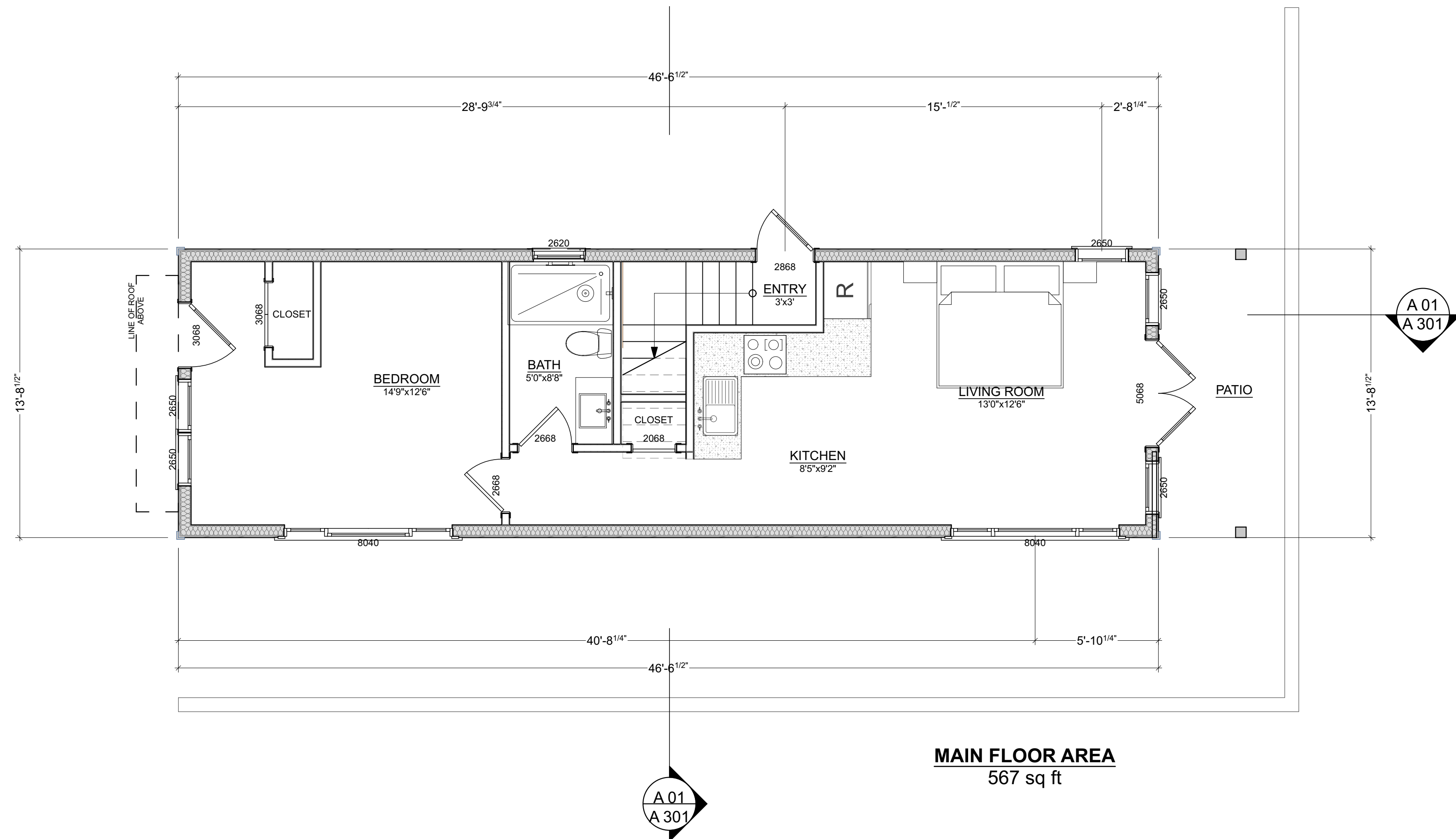
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SITE SERVICING AND LANDSCAPE PLAN

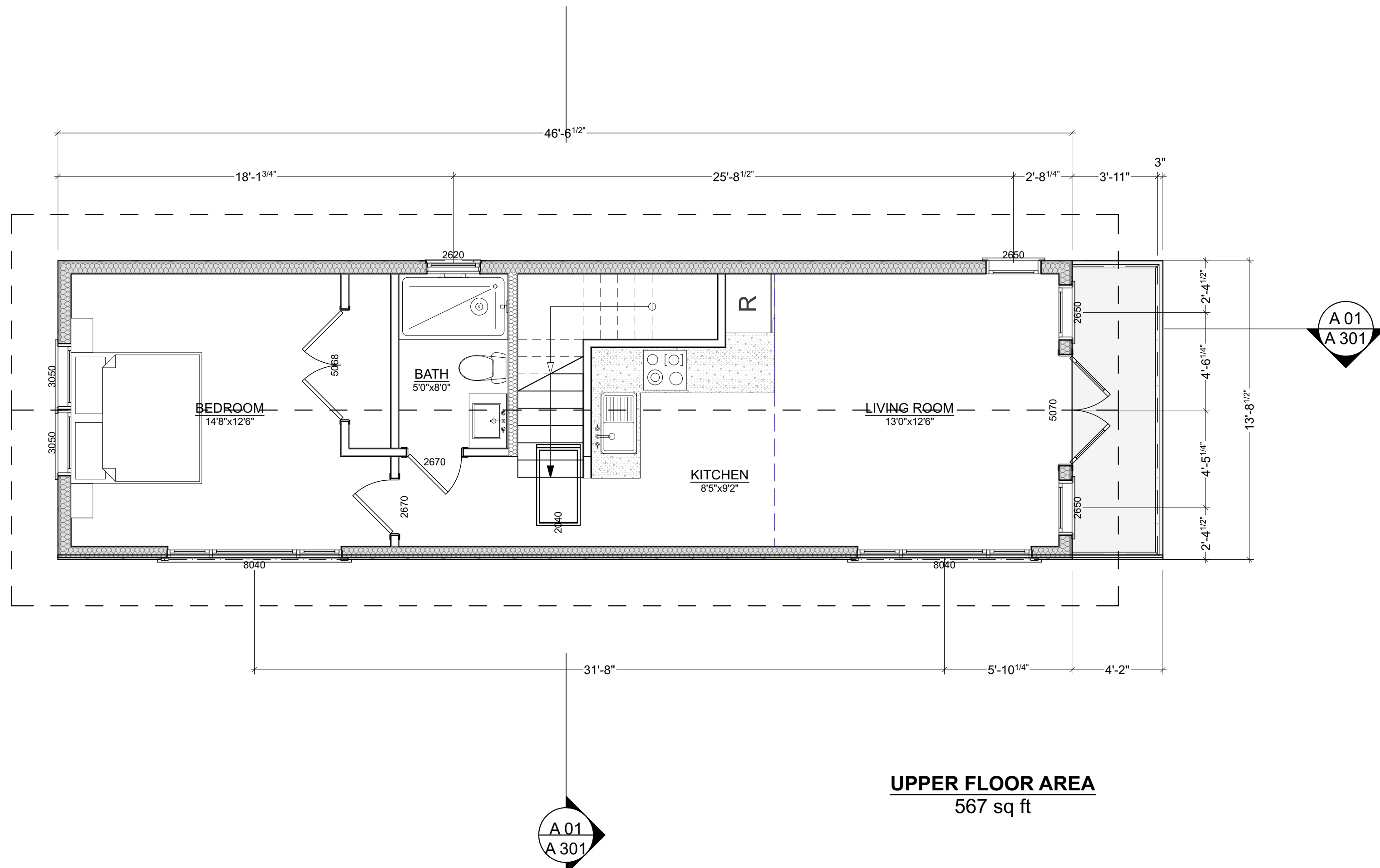
A-003

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53



1 MAIN FLOOR PLAN
SCALE: 1/4" = 1'-0"



2 UPPER FLOOR PLAN
SCALE: 1/4" = 1'-0"



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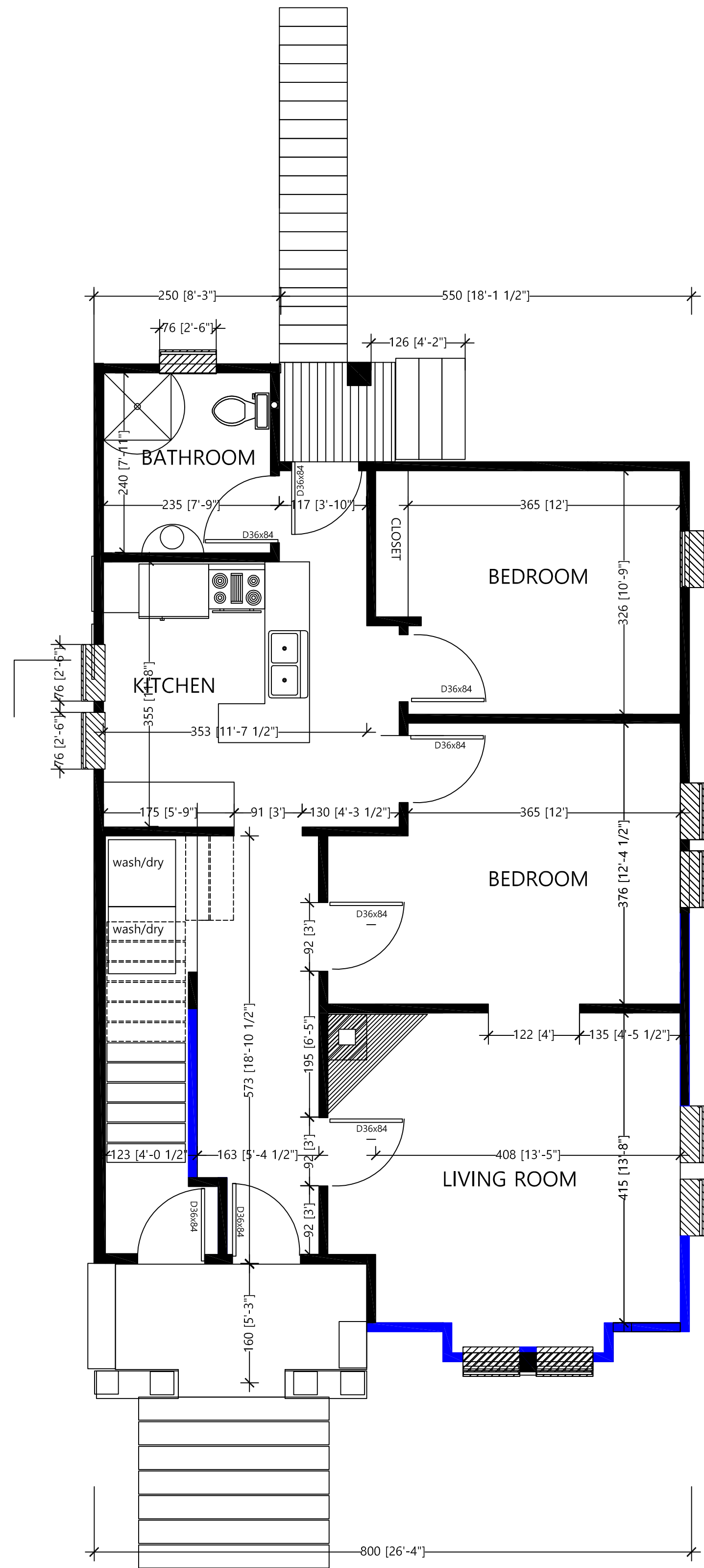
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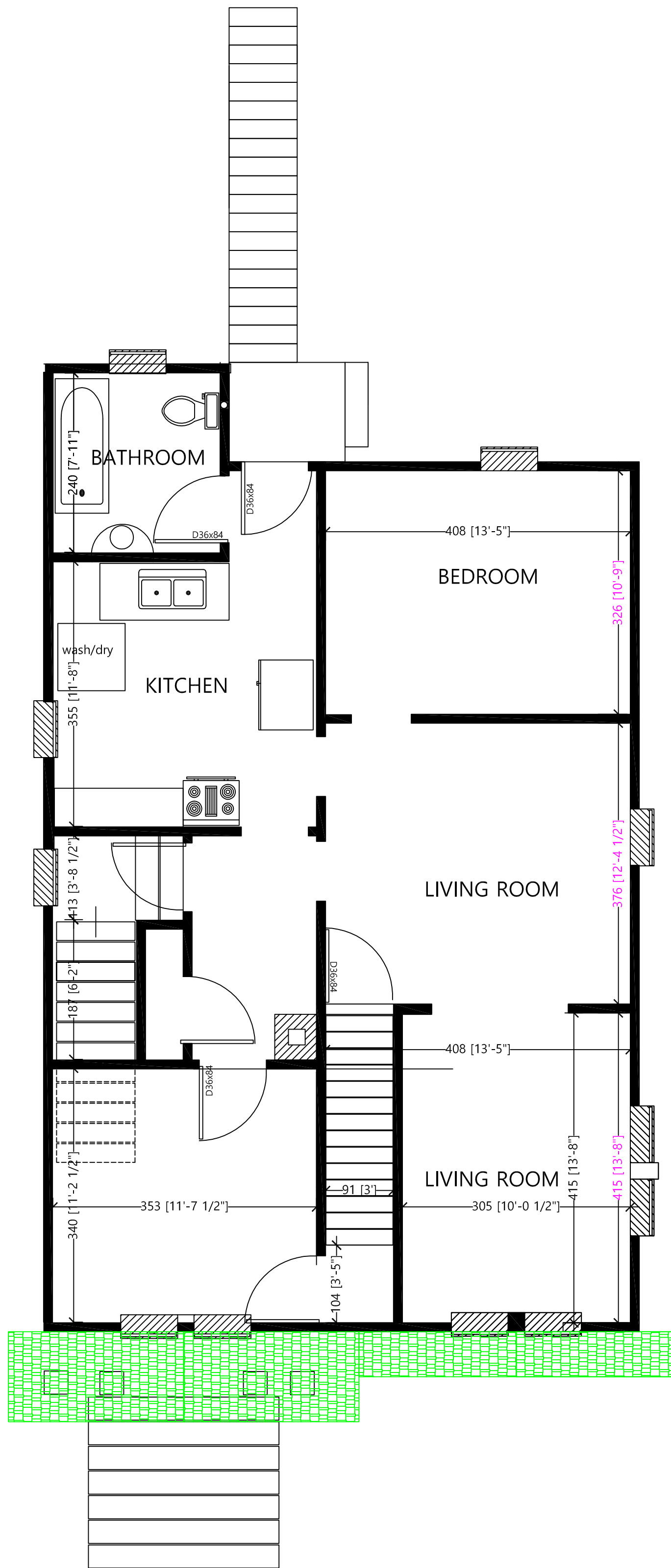
ISSUED:

PR. DUPLEX FLOOR
PLANS

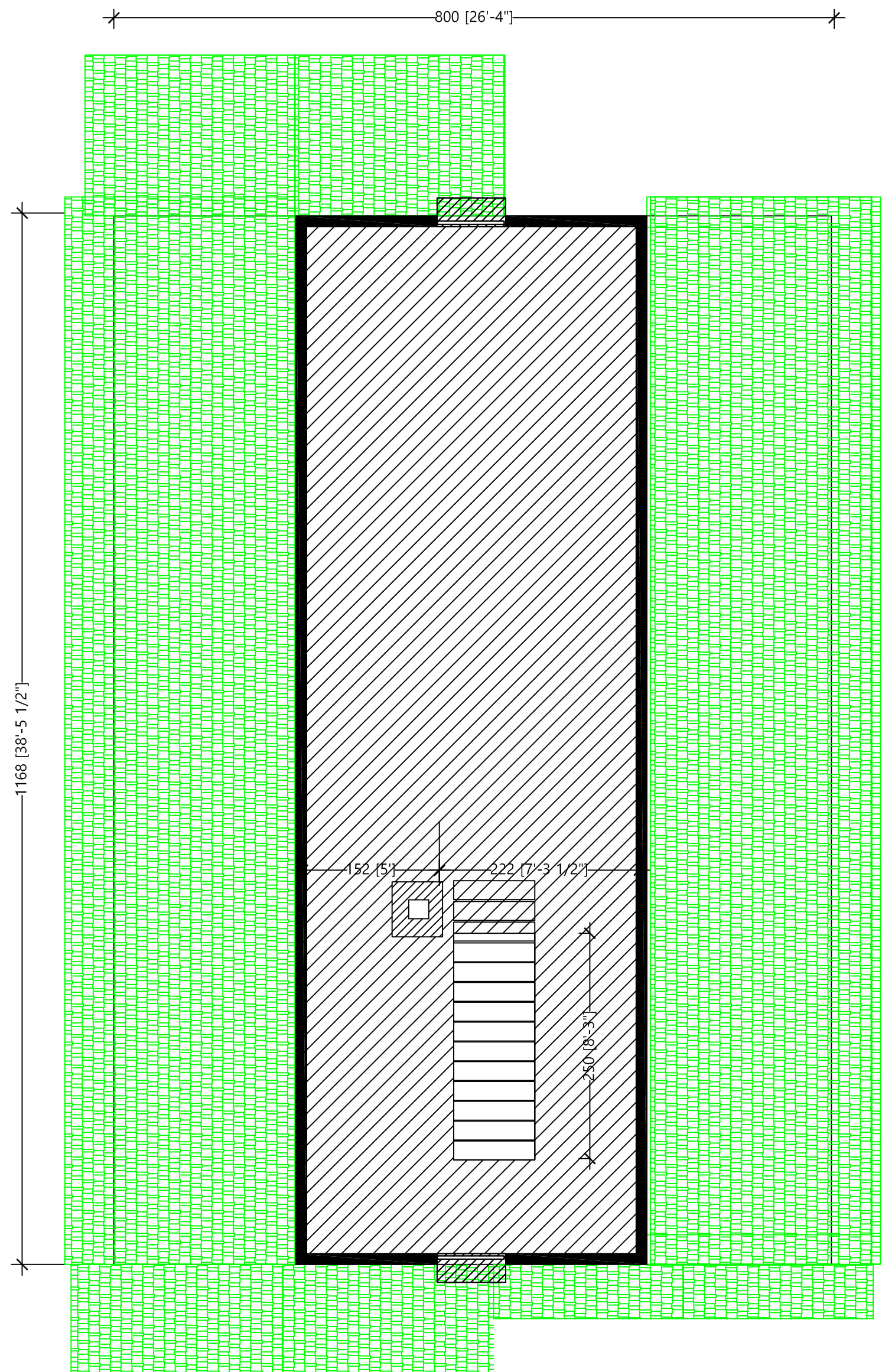
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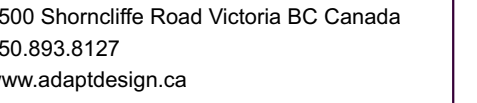
FLOOR 1 PLAN



FLOOR 2 PLAN



ATTIC FL 3 PLAN



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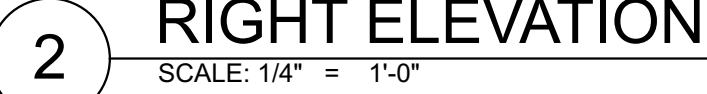
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A-201

Printed: 2020-01-09



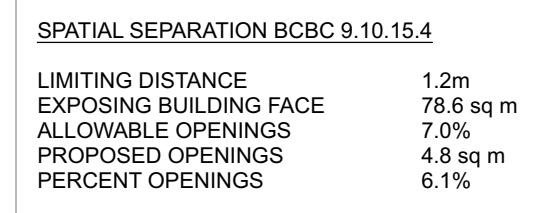
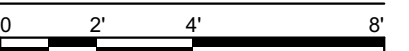
SCALE: 1/4" = 1'-0"



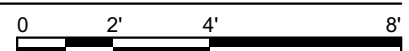
2) SCALE: 1/4" = 1'-0"



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



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

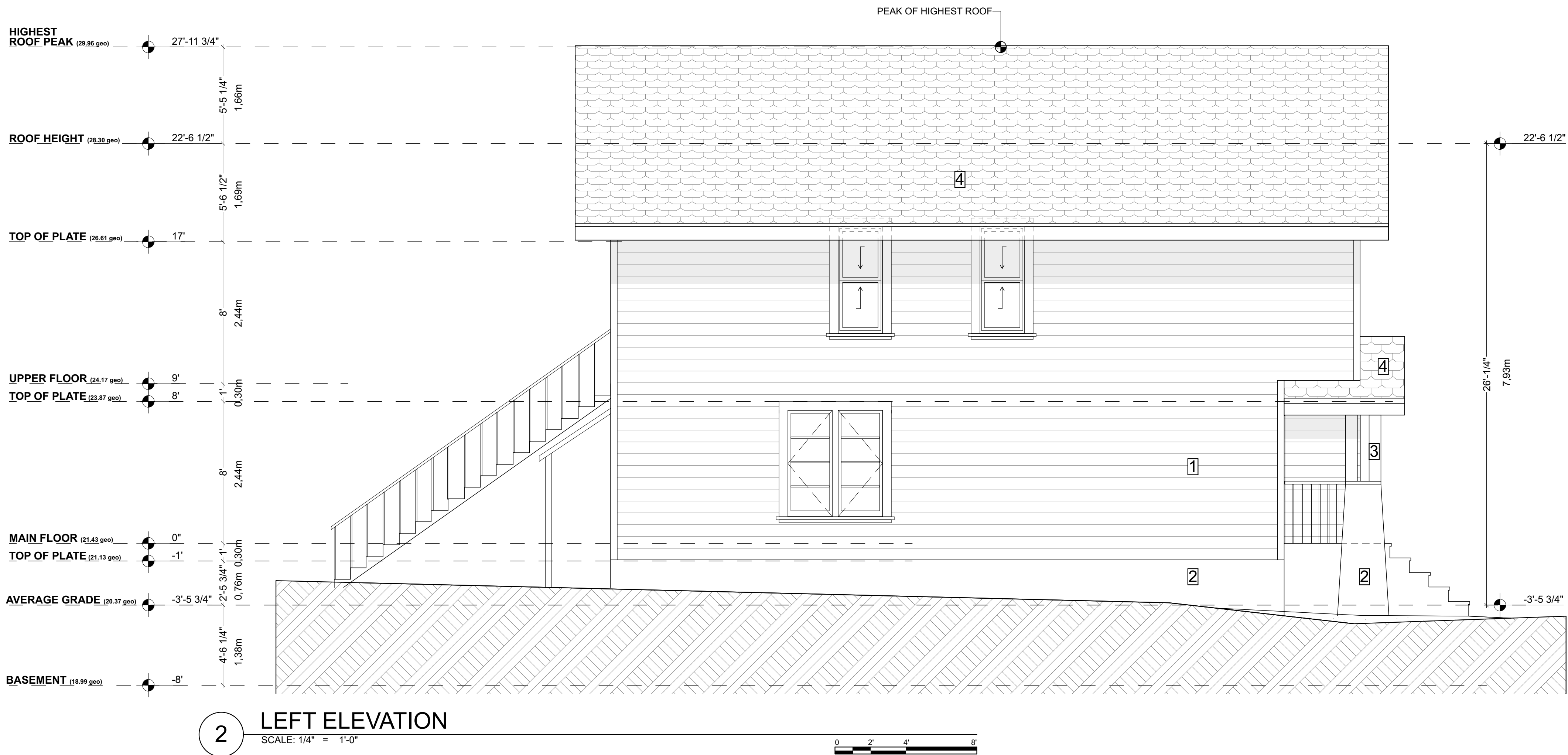
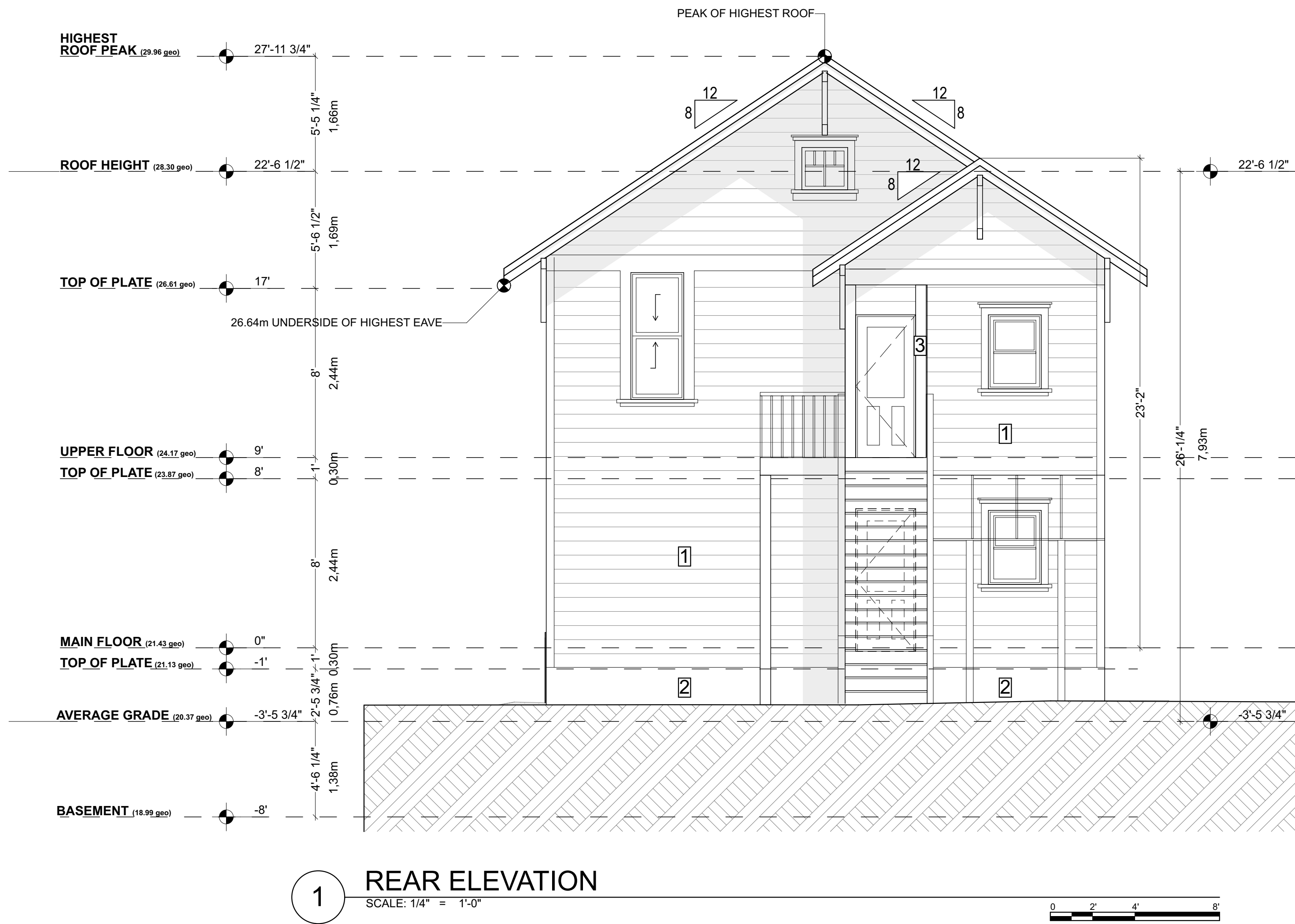


- 1 CEMENT BOARD LAP SIDING
- 2 FINISHED CONCRETE
PARGED
- 3 COMB FACED SPRUCE
PAINTED
- 4 ASPHALT ROOFING SHINGLES

GUTTERS	5" CONTINUOUS ALUMINUM (PREFINISHED) C/W 4"x3" ALUMINUM DOWNSPOUT (PREFINISHED)
SOFFIT	1X4 T&G HEMLOCK (STAINED)
FASCIA	2X12 COMB FACED SPF (PAINTED)
BELLY BAND	2X10 COMB FACED SPF (PAINTED)
WINDOW TRIM	2X4 COMB FACED SPF TOP/SIDES C/W 2X4 SLOPED SILL & 2X4 SUBSILL (PAINTED)
DOOR TRIM	2X4 COMB FACED SPF (PAINTED)
CORNER TRIM	1X3 COMB FACED SPF (PAINTED)

NOTE:
WINDOW OPERATION SHALL BE AS PER OWNERS DIRECTION AND
CONFORM TO BCBC EGRESS REQUIREMENTS. CONTRACTOR TO VERIFY
ALL R.O. PRIOR TO ORDERING WDW'S
FLASH OVER ALL MATERIAL TRANSITIONS, DOOR AND WINDOW HEADERS
ALL COLOURS AS PER OWNER

EXISTING HOUSE ELEVATIONS



EXTERIOR CLADDING LEGEND	
1	CEMENT BOARD LAP SIDING
2	FINISHED CONCRETE PARGED
3	COMB FACED SPRUCE PAINTED
4	ASPHALT ROOFING SHINGLES



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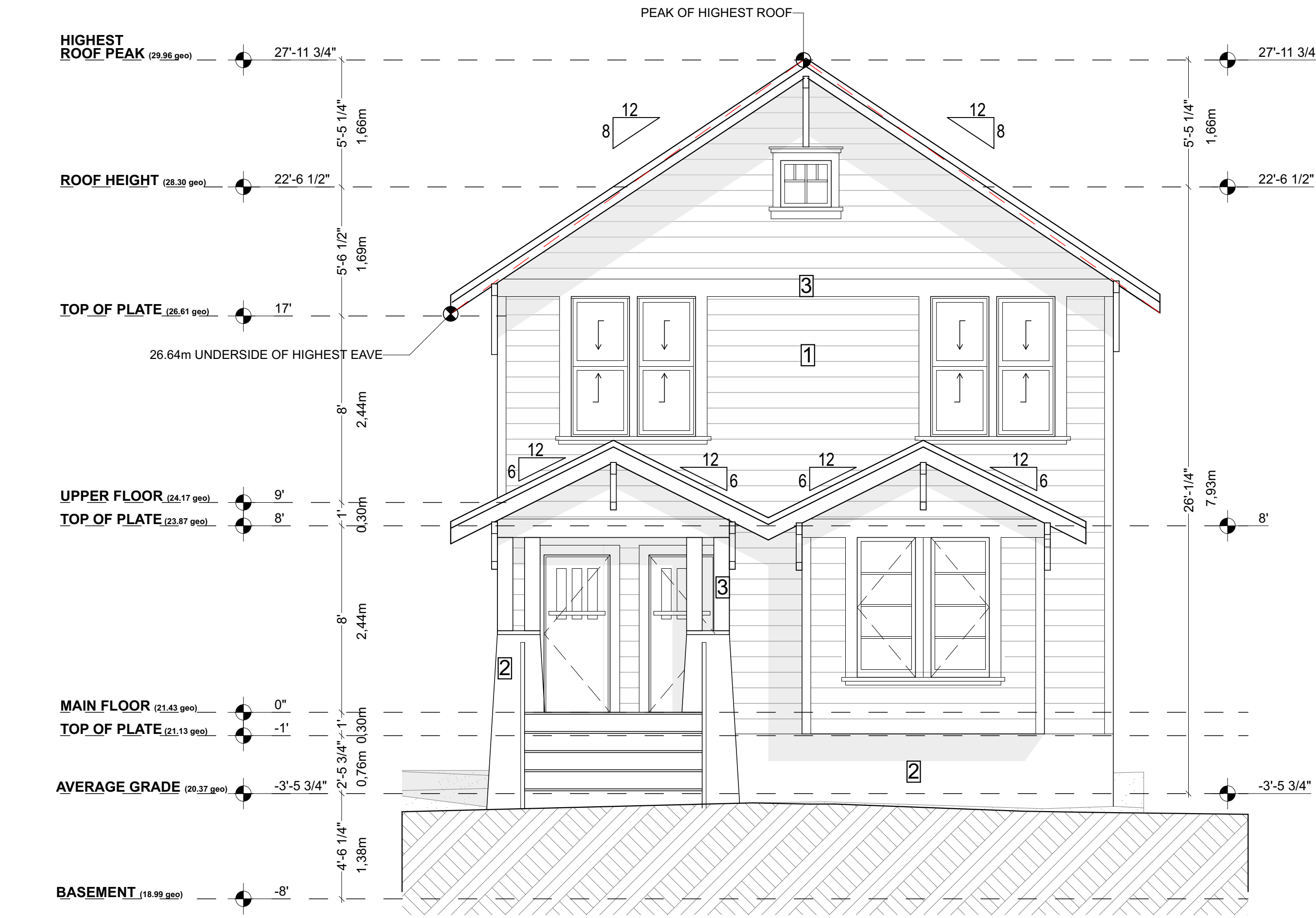
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ISSUED:

EXISTING ELEVATIONS

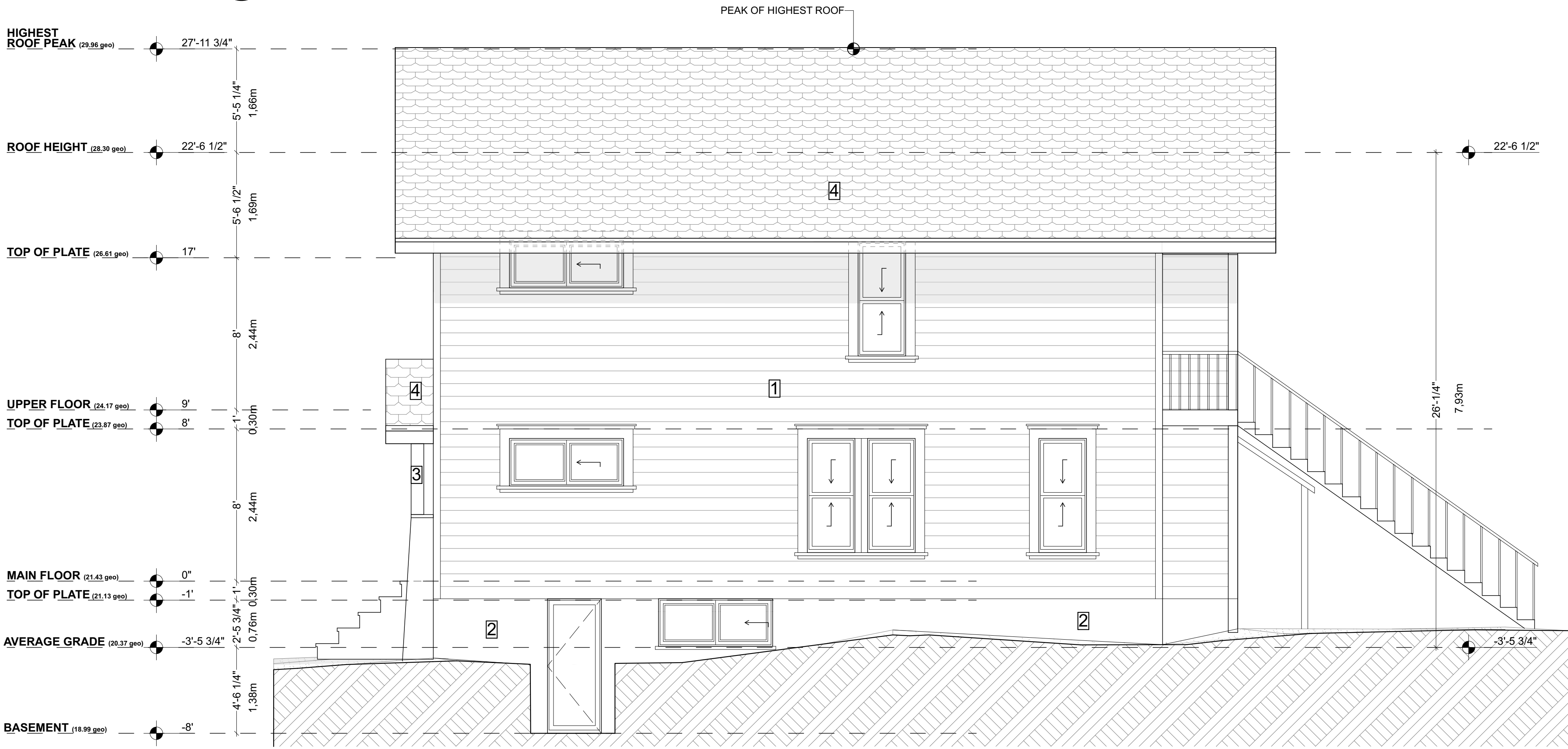
A-202

EXISTING HOUSE ELEVATIONS



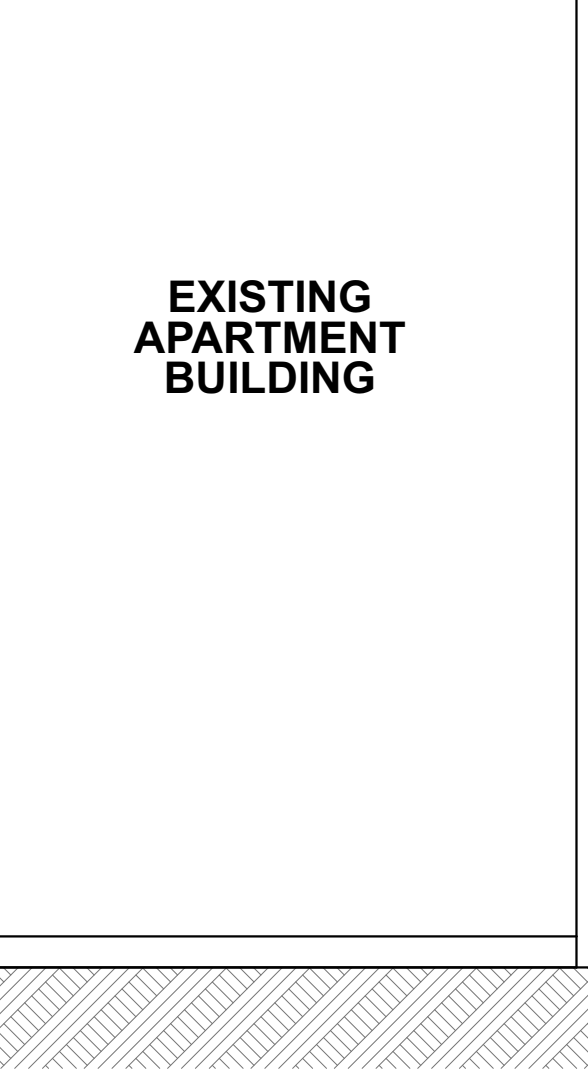
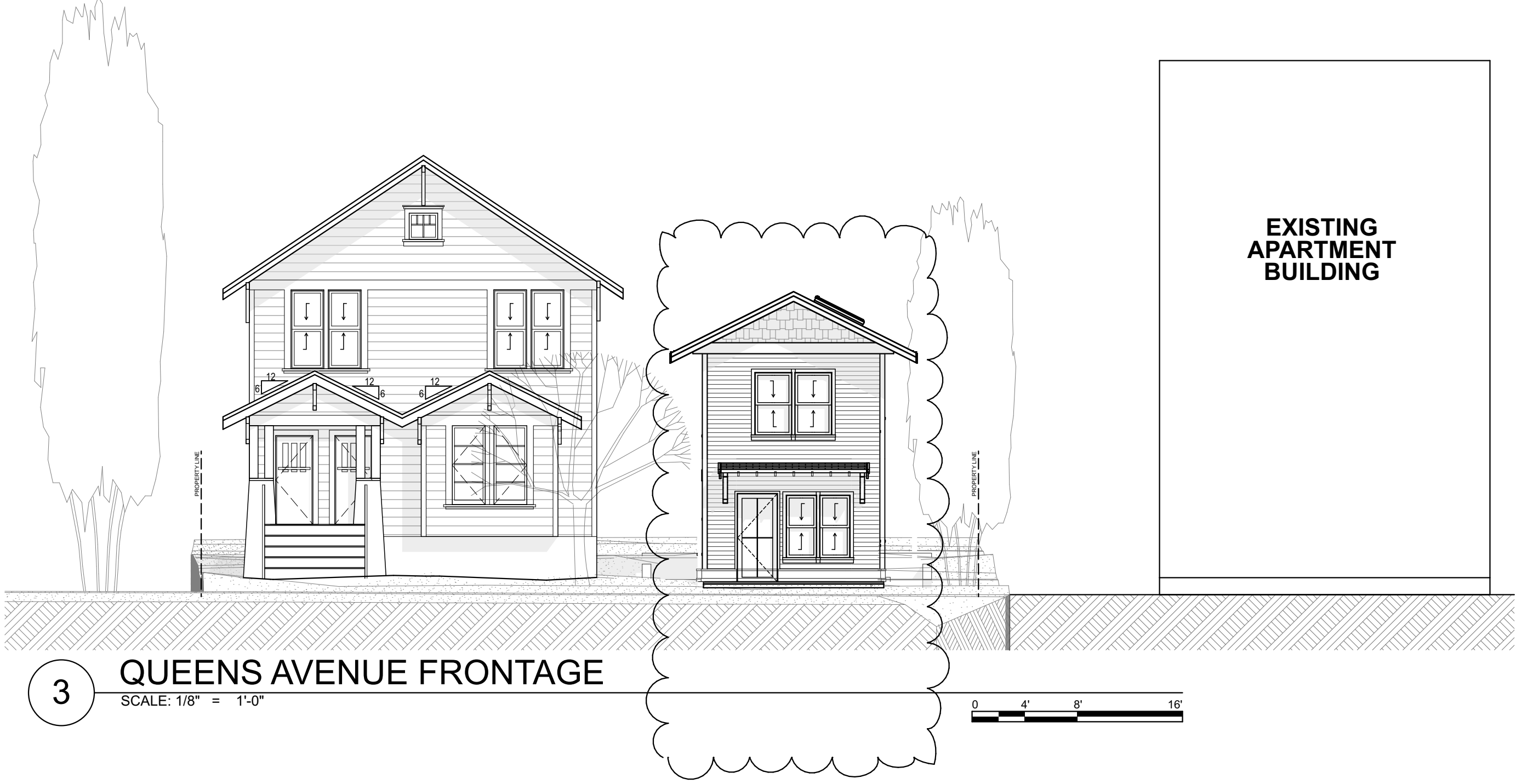
1 FRONT ELEVATION

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



2 RIGHT ELEVATION

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



EXISTING APARTMENT BUILDING

EXTERIOR CLADDING LEGEND

1	CEMENT BOARD LAP SIDING
2	FINISHED CONCRETE PARGED
3	COMB FACED SPRUCE PAINTED
4	ASPHALT ROOFING SHINGLES

ADDITIONAL EXTERIOR FINISHINGS

GUTTERS	5" CONTINUOUS ALUMINUM (PREFINISHED)
SOFFIT	CWV 1"x3" ALUMINUM DOWNSPOUT (PREFINISHED)
FASCIA	1"x4" TAG HEALOCK (STAINED)
BELLY BAND	2"x12 COMB FACED SPF (PAINTED)
WINDOW TRIM	2"x10 COMB FACED SPF (PAINTED)
DOOR TRIM	2"x4 COMB FACED SPF (PAINTED)
CORNER TRIM	1"x3 COMB FACED SPF (PAINTED)

NOTE:
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FLASH OVER ALL MATERIAL TRANSITIONS, DOOR AND WINDOW HEADERS
ALL COLOURS AS PER OWNER



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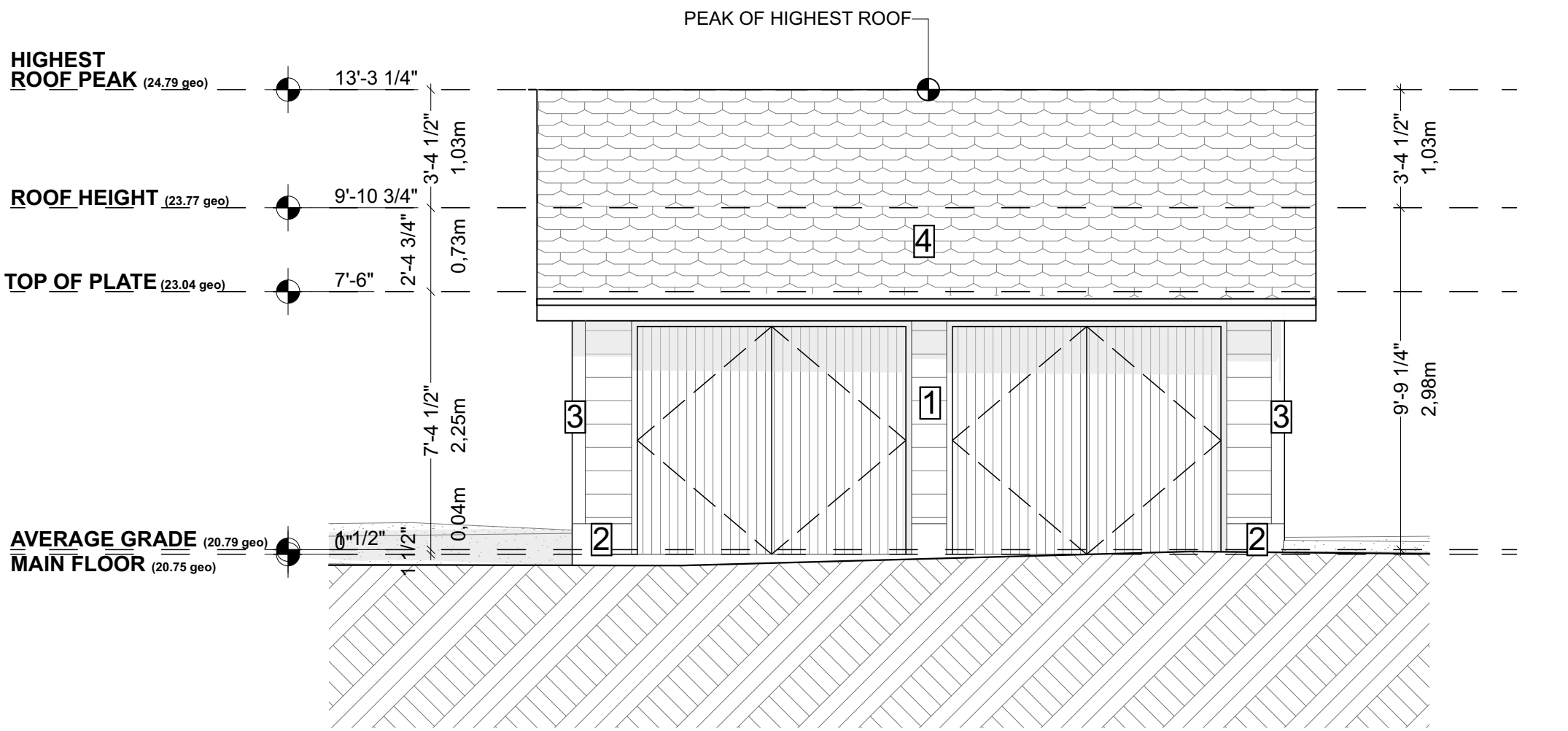
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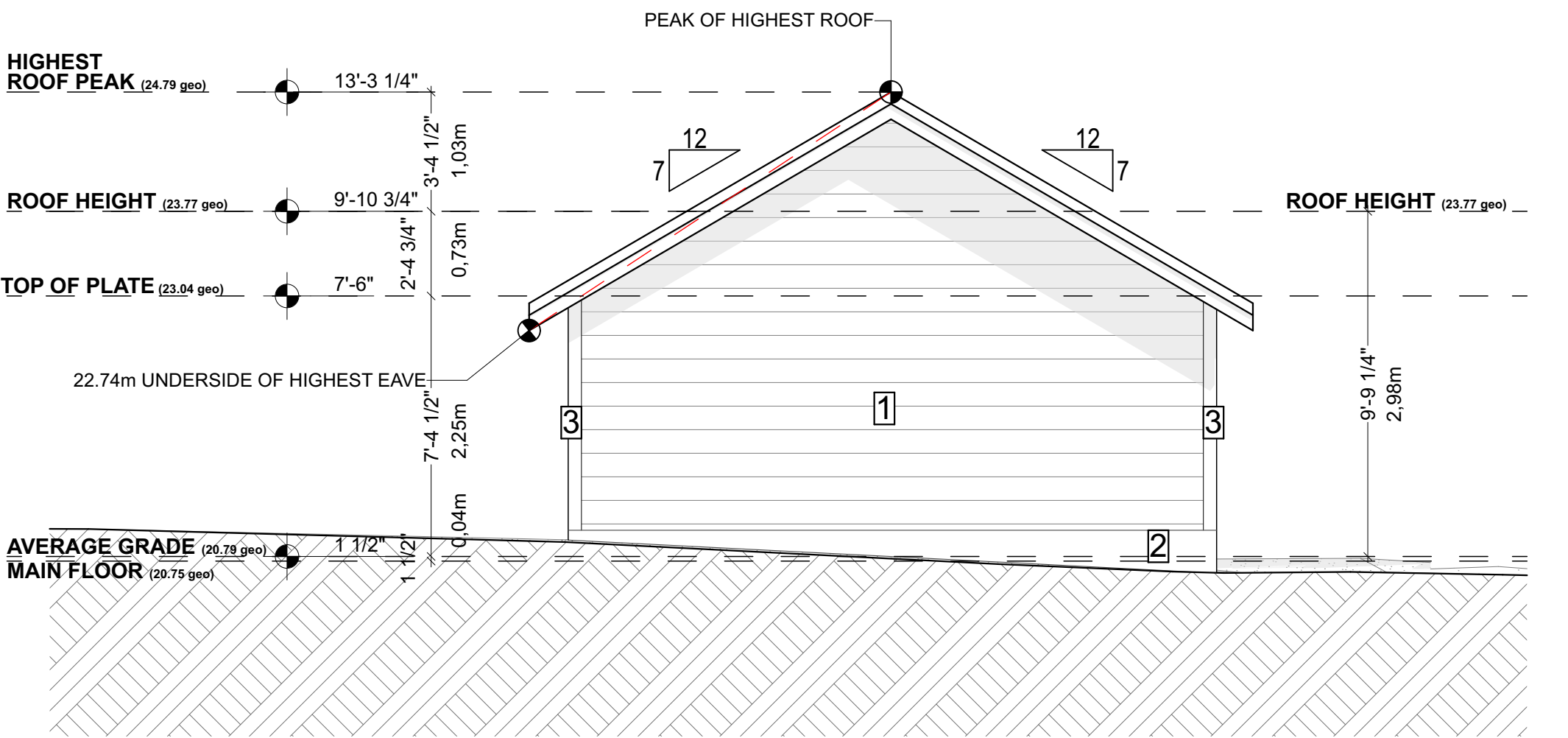
EXISTING ELEVATIONS

A-203

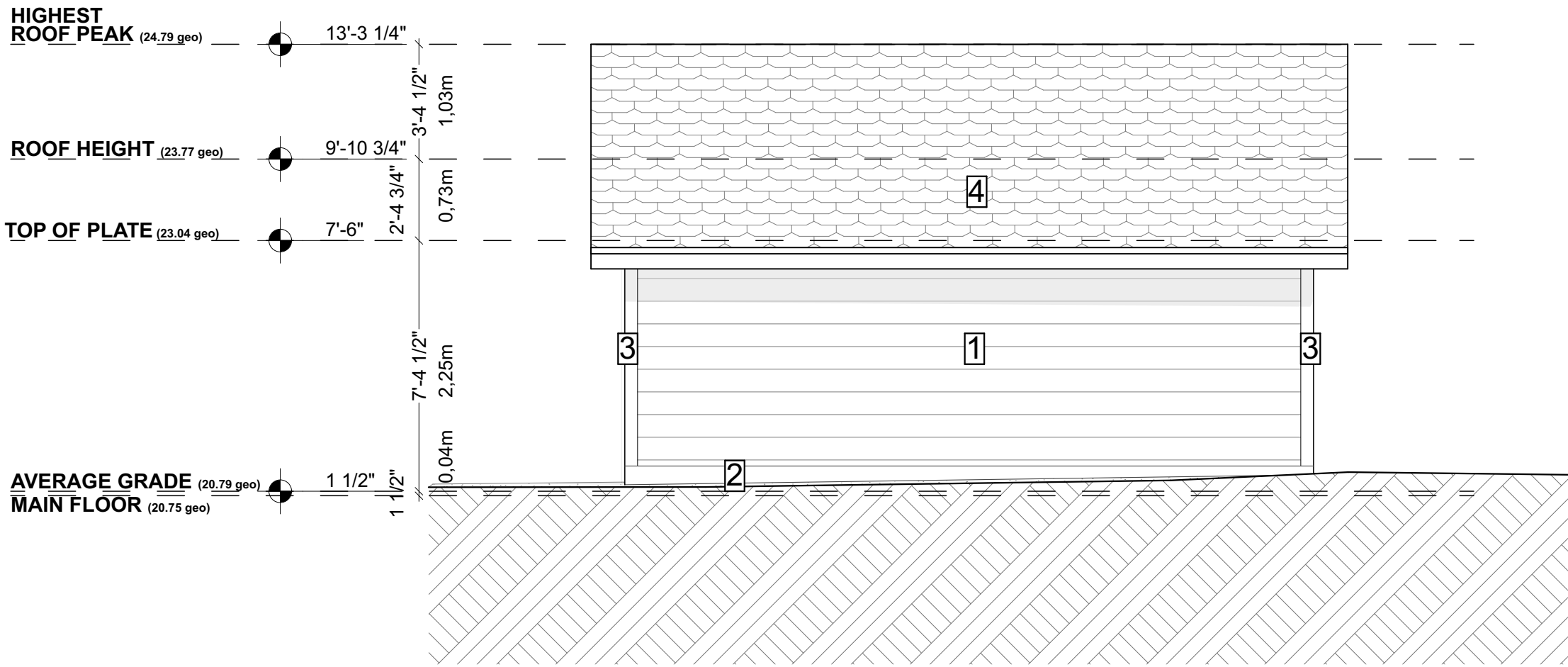
EXISTING WORKSHOP/STORAGE ELEVATIONS



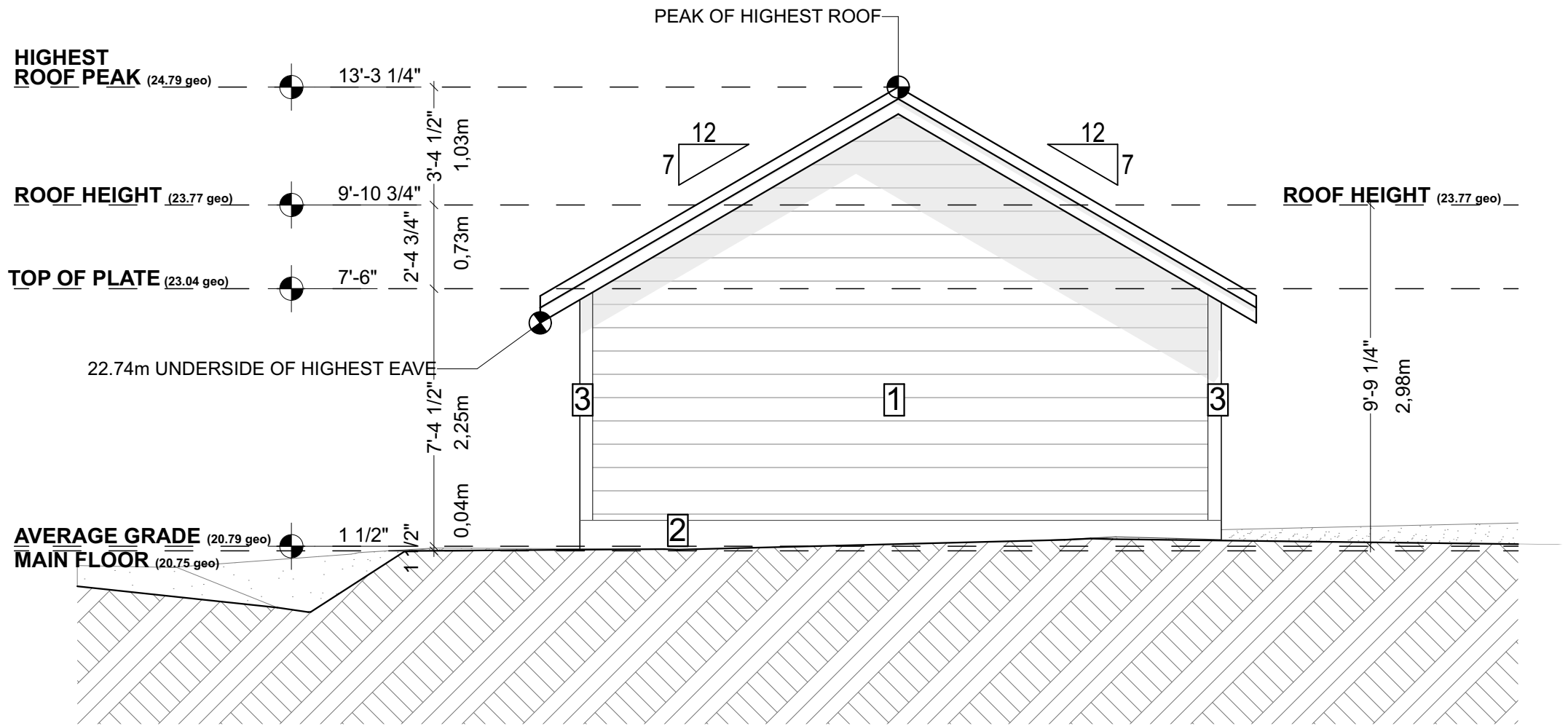
1 FRONT ELEVATION
SCALE: 1/4" = 1'-0"



2 LEFT ELEVATION
SCALE: 1/4" = 1'-0"



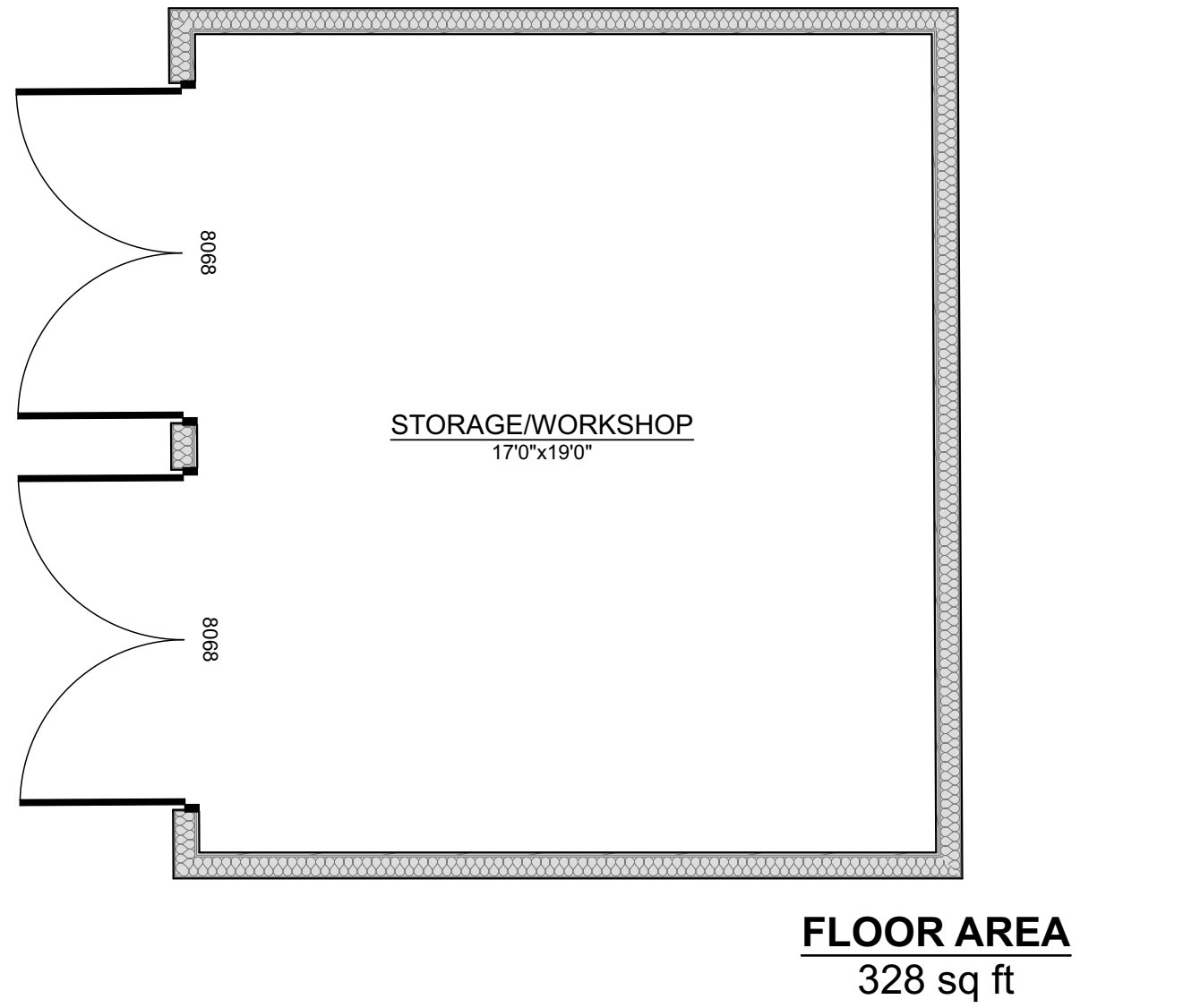
3 REAR ELEVATION
SCALE: 1/4" = 1'-0"



4 RIGHT ELEVATION
SCALE: 1/4" = 1'-0"

EXTERIOR CLADDING LEGEND	
1	CEMENT BOARD LAP SIDING
2	FINISHED CONCRETE PARGED
3	COMB FACED SPRUCE PAINTED
4	ASPHALT ROOFING SHINGLES

ADDITIONAL EXTERIOR FINISHINGS	
GUTTERS	5" CONTINUOUS ALUMINUM (PREFINISHED)
SOFFIT	CIV 1"X3" ALUMINUM DOWNSPOUT (PREFINISHED)
FASCIA	1X4 TAG HEMLOCK (STAINED)
BELLY BAND	2X12 COMB FACED SPF (PAINTED)
WINDOW TRIM	2X10 COMB FACED SPF (PAINTED)
DOOR TRIM	2X4 COMB FACED SPF (PAINTED)
CORNER TRIM	1X3 COMB FACED SPF (PAINTED)
NOTE:	WINDOW OPERATION SHALL BE AS PER OWNERS DIRECTION AND CONFORM TO BCBC EGRESS REQUIREMENTS. CONTRACTOR TO VERIFY ALL R.O. PRIOR TO ORDERING WOVES. FLASH OVER ALL MATERIAL TRANSITIONS, DOOR AND WINDOW HEADERS. ALL COLOURS AS PER OWNER.



- EXISTING WORKSHOP FLOOR PLAN
SCALE: 1/4" = 1'-0"



1500 Shorncliffe Road Victoria BC Canada
250.893.8127
www.adaptdesign.ca

1029 QUEENS
AVENUE
VICTORIA, B.C.

Drawings and Specifications as instruments of service are and shall remain the property of Adapt Design. They are not to be used on extensions of the project, or other projects, except by agreement in writing and appropriate compensation to the Designer.

The General Contractor is responsible for confirming and correlating dimensions at the job site. The Designer will not be responsible for construction means, methods, techniques, sequences, or procedures, or for safety precautions and programs in connection with the project.

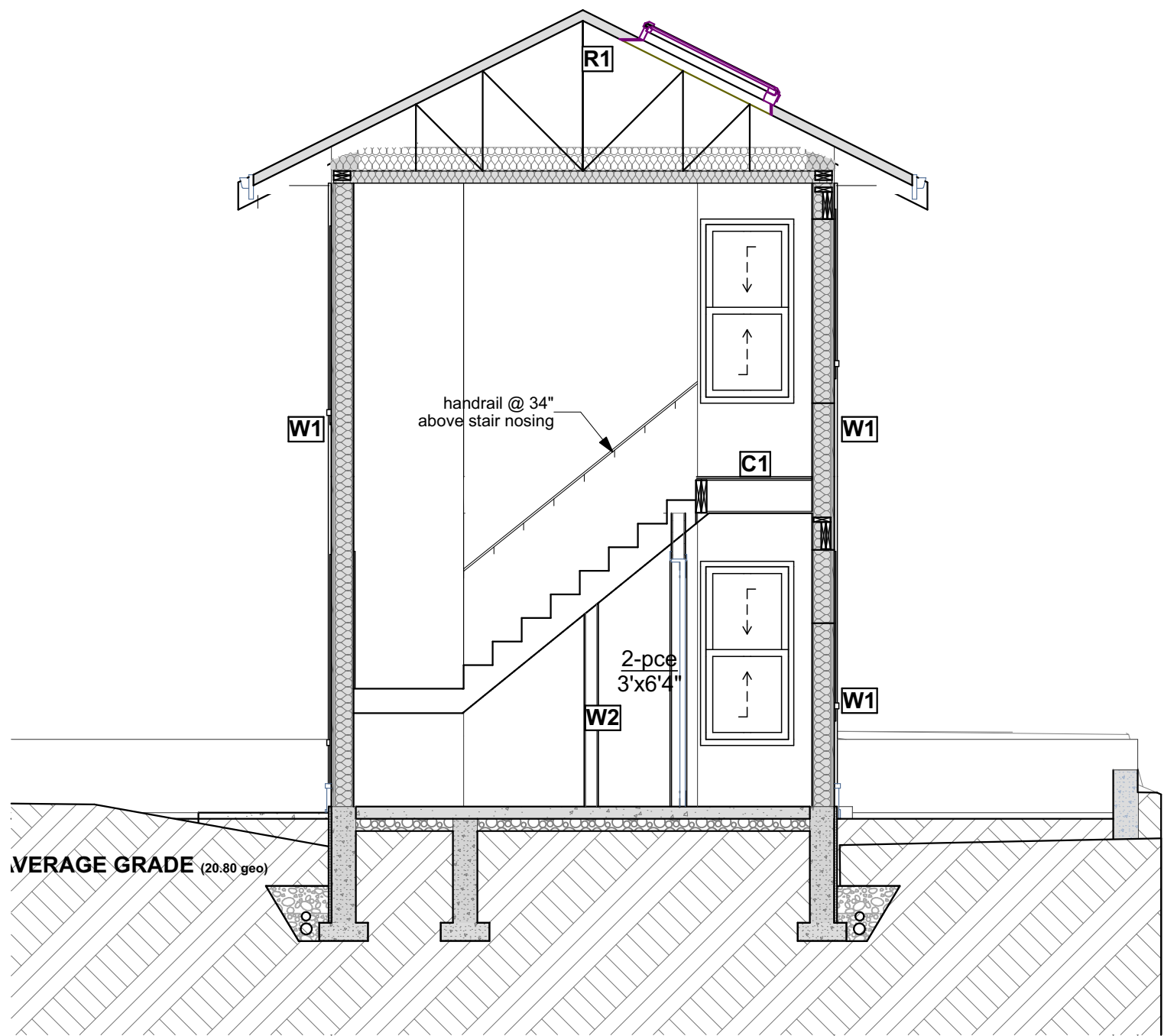
© Adapt Design

ISSUED FOR
REZONE

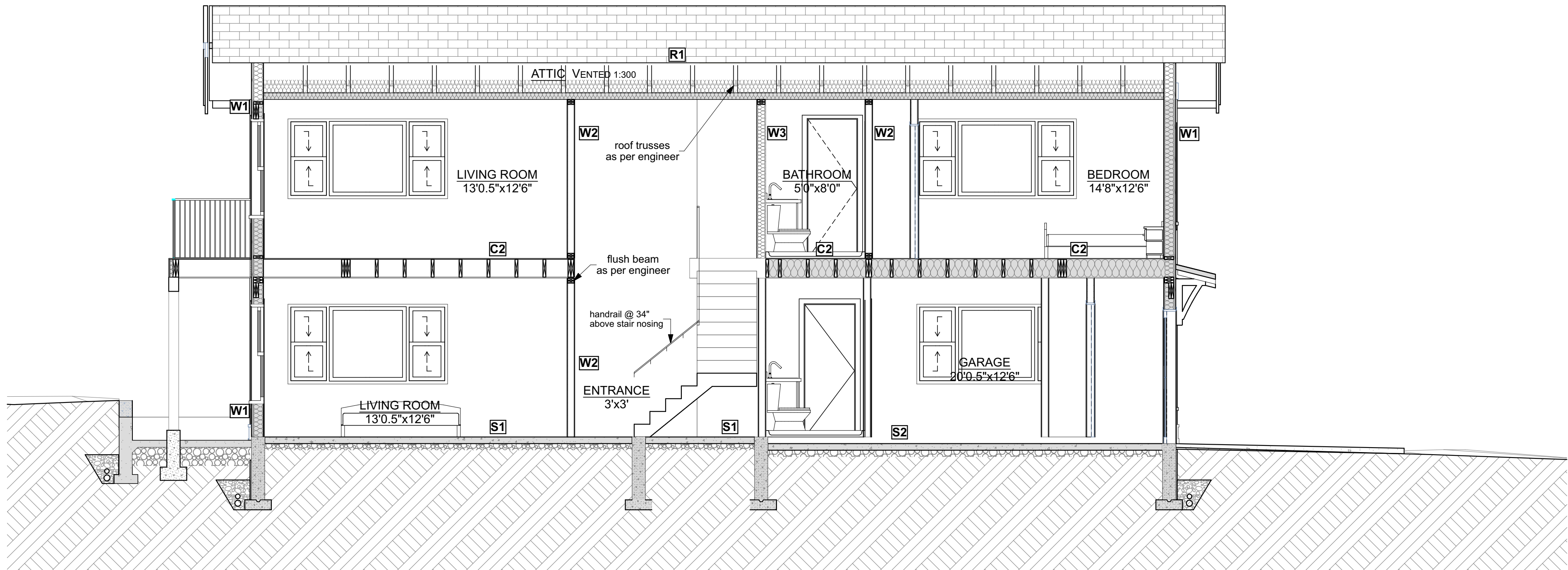
ISSUED:

EX. WORKSHOP
ELEVATIONS

A-204



1 CROSS SECTION 01
SCALE: 1/4" = 1'-0"



2 CROSS SECTION 02
SCALE: 1/4" = 1'-0"

SECTION LEGEND

CEILING TYPES

C1 - INTERIOR FLOOR

FINISHED FLOORING
1/2" T&G PLYWOOD
FLOOR JOISTS AS PER ENGINEER
CROSS BRIDGING
5/8" GYPSUM BOARD PAINTED

C2 - CEILING 1 HR FRR

FINISHED FLOORING
1/2" T&G PLYWOOD
FLOOR JOISTS AS PER ENGINEER
CROSS BRIDGING
R28 BATT INSULATION
2 LAYERS 5/8" TYPE X GYPSUM BOARD PAINTED

ROOF TYPES

R1 - TRUSS ROOF

LAMINATED FIBERGLASS SHINGLES
ROOFING FELT
ROOF VENTS 1/300
1/2" ROOF SHEATHING
ENGINEERED TRUSSES @ 24" O.C. AS PER SUPPLIER
R40 BATT INSULATION
6 MIL. POLY (AB/VB)
1/2" GYPSUM BOARD PAINTED
ROOF VENTED 1:300

SLAB TYPES

S1 - GROUND SLAB

1/2" FINISHED FLOORING
4" THICK CONCRETE SLAB (AB)
1.0mm (10mil) POLY
2" 1/2" STYROFOAM INSULATION
6" CRUSHED STONE
BACKFILL
UNDISTURBED SOIL

S2 - GARAGE SLAB

4" THICK CONCRETE SLAB 32 MPa
6 MIL. POLY
COMPACTED 3/4" MINUS
UNDISTURBED SOIL

WALL TYPES

W1 - EXTERIOR WALL

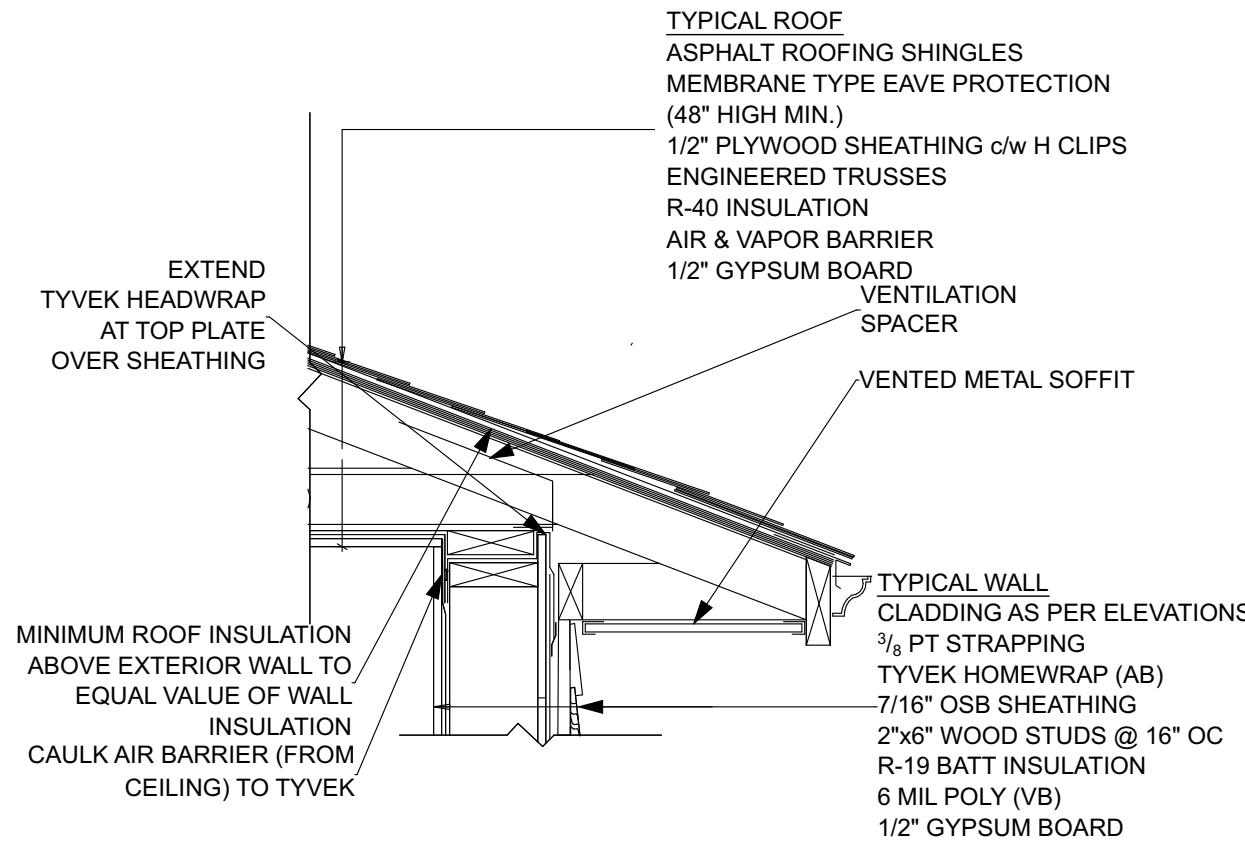
CLADDING AS PER ELEVATIONS
VERTICAL 3/8" x 2 1/2" P.T. WOOD STRAPPING
2 LAYERS 30 MIN. BUILDING PAPER
1/2" PLYWOOD W/ 2mm GAP ALL AROUND
2"x6" NOMINAL WOOD STUDS @ 16" O.C.
R-20 FIBERGLASS BATT INSULATION
6 MIL. POLY (AB/VB)
1/2" GYPSUM BOARD PAINTED

W2 - INTERIOR WALL

1/2" GYPSUM BOARD PAINTED
2X4 STUDS @ 16" OC
R12 BATT INSULATION (OPTIONAL)
1/2" GYPSUM BOARD PAINTED

W3 - DEMISING WALL 1 HR FRR

5/8" TYPE X GYPSUM BOARD PAINTED
2X4 STUDS @ 16" OC
R12 BATT INSULATION
5/8" TYPE X GYPSUM BOARD PAINTED



NO. 21-051

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the *Zoning Regulation Bylaw* by creating the R2-60 Zone, Two Family Dwelling (Queens) District, and to rezone land known as 1029 Queens Avenue from the R2-Zone, Two Family Dwelling District to the R2-60 Zone, Two Family Dwelling (Queens) District.

The Council of The Corporation of the City of Victoria enacts the following provisions:

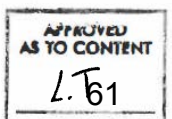
- 1 This Bylaw may be cited as the "ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1230)".
- 2 Bylaw No. 80-159, the *Zoning Regulation Bylaw*, is amended in the Table of Contents of Schedule "B" under the caption PART 2 - ATTACHED DWELLING ZONES by adding the following words:

"2.155 R2-60 Two Family Dwelling (Queens) District"
- 3 The *Zoning Regulation Bylaw* is amended by adding to Schedule B after Part 2.154 the provisions contained in Schedule 1 of this Bylaw.
- 4 The land known as 1029 Queens Avenue, legally described as PID 009-314-911, Lot 17, Block 6, Section 3, Victoria District, Plan 62, and shown hatched on the attached map, is removed from the R-2 Zone, Two Family Dwelling District, and placed in the R2-60 Zone, Two Family Dwelling (Queens) District.

READ A FIRST TIME the	day of	2021
READ A SECOND TIME the	day of	2021
Public hearing held on the	day of	2021
READ A THIRD TIME the	day of	2021
ADOPTED on the	day of	2021

CITY CLERK

MAYOR



PART 2.155 – R2-60 ZONE, TWO FAMILY DWELLING (QUEENS) DISTRICT**2.155.1 Permitted Uses in this Zone**

The following uses are the only uses permitted in this Zone:

- a. Single family dwelling subject to the regulations contained in Part 1.2
- b. Two family dwelling subject to the regulations contained in this Part
- c. Home occupation subject to the regulations in Schedule “D”
- d. Accessory buildings subject to the regulations in Schedule “F”

2.155.2 Number of Buildings, Building Separation Distance

- a. Notwithstanding Section 19 of General Regulations, 2 two family dwellings are permitted on a lot subject to the regulations in this Part.
- b. Separation distance between buildings (minimum) 2.5m

2.155.3 Lot Area, Lot Width

- a. Lot area (minimum) 670m²
- b. Lot width (minimum) 15m

2.155.4 Floor Area, Floor Space Ratio

- a. Floor area per dwelling unit (minimum) 46m²
- b. Floor area of all floor levels combined, excluding basement level (maximum) 340m²
- c. Floor space ratio, including accessory buildings (maximum) 0.6:1

2.155.5 Height, Storeys and Roof Deck for Buildings constructed after 2020

- a. Building height (maximum) 6.5m
- b. Storeys (maximum) 2 storeys
- c. Roof deck Not permitted

PART 2.155 – R2-60 ZONE, TWO FAMILY DWELLING (QUEENS) DISTRICT**2.155.6 Setbacks, Projections for Building constructed after 2020**

- | | |
|--|------|
| a. <u>Front yard setback</u> (minimum) | 7.5m |
| Except for the following maximum projections into the setback: | |
| • steps and <u>porch</u> | 3.5m |
| b. <u>Rear yard setback</u> (minimum) | 14m |
| c. <u>Side yard setback</u> (west) (minimum) | 3m |
| d. <u>Side yard setback</u> (east) (minimum) | 1.5m |
| e. Combined <u>side yard setbacks</u> (maximum) | 4.5m |

2.155.7 Height, Storeys, Roof Deck, Setbacks, and Projections for Buildings constructed prior to 1925

- | | |
|--|---------------|
| a. <u>Building height</u> (maximum) | 7.95m |
| b. <u>Storeys</u> (maximum) | 2 ½ storeys |
| c. <u>Roof Deck</u> | Not permitted |
| d. <u>Front yard setback</u> (minimum) | 6.55m |
| Except for the following maximum projections into the setback: | |
| • steps and <u>porch</u> | 2m |
| e. <u>Rear yard setback</u> (minimum) | 10.5m |
| f. <u>Side yard setback</u> (west) (minimum) | 9m |
| g. <u>Side yard setback</u> (east) (minimum) | 1.05m |

2.155.8 Site Coverage, Open Site Space

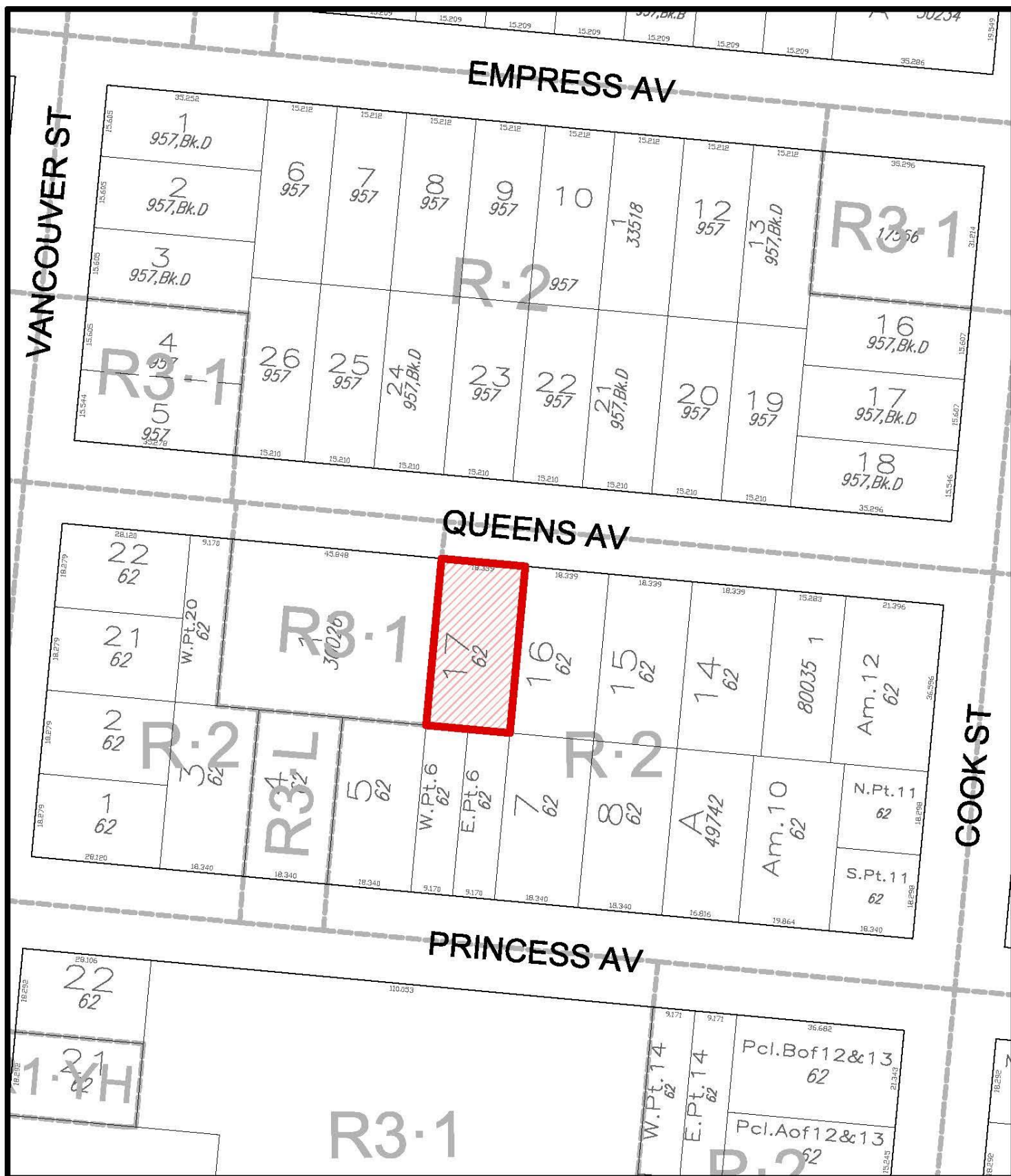
- | | |
|-------------------------------------|--|
| a. <u>Site Coverage</u> (maximum) | 30% |
| b. <u>Open site space</u> (minimum) | 60% of the <u>area</u> of the <u>lot</u> |

PART 2.155 – R2-60 ZONE, TWO FAMILY DWELLING (QUEENS) DISTRICT**2.155.9 Vehicle and Bicycle Parking**

- | | |
|------------------------------|--|
| a. Vehicle parking (minimum) | Subject to the regulations in Schedule “C” |
| b. Bicycle parking (minimum) | Subject to the regulations in Schedule “C” |

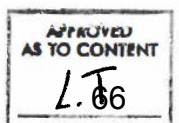
2.155.10 Outdoor Features

- a. The setbacks set out in Section 2.155.6 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.



1029 Queens Avenue
Rezoning No.00693





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:

EDWARD JOEL FARKAS
15 Dresden Road
Toronto, ON M3H 1W8

(the "Owner")

WHEREAS:

- A. Capitalized terms used herein will have the respective meanings ascribed to them in section 1.1 of this Agreement, unless the context otherwise clearly requires or they are elsewhere defined herein.
- B. Under section 483 of the *Local Government Act* the City may, by bylaw, enter into a housing agreement with an owner regarding the occupancy of the housing units identified in the agreement, including but not limited to terms and conditions referred to in section 483(2) of the *Local Government Act*.
- C. The Owner is the registered owner in fee simple of lands in the City of Victoria, British Columbia, with a civic address of 1029 Queens Avenue, Victoria, B.C. legally described as:

PID: 009-314-911
Legal description: Lot 17, Block 6, Section 3, Victoria District, Plan 62

(the "Lands").
- D. The Owner has applied to the City to rezone the Lands to permit the retention of an existing two family dwelling and the construction of a new two family dwelling all on the Lands in accordance with this Agreement.
- E. The City and the Owner wish to enter into this Agreement, as a housing agreement pursuant to section 483 of the *Local Government Act*, to secure the agreement of the Owner to provide below market rental housing, and subject to the terms of this Agreement, all of the Dwelling Units within the Development will be used and held only as rental housing.

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

{00054893;2}

1.0 DEFINITIONS

1.1 In this Agreement:

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

"CPI" means the All-items Consumer Price Index for Victoria, B.C. published from time to time by Statistics Canada, or its successor in function.

"CPI Increase" means the CPI for January in the calendar year of the proposed rent increase divided by the CPI for January of the immediately preceding calendar year.

"Development" means the Existing Building, which contains 2 residential units, and the Proposed Building, which will contain 2 residential units, and related facilities on the Lands;

"Dwelling Units" means any or all, as the context may require, of the 4 self-contained residential dwelling units within the Development and includes any dwelling unit that is developed on the Lands in future, whether as part of the Development or otherwise, and "Dwelling Unit" means any of such residential dwelling units located on the Lands;

"Existing Building" means the existing two family building on the eastern side of the Lands;

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

"Median Gross Annual Household Income" means the median gross annual household income for renters in the City of Victoria, as reported in Statistics Canada's most recent Census data, and in the event that Statistics Canada no longer reports median gross annual household income for renters in the City, the median total income of households in the City of Victoria as reported in Statistics Canada's most recent Census data will be used instead;

"Median Household Income Limit" means the maximum annual collective household income for the Dwelling Unit, as determined by making the following calculations and rounding the result to the nearest ten:

- (a) for one-bedroom Dwelling Units, Median Gross Annual Household Income x 0.9510, which, for reference purposes only, equated to \$42,000 in 2015,
- (b) for two-bedroom Dwelling Units, Median Gross Annual Household Income x 1.1774, which, for reference purposes only, equated to \$52,000 in 2015, and
- (c) for three-bedroom Dwelling Units, Median Gross Annual Household Income x 1.5850, which, for reference purposes only, equated to \$70,000 in 2015;

"Median Income Unit" means a Dwelling Unit that is designated as a Median Income Unit in accordance with Article 4.0 of this Agreement;

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

{00054893;2}

"Owner" includes a person who acquires an interest in the Lands or any part of the Lands or the Development and is thereby bound by this Agreement, as referred to in section 10.3;

"Proposed Building" means the proposed two family building on the western side of the Lands;

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

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

"RTA" means the *Residential Tenancy Act*, S.B.C. 2002, c.78, as amended or replaced, from time to time; and

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

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

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

2.2 Notwithstanding sections 2.1 and 4.1, one of the Dwelling Units may be occupied by the Owner or a Related Person.

3.0 NO RESTRICTIONS ON RENTALS

3.1 The Owner covenants and agrees, in perpetuity, to refrain from taking any steps, entering into any agreements, or imposing any rules or regulations whatsoever, the effect of which would be to prevent or restrict the Owner of a Dwelling Unit from renting that Dwelling Unit to a Non-owner under the terms of a Tenancy Agreement.

3.2 Without limiting the generality of section 3.1, the Owner covenants and agrees that it will not make application to deposit a strata plan for or in respect of the Lands or a building on the Lands unless the strata bylaws in no way restrict rental of any Rental Unit to a Non-owner under the terms of a Tenancy Agreement.

{00054893:2}

4.0 MEDIAN INCOME HOUSING

4.1 The Owner covenants and agrees that:

- (a) each Dwelling Unit on the Lands shall be designated as a Median Income Unit in perpetuity and shall only be occupied and used as a Median Income Unit;
- (b) each one-bedroom Dwelling Unit shall only be occupied by one or more tenants with a combined annual income that is equal to or less than the Median Household Income Limit for one-bedroom Dwelling Units, and the monthly rent payable shall be no more than 30% of the combined annual income of the tenant(s) divided by 12, subject to Article 5.0;
- (c) each two-bedroom Dwelling Unit shall only be occupied by one or more tenants with a combined annual income that is equal to or less than the Median Household Income Limit for two-bedroom Dwelling Units, and the monthly rent payable shall be no more than 30% of the combined annual income of the tenant(s) divided by 12, subject to Article 5.0; and
- (d) each three-bedroom Dwelling Unit shall only be occupied by one or more tenants with a combined annual income that is equal to or less than the Median Household Income Limit for three-bedroom Dwelling Units, and the monthly rent payable shall be no more than 30% of the combined annual income of the tenant(s) divided by 12, subject to Article 5.0.

5.0 RENT ADJUSTMENTS

- 5.1** During the term of a tenancy, the rent payable by the tenant(s) of any Dwelling Unit may be increased only by the amount permitted under the RTA and any other applicable legislation.
- 5.2** Notwithstanding the RTA, in no case shall the rent for a Dwelling Unit in any calendar year exceed the rent for the preceding calendar year multiplied by the CPI Increase.

6.0 REPORTING

- 6.1** The Owner covenants and agrees to provide to the City's Director of Sustainable Planning and Development, within thirty (30) days of the Director's written request, a report in writing confirming the following:
 - (a) all Dwelling Units are being rented to Non-owners, or that 3 Dwelling Units are being rented to Non-owners and 1 unit is Owner occupied;
 - (b) all Dwelling Units are being rented as Median Income Units, or that 3 Dwelling Units are being rented as Median Income Units and 1 unit is Owner occupied;
 - (c) all Dwelling Units are being rented in accordance with this Agreement; and
 - (d) such other information as may be requested by the Director from time to time.
- 6.2** The Owner hereby authorizes the City to make such inquiries as it considers necessary in order to confirm that the Owner is complying with this Agreement.

{00054893;2}

- 6.3** The Owner acknowledges that it is within the City's sole discretion to consent or not to consent to modifications of this Agreement and that such consent may be withheld for any reason.

7.0 NOTICE TO BE REGISTERED IN LAND TITLE OFFICE

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

8.0 LIABILITY

- 8.1** The Owner agrees to indemnify and save harmless the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from all claims, demands, actions, damages, costs and liabilities, which all or any of them shall or may be liable for or suffer or incur or be put to by reason of or arising out of failure of the Owner to comply with the terms and conditions of this Agreement, or otherwise that would not have arisen "but for" this Agreement.

- 8.2** The Owner hereby releases and forever discharges the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from any and all claims, demands, actions, damages, economic loss, costs and liabilities which the Owner now has or hereafter may have with respect to or by reason of or arising out of the fact that the Lands are encumbered by and affected by this Agreement, or otherwise that would not have arisen "but for" this Agreement.

9.0 GENERAL PROVISIONS

- 9.1 NOTICE.** If sent as follows, notice under this Agreement is considered to be received:

- (a) upon confirmation of delivery by Canada Post if sent by registered mail,
- (b) on the next Business Day if sent by facsimile or email with no notice of failure to deliver being received back by the sender, and
- (c) on the date of delivery if hand-delivered, and

in the case of the City, addressed to:

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

Attention: Director of Sustainable Planning and
Community Development
Fax: 250-361-0386
Email: CommunityPlanning@victoria.ca

{00054893;2}

and in the case of the Owner, addressed to:

1-1033 Queens Avenue
Victoria, BC V8T1M7

Attention: Edward Farkas, by his authorized attorney, Jenny Farkas
Email: jfarkas@telus.net

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

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

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

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

9.3 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.

9.4 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.

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

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

9.7 LEGISLATION. Reference to any enactment includes any regulations, orders or directives made under the authority of that enactment, and is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided.

9.8 EQUITABLE REMEDIES. The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement and that the public

{00054893:2}

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

- 9.9 CUMULATIVE REMEDIES.** No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.
- 9.10 ENTIRE AGREEMENT.** This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.
- 9.11 FURTHER ASSURANCES.** Each of the parties will do, execute, and deliver, or cause to be done, executed, and delivered all such further acts, documents and things as may be reasonably required from time to time to give effect to this Agreement.
- 9.12 AMENDMENT.** This Agreement may be amended from time to time, by consent of the Owner and a bylaw duly passed by the Council of the City and thereafter if it is signed by the City and the Owner.
- 9.13 LAW APPLICABLE.** This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.
- 9.14 NO DEROGATION FROM STATUTORY AUTHORITY.** Nothing in this Agreement shall:
- (a) limit, impair, fetter or derogate from the statutory powers of the City all of which powers may be exercised by the City from time to time and at any time to the fullest extent that the City is enabled and no permissive bylaw enacted by the City, or permit, licence or approval, granted, made or issued thereunder, or pursuant to statute, by the City shall estop, limit or impair the City from relying upon and enforcing this Agreement; or
 - (b) relieve the Owner from complying with any enactment, including the City's bylaws, or any obligation of the Owner under any other agreement with the City.
- 9.15 SEVERABILITY.** If any section, term or provision of this Agreement is found to be partially or wholly illegal or unenforceable, then such sections or parts will be considered to be separate and severable from this Agreement and the remaining sections or parts of this Agreement, as the case may be, will be unaffected thereby and will remain and be enforceable to the fullest extent permitted by law as though the illegal or unenforceable parts or sections had never been included in this Agreement.
- 9.16 JOINT AND SEVERAL.** The Owner, if more than one, are jointly and severally obligated to perform and observe each and every of the covenants, warranties and agreements herein contained by the Owner to be observed and performed.
- 9.17 COUNTERPARTS.** This Agreement may be executed in counterparts and delivered by emailed PDF file, each of which will have the same effect as if all parties had signed the same document. Each counterpart shall be deemed to be an original. All counterparts shall be construed together and shall constitute one and the same Agreement.

{00054893;2}

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

IN WITNESS WHEREOF the parties hereto have set their hands and seals as of the day and year last below written.

THE CORPORATION OF THE CITY OF)
VICTORIA by its authorized signatory:)

_____)
 Karen Hoese, Director of Sustainable Planning
 and Community Development)

Date signed: _____)

EDWARD JOEL FARKAS, by his Attorney,)
Jennifer Dora Farkas, see CA 8752246.)

 _____)

Date signed: Feb 9/21 _____)

F.7 1029 Queens Avenue: Rezoning Application No. 00693 and Development Permit with Variance Application No. 00117 (North Park)

Committee received a report dated November 28, 2019 from the Acting Director of Sustainable Planning and Community Development regarding the proposed Rezoning Application No. 00693 and Development Permit with Variance Application No. 00117 for 1029 Queens Avenue in order to retain the existing two-family dwelling and permit a new two-family rental residential building in the side yard and recommending that it move forward to a public hearing.

Moved By Councillor Alto

Seconded By Councillor Isitt

Rezoning Application No. 00693

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00693 for 1029 Queens 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. Placement of the existing duplex on the Heritage Register. (Refer to the Heritage Report on this application.)
2. Preparation and execution of legal agreement to secure the rental housing along with affordability considerations to the satisfaction of the Director of Sustainable Planning and Community Development.
3. A legal agreement to secure four car share memberships (one per dwelling unit) plus a \$100 usage credit for each membership to the satisfaction of the Director of Engineering and Public Works.

Development Permit with Variances Application No. 00117

That prior to setting the Public Hearing for the Rezoning Application, the applicant consider revisions to the proposed two-family dwelling to create a more direct relationship with the street to the satisfaction of the Director of Sustainable Planning and Community Development.

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00693, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variance Application No. 00117 for 1029 Queens Avenue, in accordance with:

1. Plans date stamped July 26, 2019.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - a. reduce the required off-site vehicle parking from four stalls to one stall
 - b. allow more than one principal building on a lot
 - c. variances for front yard setback for the new building from 7.5m to 6.74m, and side yard setback from 3.0m to 2.24m with combined side yard setback from 4.5m to 3.29m.
3. The Development Permit lapsing two years from the date of this resolution.
4. Details of the bicycle parking (stall dimensions and security features) to be provided at building permit stage.

CARRIED UNANIMOUSLY

F.8 1029 Queens Avenue: Request to add 1029 Queens Avenue to the City of Victoria Register of Heritage Properties (North Park)

Committee received a report dated December 5, 2019 from the Acting Director of Sustainable Planning and Community Development regarding the proposed request to add the two-storey, front gabled duplex at 1029 Queens Avenue to the City of Victoria Register of Heritage Properties.

Moved By Councillor Alto

Seconded By Councillor Isitt

That, concurrent with Rezoning Application No. 00693, if it is approved, Council approve the request to add the property located at 1029 Queens Avenue to the City of Victoria Register of Heritage Properties pursuant to section 598 of the Local Government Act.

CARRIED UNANIMOUSLY



Committee of the Whole Report For the Meeting of December 12, 2019

To: Committee of the Whole **Date:** November 28, 2019

From: Andrea Hudson, Acting Director, Sustainable Planning and Community Development

Subject: Development Permit with Variances Application No. 00117 for 1029 Queens Avenue

RECOMMENDATION

That prior to setting the Public Hearing for the Rezoning Application, the applicant consider revisions to the proposed two-family dwelling to create a more direct relationship with the street to the satisfaction of the Director of Sustainable Planning and Community Development.

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00693, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variance Application No. 00117 for 1029 Queens Avenue, in accordance with:

1. Plans date stamped July 26, 2019.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the required off-site vehicle parking from four stalls to one stall
 - ii. allow more than one principal building on a lot
 - iii. variances for front yard setback for the new building from 7.5m to 6.74m, and side yard setback from 3.0m to 2.24m with combined side yard setback from 4.5m to 3.29m.
3. The Development Permit lapsing two years from the date of this resolution.
4. Details of the bicycle parking (stall dimensions and security features) to be provided at building permit stage.

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.

Pursuant to Section 491 of the *Local Government Act*, where the purpose of the designation is the establishment of objectives for the form and character of intensive residential development, a Development Permit may include requirements respecting the character of the development including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit with Variances Application for the property located at 1029 Queens Avenue. The proposal is to rezone from the R-2 Zone, Two Family Dwelling District, to a site-specific zone in order to retain the existing duplex and permit a new two-unit rental residential building in the side yard.

The variances are related to parking, setbacks and the number of buildings per lot.

The following points were considered in assessing this application:

- The proposed design of the new duplex is not consistent with the applicable design guidelines, which encourage ground-oriented buildings that face the street.
- Schedule C of the *Zoning Regulation Bylaw* requires one parking stall per dwelling unit for two family dwellings. One off-street parking stall is provided representing a shortfall of three parking stalls. The lack of on-site parking will create competition for on-street parking.
- To mitigate the shortfall of parking stalls, four car share memberships would be secured, and bicycle parking is provided in excess of the Bylaw requirements, if Council chooses to advance this application.
- The front yard parking will be permeable pavers, making the parking area more visually attractive than the current gravel driveway.

BACKGROUND

Description of Proposal

The proposal is for a new two-storey duplex to be constructed in the west side yard. Specific details include:

- each new unit will be one bedroom, with 52.6 m² of floor area
- the upper unit is accessed from a side door on the east elevation and the lower unit is accessed at grade from the rear yard
- the siding materials are cement board and the roofing material is asphalt shingles
- the existing accessory building will remain and used for bicycle storage
- one parking stall is provided in front of the new duplex.

There are a number of variances associated with this application:

- a parking variance is required: one off-street parking stall is provided, whereas four stalls are required: one for each unit within a duplex
- a variance is required to allow two principal buildings on a lot as the General Regulations of the *Zoning Regulation Bylaw* stipulate only one principal building per lot
- the variances relating to siting (setbacks) are discussed in the Rezoning Application report.

Data Table

The following data table compares the proposal with the existing R-2 Zone, identifying the parking variance, the number of buildings per lot and setback variances. The rationale for this approach is that if the development as currently proposed is not constructed, then outright approval is not granted for these variances. In addition, the setback variances described in the Rezoning Application will also be considered as part of this Development Permit with Variances.

The complete data table is provided in the Rezoning Application report.

Zoning Criteria	Proposal	Zone Standard R-2	Notes
Vehicle Parking – minimum	1*	4	One vehicle parking space per unit
Number of buildings – maximum	2*	1	Only one two-family dwelling permitted per lot
Setbacks (m) – minimum			
Front	6.74*	7.5	
Rear	14.37	12.8	
Side (east)	n/a	1.83	Existing duplex in east side yard
Side (west)	2.24*	3.0	
Combined side yards	3.29*	4.5	

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the revised plans were referred for a 30-day comment period to the North Park Neighbourhood Association on August 8, 2019. No comments on the revised plans have been received.

A letter from the North Park Neighbourhood Association, dated February 13, 2019, is attached to the Rezoning Application report. In the letter from the Neighbourhood Association, the applicant is noted as stating that 3 to 4 parking stalls will be provided on-site; however, this has changed to one parking stall due to revisions to the layout of the new building.

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

ANALYSIS

Development Permit Area and Design Guidelines

The *Official Community Plan* (OCP) guidelines applicable to this property are the Intensive Residential - Duplex (15D) as the subject parcel is zoned for two-family dwellings. In this context, the main objective of these guidelines is to integrate infill developments in Traditional Residential areas that is compatible with existing neighbourhoods through considerations for privacy, landscaping and parking. The main applicable guidelines are the Neighbourliness Guidelines for Duplexes.

The proposed building has bedroom windows on the street elevation, the entrance to the lower unit is through the rear of the building and the entrance to the upper unit is on the east elevation. The applicant has indicated that this layout is favoured to achieve southern exposure for the main living areas of each unit. Given the narrow frontage of the building, limited options are available for door placement. The current proposal is an improvement over previous submissions, which incorporated parking within the building, thus having garage doors at street elevation.

The Guidelines promote a positive street presence and favour a side-by-side duplex with each unit having a direct connection to the street by way of front doors, porches and windows. Coupled with the OCP and Neighbourhood Plan direction, this lack of visible doors and connection to the street (other than the bedroom window) is not ideal.

In terms of contextual fit, the proposed two-family dwelling has proportions and a roof line that complement the existing building on the property. The proposed building also provides an appropriate infill and transition to the existing apartment building, with a separation distance of approximately 7 m between the buildings, which is a sufficient separation distance for privacy purposes. In addition, the proposed landscaping will act as a buffer between the two buildings.

Regulatory Considerations

The most significant variance from the *Zoning Regulation Bylaw*, General Regulations, is the request for two buildings on a lot. With the combined floor area of all the buildings on the lot, the 0.5:1 FSR density provisions of the R-2 Zone is exceeded. The requested density is 0.56:1 FSR, which is still within the upper limit of 1:1 FSR envisioned by the OCP for properties within the Traditional Residential designation.

With respect to the parking variance, the anticipated parking shortfall will impact parking availability on the street and increase competition for on-street parking with residents of surrounding properties.

To help offset some of the anticipated parking shortfall, the applicant has offered one car share membership for each of the units plus a \$100 usage credit for each membership. The closest car share location is Queens Avenue and Quadra Street. This requirement has been included in the Rezoning Application report's alternative recommendation. The applicant has also indicated that they will provide secure weather-protected bicycle parking in the accessory building, with the details to be determined as part of the building permit process.

The subject parcel is centrally located, within walking or cycling distance of the downtown, Crystal Pool and Quadra Village. This locational factor may contribute to overall lower car ownership.

Schedule C specifies lower parking requirements for affordable dwelling units based on unit size; however, these lower standards only apply to projects within multiple dwelling units. This project does not comply with the definition of a multiple dwelling unit. If the affordable housing standards applied, three parking stalls would be required and, as such, a parking variance would still be required.

CONCLUSIONS

A more direct physical connection to the street would improve the consistency of this application with the applicable design guidelines. As such, staff is recommending that before the applications advance to a Public Hearing, the applicant consider revisions to improve consistency with the design guidelines.

Should the associated Rezoning Application proceed, then a parking variance, the setback variances as well as variance to allow two buildings on one lot will be required as part of the Development Permit with Variances. To mitigate the parking shortfall, a car share membership for each unit is required along with a \$100 usage credit for each membership, which will be secured prior to setting the Public Hearing for these applications. These requirements are listed in the staff recommendations associated with the Rezoning Application.

ALTERNATE MOTION


That Council decline Development Permit with Variances Application No. 00117 for the property located at 1029 Queens Avenue.

Respectfully submitted,


Lucina Baryluk
Senior Planner
Development Services


Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:


Date: Dec 5, 2019

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans, dated/date stamped July 26, 2019
- Attachment D: Letter from applicant to Mayor and Council, dated July 25, 2019
- Attachment E: Community Association Land Use Committee Comments, dated February 13, 2019
- Attachment F: Arborist Report from Talbot Mackenzie & Associates, dated May 31, 2019
- Attachment G: Victoria Heritage Foundation, Statement of Significance, dated October 2019.



Committee of the Whole Report For the Meeting of December 12, 2019

To: Committee of the Whole **Date:** November 28, 2019

From: Andrea Hudson, Acting Director, Sustainable Planning and Community Development

Subject: Rezoning Application No. 00693 for 1029 Queens Avenue

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00693 for 1029 Queens 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. Placement of the existing duplex on the Heritage Register. (Refer to the Heritage Report on this application.)
2. Preparation and execution of legal agreement to secure the rental housing along with affordability considerations to the satisfaction of the Director of Sustainable Planning and Community Development.
3. A legal agreement to secure four car share memberships (one per dwelling unit) plus a \$100 usage credit for each membership to the satisfaction of the Director of Engineering and Public Works.

LEGISLATIVE AUTHORITY

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

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

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application for the property located at 1029 Queens Avenue. The proposal is to rezone from the R-2 Zone, Two Family Dwelling District, to a site-specific zone in order to retain

the existing two-family dwelling and permit a new two-family rental residential building in the side yard.

The following points were considered in assessing this application:

- The *Official Community Plan* (OCP, 2012) places the subject property within a Traditional Residential Designation. This designation supports a variety of ground-oriented buildings that face the street. The proposed density is within the density provisions of the Traditional Residential designation.
- The *North Park Local Area Plan* supports the conservation of the older housing stock along with the preservation of character housing and encourages housing with ground-oriented units and windows and doors at street level.
- The existing two-family dwelling unit will remain rental and the proposed two-family dwelling unit will also be rental. The applicant has stated that all units will be below market rental in perpetuity and has expressed a willingness to secure these details through a Housing Agreement. This supports housing objectives in the OCP.
- The design of the proposed two-family unit does not provide a direct connection to the street. A positive street presence is emphasized in the applicable policies.
- The applicant is willing to have the existing duplex placed on the Heritage Register in conjunction with this application.

BACKGROUND

Description of Proposal

This Rezoning Application is to rezone from the R-2 Zone, Two Family Dwelling District, to a site-specific zone in order to:

- retain the existing two-family dwelling unit
- construct a new two-family dwelling unit in the side yard
- secure affordable dwelling units in perpetuity (below market rental).

The following differences from the standard R-2 Zone are as follows:

- permitting a second two-family dwelling unit on one parcel
- exceeding the maximum density (floor space ratio)
- allowing setback variances for the new building from the front and side lot lines
- decreasing the required number of off-street vehicular parking stalls. (This is considered in the concurrent Development Permit with Variances Application).

While the applicant refers to the proposal as a carriage house, there is not a defined term for a carriage house within the City's bylaws. The term is sometimes used for a garden suite, but this proposal is outside the parameters of a garden suite.

Specific design details of the new two-family unit include:

- each new unit will be one bedroom, with 52.6 m² of floor area
- the upper unit is accessed from a side door on the east elevation and the lower unit is accessed at grade from the rear yard
- the siding materials are cement board and the roofing material is asphalt shingles
- the existing accessory building will remain and used for bicycle storage
- one parking stall is provided in front of the new building.

Affordable Housing Impacts

The applicant proposes the creation of two new residential units which would increase the overall supply of housing in the area. The applicant is proposing that all of the units (new and proposed) will be “perpetual below-market rental units,” which will be secured with a Housing Agreement.

The exact terms of the housing agreement have not been worked out, and direction will be taken from the Victoria Housing Strategy. However, the applicant has indicated that units in the existing building will be in the median income range, and the new units are estimated to fall between the low and median income ranges.

The Housing Strategy provides the following limits on rents for affordable units.

Affordable Maximum Rents by Bedroom Size and Income Bracket:

	BACHELOR \$375 TO \$875	1 BEDROOM \$425 TO \$1050	2 BEDROOM \$575 TO \$1300	3 BEDROOM \$700 TO \$1750
Very Low Income	\$375	\$425	\$575	\$700
Low Income	\$500	\$650	\$850	\$1000
Median Income	\$875	\$1050	\$1300	\$1750

The applicant notes that the tenants in the existing two-family dwelling unit on the property will not be impacted by the new construction. The Housing Agreement will also apply to the existing two-family dwelling. Flexibility to allow one of the units to be owner-occupied will be a consideration for the Housing Agreement.

Sustainability Features

As indicated in the applicant's letter, dated July 25, 2019, the following sustainability features are associated with this application, notably:

- retention of the existing two-family dwelling (see section on Heritage Considerations)
- bicycle storage and recycling area provided in existing accessory building
- retention of established landscaping in rear yard and introduction of new plantings along western boundary of property as replacement for the removal of eight non-protected trees
- permeable pavers for new hard surfaces (driveway and path).

Active Transportation Impacts

The application proposes a bicycle room, which would support active transportation.

Public Realm Improvements

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

Accessibility Impact Statement

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

Land Use Context

The area is characterized by single-family homes, some of which have undergone conversions to include additional units. The main exception in this block of Queens Avenue is a 27 unit rental apartment building on the westerly boundary of the subject property.

This block of Queens Avenue is characterized by homes which were built in the early 1900s, including a heritage-registered house immediately adjacent to the subject property at 1033 Queens Avenue. Further details of the heritage significance of the subject property within the context of the neighbourhood is provided in the attached Statement of Significance prepared by the Victoria Heritage Foundation.

Existing Site Development and Development Potential

The site is presently included in the R-2 Zone, which allows for a two-family dwelling unit. No further development potential exists on the lot without a change to the zone.

Data Table

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

Note that the existing two-family dwelling unit will remain and its existing non-conformities will not be altered by the construction of a new two-family dwelling unit on the lot. The accessory building is in compliance with the Accessory Building Regulations, Schedule F.

Zoning Criteria	Proposal	Zone Standard R-2	Notes
Site area (m ²) – minimum	670	555	
Number of buildings – maximum	2*	1	Only one principal building permitted per lot
Density (Floor Space Ratio) – maximum	0.56:1*	0.5:1	Includes all buildings on the lot
Total floor area (m ²) – maximum	105.4	380	New two-family dwelling unit only
Total floor area (m ²) – maximum	232.7	380	Existing two-family dwelling unit
Total floor area (m ²) – maximum	338.1	380	Both two family dwelling units combined
Lot width (m) – minimum	18	15	
Height (m) – maximum	6.19	7.6	
Storeys – maximum	2	2	

Zoning Criteria	Proposal	Zone Standard R-2	Notes
Site coverage (%) – maximum	29.7	40	Includes all buildings on the lot
Open site space (%) – minimum	66	30	For entire lot
Setbacks (m) – minimum			
Front	6.74*	7.5	
Rear	14.37	12.8	
Side (east)	n/a	1.83	Existing duplex in east side yard
Side (west)	2.24*	3.0	
Combined side yards	3.29*	4.5	
Vehicle Parking – minimum	1*	4	See details in Development Permit report
Bicycle parking stalls – minimum	In accessory building	n/a	No bicycle parking required for two family dwelling unit use

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the North Park Neighbourhood Association CALUC at a Community Meeting held on February 13, 2019. A letter, dated February 13, 2019, is attached to this report. Note that the proposal has changed since this meeting, so some of the comments may no longer be relevant.

ANALYSIS

Official Community Plan and Local Area Plan

The *Official Community Plan* (OCP) identifies the subject parcel as Traditional Residential. The maximum density envisioned within Traditional Residential areas is 1:1 FSR, and overall this project is below the maximum density.

The policies within the Traditional Residential designation envision ground-oriented residential up to two storeys, including single-family, duplex and other housing forms.

North Park Local Area Plan

The subject parcel is within the North Park Neighbourhood. Generally, the *North Park Local Area Plan* supports a variety of housing forms for a mix of income groups. The Plan supports the conservation of the older housing stock along with the preservation of character housing and

encourages housing with ground-oriented units and windows and doors at street level.

Neighbourliness Guidelines for Duplexes

The *Neighbourliness Guidelines for Duplexes* is a policy approved by Council that is “intended to offer guidance to Council, advisory bodies and staff when rezoning or development variance applications are being considered.” While this proposal is not technically rezoning to create a new R-2 zoned lot, the application results in a scenario where a second duplex located in a large side yard of an existing duplex is the result. These guidelines recommend that an appropriately sized lot would offer at least 277.5m² of site area per dwelling unit (so for two duplexes 1110m² total site area would be required.) The policy also notes that for interior lots a total of 670m² of site area is recommended. While this property is 670m², it is also a transitional lot (immediately adjacent to a higher density use) so it could be argued that the lower overall standard of 555m² of site area per duplex lot is adequate. Nonetheless the proposal is inconsistent with the lot area requirements recommended for duplex rezoning applications.

Garden Suite Policy and Guidelines

While a duplex would generally be the maximum development potential on a lot in this location (within an established single-family neighbourhood and not on an arterial road) a proposal for a garden suite or addition to the existing building may be a better approach. The *Garden Suite Policy and Guidelines* are used to assess and guide the design of garden suite applications that are consistent with the zoning. They are also intended to be used in cases where a rezoning or variance is required. Although this application does not completely fit within this policy as it proposes a “duplex garden suite” or carriage house as the applicant characterizes it, there is some value in assessing the proposal against this policy, noting it is inconsistent in a number of ways:

- it is co-located with another duplex
- two-unit garden suites are not anticipated by the policy
- it exceeds the maximum floor area
- it is located in the side yard instead of the rear.

The possibility of pursuing the addition of a single garden suite unit was explored with the applicant and while it may have some advantages in terms of offering additional on-site parking, the applicant wishes to pursue the proposal as presented.

The work underway on the missing middle housing typologies will, in the future, provide better guidance on similar applications that fall outside the established policies.

Victoria Housing Strategy

Despite the shortcomings with established City policies, the applicant’s willingness to enter into a Housing Agreement ensuring the units would be rental in perpetuity offering some degree of affordability, provides merit for this application. Given the alignment of this application with the Housing Strategy, the staff recommendation is to advance the application to Public Hearing.

Tree Preservation Bylaw and Urban Forest Master Plan

Along the west property line, a row of seven trees are proposed for removal due to conflict with the proposed building:

- six Lawson Cypress, with diameter at breast height (DBH) ranging from 15cm to 54cm
- one Horse Chestnut, with a DBH of 14cm.

The landscape plan shows six new trees to be planted in a 2m corridor between the proposed building and west property boundary.

In addition, a pine tree (37cm DBH) on the northwest corner of the existing building is to be removed due to the proposed servicing.

None of the trees planned for removal were protected under the *Tree Preservation Bylaw* at the time of application.

An apple, pear, cherry, and mountain ash in the backyard are to be retained. A young hawthorn tree on the municipal boulevard is to be retained, and to provide additional protection for this tree from the driveway crossing, the crossing width may be reduced at building permit stage or the tree may be relocated at the applicant's expense.

An arborist report (attached) has been provided.

Regulatory Considerations

The most significant variance from the *Zoning Regulation Bylaw*, General Regulations, is the request for two buildings on a lot. With the combined floor area of all the buildings on the lot, the 0.5:1 FSR density provisions of the R-2 Zone is exceeded. The requested density is 0.56:1 FSR, which is still within the upper limit of 1:1 FSR envisioned by the OCP for properties within the Traditional Residential designation.

The proposed two-family dwelling does not meet the established setbacks within the R-2 Zone. Specifically, the front setback is 6.74 m, whereas the requirement is for 7.5m. The existing two-family dwelling already represents a legal non-conforming siting situation with its front yard setback at 6.55 m. Both buildings will be approximately the same distance from the street and will form a consistent setback from the street with other single-family buildings, and, as such, this variance from the front lot line is supportable.

The side setback proposed from the westerly lot line is 2.24m and the requirement is 3.0m. This distance from the proposed building to the lot line of 2.24m, combined with the 5m (approximately) distance of the adjacent apartment building from the lot line, provides a separation distance of approximately 7m between the buildings, which is a sufficient separation distance for privacy purposes. In addition, the proposed landscaping will act as a buffer between the two buildings.

If the proposed building is moved further east on the lot (bringing both buildings closer to each other) the separation distance between the two buildings will be compromised resulting in a lack of privacy and access to light. As such, to place another building in the side yard, a setback compromise is required.

As both buildings (existing and proposed) are sited closer to the east and west property lines, the overall combined side yard setback requirement is not satisfied (from 4.5 m to 3.29 m).

In terms of contextual fit, the proposed two-family dwelling has proportions and a roof line that complement the existing building on the property. The proposed building also provides an appropriate infill and transition to the existing apartment building.

These setback variances are included in the recommendation for the Development Permit Application. The request for a parking variance and the number of buildings per lot are considered in more detail in the Development Permit report.

Heritage Considerations

A Statement of Significance has been provided for the existing two-family dwelling. This dwelling has Craftsman character-defining elements that are representative of its era (1920s) and generally maintained in its original condition. Moreover, the property is valued for its connection to the urban development of the neighbourhood and contributes to the heritage aspects of the streetscape.

The inclusion of this building on the Heritage Register is consistent with the *North Park Local Plan* to preserve character housing and protect streetscape and the objective of the *Official Community Plan* is to conserve heritage property as a resource with value for present and future generations.

The Heritage Advisory Panel, at its meeting of November 12, 2019, recommended that Council request heritage designation of the duplex, as this would provide more protection of this heritage resource. The applicant has indicated that they do not wish to pursue heritage designation due to the additional requirement of a heritage alteration permit should the house require updating. Given the applicant's preference, the benefit associated with placing the building on the Heritage Register and the commitment to securing affordable rental housing, staff recommend that heritage registration is adequate.

CONCLUSIONS

While the proposal represents a number of inconsistencies with City policies, the proposal does have merits in terms of increasing the amount of affordable rental housing in the City in a central location. Given the merits of this proposal, a recommendation to advance the application to a Public Hearing is provided.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00693 for the property located at 1029 Queens Avenue.

Respectfully submitted,



Lucina Baryluk
Senior Planner
Development Services



Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

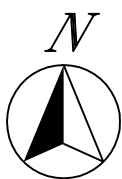
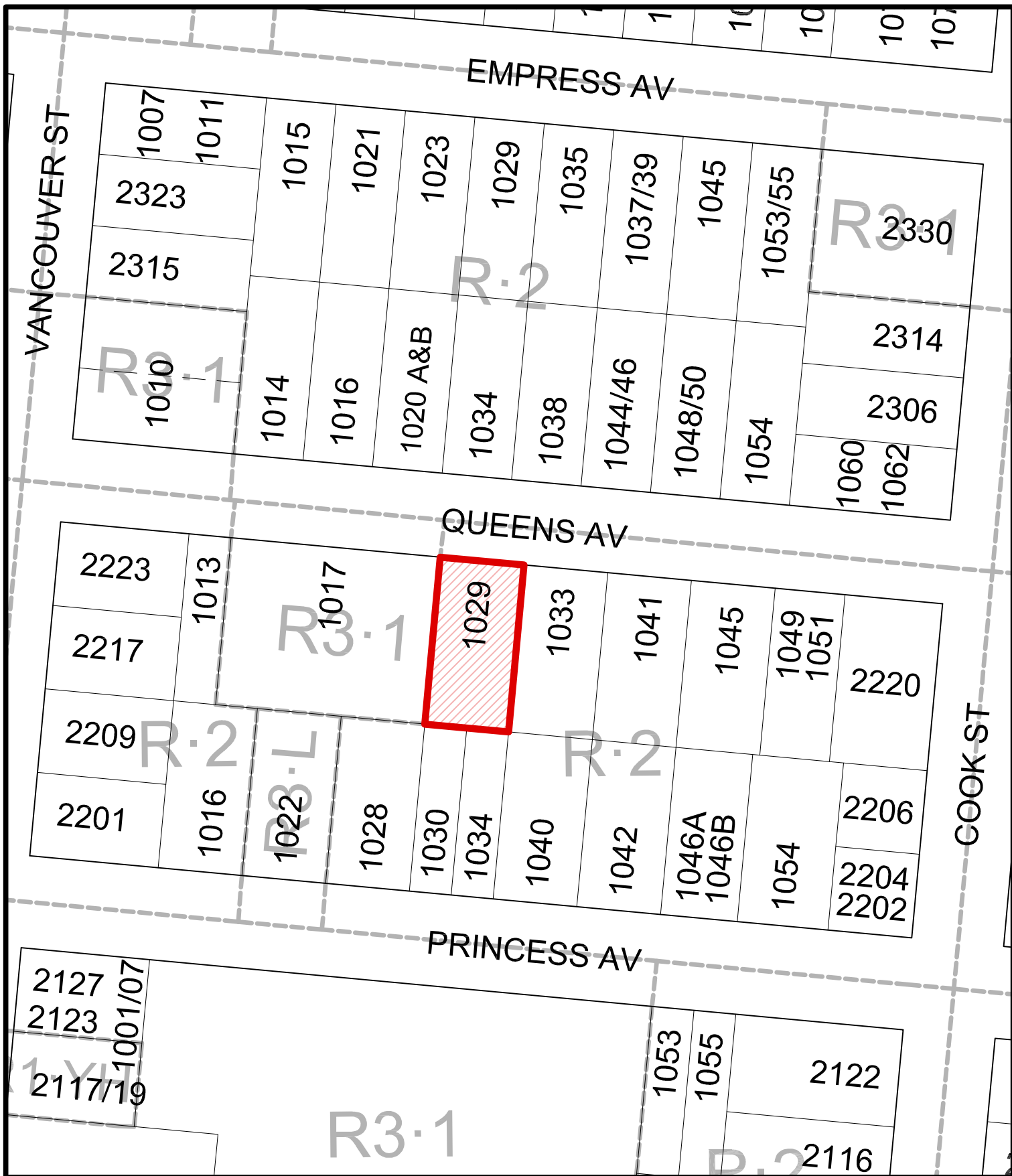


Date:

Dec 5, 2019

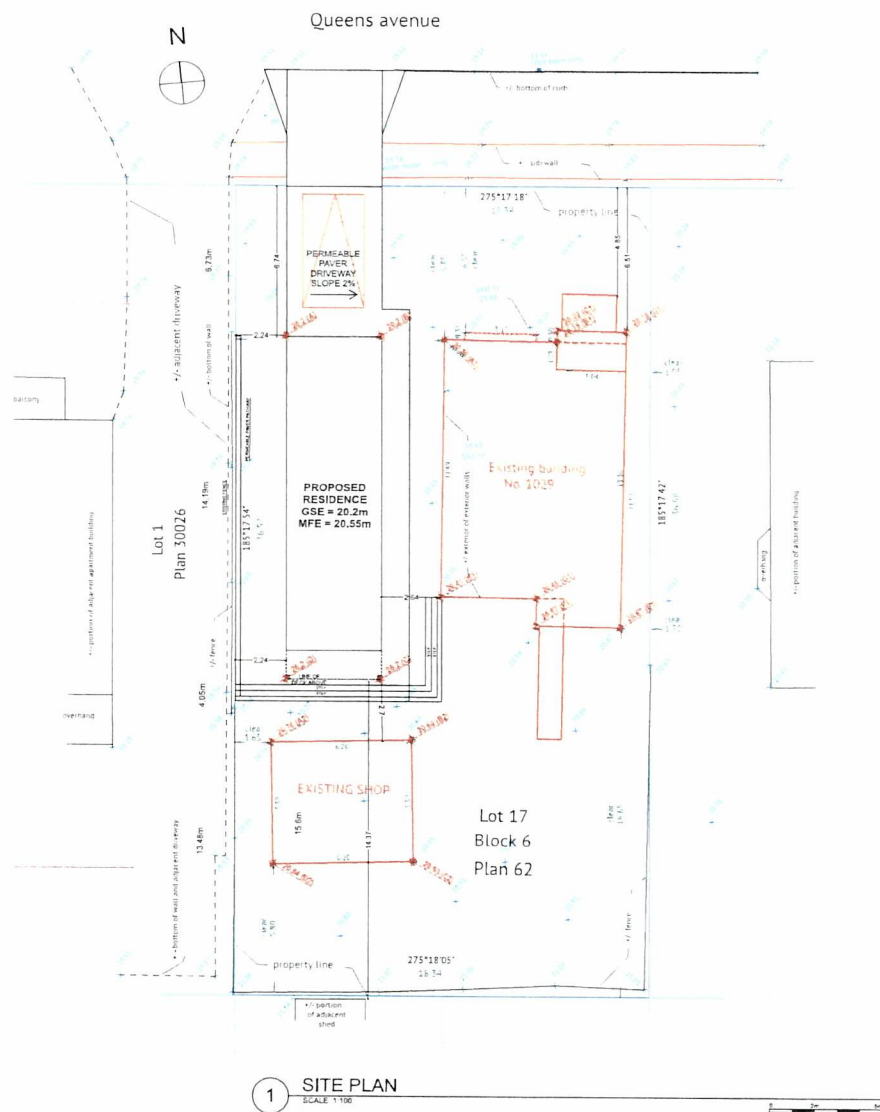
List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans, dated/date stamped July 26, 2019
- Attachment D: Letter from applicant to Mayor and Council, dated July 25, 2019
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- Attachment F: Arborist Report from Talbot Mackenzie & Associates, dated May 31, 2019
- Attachment G: Victoria Heritage Foundation, Statement of Significance, dated October 2019.



1029 Queens Avenue
Rezoning No.00693





Proposed residence

GRADE POINTS

A = 20.47m
B = 20.54m
C = 21.10m
D = 21.05m

GRADE POINTS	AVERAGE OF POINTS	DISTANCE BETWEEN GRADE POINTS	TOTALS
Points A&B	$((20.2+20.2) / 2)$	x 4.2m	= 84.8
Points B&C	$((20.2+20.2) / 2)$	x 15.4m	= 311.1
Points C&D	$((20.2+20.2) / 2)$	x 4.2m	= 84.8
Points D&A	$((20.2+20.2) / 2)$	x 15.4m	= 311.1

PERIMETER OF BUILDING = 39.2m

GRADE CALCULATION

791.8 / 39.2 = 20.2m

Existing building No. 1029

GRADE POINTS

A1 = 20.20m E1 = 20.67m
B1 = 20.19m F1 = 20.57m
C1 = 20.22m G1 = 20.45m
D1 = 20.15m H1 = 20.41m

GRADE POINTS	AVERAGE OF POINTS	DISTANCE BETWEEN GRADE POINTS	TOTALS
Points A1&B1	$((20.20+20.19) / 2)$	x 4.97m	= 100.37
Points B1&C1	$((20.19+20.22) / 2)$	x 0.50m	= 10.10
Points C1&D1	$((20.22+20.15) / 2)$	x 3.04m	= 61.36
Points D1&E1	$((20.15+20.67) / 2)$	x 13.35m	= 272.68
Points E1&F1	$((20.67+20.57) / 2)$	x 2.51m	= 51.76
Points F1&G1	$((20.57+20.45) / 2)$	x 1.21m	= 24.82
Points G1&H1	$((20.45+20.41) / 2)$	x 5.50m	= 112.37
Points H1&A1	$((20.41+20.20) / 2)$	x 11.69m	= 237.37

PERIMETER OF BUILDING = 42.78m

GRADE CALCULATION

870.83 / 42.78 = 20.37

Existing Garage

GRADE POINTS

A2 = 20.76m
B2 = 20.64m
C2 = 20.93m
D2 = 20.84m

GRADE POINTS	AVERAGE OF POINTS	DISTANCE BETWEEN GRADE POINTS	TOTALS
Points A2&B2	$((20.76+20.64) / 2)$	x 6.20m	= 128.34
Points B2&C2	$((20.64+20.93) / 2)$	x 5.59m	= 116.19
Points C2&D2	$((20.93+20.84) / 2)$	x 6.20m	= 129.49
Points D2&A2	$((20.84+20.76) / 2)$	x 5.59m	= 116.27

PERIMETER OF BUILDING = 23.58m

GRADE CALCULATION

490.29 / 23.58 = 20.79

Property Information

Project Type: New Carriage House
Owners: Jenny Farkas
Address: 1029 Queens Avenue
Legal Description: Lot 17, Block 6, Section 3,
Victoria District, Plan 62

Zoning: Site Specific

Setbacks:

Proposed Duplex:

Rear	14.37m
Side	2.24m
Front	6.74m
Height	6.18m
Ex. House	2.54m
Ex. Garage	2.70m

Existing Duplex:

Rear	6.5m
Side	1.05m
Front	16.7m
Existing Garage	
Rear	5.8m
Side	1.65m

Floor Area

Proposed Duplex:

Main Floor	567 SF (52.7 SM)
Upper Floor	567 SF (52.7 SM)
Total	1134 SF (105.4 SM)
Existing Duplex:	
Lower Floor	1003 SF (93.2 SM)
Main Floor	1029 SF (95.6 SM)
Upper Floor	472 SF (43.9 SM)
Existing Workshop	328 SF (30.5 SM)

Lot Area:	7219 SF (670.7 SM)
Combined Bld. Footprint	2143 SF (199.0 SM)
Site Coverage	29.7%
Rear Yard Open Site Space	88.9%

Applicable Codes

-BC Building Code Current Edition (2018)

Energy

Compliance path: BCBC Step Code
Requirements applicable to this project: Level 1
See compliance report

Ventilation

BCBC 9.32

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REZONE

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SITE PLAN

A-002

Revised: 2019-04-02



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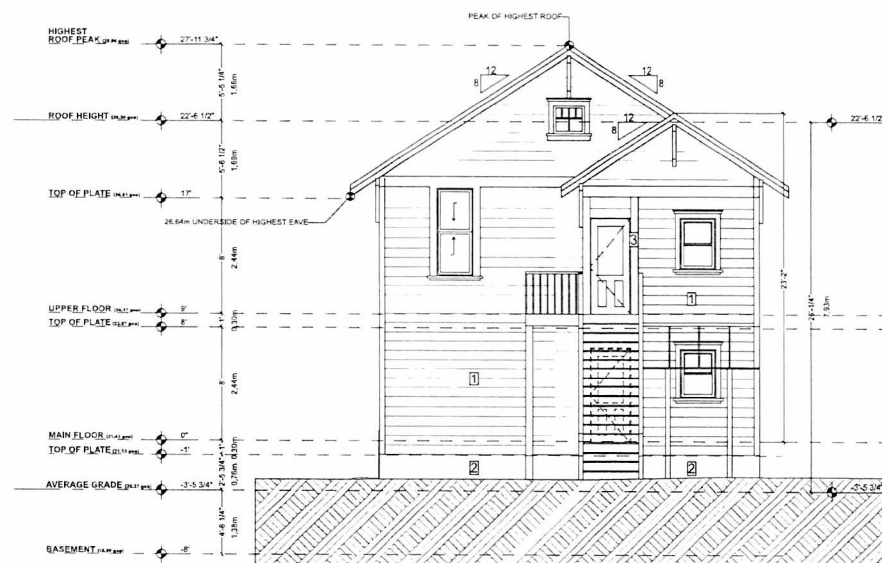
ISSUED

PR. DUPLEX
ELEVATIONS

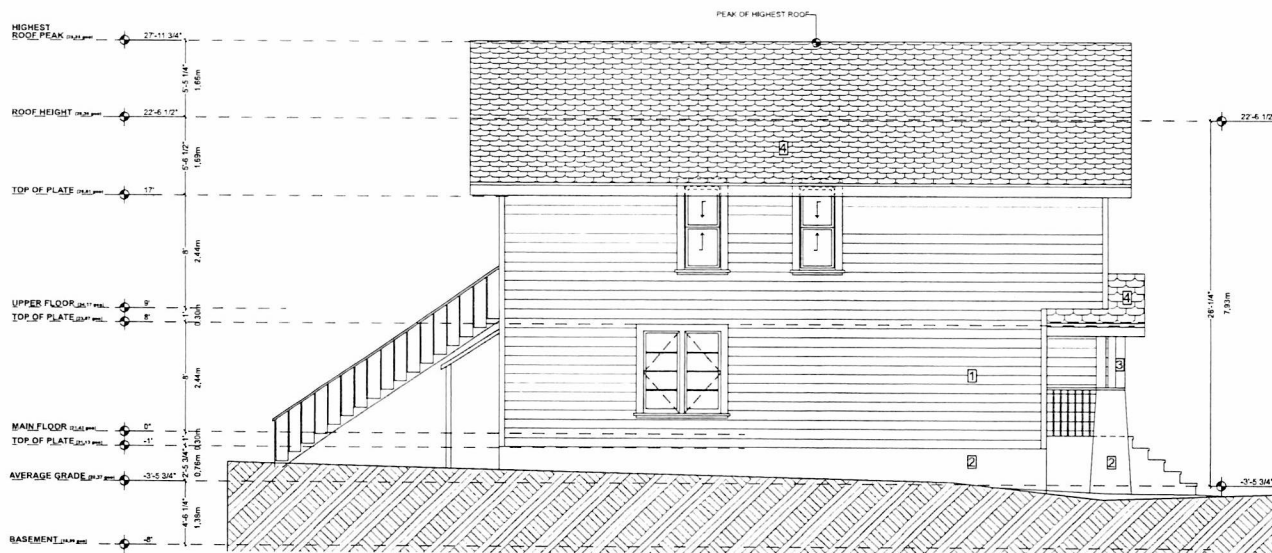
A-201

Received: 2019-07-23

EXISTING HOUSE ELEVATIONS



1 REAR ELEVATION
SCALE: 1/4" = 1'-0"



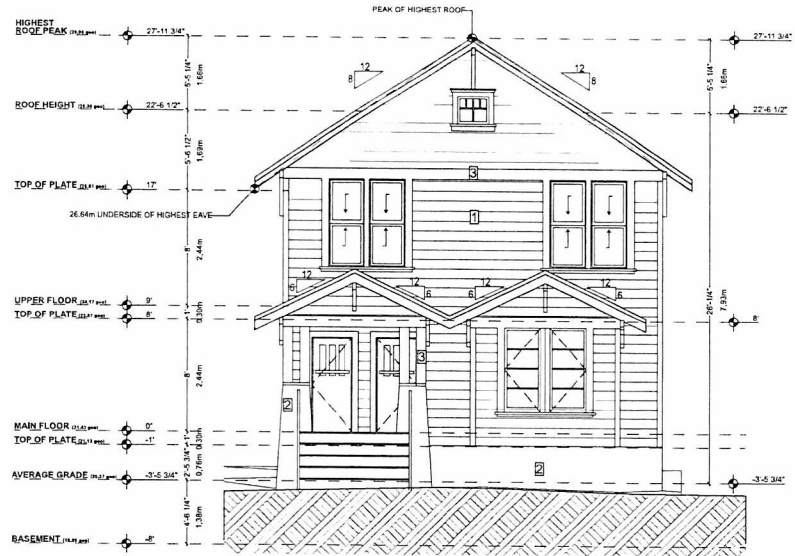
2 LEFT ELEVATION
SCALE: 1/4" = 1'-0"

EXTERIOR CLADDING LEGEND

1	CEMENT BOARD LAP SIDING
2	FINISHED CONCRETE PAVED
3	COMB FACED SPRUCE PAINTED
4	ASPHALT ROOFING SHINGLES

[illegible]

EXISTING HOUSE ELEVATIONS



1 FRONT ELEVATION
SCALE 1/4" = 1'-0"



3 QUEENS AVENUE FRONTAGE
SCALE 1/8" = 1'-0"



2 RIGHT ELEVATION
SCALE: 1/4" = 1'-0"

EXTERIOR CLADDING LEGEND

- 1 CEMENT BOARD LAP SIDING
- 2 FINISHED CONCRETE
PAVED
- 3 COMB FACED SPRUCE
PAINTED
- 4 ASPHALT ROOFING SHINGLES

ADDITIONAL EXTERIOR FINISHINGS

BUTTERS	C CONTINUOUS ALUMINUM PREFINISHED CAY 1ST ALUMINUM DOWNPOUT (PINE FINISH) CAY 1ST HEMLOCK SLATS
SUPPLY	3812 GROUND RAMP BPF (PAINTED)
PASCAR	3812 GROUND RAMP BPF (PAINTED)
WIND SHIELD	3812 GROUND RAMP BPF (PAINTED)
WOODEN TRAIN	26A CORN PACTED BPF STAIRCASE CAY 2ND SLUPE
DOOR TRAIL	MIL & 2ND TURNING PAINTED
CONCRETE	3812 GROUND RAMP BPF (PAINTED)
CONCRETE	140 GROUND RAMP BPF (PAINTED)

NOTE:
WINDOW OPERATION SHALL BE AS PER OWNERS DIRECTION AND
CONTRACTOR TO BASIC EGRESS REQUIREMENTS. CONTRACTOR TO VERIFY
ALL PRICING TO OWNER.
FLUSH OVER ALL MATERIAL TRANSITIONS. DOOR AND WINDOW HEADERS
ALL COLOURS AS PER OWNER.

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1029 QUEENS
AVENUE
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The General Contractor is responsible for confirming and complying dimensions at the site. The Designer will not be responsible for costs, materials, methods, equipment, sub-contractors, or procedures, or for safety considerations and problems in connection with the project.

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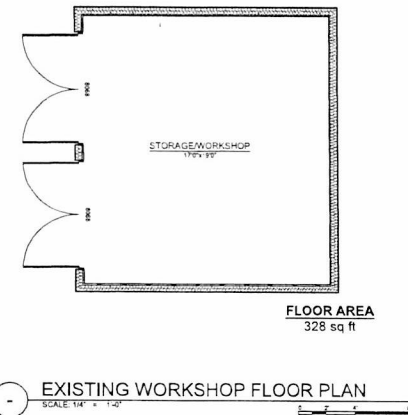
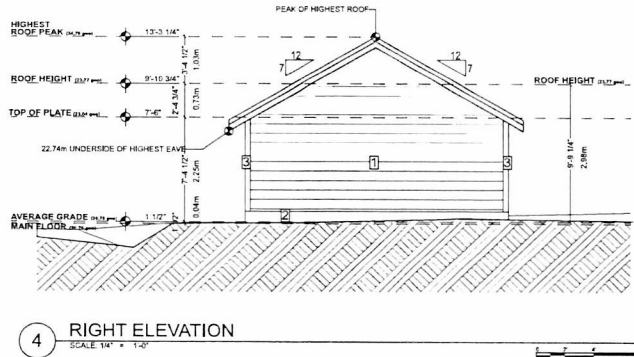
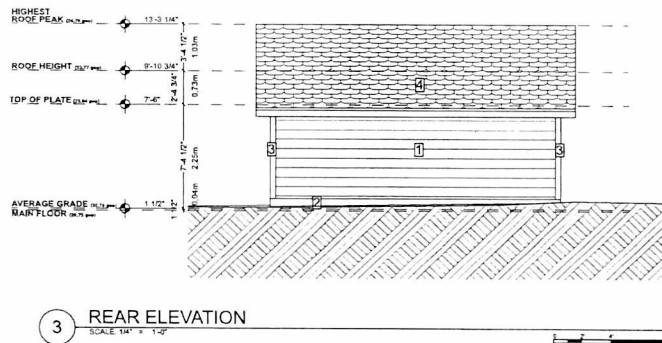
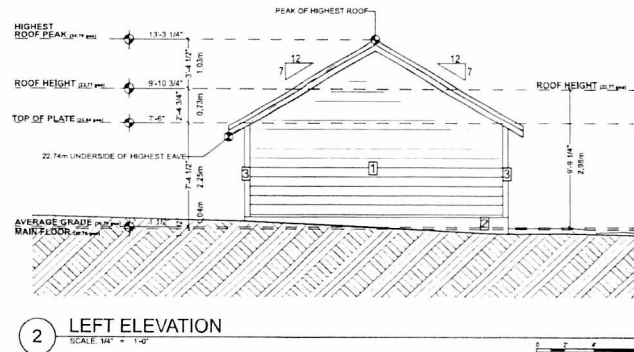
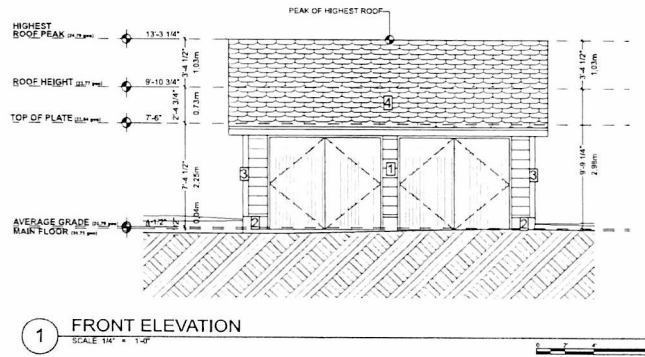
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REZONE

ISSUED:

EXISTING ELEVATIONS

A-203

EXISTING WORKSHOP/STORAGE ELEVATIONS



EXTERIOR CLADDING LEGEND	
1	CEMENT BOARD LAP SIDING
2	FINISHED CONCRETE
3	COMB FACED SPRUCE
4	PAINTED
5	ASPHALT ROOFING SHINGLES

ADDITIONAL EXTERIOR FINISHINGS	
DOOR TYPE	6 COMPOSITE ALUMINUM (PREFINISHED)
WINDOW	7 ALUMINUM (PREFINISHED)
PAINT	8 EXTERIOR PAINT (PREFINISHED)
ROOFING	9 ASPHALT ROOFING SHINGLES (PREFINISHED)
CEILING	10 COMB FACED SPRUCE (PREFINISHED)
FLOORING	11 COMB FACED SPRUCE (PREFINISHED)
WALLS	12 COMB FACED SPRUCE (PREFINISHED)
ROOFING	13 ASPHALT ROOFING SHINGLES (PREFINISHED)
CEILING	14 COMB FACED SPRUCE (PREFINISHED)
FLOORING	15 COMB FACED SPRUCE (PREFINISHED)
WALLS	16 COMB FACED SPRUCE (PREFINISHED)
ROOFING	17 ASPHALT ROOFING SHINGLES (PREFINISHED)
CEILING	18 COMB FACED SPRUCE (PREFINISHED)
FLOORING	19 COMB FACED SPRUCE (PREFINISHED)
WALLS	20 COMB FACED SPRUCE (PREFINISHED)
ROOFING	21 ASPHALT ROOFING SHINGLES (PREFINISHED)
CEILING	22 COMB FACED SPRUCE (PREFINISHED)
FLOORING	23 COMB FACED SPRUCE (PREFINISHED)
WALLS	24 COMB FACED SPRUCE (PREFINISHED)
ROOFING	25 ASPHALT ROOFING SHINGLES (PREFINISHED)
CEILING	26 COMB FACED SPRUCE (PREFINISHED)
FLOORING	27 COMB FACED SPRUCE (PREFINISHED)
WALLS	28 COMB FACED SPRUCE (PREFINISHED)
ROOFING	29 ASPHALT ROOFING SHINGLES (PREFINISHED)
CEILING	30 COMB FACED SPRUCE (PREFINISHED)
FLOORING	31 COMB FACED SPRUCE (PREFINISHED)
WALLS	32 COMB FACED SPRUCE (PREFINISHED)
ROOFING	33 ASPHALT ROOFING SHINGLES (PREFINISHED)
CEILING	34 COMB FACED SPRUCE (PREFINISHED)
FLOORING	35 COMB FACED SPRUCE (PREFINISHED)
WALLS	36 COMB FACED SPRUCE (PREFINISHED)
ROOFING	37 ASPHALT ROOFING SHINGLES (PREFINISHED)
CEILING	38 COMB FACED SPRUCE (PREFINISHED)
FLOORING	39 COMB FACED SPRUCE (PREFINISHED)
WALLS	40 COMB FACED SPRUCE (PREFINISHED)
ROOFING	41 ASPHALT ROOFING SHINGLES (PREFINISHED)
CEILING	42 COMB FACED SPRUCE (PREFINISHED)
FLOORING	43 COMB FACED SPRUCE (PREFINISHED)
WALLS	44 COMB FACED SPRUCE (PREFINISHED)
ROOFING	45 ASPHALT ROOFING SHINGLES (PREFINISHED)
CEILING	46 COMB FACED SPRUCE (PREFINISHED)
FLOORING	47 COMB FACED SPRUCE (PREFINISHED)
WALLS	48 COMB FACED SPRUCE (PREFINISHED)
ROOFING	49 ASPHALT ROOFING SHINGLES (PREFINISHED)
CEILING	50 COMB FACED SPRUCE (PREFINISHED)
FLOORING	51 COMB FACED SPRUCE (PREFINISHED)
WALLS	52 COMB FACED SPRUCE (PREFINISHED)
ROOFING	53 ASPHALT ROOFING SHINGLES (PREFINISHED)
CEILING	54 COMB FACED SPRUCE (PREFINISHED)
FLOORING	55 COMB FACED SPRUCE (PREFINISHED)
WALLS	56 COMB FACED SPRUCE (PREFINISHED)
ROOFING	57 ASPHALT ROOFING SHINGLES (PREFINISHED)
CEILING	58 COMB FACED SPRUCE (PREFINISHED)
FLOORING	59 COMB FACED SPRUCE (PREFINISHED)
WALLS	60 COMB FACED SPRUCE (PREFINISHED)
ROOFING	61 ASPHALT ROOFING SHINGLES (PREFINISHED)
CEILING	62 COMB FACED SPRUCE (PREFINISHED)
FLOORING	63 COMB FACED SPRUCE (PREFINISHED)
WALLS	64 COMB FACED SPRUCE (PREFINISHED)
ROOFING	65 ASPHALT ROOFING SHINGLES (PREFINISHED)
CEILING	66 COMB FACED SPRUCE (PREFINISHED)
FLOORING	67 COMB FACED SPRUCE (PREFINISHED)
WALLS	68 COMB FACED SPRUCE (PREFINISHED)
ROOFING	69 ASPHALT ROOFING SHINGLES (PREFINISHED)
CEILING	70 COMB FACED SPRUCE (PREFINISHED)
FLOORING	71 COMB FACED SPRUCE (PREFINISHED)
WALLS	72 COMB FACED SPRUCE (PREFINISHED)
ROOFING	73 ASPHALT ROOFING SHINGLES (PREFINISHED)
CEILING	74 COMB FACED SPRUCE (PREFINISHED)
FLOORING	75 COMB FACED SPRUCE (PREFINISHED)
WALLS	76 COMB FACED SPRUCE (PREFINISHED)
ROOFING	77 ASPHALT ROOFING SHINGLES (PREFINISHED)
CEILING	78 COMB FACED SPRUCE (PREFINISHED)
FLOORING	79 COMB FACED SPRUCE (PREFINISHED)
WALLS	80 COMB FACED SPRUCE (PREFINISHED)
ROOFING	81 ASPHALT ROOFING SHINGLES (PREFINISHED)
CEILING	82 COMB FACED SPRUCE (PREFINISHED)
FLOORING	83 COMB FACED SPRUCE (PREFINISHED)
WALLS	84 COMB FACED SPRUCE (PREFINISHED)
ROOFING	85 ASPHALT ROOFING SHINGLES (PREFINISHED)
CEILING	86 COMB FACED SPRUCE (PREFINISHED)
FLOORING	87 COMB FACED SPRUCE (PREFINISHED)
WALLS	88 COMB FACED SPRUCE (PREFINISHED)
ROOFING	89 ASPHALT ROOFING SHINGLES (PREFINISHED)
CEILING	90 COMB FACED SPRUCE (PREFINISHED)
FLOORING	91 COMB FACED SPRUCE (PREFINISHED)
WALLS	92 COMB FACED SPRUCE (PREFINISHED)
ROOFING	93 ASPHALT ROOFING SHINGLES (PREFINISHED)
CEILING	94 COMB FACED SPRUCE (PREFINISHED)
FLOORING	95 COMB FACED SPRUCE (PREFINISHED)
WALLS	96 COMB FACED SPRUCE (PREFINISHED)
ROOFING	97 ASPHALT ROOFING SHINGLES (PREFINISHED)
CEILING	98 COMB FACED SPRUCE (PREFINISHED)
FLOORING	99 COMB FACED SPRUCE (PREFINISHED)
WALLS	100 COMB FACED SPRUCE (PREFINISHED)



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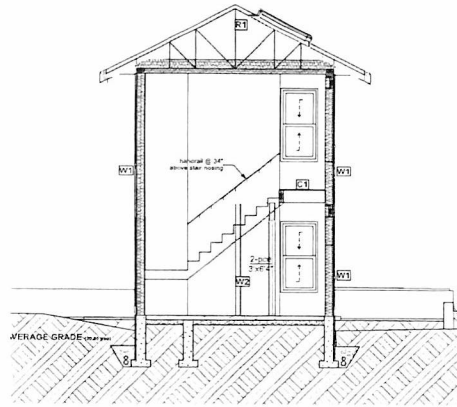
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ISSUED

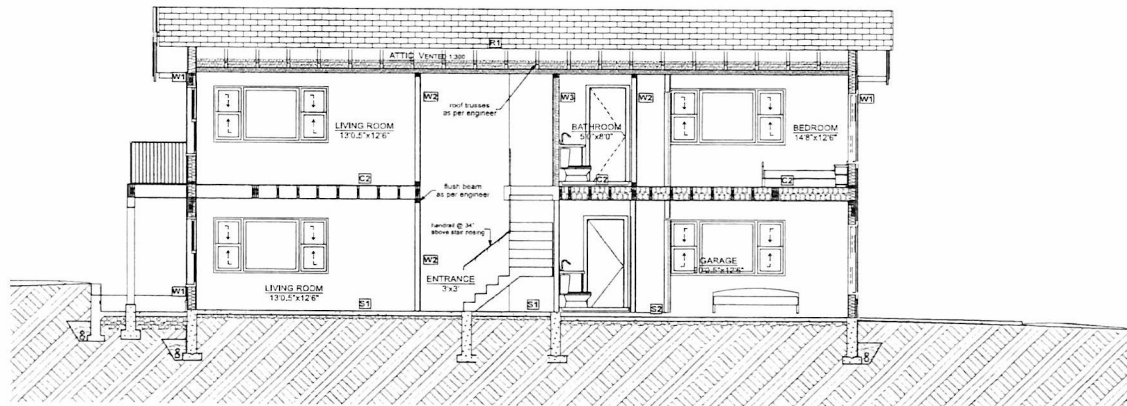
EX. WORKSHOP ELEVATIONS

A-204

PRINTED 20-04-2022



1 CROSS SECTION 01
SCALE 1/4" = 1'-0"



2 CROSS SECTION 02
SCALE 1/4" = 1'-0"

SECTION LEGEND

CEILING TYPES

C1 - INTERIOR FLOOR

FINISHED FLOORING
1/2" TAG PLASTER
FLOOR JOISTS AS PER ENGINEER
CROSS BRIDGING
1/2" GYPSUM BOARD PAINTED

C2 - CEILING 1 HR FRR

FINISHED FLOORING
1/2" TAG PLASTER
FLOOR JOISTS AS PER ENGINEER
CROSS BRIDGING
R15 BATT INSULATION
5 LAYERS 1/2" TYPE X GYPSUM BOARD PAINTED

ROOF TYPES

R1 - TRUSS ROOF

LAMINATED TIMBER SHINGLES
ROOFING FELLS
ROOF VENTS 1:300
1/2" ROOF SHEATHING
ENGINEERED TRUSSES @ 24" O.C. AS PER SUPPLIER
R40 BATT INSULATION
6 MIL POLY (A/B)
1/2" GYPSUM BOARD PAINTED
ROOF VENTED 1:300

SLAB TYPES

S1 - GROUND SLAB

1/2" FINISHED FLOORING
4" THICK CONCRETE SLAB (A/B)
1" OVER 150# POLY
1/2" X 2" STYROFOAM INSULATION
6" CRUSHED STONE
BACKFILL
UNDISTURBED SOIL

S2 - GARAGE SLAB

4" THICK CONCRETE SLAB TO MP4
6 MIL POLY
COMPACTED 1/2" MINUS
UNDISTURBED SOIL

WALL TYPES

W1 - EXTERIOR WALL

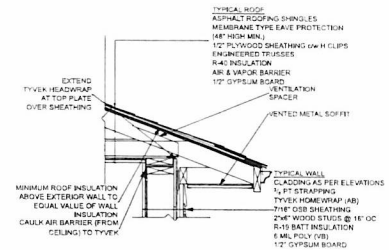
CLADDING AS PER ELEVATIONS
VERTICAL 1/2" X 4" FT WOOD STRAPPING
2 LAYERS 30 MIN BUILDING PAPER
1/2" PLYWOOD OR 2" OSB (A/B) ALL AROUND
2"x6" NOMINAL WOOD STUDS @ 16" O.C.
R40 FIBERGLASS BATT INSULATION
6 MIL POLY (A/B)
1/2" GYPSUM BOARD PAINTED

W2 - INTERIOR WALL

1/2" GYPSUM BOARD PAINTED
2"x4" STUDS @ 16" O.C.
R15 BATT INSULATION (OPTIONAL)
1/2" GYPSUM BOARD PAINTED

W3 - DEMISING WALL 1 HR FRR

2"x4" STUDS @ 16" O.C.
R15 BATT INSULATION
1/2" TYPE X GYPSUM BOARD PAINTED



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REZONE

ISSUED

CROSS SECTION

A-301

Revised 2018-04-10

Jenny Farkas/Edward Farkas
Citizen Developer Rezoning Proposal
Carriage House Development at 1029 Queens

July 25, 2019

Dear Mayor and Council

The purpose of this rezoning application is to permit the construction of a second duplex (Carriage House) on the property at 1029 Queens Ave, to increase the number of perpetual below-market rental units from two to four. The duplexed Carriage House would be situated on the existing ample gravel driveway, so as to preserve the south-facing backyard greenspace for use by tenants and to preserve several existing mature trees. The Carriage House mimics many of the simple design features of houses built in the early 1900s, including similar roof slopes, similar window scaling/proportions, similar combination of lap and shingle siding and similar trim details.

Proponents

Jenny Farkas has lived with her family next door at 1033 Queens for 15 years, and has developed her property in the spirit of what is now commonly referred to as “gentle” density. Her father, Ed Farkas, purchased the duplex at 1029 Queens in 2015, and spent close to \$100,000 on structural and earthquake-resistant upgrades to make the house safer and more resilient. Jenny manages the house, which contains two units – one 2-bedroom and one 3-bedroom that operate as perpetual below-market rental housing.

We call ourselves “citizen developers” because we feel we have an understanding of and appreciation for the existing social and built fabric of the Queens Avenue neighbourhood. And, because we don’t have the burden of integrating the land value into the cost of development, we are able to construct a reasonable and modest building that can add to the much needed below-market rental housing supply.

Background of Queens Avenue

Queens Avenue was one of the very first subdivisions built by the Hudson’s Bay Company in the late 1800s. Development over the years has left the street largely intact, with older, well-maintained homes lining both sides of the street as well as around the block to Princess Avenue. The only exception is the apartment building next door to 1029 Queens, that replaced a general store (formerly 1027 Queens) and several residential houses. See IMAGE ONE.



IMAGE ONE: Former general store at 1027 Queens (grocery store with apartments above). The location of this general store is now the driveway for the apartment building at 1017 Queens. The main house at 1029 Queens is visible on the far left of the image.

Proposed development

We want to help with the City's affordable housing crisis by building two 1-bedroom below-market rental units. To achieve this, we are proposing a second structure on the property - a small, two-storey 'carriage house' – built on the ample driveway so as to preserve the south-facing back yard. No tenants will be displaced by the construction of this second structure; the existing tenants who occupy the duplex will not be disturbed by this project, and are fully behind increasing the availability of below-market housing.

This development will not change the look and feel that has been established on Queens Avenue, and – in fact - will fill a gap that was created when the general store was demolished. See IMAGE TWO.

Presently, a row of tall Cypress trees presents a pleasant green visual barrier on the western-property line of 1029 Queens (ie. between 1029 Queens and the apartment building at 1017 Queens). A professional arborist has determined that there is a high likelihood these trees will succumb to disease in a few years. This development will replace the trees with similar greenery the arborist has indicated is suitable for that location (see IMAGE FIVE, and Landscape Plan section, below). The apartment at 1017 Queens benefits from this greenery as there is no other greenery on their eastern and southern boundaries (only an asphalt driveway and parking lot). The Carriage House will be obscured by the western-edge greenery and retaining wall/cedar fence, and will not

significantly change the view from the eastern-facing windows of the apartment building – see again IMAGE TWO.

The design of the carriage house is sensitive, and sympathetic to elements of the existing duplex (roof slope and cladding), and some of the trim details from the general store (IMAGE ONE). The siting of the carriage house fills a “missing tooth” as a result of the general store being replaced by a driveway. The resulting starkness of the area between the apartment building and the existing duplex is softened by the positioning of the carriage house.

This proposal will also facilitate much needed upgrades to the stormwater management system and the 100-year old sewer and water lines. An upgrade to the electrical service will also be required. The Carriage House will contain a sprinkler system to address spacial separation issues and allow lots of natural light and passive solar energy into its two units. Interconnected smoke alarms and CO2 detectors will enhance tenant safety. The gravel driveway will be upgraded to a permeable surface. A new driveway apron will bring the pedestrian realm up to standard.



IMAGE TWO: Proposed carriage house will fill significant visual gap between 1029 and 1017 Queens.

Relationship with next door apartment building

The small windows on the eastern-side of the apartment building at 1017 Queens look out onto the apartment building driveway, retaining wall and fence, and between a gap in the 1029 Queen’s trees – see IMAGES TWO, THREE and FOUR. Replacement greenery will be strategically placed to obscure the views between the west-facing Carriage House windows and the east-facing apartment building windows. See IMAGE FIVE, and Landscape Plan section, below.



IMAGE THREE: View of apartment's east-facing windows from driveway at 1029 Queens. The centre column of windows is the apartment stairwell. The small windows on each side of the stairwell are probably bedrooms (the curtains are rarely open).



IMAGE FOUR: View from north-east corner of 1017 Queens. This driveway replaced the general store shown above.

ratio), except for parking. If the property at 1029 Queens was 5.75 feet wider, we could apply to subdivide the lot, and we could build a two-storey dwelling under the **R1-S2 zone (Restricted Small Lot)**. Our Carriage House proposal complies with every requirement of this R1-S2 zoning (e.g. setback, site coverage, floor space ratio), except for parking.

We did not pursue a Garden Suite on this property for two reasons: (1) we would have to build it on the south-facing backyard greenspace, eliminating tenant access to this valuable asset for socializing and growing food, and (2) we would be restricted to a single unit, whereas our Carriage house will add two much-needed smaller units to the non-market housing stock. We did not wish to pursue an addition to the rear of main house for the first reason, cited above. Furthermore, an addition onto the main house would potentially compromise its heritage value.

We will provide one vehicle parking stall. This vehicle parking stall and location of stall complies with the City's new Schedule C (Off-street Parking Requirements) – specifically the “affordable dwelling units secured in perpetuity through a legal agreement” provisions. We will attach a Modo membership (and \$100 in usage credits) to each unit, to offer an affordable alternative to vehicle ownership for tenants. And we will sign an affordable housing agreement for all four units on the property (with the proviso that one unit can be owner-occupied). We already provide weather protected, secure bicycle parking for tenant and visitor (short-term) bicycles in the backyard.

The existing storage building on the property will be retained for storage. The tenants already make use of it to store belongings and to undertake projects.

Heritage status

The existing house at 1029 Queens is not designated heritage, nor is it on the heritage register. Anecdotally, the house is the second oldest duplex in the City (the first is in Esquimalt). The duplex at 1029 Queens will remain in its current state as part of this redevelopment proposal – keeping the block and streetscape of similar-era houses intact. As part of this project, we will add the main house to the heritage register.

Landscape plan

The six Lawson Cypress trees and one chestnut tree on the western boundary of the property will be removed during construction, and replaced with the following plantings. (For reference, see Talbot, McKenzie & Associates' letter, and landscape plan in submitted drawings.)

- For privacy between the 1029 Queens Carriage House and the 1017 Queens Apartment Building, we will plant tall Azara and Kohuhu shrubs.
- For aesthetics for the occupants of 1029 Queens Carriage House, we will plant water-resilient native plants such as red currant, mock orange, tall Oregon grape and sword ferns.

The fir tree at the north-west corner of the main house will be removed, as its large trunk is growing into (and breaking) the foundation of the house. This will be replaced with a tall Oregon grape bush as well as some low-level, water-resilient native plants.

Green building /resilience components

The proposal includes the following green building features:

- Retention of the existing duplex on site (versus tearing it down to build a new 4-unit structure).
- Retention of south-facing backyard for use by the tenants, including the fruit and other trees and vegetable garden space.
- Provision of greenery on the western boundary of the property which offers visual screening and beauty to the apartment dwellers at 1017 Queens, as well as the tenants at 1029 Queens.
- A small-footprint carriage house, that aligns north-south, is easy to heat and integrates passive solar.
- Provision of bike storage (covered, at back of house) and recycling storage facilities (existing storage building).
- Use of permeable pavers and other permeable materials in the driveway and surrounding the main house and carriage house.
- Use of dual flush toilets, and low flow faucets and showerheads.
- High-performance, energy-efficient heating system using recommended available technologies and incentives
- Use of low VOC materials in construction
- Fire suppression sprinkler system
- Community emergency muster, medical, food and storage kits
- Rainwater diversion and catchment system (green stormwater infrastructure)
- CEPTED designed common areas, access and egress to ensure safe spaces

Respectfully submitted,
 Jenny Farkas
 1-1033 Queens Ave
 Victoria BC
 250-896-6446

**North Park Neighbourhood Association
Community Land Use Meeting
Feb. 13, 2019, 7-8 p.m.**

Facilitator: Sean Kahil, NPNA Board Member

Development proposal: 1029 Queens Avenue

MINUTES

PROPONENT:

- Jenny Farkas is a citizen developer working on a project for the property at 1029 Queens Avenue, next door to her own home. The property is owned by her father, who lives in Toronto. According to the proponent, the duplex is the second oldest in the city and has been upgraded and seismically upgraded over the past three years.
- See attached proposal for details and proposed floor plans.

ATTENDANCE:

Approximately 12 residents from North Park attended, including Queens Avenue neighbours.

OPENING REMARKS

Jenny Farkas

Our proposal is to change the R2 zoning of the subject property to accommodate a site-specific zone that allows for the construction of a two-storey carriage house that will provide two below-market rental units in perpetuity. The carriage house will contain a studio unit, and a one-bedroom unit, as well as secure bike storage. It will be built on the existing driveway area, between the current duplex dwelling and the driveway of the apartment building next door.

The existing duplex on the property contains two below-market rental units: a 2-bedroom and a 3-bedroom unit. These will be retained and operated as below-market rentals in perpetuity. The existing duplex is not heritage-designated. The current CMHC below-market rental rate is \$650 per month for a studio, and \$850 per month for a 1 bedroom.

The property is 60 feet wide. The backyard will be retained as common green space/garden space for the tenants. The large cedar trees between the proposed dwelling and the apartment building to the west will be retained to enhance the privacy of both properties.

If the property was 6 feet wider, it would qualify for a small lot subdivision. As it is not a single-family dwelling, adding a garden suite is not a possibility. As there is nothing in current City policy that would support additional units on the property, we need to apply for a site-specific rezoning.

The carriage house proposal meets all the requirements for R2 zoning except for the fact that it is adding 2 more living units. The parking proposed for the carriage house aligns with the City's off-street guidelines for affordable housing. There will be 2-3 parking spots in front of the new dwelling. We are also willing to attach a Modo carshare spot to each unit.

The design mimics some elements of the existing duplex, such as the roof slope. The old shed at the back of the property will remain. We will regrade and upgrade the stormwater management system as part of the development. The large drooping tree in front of the house beside the driveway will have to come out because it is growing into the foundation, and is in the way of stormwater management upgrading. It will be replaced with additional landscaping at the end of the project.

The site used to be the location of a corner store, before the neighbouring houses were removed for the apartment development.

The current tenants in the duplex are all supportive of this project.

QUESTION PERIOD

What is the setback from the fence to the new dwelling? Have you had that checked out in terms of the positioning of the windows?

The setback is 9 feet from the apartment building. We're attempting not to include any windows that face the existing duplex.

Where are the studio and 1-bedroom units located?

The studio is on the ground floor, about 350 sf and will rent for \$650. The 1-bedroom is upstairs and will be about 650 sf, renting for \$850. There will also be bike parking (5 bicycle spaces) on the lower level.

Our street (Queens Avenue) is getting increasingly congested with cars because it's mixed-use. Will you have room for 3 parking spots in front of the carriage house, for turning around etc.?

Yes.

Currently there are a number of vehicles and a motorhome on the property. What will happen to those?

The motorhome belongs to a family member and was put there to help the current tenants get used to not having driveway parking. I'm hoping that the Modo membership will help with the parking. We've also considered approaching the apartment building managers to acquire spots in their parking lot on an ongoing basis.

Would you extend the offer of Modo membership to the tenants of the existing duplex?

Yes, we would.

So, you're adding 3-4 spots but taking away 3-4 spots.

Yes, and we're also adding bike storage in the new dwelling.

The apartment building has quite a large frontage on the street and the street is often full of cars.

For us, it's a pretty interesting option to look into using the apartment parking lot to provide parking for these tenants. We've heard that apartment building tenants park on the street to avoid the \$10/month parking fee in the back lot.

Is it a change in the land use or an OCP amendment?

No, it's not. Usually it's density that would trigger an OCP amendment. We're not over the allowable density for this site.

Are you putting a covenant on this building re the affordable housing?

Yes. We would put it on the whole property – the new carriage house as well as the existing duplex.

Could you explain the covenant? Does it stay in place if you sell the property?

Yes, it's a legal agreement and would be registered with the Land Title Office. If someone wanted to remove it in the future they would need to apply to do that. The covenant would state that it favours the City.

I'm curious why you're going with two smaller units instead of one unit that occupies both floors.

There is research showing that studio and 1-bedroom units are what's missing in the current housing stock. But we could consider a different option.

Additional comments:

- This is a great idea – I love it.
- It seems like a smarter use than a driveway full of cars.

Motion: Are you provisionally supportive of the idea of the development?

- Yes - 8
- Abstain - 3

STATEMENT OF SIGNIFICANCE

Elizabeth Gunn Duplex
1029 Queens Avenue

Original Owner: Elizabeth Street Gunn

Date of Construction: 1921

Legal Description: Lot 17, Block 6, Section 3, Finlayson Estate



Description of the Historic Place

1029 Queens Avenue is a two-storey, front-gabled duplex with Craftsman-style details, notable for its matching lower gabled porch and bay. The house is located mid-block on the south side of Queens Avenue in Victoria's North Park neighbourhood.

Heritage Value of the Historic Place

The heritage value of 1029 Queens Avenue is summarized below in accordance with the Victoria Heritage Thematic Framework as established in the Official Community Plan.

Theme 1: COASTAL SETTLEMENT

Subtheme 1.3: Pioneer Farms to First Suburbs

1029 Queens Avenue symbolizes the North Park neighbourhood's evolution and settlement patterns based on the subdivision into residential lots of Hudson's Bay officer Roderick and Sarah Finlayson's farm estate to accommodate a growing population. Suburban development in the area was fostered by the introduction of the B.C. Electric Streetcar line into the area in 1890 and reached its peak during the Edwardian-era building boom. The neighbourhood's proximity to downtown, and its variety of local schools, churches, parks and recreation, made North Park an appealing area for further densification. 1029 Queens Avenue is valued as a significant example of an early purpose-built duplex in the North Park neighbourhood. The house is emblematic of the pent-up demand for rental housing following the First World War.

The house is further valued for its association with Elizabeth Street Gunn (1864-1933), dressmaker and independent businesswoman who developed a number of properties in Victoria and Oak Bay including a grocery store and another duplex on the adjacent Queens Avenue lot to the west.

Theme 5: CULTURAL EXCHANGE

Subtheme 5.1: Architectural Expression

Built 1921, the house is designed in a late interpretation of the Craftsman style and reflects an entrenched traditionalism in North America during the interwar period. The front façade is generally symmetrical and is distinguished by its matching gabled porch and bay with engaged bargeboards. Craftsman-style elements include open eaves with exposed rafter ends and triangular knee brackets.

The house makes a significant contribution to the character and varied streetscapes of the North Park neighbourhood, which continues today as a mix of residential, commercial and recreational uses.

Character-Defining Elements

Key elements that express the heritage value of 1029 Queens Avenue and continue to define the character and history of the North Park neighbourhood include:

- mid-block location amongst a grouping of early twentieth century houses and the contribution it makes to neighbourhood character, in particular Queens Avenue
- continuous residential duplex use

Key elements that define the heritage character of the building's exterior include:

- residential form, scale and massing as expressed by its: two-storey height; standard residential setback; rectangular plan; front-gabled roof; one-storey gabled, projecting bay and porch with engaged bargeboards
- wood frame construction with beltcourse between second floor and attic level
- elements of the Craftsman style such as: open eaves, exposed rafter ends and triangular knee brackets
- front porch form and details including front-facing stairs; paired, square wooden posts on tapered piers; inset entry with pair of matching wood doors glazed with three narrow, vertical lights above three-block dentil shelf
- original window openings with dimensional wooden trim and moulded crowns
- paired, wood diamond-pattern casement windows on both levels of west side

Brigitte Clark
Victoria Heritage Foundation
October 2019



Talbot Mackenzie & Associates

Consulting Arborists

Box 48153 RPO Uptown

Victoria, BC V8Z 7H6

Ph: (250) 479-8733 ~ Fax: (250) 479-7050

Email: tmtreehelp@gmail.com

May 31, 2019

Jenny Farkas
1-1033 Queens Ave
Victoria BC V8T 1M7

Subject: 1029 Queens Ave – Lawson Cypress trees and Proposed Carriage House

The purpose of this letter is to summarize our opinion regarding the viability of retaining a row of 6 Lawson Cypress trees (*Chamaecyparis lawsoniana*) and a 14cm DBH Horse Chestnut tree (*Aesculus hippocastanum*) near the west property line at 1029 Queens Ave. The trees are located less than one metre from the proposed carriage house foundation. The plans we have assessed are attached to this report. None of the trees are bylaw protected. The Lawson Cypress trees are multi-stemmed trees with the largest stem diameter from each tree measuring between 15cm and 30cm at DBH.

At the time of our site visit, the trees appeared to be in fair to good health. There is a retaining wall along the west property line, which has likely caused a significant amount of roots to grow in the direction of the proposed carriage house.

This species of tree is highly susceptible to root rot caused by the micro-organism *Phytophthora lateralis*, which has led to the decline of Lawson Cypress trees in the Pacific Northwest and in the Victoria area. Root pruning and soil disturbance around the root systems of the trees increases the chances of infection.

A conventional continuous foundation would clearly result in the removal of the trees; with 1m of working room for forming and drain installation, it would result in excavation up to the trunks of the trees. If retention were to be attempted, extreme measures would be required to alter the foundation design to “bridge” over the root systems of the trees through cantilevering and/or installing beams between the foundation footings. The main floor elevation (21.1m) would also have to be raised up above the existing grade (21.08) in order to allow enough space for the beams or slabs.

In our professional opinion, considering the extreme measures that would have to be taken, the susceptibility of the tree species to infection and that any soil disturbance will leave the trees more susceptible to infection, a more suitable option would be to remove the trees and put the expenditure of resources into replanting with a large growing hedge or trees from high-quality nursery stock.

In regards to a suitable species for replacement, if a tall fast-growing hedge is desired, an English or Portuguese Laurel hedge could be planted. Another popular hedge choice that would give more horizontal space and less pruning maintenance is a columnar cedar hedge. If maximum light in the winter is desired, we would recommend a deciduous species of trees or hedge. If trees are desired, with the retaining wall to the west and the foundation of the carriage house to the east, this leaves a limited soil volume available for future root growth in a planting bed approximately 2.7m wide (with a pathway in the sideyard as well). Therefore, to avoid potential foundation or wall damage as well as for the long-term health of the tree and to allow enough room for a pathway, we would recommend a smaller growing species be planted. Some examples include:

- Oakleaf Mountain Ash (*Sorbus x hybrida* 'Fastigiata')
- Amur Maple (*Acer ginnala*)
- Persian Ironwood (*Parrotia persica*)
- Hawthorn species (*Crataegus*)





Please do not hesitate to call us at 250-479-8733 should you have any questions.

Thank you,

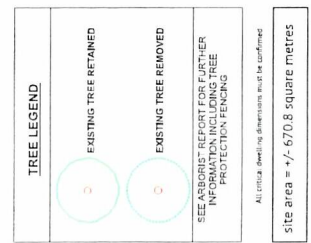
Michael Marcucci
ISA Certified # ON-1943A
TRAQ – Qualified

Talbot Mackenzie & Associates
ISA Certified & Consulting Arborists

Disclosure Statement

Arborists are professionals who examine trees and use their training, knowledge and experience to recommend techniques and procedures that will improve the health and structure of individual trees or group of trees, or to mitigate associated risks. Trees are living organisms, whose health and structure change, and are influenced by age, continued growth, climate, weather conditions, and insect and disease pathogens. Indicators of structural weakness and disease are often hidden within the tree structure or beneath the ground. It is not possible for an arborist to identify every flaw or condition that could result in failure nor can he/she guarantee that the tree will remain healthy and free of risk. Remedial care and mitigation measures recommended are based on the visible and detectable indicators present at the time of the examination and cannot be guaranteed to alleviate all symptoms or to mitigate all risk posed.

Site plan for Lot 1, Plan 30026, showing a proposed river diversion and an existing building. The plan includes dimensions, bearings, and a north arrow. The proposed river diversion is shown as a dashed line with a width of 1.0m. The existing building is shown as a solid line with a width of 1.0m. The plan also shows a proposed building with a width of 1.0m and a length of 1.0m. The plan is titled 'Lot 1 Plan 30026' and includes a north arrow and a scale bar.



Application for
Rezoning and Development Permit

1029 Queens Avenue



1



2

1029 Queens Avenue (right)



3



CONTEXT

- 1033 Queens on the left (owned by applicant, heritage registered)
- 1017 Queens on the right



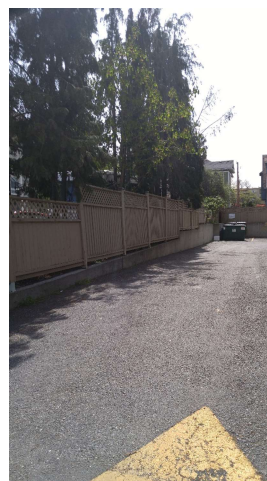
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Queens Avenue - context

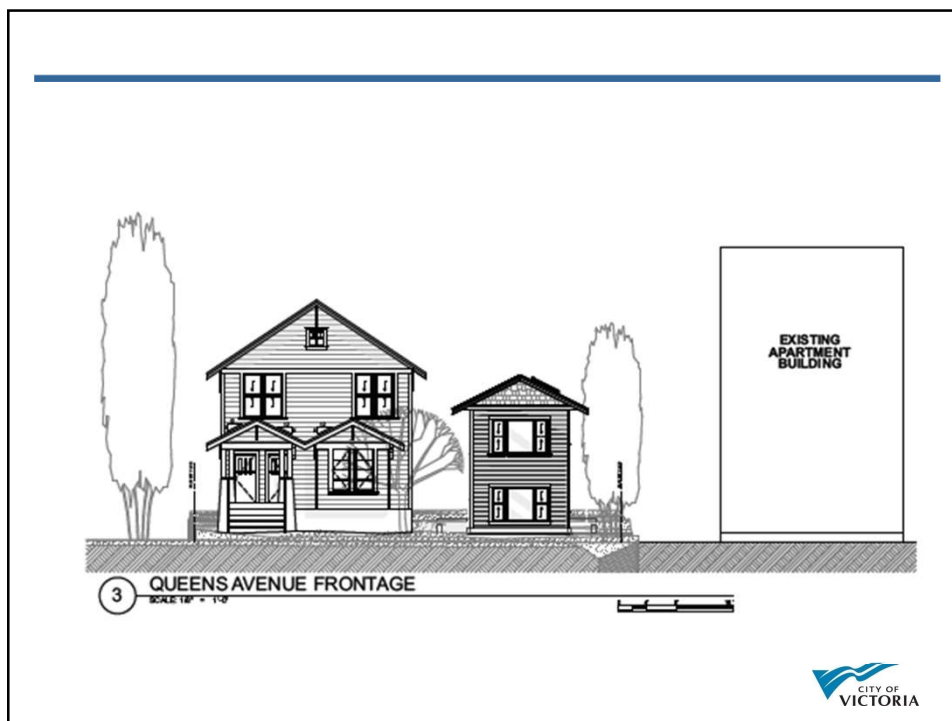


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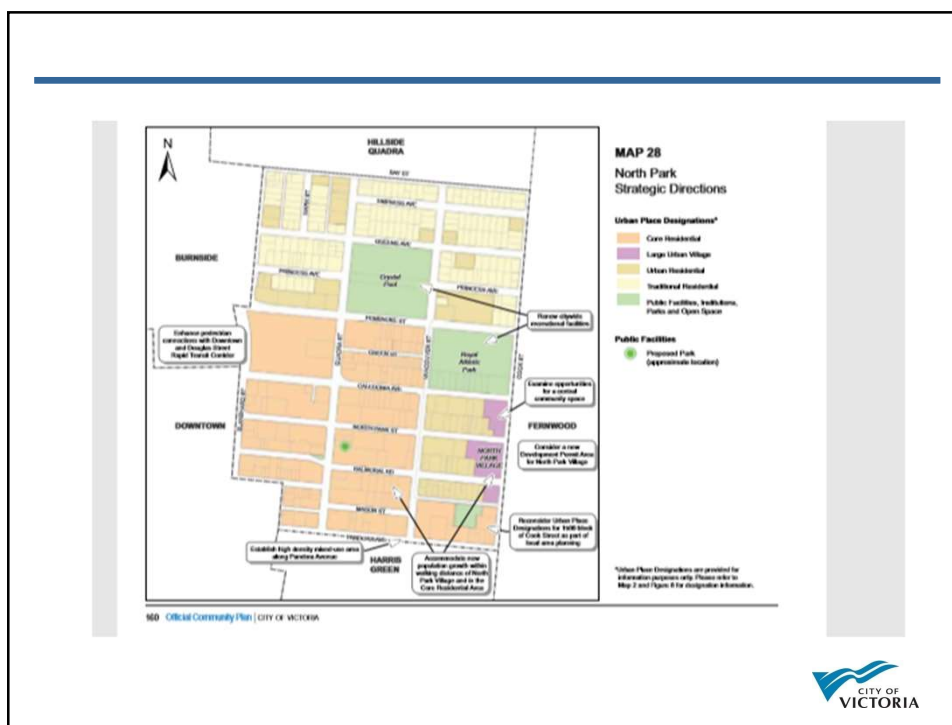
Queens Avenue – adjacent building



6



7



8

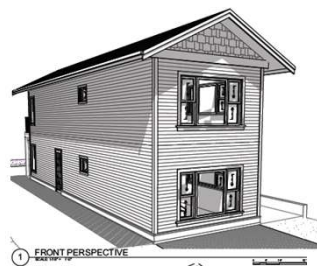
Architectural drawing showing the Queens Avenue frontage. The drawing includes a two-story house with a gabled roof and a small porch, a smaller structure, and an existing apartment building. The drawing is labeled "QUEENS AVENUE FRONTAGE" and "EXISTING APARTMENT BUILDING". A scale bar indicates "SCALE 1/8" = 1'-0"

124 5


Development Permit



11



12




Coventry Gray
HC-169 >

Distant Gray
2124-70 >


Kendall Charcoal
HC-166

Existing house colours

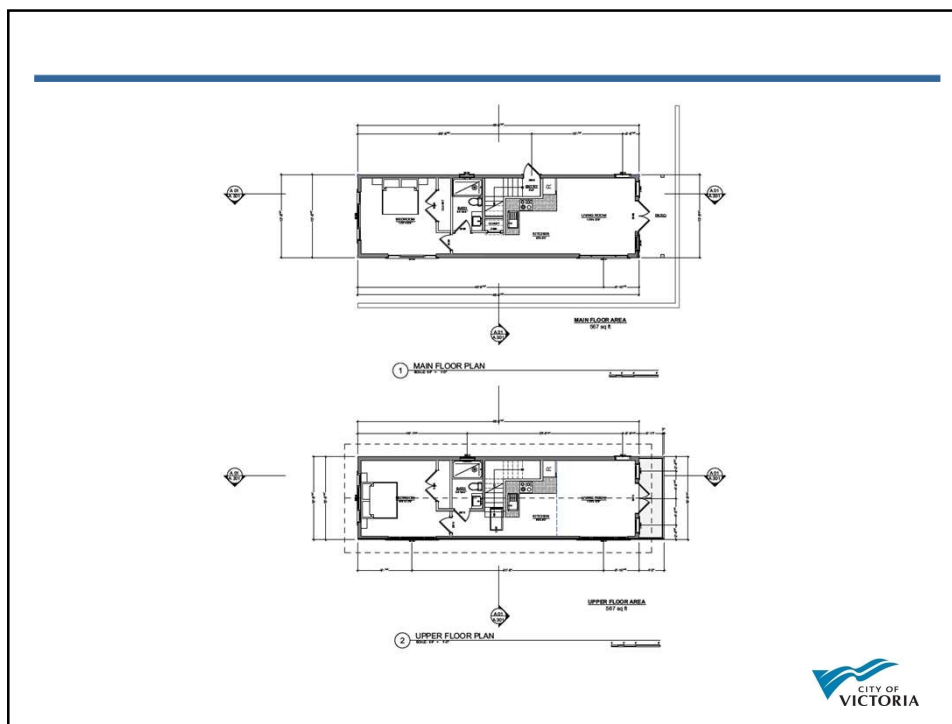
Proposed building will be colour matched. Sample Benjamin Moore heritage colour palette above.



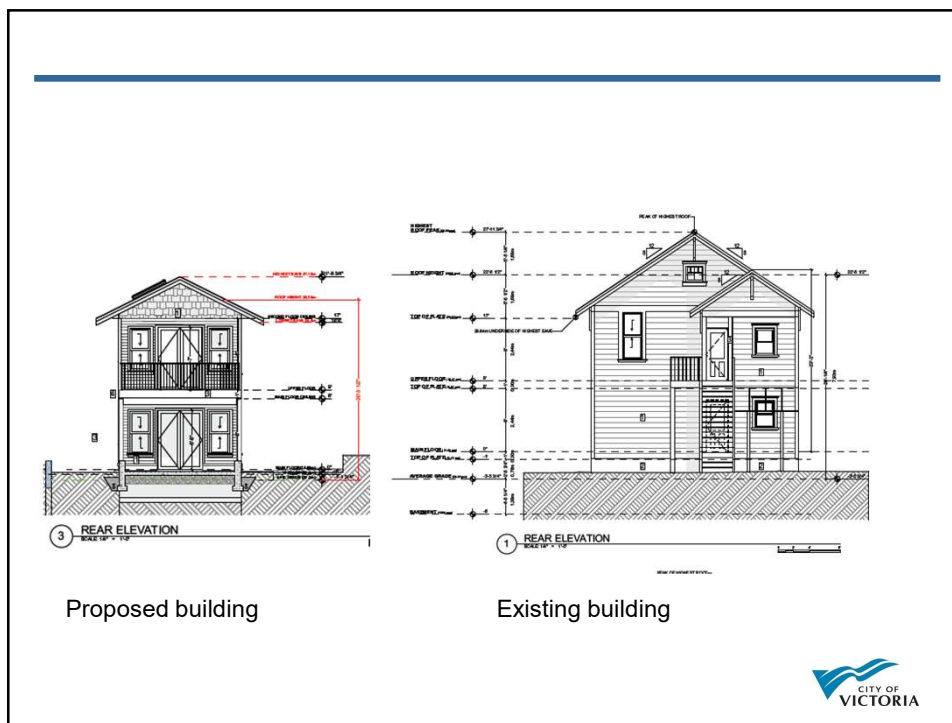
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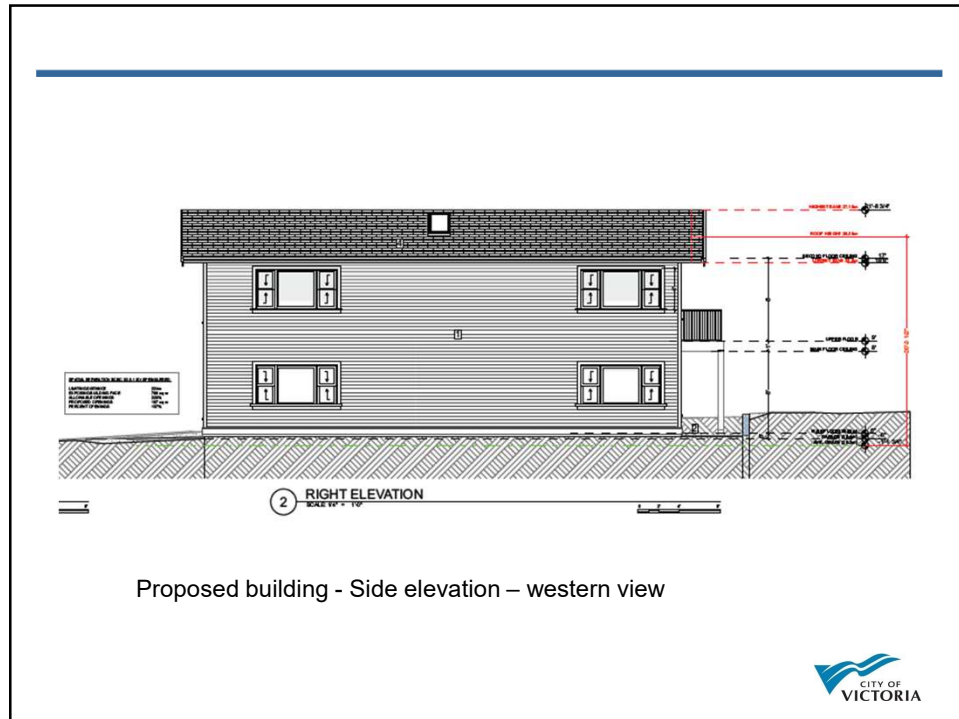
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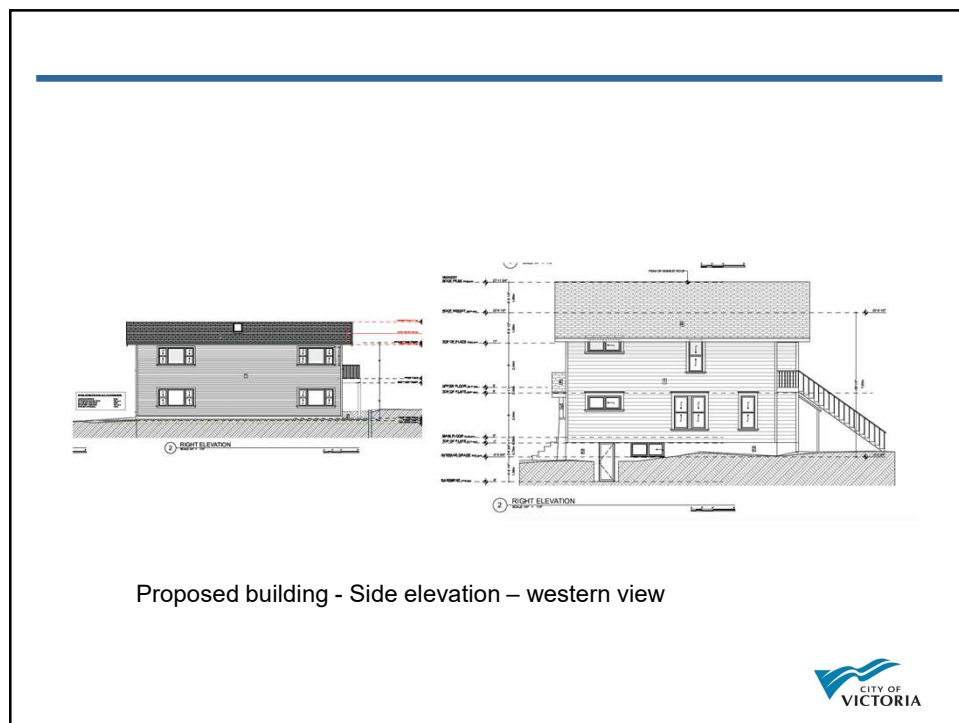
Proposed building

Existing building

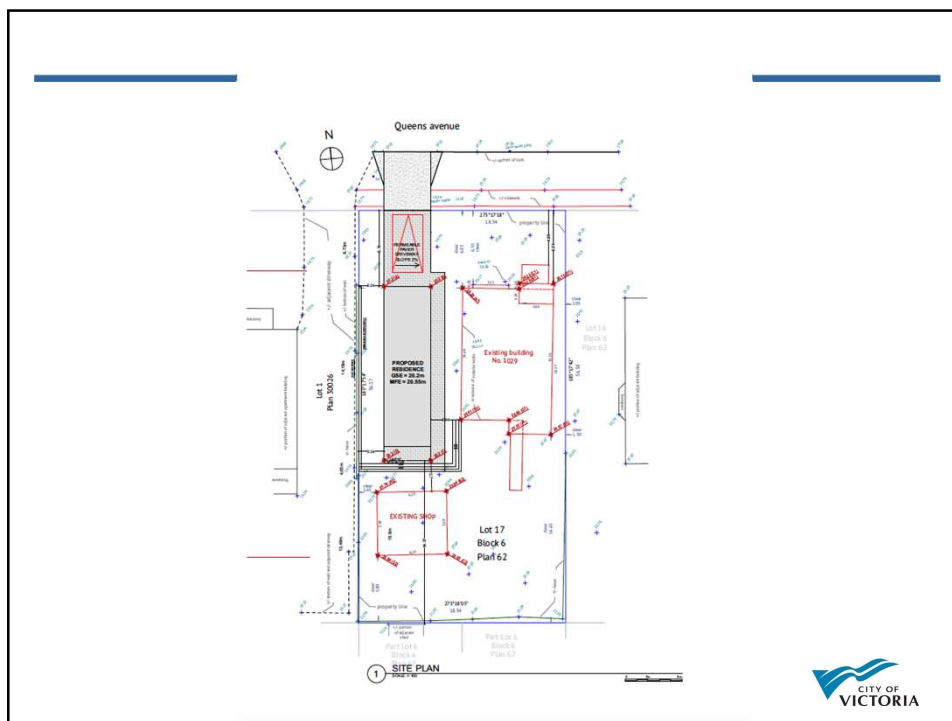
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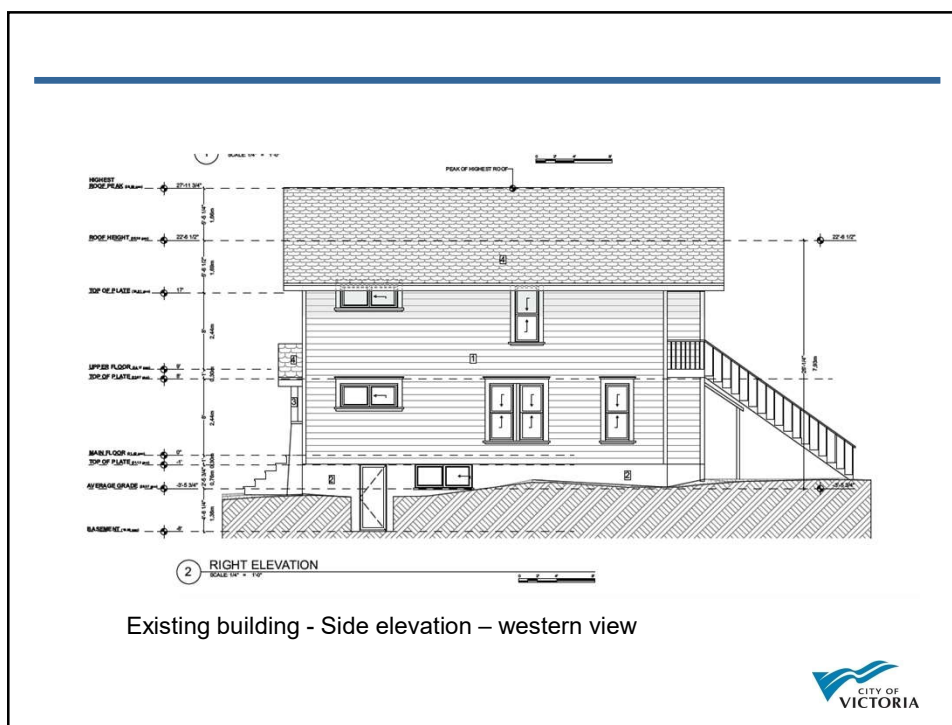
17



18



19



Existing building - Side elevation – western view

20

Katie Lauriston

From: Lucina Baryluk
Sent: May 6, 2020 2:14 PM
To: Robert M. Lewis
Subject: Re: 1029 QUEENS AVE (DPV00117)

Follow Up Flag: Follow up
Flag Status: Flagged

Hi, thanks for that. I will send your comments to Council and they will be attached to the Public Hearing submissions when the application moves forward to Hearing.

From: Robert M. Lewis [REDACTED]
Sent: May 6, 2020 1:50 PM
To: Lucina Baryluk <lbaryluk@victoria.ca>
Subject: 1029 QUEENS AVE (DPV00117)

Dear Baryluk,

I am not sure of the forum which this should be submitted to, but I would like to state my support for the January 20, 2020 plans. I imagine that any opposition to this application would centre on the change in parking requirements. I have no objections to the proposed decrease in required parking spaces (from four to one). From my perspective, more parking on the street improves my life on Queens Ave as it calms traffic and discourages cut through traffic.

I have no financial interest in this proposal.

Regards,
Robert

--

Robert Lewis
1044 Queens Ave
Victoria, BC
CANADA, V8T 1M8

Phone

Home: [REDACTED]

Cell: [REDACTED]

[REDACTED]

From: Robin Jones [REDACTED]
Sent: Thursday, May 6, 2021 10:16 AM
To: Public Hearings
Subject: 1029 Queens

Hello Public Hearings

This letter is in support of the proposal for rezoning at 1029 Queens in North Park.
I have seen the area involved and I am totally onside with it.
I have been a town planner and advocate of such projects for all of my career.
I live around the corner at 1016 Princess and favour the application.
Please accept the zoning.

Robin Jones
1016 Princess Ave
[REDACTED]
[REDACTED]

Madison Heiser

From: Katie Fillion [REDACTED]
Sent: Friday, May 7, 2021 10:22 AM
To: Public Hearings
Cc: Jenny Farkas; Sarah Murray, NPNA Executive Director
Subject: Support for rezoning at 1029 Queens

Hello,

I am writing in support of the rezoning proposal for the property at 1029 Queens.

Beautiful, new, affordable rental housing on a green, tree-lined street, inspired by the beautiful general store that once sat on the site?

Yes please.

This is exactly the kind of innovative, citizen-led solution that we need to help solve Victoria's housing crisis, and it is a perfect fit for North Park.

Not only will the project provide desperately-needed housing, it will create homes in a walkable, affordable area, close to Central Park, Silver Threads Seniors Activity Centre, and the Crystal Pool. This is a great area for folks who choose not to, or cannot afford to drive.

The fact that these citizen developers want to put a covenant on the property that protects below-market housing is *incredible* and I am so grateful to see this project being proposed in our neighbourhood.

Sincerely,

Katie Fillion
937 Caledonia Ave
Victoria BC

Victoria Council
Centennial Square
Victoria, BC

RE: Development Permit with Variances Application for the land known as 1029
Queens Avenue

I am writing in support of granting this permit with variances to create a new two-family dwelling unit.

My interest in property is not affected by the proposed application. I am a renter at 1033 Queens Avenue.

Why am I writing in support of granting this permit?

- With the addition of 2 units there will be 4 units on this property.
- All 4 units will be guaranteed to be below market housing in perpetuity.
- The above guarantee is assured through a registered covenant on the title of the property.
- All 4 units will receive a Modo car share membership going forward.
- The increase in affordable housing and reduction of individual car ownership (and thus less traffic) are goals compatible with Victoria's Official Community Plan strategies to create a more sustainable future for this region.
- The proposal is an example to others: The guarantee of market value housing for these 4 units in perpetuity, I believe, demonstrates what one land owner can achieve for the foreseeable future. It is no small thing to gift housing security to 4 families.

The remainder of this letter's content is beyond the scope of this application.

Recently heard on the CBC's program "The Current": A planner/designer was interviewed. Quote: "When we fail to design, we design for failure". He also went on to say that when a client asks to plan for the next 40 years he says "no", we plan for the next thousand years. Why? Because the planning is not constrained by what we already know is possible. Planning for the next 1,000 years opens up planning visions that trust we will invent what needs to be to make our visions come true. It believes in the future by visionary designing today.

Respectfully submitted by
Charles Joerin
2 - 1033 Queens Avenue
Victoria, BC
V8T 1M7

cc The Proponent.

[REDACTED]

From: deirdre gotto [REDACTED]
Sent: Saturday, May 8, 2021 9:02 PM
To: Public Hearings
Subject: support for 1029 Queens Avenue rezoning

We would like to lend our full support to the proposal to rezone 1029 Queens Avenue. This proposal is significant in allowing for a covenant that will ensure four below-market housing units in perpetuity on the site. It is well thought through and shows an unusual generosity in focusing on affordability in the North Park neighbourhood. This inner-city neighbourhood with a low-income demographic will benefit from this foresight and community-minded approach.

It is also significant that this proposal promises gentle densification at a time when the city is under enormous pressure from developers to move to high density, which often results in fractured neighbourhoods. A development such as proposed at 1029 Queens will maintain the integrity of the existing neighbourhood while offering affordability. It is a progressive vision which we thank the owner/developer for and urge the city to approve.

Sincerely,

Deirdre Gotto & Allan Gallupe
3050 Jackson St (residence)
Victoria, BC V8T 3Z8

927 Pembroke St. (co-owners)
Victoria, BC V8T 1J1

[REDACTED]

From: MUN [REDACTED]
Sent: Saturday, May 8, 2021 9:36 AM
To: Public Hearings
Subject: 1029 Queens Ave

I support the application to permit a new two-family dwelling on 1029 Queens Avenue. I have no issues with the three zoning variances. In particular I have no objection to the parking requirements variance. Parking should not be used to stop the development of affordable housing.

Regards,
Robert

Dr. Robert M. Lewis
1044 Queens Avenue
Victoria, BC
V8T 1M8
[REDACTED]

[REDACTED]

From: sean kahil [REDACTED]
Sent: Saturday, May 8, 2021 2:42 PM
To: Public Hearings
Subject: Letter of support: 1029 Queens

A quick note to lend my support for the proposed development at 1029 Queens. This is exactly the sort of development we need in North Park.

As a long time resident of North Park the applicant Ms. Farkas has demonstrated a consistent interest in the sorts of developments she is now proposing. She very much has the trust of us her neighbours to follow through with a very beneficial development for her neighborhood.

Housing maximal, car minimal, and affordable. It doesn't get better than this. This is exactly what we need here in North Park.

Yours truly,
Sean Kahil - 931 Pembroke st.

May 10th
1016 Princess Ave.
Victoria BC

Dear Mayor and Council,

I am writing to you as a resident of the North park neighbourhood to support the rezoning application from Jenny and Ed Farkas, to permit the construction of a second duplex on the property at 1029 Queens Ave that would increase the number of perpetual below-market rental units from two to four. I have been a resident of North park for more than 20 years and live on Princess Ave, almost directly behind the proposed development.

I believe that this is the kind of development that Victoria City Council should be supporting and fast tracking. It gently increases the density of the area in a way that supports the neighbourhood. Most importantly the developers will be placing a covenant on the property to ensure that the existing and new rental units will be below market rental in perpetuity. As you know our community is experiencing an urgent housing crisis and we need to consider all ideas to address it. In this case, the variances the developer is asking for are reasonable especially given the offer to provide free care share memberships to the tenants. North Park is a great community to live and work in and developments like this are very welcome.

I hope council can quickly provide full support to this proposal.

Regards,

Katrina Jensen

Madison Heiser

From: Joy Kirstin [REDACTED]
Sent: Monday, May 10, 2021 5:27 PM
To: Public Hearings
Subject: Re: Support for the Rezoning Proposal for 1029 Queens Ave. - May 13

Re: Support for the Rezoning Proposal for 1029 Queens Ave.

To Victoria City Council,

I am a neighbour who lives next door to the property in question. I am writing to express my enthusiastic support for this project.

Below-market rentals are desperately needed in all areas of this city, and this particular proposal seems to be a well-thought-out, innovative solution that has taken into consideration the impact on the neighbourhood, the aesthetics of the proposed building, preserving precious yard/green space, and making good use of a large property footprint. Like many people in this neighbourhood, I rely on Modo for my transportation needs and am also very supportive of the proposed Modo membership inclusions to encourage this energy-efficient option to full-time car ownership.

It is my sincere hope that Council will allow this project to proceed - it will make our neighbourhood stronger, more resilient and more beautiful.

Yours truly,
Joy Kirstin Hendrickson
1033 Queens Ave, V8T 1M7

Madison Heiser

From: Hannah Rabinovitch [REDACTED]
Sent: Monday, May 10, 2021 9:54 PM
To: Public Hearings
Subject: 1029 Queens

I am writing to support the proposed gentle density development at 1029 Queens Ave, including the parking variance, affordable housing covenant and additional density. This project will bring much needed affordable rental to the City and neighbourhood.

My name is Hannah Rabinovitch and I live at 1-947 Caledonia Ave.

Many thanks,

Hannah

[REDACTED]

From: Jen Kyffin [REDACTED]
Sent: Wednesday, May 12, 2021 3:30 PM
To: Public Hearings
Subject: 1029 Queens -rezoning and housing development

Dear Mayor and Council:

We are writing in support of the proposed rezoning and housing development at 1029 Queens. We acknowledge the great need in Victoria for affordable housing and appreciate the thoughtful planning of this small-scale development. The proposed rental covenant to keep the units affordable and a car-share membership that will reduce parking congestion in the area, are also benefits to the neighbourhood.

Sincerely,

Jen Kyffin and Mel Groves
1042 Princess Avenue

NO. 21-051

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the *Zoning Regulation Bylaw* by creating the R2-60 Zone, Two Family Dwelling (Queens) District, and to rezone land known as 1029 Queens Avenue from the R2-Zone, Two Family Dwelling District to the R2-60 Zone, Two Family Dwelling (Queens) 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. 1230)”.
- 2 Bylaw No. 80-159, the *Zoning Regulation Bylaw*, is amended in the Table of Contents of Schedule “B” under the caption PART 2 - ATTACHED DWELLING ZONES by adding the following words:

“2.155 R2-60 Two Family Dwelling (Queens) District”
- 3 The *Zoning Regulation Bylaw* is amended by adding to Schedule B after Part 2.154 the provisions contained in Schedule 1 of this Bylaw.
- 4 The land known as 1029 Queens Avenue, legally described as PID 009-314-911, Lot 17, Block 6, Section 3, Victoria District, Plan 62, and shown hatched on the attached map, is removed from the R-2 Zone, Two Family Dwelling District, and placed in the R2-60 Zone, Two Family Dwelling (Queens) District.

READ A FIRST TIME the **22nd** day of **April** 2021

READ A SECOND TIME the **22nd** day of **April** 2021

Public hearing held on the day of 2021

READ A THIRD TIME the day of 2021

ADOPTED on the day of 2021

CITY CLERK

MAYOR

PART 2.155 – R2-60 ZONE, TWO FAMILY DWELLING (QUEENS) DISTRICT**2.155.1 Permitted Uses in this Zone**

The following uses are the only uses permitted in this Zone:

- a. Single family dwelling subject to the regulations contained in Part 1.2
- b. Two family dwelling subject to the regulations contained in this Part
- c. Home occupation subject to the regulations in Schedule “D”
- d. Accessory buildings subject to the regulations in Schedule “F”

2.155.2 Number of Buildings, Building Separation Distance

- a. Notwithstanding Section 19 of General Regulations, 2 two family dwellings are permitted on a lot subject to the regulations in this Part.
- b. Separation distance between buildings (minimum) 2.5m

2.155.3 Lot Area, Lot Width

- a. Lot area (minimum) 670m²
- b. Lot width (minimum) 15m

2.155.4 Floor Area, Floor Space Ratio

- a. Floor area per dwelling unit (minimum) 46m²
- b. Floor area of all floor levels combined, excluding basement level (maximum) 340m²
- c. Floor space ratio, including accessory buildings (maximum) 0.6:1

2.155.5 Height, Storeys and Roof Deck for Buildings constructed after 2020

- a. Building height (maximum) 6.5m
- b. Storeys (maximum) 2 storeys
- c. Roof deck Not permitted

PART 2.155 – R2-60 ZONE, TWO FAMILY DWELLING (QUEENS) DISTRICT**2.155.6 Setbacks, Projections for Building constructed after 2020**

- | | |
|--|------|
| a. <u>Front yard setback</u> (minimum) | 7.5m |
| Except for the following maximum projections into the setback: | |
| • steps and <u>porch</u> | 3.5m |
| b. <u>Rear yard setback</u> (minimum) | 14m |
| c. <u>Side yard setback</u> (west) (minimum) | 3m |
| d. <u>Side yard setback</u> (east) (minimum) | 1.5m |
| e. Combined <u>side yard setbacks</u> (maximum) | 4.5m |

2.155.7 Height, Storeys, Roof Deck, Setbacks, and Projections for Buildings constructed prior to 1925

- | | |
|--|---------------|
| a. <u>Building height</u> (maximum) | 7.95m |
| b. <u>Storeys</u> (maximum) | 2 ½ storeys |
| c. <u>Roof Deck</u> | Not permitted |
| d. <u>Front yard setback</u> (minimum) | 6.55m |
| Except for the following maximum projections into the setback: | |
| • steps and <u>porch</u> | 2m |
| e. <u>Rear yard setback</u> (minimum) | 10.5m |
| f. <u>Side yard setback</u> (west) (minimum) | 9m |
| g. <u>Side yard setback</u> (east) (minimum) | 1.05m |

2.155.8 Site Coverage, Open Site Space

- | | |
|-------------------------------------|--|
| a. <u>Site Coverage</u> (maximum) | 30% |
| b. <u>Open site space</u> (minimum) | 60% of the <u>area</u> of the <u>lot</u> |

PART 2.155 – R2-60 ZONE, TWO FAMILY DWELLING (QUEENS) DISTRICT**2.155.9 Vehicle and Bicycle Parking**

- | | |
|------------------------------|--|
| a. Vehicle parking (minimum) | Subject to the regulations in Schedule "C" |
| b. Bicycle parking (minimum) | Subject to the regulations in Schedule "C" |

2.155.10 Outdoor Features

- a. The setbacks set out in Section 2.155.6 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.

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:

1 This Bylaw may be cited as the "HOUSING AGREEMENT (1029 Queens Avenue) BYLAW (2021)".

2 The Director of Sustainable Planning and Community Development is authorized to execute the Housing Agreement:

- (a) substantially in the form attached to this Bylaw as Schedule A;
- (b) between the City and Edward Joel Farkas or other registered owners from time to time of the lands described in subsection (c); and
- (c) that applies to the lands known as 1029 Queens Avenue, Victoria, BC, legally described as:
PID 009-314-911, Lot 17, Block 6, Section 3, Victoria District, Plan 62

READ A FIRST TIME the **22nd** day of **April** 2021

READ A SECOND TIME the **22nd** day of **April** 2021

READ A THIRD TIME the **22nd** day of **April** 2021

ADOPTED on the _____ day of _____ 2021

MAYOR

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

BETWEEN:

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

(the "City")

AND:

EDWARD JOEL FARKAS
15 Dresden Road
Toronto, ON M3H 1W8

(the "Owner")

WHEREAS:

- A. Capitalized terms used herein will have the respective meanings ascribed to them in section 1.1 of this Agreement, unless the context otherwise clearly requires or they are elsewhere defined herein.
- B. Under section 483 of the *Local Government Act* the City may, by bylaw, enter into a housing agreement with an owner regarding the occupancy of the housing units identified in the agreement, including but not limited to terms and conditions referred to in section 483(2) of the *Local Government Act*.
- C. The Owner is the registered owner in fee simple of lands in the City of Victoria, British Columbia, with a civic address of 1029 Queens Avenue, Victoria, B.C. legally described as:

PID: 009-314-911
Legal description: Lot 17, Block 6, Section 3, Victoria District, Plan 62

(the "Lands").
- D. The Owner has applied to the City to rezone the Lands to permit the retention of an existing two family dwelling and the construction of a new two family dwelling all on the Lands in accordance with this Agreement.
- E. The City and the Owner wish to enter into this Agreement, as a housing agreement pursuant to section 483 of the *Local Government Act*, to secure the agreement of the Owner to provide below market rental housing, and subject to the terms of this Agreement, all of the Dwelling Units within the Development will be used and held only as rental housing.

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

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1.0 DEFINITIONS

1.1 In this Agreement:

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

"CPI" means the All-items Consumer Price Index for Victoria, B.C. published from time to time by Statistics Canada, or its successor in function.

"CPI Increase" means the CPI for January in the calendar year of the proposed rent increase divided by the CPI for January of the immediately preceding calendar year.

"Development" means the Existing Building, which contains 2 residential units, and the Proposed Building, which will contain 2 residential units, and related facilities on the Lands;

"Dwelling Units" means any or all, as the context may require, of the 4 self-contained residential dwelling units within the Development and includes any dwelling unit that is developed on the Lands in future, whether as part of the Development or otherwise, and "Dwelling Unit" means any of such residential dwelling units located on the Lands;

"Existing Building" means the existing two family building on the eastern side of the Lands;

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

"Median Gross Annual Household Income" means the median gross annual household income for renters in the City of Victoria, as reported in Statistics Canada's most recent Census data, and in the event that Statistics Canada no longer reports median gross annual household income for renters in the City, the median total income of households in the City of Victoria as reported in Statistics Canada's most recent Census data will be used instead;

"Median Household Income Limit" means the maximum annual collective household income for the Dwelling Unit, as determined by making the following calculations and rounding the result to the nearest ten:

- (a) for one-bedroom Dwelling Units, Median Gross Annual Household Income x 0.9510, which, for reference purposes only, equated to \$42,000 in 2015,
- (b) for two-bedroom Dwelling Units, Median Gross Annual Household Income x 1.1774, which, for reference purposes only, equated to \$52,000 in 2015, and
- (c) for three-bedroom Dwelling Units, Median Gross Annual Household Income x 1.5850, which, for reference purposes only, equated to \$70,000 in 2015;

"Median Income Unit" means a Dwelling Unit that is designated as a Median Income Unit in accordance with Article 4.0 of this Agreement;

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

{00054893;2}

"Owner" includes a person who acquires an interest in the Lands or any part of the Lands or the Development and is thereby bound by this Agreement, as referred to in section 10.3;

"Proposed Building" means the proposed two family building on the western side of the Lands;

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

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

"RTA" means the *Residential Tenancy Act*, S.B.C. 2002, c.78, as amended or replaced, from time to time; and

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

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

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

2.2 Notwithstanding sections 2.1 and 4.1, one of the Dwelling Units may be occupied by the Owner or a Related Person.

3.0 NO RESTRICTIONS ON RENTALS

3.1 The Owner covenants and agrees, in perpetuity, to refrain from taking any steps, entering into any agreements, or imposing any rules or regulations whatsoever, the effect of which would be to prevent or restrict the Owner of a Dwelling Unit from renting that Dwelling Unit to a Non-owner under the terms of a Tenancy Agreement.

3.2 Without limiting the generality of section 3.1, the Owner covenants and agrees that it will not make application to deposit a strata plan for or in respect of the Lands or a building on the Lands unless the strata bylaws in no way restrict rental of any Rental Unit to a Non-owner under the terms of a Tenancy Agreement.

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4.0 MEDIAN INCOME HOUSING

4.1 The Owner covenants and agrees that:

- (a) each Dwelling Unit on the Lands shall be designated as a Median Income Unit in perpetuity and shall only be occupied and used as a Median Income Unit;
- (b) each one-bedroom Dwelling Unit shall only be occupied by one or more tenants with a combined annual income that is equal to or less than the Median Household Income Limit for one-bedroom Dwelling Units, and the monthly rent payable shall be no more than 30% of the combined annual income of the tenant(s) divided by 12, subject to Article 5.0;
- (c) each two-bedroom Dwelling Unit shall only be occupied by one or more tenants with a combined annual income that is equal to or less than the Median Household Income Limit for two-bedroom Dwelling Units, and the monthly rent payable shall be no more than 30% of the combined annual income of the tenant(s) divided by 12, subject to Article 5.0; and
- (d) each three-bedroom Dwelling Unit shall only be occupied by one or more tenants with a combined annual income that is equal to or less than the Median Household Income Limit for three-bedroom Dwelling Units, and the monthly rent payable shall be no more than 30% of the combined annual income of the tenant(s) divided by 12, subject to Article 5.0.

5.0 RENT ADJUSTMENTS

- 5.1** During the term of a tenancy, the rent payable by the tenant(s) of any Dwelling Unit may be increased only by the amount permitted under the RTA and any other applicable legislation.
- 5.2** Notwithstanding the RTA, in no case shall the rent for a Dwelling Unit in any calendar year exceed the rent for the preceding calendar year multiplied by the CPI Increase.

6.0 REPORTING

- 6.1** The Owner covenants and agrees to provide to the City's Director of Sustainable Planning and Development, within thirty (30) days of the Director's written request, a report in writing confirming the following:
 - (a) all Dwelling Units are being rented to Non-owners, or that 3 Dwelling Units are being rented to Non-owners and 1 unit is Owner occupied;
 - (b) all Dwelling Units are being rented as Median Income Units, or that 3 Dwelling Units are being rented as Median Income Units and 1 unit is Owner occupied;
 - (c) all Dwelling Units are being rented in accordance with this Agreement; and
 - (d) such other information as may be requested by the Director from time to time.
- 6.2** The Owner hereby authorizes the City to make such inquiries as it considers necessary in order to confirm that the Owner is complying with this Agreement.

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- 6.3** The Owner acknowledges that it is within the City's sole discretion to consent or not to consent to modifications of this Agreement and that such consent may be withheld for any reason.

7.0 NOTICE TO BE REGISTERED IN LAND TITLE OFFICE

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

8.0 LIABILITY

- 8.1** The Owner agrees to indemnify and save harmless the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from all claims, demands, actions, damages, costs and liabilities, which all or any of them shall or may be liable for or suffer or incur or be put to by reason of or arising out of failure of the Owner to comply with the terms and conditions of this Agreement, or otherwise that would not have arisen "but for" this Agreement.

- 8.2** The Owner hereby releases and forever discharges the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from any and all claims, demands, actions, damages, economic loss, costs and liabilities which the Owner now has or hereafter may have with respect to or by reason of or arising out of the fact that the Lands are encumbered by and affected by this Agreement, or otherwise that would not have arisen "but for" this Agreement.

9.0 GENERAL PROVISIONS

- 9.1 NOTICE.** If sent as follows, notice under this Agreement is considered to be received:

- (a) upon confirmation of delivery by Canada Post if sent by registered mail,
- (b) on the next Business Day if sent by facsimile or email with no notice of failure to deliver being received back by the sender, and
- (c) on the date of delivery if hand-delivered, and

in the case of the City, addressed to:

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

Attention: Director of Sustainable Planning and
Community Development
Fax: 250-361-0386
Email: CommunityPlanning@victoria.ca

and in the case of the Owner, addressed to:

1-1033 Queens Avenue
Victoria, BC V8T1M7

Attention: Edward Farkas, by his authorized attorney, Jenny Farkas
Email: jfarkas@telus.net

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

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

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

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

9.3 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.

9.4 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.

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

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

9.7 LEGISLATION. Reference to any enactment includes any regulations, orders or directives made under the authority of that enactment, and is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided.

9.8 EQUITABLE REMEDIES. The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement and that the public

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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

- 9.9 CUMULATIVE REMEDIES.** No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.
- 9.10 ENTIRE AGREEMENT.** This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.
- 9.11 FURTHER ASSURANCES.** Each of the parties will do, execute, and deliver, or cause to be done, executed, and delivered all such further acts, documents and things as may be reasonably required from time to time to give effect to this Agreement.
- 9.12 AMENDMENT.** This Agreement may be amended from time to time, by consent of the Owner and a bylaw duly passed by the Council of the City and thereafter if it is signed by the City and the Owner.
- 9.13 LAW APPLICABLE.** This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.
- 9.14 NO DEROGATION FROM STATUTORY AUTHORITY.** Nothing in this Agreement shall:
- (a) limit, impair, fetter or derogate from the statutory powers of the City all of which powers may be exercised by the City from time to time and at any time to the fullest extent that the City is enabled and no permissive bylaw enacted by the City, or permit, licence or approval, granted, made or issued thereunder, or pursuant to statute, by the City shall estop, limit or impair the City from relying upon and enforcing this Agreement; or
 - (b) relieve the Owner from complying with any enactment, including the City's bylaws, or any obligation of the Owner under any other agreement with the City.
- 9.15 SEVERABILITY.** If any section, term or provision of this Agreement is found to be partially or wholly illegal or unenforceable, then such sections or parts will be considered to be separate and severable from this Agreement and the remaining sections or parts of this Agreement, as the case may be, will be unaffected thereby and will remain and be enforceable to the fullest extent permitted by law as though the illegal or unenforceable parts or sections had never been included in this Agreement.
- 9.16 JOINT AND SEVERAL.** The Owner, if more than one, are jointly and severally obligated to perform and observe each and every of the covenants, warranties and agreements herein contained by the Owner to be observed and performed.
- 9.17 COUNTERPARTS.** This Agreement may be executed in counterparts and delivered by emailed PDF file, each of which will have the same effect as if all parties had signed the same document. Each counterpart shall be deemed to be an original. All counterparts shall be construed together and shall constitute one and the same Agreement.

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

IN WITNESS WHEREOF the parties hereto have set their hands and seals as of the day and year last below written.

THE CORPORATION OF THE CITY OF)
VICTORIA by its authorized signatory:)

_____)
 Karen Hoese, Director of Sustainable Planning)
 and Community Development)

Date signed: _____)

EDWARD JOEL FARKAS, by his Attorney,)
Jennifer Dora Farkas, see CA 8752246.)

_____)
 _____)
 _____)

Date signed: Feb 9/21)

F. REPORTS OF COMMITTEE

F.1 Committee of the Whole

F.1.a Report from the January 28, 2021 COTW Meeting

**F.1.a.a 430 Powell Street: Rezoning Application No. 00736 and
Development Permit with Variances Application No. 00736
(James Bay)**

Moved By Councillor Young

Seconded By Councillor Potts

Rezoning Application No. 00736

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00736 for 430 Powell Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

Development Permit with Variances Application No. 00736

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after Public Hearing for Rezoning Application No.00736, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit with Variances Application No. 00736 in accordance with:

1. Plans date stamped November 3, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the rear yard setback from 6.00m to 2.92m to the stairs and 4.75m to the building for Lot 1;
 - ii. reduce the north side yard setback from 2.40m to 2.0m for elevations with windows into habitable rooms for Lot 1;
 - iii. reduce the south side yard setback from 2.40m to 1.2m m for elevations with windows into habitable rooms for Lot 1;
 - iv. reduce the rear yard setback from 6.00m to 3.39m to the stairs and 4.53m to the building for Lot 2;
 - v. reduce the north side yard setback from 2.40m to 1.2m for elevations with windows into habitable rooms for Lot 2;
and
 - vi. reduce the south side yard setback from 2.40m to 2.0m for elevations with windows into habitable rooms for Lot 2.
3. The Development Permit lapsing two years from the date of this resolution.”

CARRIED UNANIMOUSLY

E.3 430 Powell Street: Rezoning Application No. 00736 and Development Permit with Variances Application No. 00736 (James Bay)

Committee received a report dated January 14, 2021 from Director of Sustainable Planning and Community Development regarding a proposal to rezone from the R-2 Zone, Two Family Dwelling District, to a site specific small-lot zone in order to subdivide the property and construct two new single-family homes.

Moved By Councillor Thornton-Joe
Seconded By Councillor Young

Rezoning Application No. 00736

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00736 for 430 Powell Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

Development Permit with Variances Application No. 00736

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after Public Hearing for Rezoning Application No.00736, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit with Variances Application No. 00736 in accordance with:

1. Plans date stamped November 3, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the rear yard setback from 6.00m to 2.92m to the stairs and 4.75m to the building for Lot 1;
 - ii. reduce the north side yard setback from 2.40m to 2.0m for elevations with windows into habitable rooms for Lot 1;
 - iii. reduce the south side yard setback from 2.40m to 1.2m m for elevations with windows into habitable rooms for Lot 1;
 - iv. reduce the rear yard setback from 6.00m to 3.39m to the stairs and 4.53m to the building for Lot 2;
 - v. reduce the north side yard setback from 2.40m to 1.2m for elevations with windows into habitable rooms for Lot 2; and
 - vi. reduce the south side yard setback from 2.40m to 2.0m for elevations with windows into habitable rooms for Lot 2.
3. The Development Permit lapsing two years from the date of this resolution.”

CARRIED UNANIMOUSLY



Committee of the Whole Report For the Meeting of January 28, 2021

To: Committee of the Whole **Date:** January 14, 2021

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

Subject: Rezoning Application No. 00736 for 430 Powell Street

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00736 for 430 Powell Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

LEGISLATIVE AUTHORITY

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

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application for the property located at 430 Powell Street. The proposal is to rezone from the R-2 Zone, Two Family Dwelling District, to a site specific small-lot zone in order to subdivide the property and construct two new single-family homes.

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* (OCP, 2012)
- the proposal is consistent with the housing objectives and policies within the *James Bay Neighbourhood Plan* (1993) to allow for small lot infill housing that fits the form and scale of neighbouring houses
- the proposal is generally consistent with the design guidelines in *Small Lot House Design Guidelines* (2002) with respect to density and consistency with neighbourhood form and character
- with proposed lot sizes of 240.7m² and 241.8m² the proposal is not consistent with the *Small Lot House Rezoning Policy* which states that lots should be a minimum of 260m²; however, the lot sizes and scale of development is consistent with the pattern of nearby development.

BACKGROUND

Description of Proposal

The proposal is to rezone from the R-2 Zone, Two Family Dwelling District, to a site specific small-lot zone in order to subdivide the property and construct two new single-family homes. The property is currently being used as a parking lot, which is non-conforming to the zoning.

The following differences from the standard two-storey small lot zone are being proposed and will be incorporated into the site-specific zone:

- reduce of the minimum lot size from 260.00m to 240.70m for Lot 1 and 241.80m for Lot 2
- reduce the lot width from 10.00m to 8.60m for both lots
- reduce the front yard setbacks on both lots from 6.0m to 4.0m metres.

The following differences from the standard two-storey small lot zone are being proposed and would be incorporated as variances from the site-specific zone:

- reduce the rear yard setback from 6.00m to 2.92m (stairs) and 4.75m (building) on Lot 1
- reduce the rear yard setback from 6.00m to 3.39m (stairs) and 4.53m (building) on Lot 2
- reduce the side yard setbacks for proposed Lot 1 from 2.4m for elevations with windows into habitable floor areas to 2.0m on the north side and 1.2m on the south side
- reduce the side yard setbacks for proposed Lot 2 from 2.4m to 1.2m on the north side and to 2.0m on the south side.

Affordable Housing

The applicant proposes the creation of two new residential units which would increase the overall supply of housing in the area.

Tenant Assistance Policy

The existing use of the site is as a non-conforming surface parking lot; therefore, the proposal does not result in the loss of any residential units.

Sustainability

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

Active Transportation

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

Public Realm

No public realm improvements, beyond the City's standard, are proposed in association with this Rezoning Application.

Accessibility Impact

Accessibility measures beyond those contained in the British Columbia Building Code are not proposed.

Land Use Context

The area is characterized primarily by a mix of single family, attached and multi-family dwellings. The building directly to the north contains a daycare and medical clinic.

Existing Site Development and Development Potential

The site is presently used as a non-conforming parking lot. Under the current R-2 Zone, Two Family Dwelling District, the property could be developed as a duplex or as a single-family dwelling with either a garden suite or a secondary suite.

Data Table

The following data table compares the proposal with the R1-S2 Zone, Restricted Small Lot (Two Storey) District. An asterisk is used to identify where the proposal does not meet the standard.

Zoning Criteria	Proposal - Lot 1	Proposal - Lot 2	Zone Standard R1-S2, Restricted Small Lot (Two Storey)
Site area (m ²) - minimum	240.7 *	241.8 *	260.0
Density (Floor Space Ratio) - maximum	0.59	0.58	0.60
Total floor area (m ²) - maximum	141.0	140.0	190.0
Site coverage (%) - maximum	39.88	39.90	40
Lot width (m) - minimum	8.6 *	8.6 *	10.0
Height (m) - maximum	7.43	7.45	7.50
Storeys - maximum	2	2	2
Setbacks (m) - minimum			
Front (west - Highview Street)	4.0 *	4.0*	6.0
Rear (east)	2.92 * (steps) 4.75 * (building)	3.39 * (steps) 4.53 * (building)	6.0
Side (north)	2.0 * (habitable)	1.20 * (habitable)	1.50 (non-habitable)

Zoning Criteria	Proposal - Lot 1	Proposal - Lot 2	Zone Standard R1-S2, Restricted Small Lot (Two Storey)
Side (south)	1.2 *	2.0 *	2.40 (habitable) 1.50 (non-habitable) 2.40 (habitable)
Parking (residential) - minimum	1	1	1

Community Consultation

The applicant had scheduled a community meeting with the *Community Association Land Use Committee (CALUC)*, for March 30, 2020. Due to the implementation of COVID-19 protocols, this meeting was cancelled. The James Bay CALUC pursued an alternate process by hosting an online meeting in August 2020 and informed 62 neighbours within 100m by posting a notice to their mailbox. The James Bay CALUC considered this to be adequate to satisfy the CALUC community consultation requirements. A letter dated August 20th, 2020 is attached to this report.

In accordance with the City's *Small Lot House Rezoning Policy*, the applicant has polled the immediate neighbours and reports that there was 100% support from respondents for the application. Under this policy, "satisfactory support" is considered to be support in writing for the project by 75% of the neighbours. The required Small Lot House Rezoning Petitions Summary is attached to this report.

ANALYSIS

Official Community Plan

The *Official Community Plan (OCP)* designates the property within the Traditional Residential Urban Place Designation, which envisions ground-oriented residential uses with densities up to 1:1 Floor Space Ratio (FSR). The proposed small lots would be subject to Development Permit Area 15A: Intensive Residential - Small Lot (DPA 15A). Further analysis related to the design will be provided in the accompanying Development Permit with Variances Application report.

Local Area Plans

The *James Bay Neighbourhood Plan* supports infill development, such as small lot single-family dwellings, provided there is visual harmony in form and scale between the new buildings and the adjacent properties. The proposal is generally consistent with the neighbourhood plan. The proposal meets the overall housing objectives in compatibility with the established scale and character of adjacent and nearby housing.

Tree Preservation Bylaw and Urban Forest Master Plan

The goals of the *Urban Forest Master Plan* include protecting, enhancing, and expanding Victoria's urban forest and optimizing community benefits from the urban forest in all neighbourhoods.

This permit application was received after October 24, 2019, so it falls under *Tree Preservation Bylaw No. 05-106* consolidated November 22, 2019. The tree inventory for the proposal, outlined in the attached arborist report, includes three trees in proximity to the proposed development area:

- one offsite bylaw-protected elm, north of the front yard, on the property of 440 Powell Street (James Bay Community Project); and
- two trees on the municipal frontage: a tulip tree and young magnolia.

The three trees are proposed for retention. Preservation of the municipal tulip tree and offsite elm will require careful coordination of site servicing with Parks and Engineering and mitigation measures including arborist supervision, modified excavation techniques, tree protection fencing, and recommendations described in the Arborist Report.

Small Lot House Rezoning Policy

The application is generally consistent with the *Small Lot House Rezoning Policy*. One exception is the minimum lot size and lot width identified in this policy. The policy requires a minimum site area of 260 m² and lot width of 10m. Proposed Lot 1 will be 19.30m² below the site area minimum and proposed Lot 2 will be 18.20m² below. The smaller and more narrow lots (8.6m) result in reduced setbacks as compared to the standard R1-S2 Zone, Restricted Small Lot (Two Storey) District. In context, however, nearby lots tend to have smaller than average lot sizes and similarly reduced setbacks. In this way, the lots generally fit with the nearby pattern of development. For this reason, staff consider the smaller lot size to be supportable.

CONCLUSIONS

The proposal to rezone and subdivide the subject property and construct two new small lot dwellings is consistent with the objectives of the *Official Community Plan*, *James Bay Neighbourhood Plan* and the *Small Lot House Design Guidelines*. It is not, however, consistent with *Small Lot House Rezoning Policy* related to minimum lot size and minimum lot width. Despite the smaller lot size and lot width, the proposed lots fit within the local context. Staff recommend Council consider supporting this application.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00736 for the property located at 430 Powell Street.

Respectfully submitted,

Chloe Bryden Tunis
Planner
Development Services Division

Karen Hoes, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map

- Attachment C: Plans date stamped November 3, 2020
- Attachment D: Letter from applicant to Mayor and Council dated June 30, 2020
- Attachment E: Community Association Land Use Committee Comments dated August 21, 2020
- Attachment F: Small Lot Petition
- Attachment G: Arborist Report
- Attachment H: Correspondence.



Committee of the Whole Report

For the Meeting of January 28, 2021

To: Committee of the Whole **Date:** January 14, 2020

From: Karen Hoese Director, Sustainable Planning and Community Development

Subject: Development Permit with Variances Application No. 00736 for 430 Powell Street

RECOMMENDATION

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after Public Hearing for Rezoning Application No.00736, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit with Variances Application No. 00736 in accordance with:

1. Plans date stamped November 3, 2020.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the rear yard setback from 6.00m to 2.92m to the stairs and 4.75m to the building for Lot 1;
 - ii. reduce the north side yard setback from 2.40m to 2.0m for elevations with windows into habitable rooms for Lot 1;
 - iii. reduce the south side yard setback from 2.40m to 1.2m m for elevations with windows into habitable rooms for Lot 1;
 - iv. reduce the rear yard setback from 6.00m to 3.39m to the stairs and 4.53m to the building for Lot 2;
 - v. reduce the north side yard setback from 2.40m to 1.2m for elevations with windows into habitable rooms for Lot 2; and
 - vi. reduce the south side yard setback from 2.40m to 2.0m m for elevations with windows into habitable rooms for Lot 2.
3. The Development Permit lapsing two years from the date of this resolution.”

LEGISLATIVE AUTHORITY

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit with Variances 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.

Pursuant to Section 491 of the *Local Government Act*, where the purpose of the designation is the establishment of objectives for the form and character of intensive residential development, a Development Permit may include requirements respecting the character of the development including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit with Variances Application for the property located at 430 Powell Street. The proposal is to subdivide the property in order to create two small lots and construct two single-family dwellings. The site would be rezoned to a site-specific zone based on the R1-S2 Zone, Restricted Small Lot (Two Storey) District, to reflect the smaller than normal site area and both properties would be subject to Development Permit Areas 15A: Intensive Residential – Small Lot.

The following differences from the standard two-storey small lot zone are being proposed and would be incorporated as variances from the site-specific zone:

- reduce the rear yard setback from 6.00m to 2.92m to the stairs and 4.75m to the building on Lot 1
- reduce the rear yard setback from 6.00m to 3.39m to the stairs and 4.53m to the building on Lot 2
- reduce the side yard setbacks for proposed Lot 1 from 2.4m for elevations with windows into habitable floor areas to 2.0m on the north side and 1.2m on the south side
- reduce the side yard setbacks for proposed Lot 2 from 2.4m to 1.2m on the north side and to 2.0m on the south side.

The following points were considered in assessing this application:

- the proposal is consistent with the *Design Guidelines for Small Lot Houses* (2002) in terms of visual character and massing
- the reduced setbacks as compared to the standard small zone are generally consistent with existing setback conditions of neighbouring properties and would have minimal impacts on neighbouring properties.

BACKGROUND

Description of Proposal

The proposal is to subdivide an existing lot and construct two new small lot houses. Specific details include:

- modern designs with unique architectural detailing and materials to differentiate the two houses
- primary material at the street-facing façade, of both buildings, is Western Red Cedar siding, and for the house at Lot 2, the second storey would be stained a lighter colour to create visual interest
- primary materials on the sides and rear of the Lot 1 are a mix of fibre cement board and stucco
- primary materials at the sides and rear of lot 2 are fibre cement board and stained cedar siding
- new soft landscaping, and a new driveway and parking stalls surfaced with permeable

- pavers
- privacy impacts are reduced by utilizing clerestory windows for habitable rooms.

The following differences from the standard two-storey small lot zone are being proposed and would be incorporated into the site-specific zone:

- reduced the minimum lot size from 260.00 metres to 240.70m for Lot 1 and 241.80m for Lot 2
- reduce the lot width from 10.00m to 8.60m for both lots
- reduce the front yard setbacks on both lots from 6.00m to 4.00m metres.

The following differences from the standard two-storey small lot zone are being proposed and will be incorporated as variances from the site-specific zone:

- reduce the rear yard setbacks from 6.00m to 2.92m (stairs) and 4.75m to the building on Lot 1 and 3.39m (stairs) and 4.53m to the building on Lot 2
- reduce the side yard setbacks for proposed Lot 1 from 2.4m for elevations with windows into habitable floor areas to 2.0m on the north side and 1.2m on the south side
- reduce the side yard setbacks for proposed Lot 2 from 2.4m to 1.2m on the north side and to 2.0m on the south side.

Existing Site Development and Development Potential

The site is presently used as a non-conforming parking lot. Under the current R-2 Zone, Two Family Dwelling District, the property could be developed as a duplex or as a single-family dwelling with either a garden suite or a secondary suite.

Data Table

The following data table compares the proposal with the comparable R1-S2 Zone, Restricted Small Lot (Two Storey) District. An asterisk is used to identify where the proposal does not meet the standard.

Zoning Criteria	Proposal - Lot 1	Proposal - Lot 2	Zone Standard R1-S2, Restricted Small Lot (Two Storey)
Site area (m ²) – minimum	240.7 *	241.8 *	260.0
Density (Floor Space Ratio) – maximum	0.59	0.58	0.60
Total floor area (m ²) – maximum	141.0	140.0	190.0
Site coverage (%) – maximum	39.88	39.90	40
Lot width (m) – minimum	8.6 *	8.6 *	10.0

Zoning Criteria	Proposal - Lot 1	Proposal - Lot 2	Zone Standard R1-S2, Restricted Small Lot (Two Storey)
Height (m) – maximum	7.43	7.45	7.50
Storeys – maximum	2	2	2
Setbacks (m) – minimum			
Front (west – Highview Street)	4.0 *	4.0 *	6.0
Rear (east)	2.92 * (steps) 4.75 * (building)	3.39 * (steps) 4.53 * (building)	6.0
Side (north)	2.0 * (habitable)	1.20 * (habitable)	1.50 (non-habitable) 2.40 (habitable)
Side (south)	1.2 *	2.0 *	1.50 (non-habitable) 2.40 (habitable)
Parking (residential) – minimum	1	1	1

Community Consultation

The applicant had scheduled a community meeting with the *Community Association Land Use Committee (CALUC)*, for March 30, 2020. Due to the implementation of COVID-19 protocols, this meeting was cancelled. The James Bay CALUC pursued an alternate process by hosting an online meeting in August 2020 and informed 62 neighbours within 100m by posting a notice to their mailbox. The James Bay CALUC considers this approach to satisfy the CALUC community consultation requirements. A letter dated August 20, 2020 is attached to this report.

In accordance with the City's *Small Lot House Rezoning Policy*, the applicant has polled the immediate neighbours and reports that there was 100% support from respondents for the application. Under this policy, "satisfactory support" is considered to be support in writing for the project by 75% of the neighbours. The required Small Lot House Rezoning Petitions Summary is attached to this report.

ANALYSIS

Development Permit Area and Design Guidelines

The *Official Community Plan, 2012 (OCP)* identifies this property within DPA 15-A: Intensive Residential – Small Lot. In this area, the *Design Guidelines for Small Lot Houses* apply. The objective of these guidelines is to allow for sensitive infill development that increases the housing supply and to provide a range of housing types; this proposal generally meets these objectives. While the guidelines encourage the visual character of the streetscape to be respected, they also specify that the proposals should not be restricted to traditional designs. The proposed buildings have a modern design, while most of the houses on the street are older

character homes. The proposed houses incorporate elements of the nearby character homes with similar peaked roof designs and with cedar siding at the front façade, which reflects the wood siding common on nearby houses.

The proposed houses require reduced setbacks on all four sides, as compared to the standard R1-S2 Zone Restricted Small Lot (Two Storey) District. The R1-S2 Zone requires larger side yard setbacks where there are windows into habitable rooms (habitable rooms include living rooms, dining rooms and bedrooms). The intention of this is to minimize privacy impacts on neighbouring properties. The application proposes reduced setbacks where there are habitable rooms with windows; however, they have minimized privacy impacts by utilizing clerestory windows and offsetting window placement as compared to neighbouring properties. The narrow lots mean that the proposal has a long, narrow layout, which contributes to the reason for the reduced front and rear yard setbacks. However, there is still useable outdoor space in the rear yards, though it is somewhat smaller.

The Design Guidelines for Small Lot Houses emphasises the importance of designing and considering new small lot houses within the larger streetscape context. In this case, the smaller lot size and reduced setbacks of the proposed lots and houses fit the pattern of the existing streetscape. The design further harmonizes with the existing character by incorporating a more traditional roof shape and wood siding at the front façade.

Because the site area for both lots are nearly identical and the lot widths and front yard setbacks are the same for both lots, and are similar to conditions found along the street, these can be accommodated in the site-specific zone. The rear yard and side yard setbacks differ slightly between the two lots and are better addressed as variances to the zone. This approach offers the additional benefit of being able to assess the side and rear yard conditions again, in the event this proposal is not built and a different proposal comes forward at a future date.

James Bay Neighbourhood Plan

The *James Bay Neighbourhood Plan* supports infill development, such as small lot single-family dwellings, provided there is visual harmony in form and scale between the new buildings and the adjacent properties. The proposal is generally consistent with the neighbourhood plan.

Tree Preservation Bylaw and Urban Forest Master Plan

The goals of the *Urban Forest Master Plan* include protecting, enhancing, and expanding Victoria's urban forest and optimizing community benefits from the urban forest in all neighbourhoods.

This permit application was received after October 24, 2019, so it falls under *Tree Preservation Bylaw No. 05-106* consolidated November 22, 2019. The tree inventory for the proposal, outlined in the attached arborist report, includes three trees in proximity to the proposed development area:

- one offsite bylaw-protected elm, north of the front yard, on the property of 440 Powell Street (James Bay Community Project); and
- two trees on the municipal frontage: a tulip tree and young magnolia.

The three trees are proposed for retention. Preservation of the municipal tulip tree and offsite elm will require careful coordination of site servicing with Parks and Engineering and mitigation

measures including arborist supervision, modified excavation techniques, tree protection fencing, and recommendations described in the Arborist Report.

CONCLUSIONS

The proposal to subdivide the existing lot and construct two small lot houses is generally consistent with the *Small Lot House Design Guidelines*. The proposed houses respect the existing scale and character of the streetscape through form and materials. The reduced setbacks as compared to the standard small zone are generally consistent with existing setback conditions along the street and would have minimal impacts on neighbouring properties. Staff recommend Council consider supporting this application.

ALTERNATE MOTION

That Council decline Development Permit with Variances Application No. 00736 for the property located at 430 Powell Street.

Respectfully submitted,

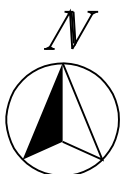
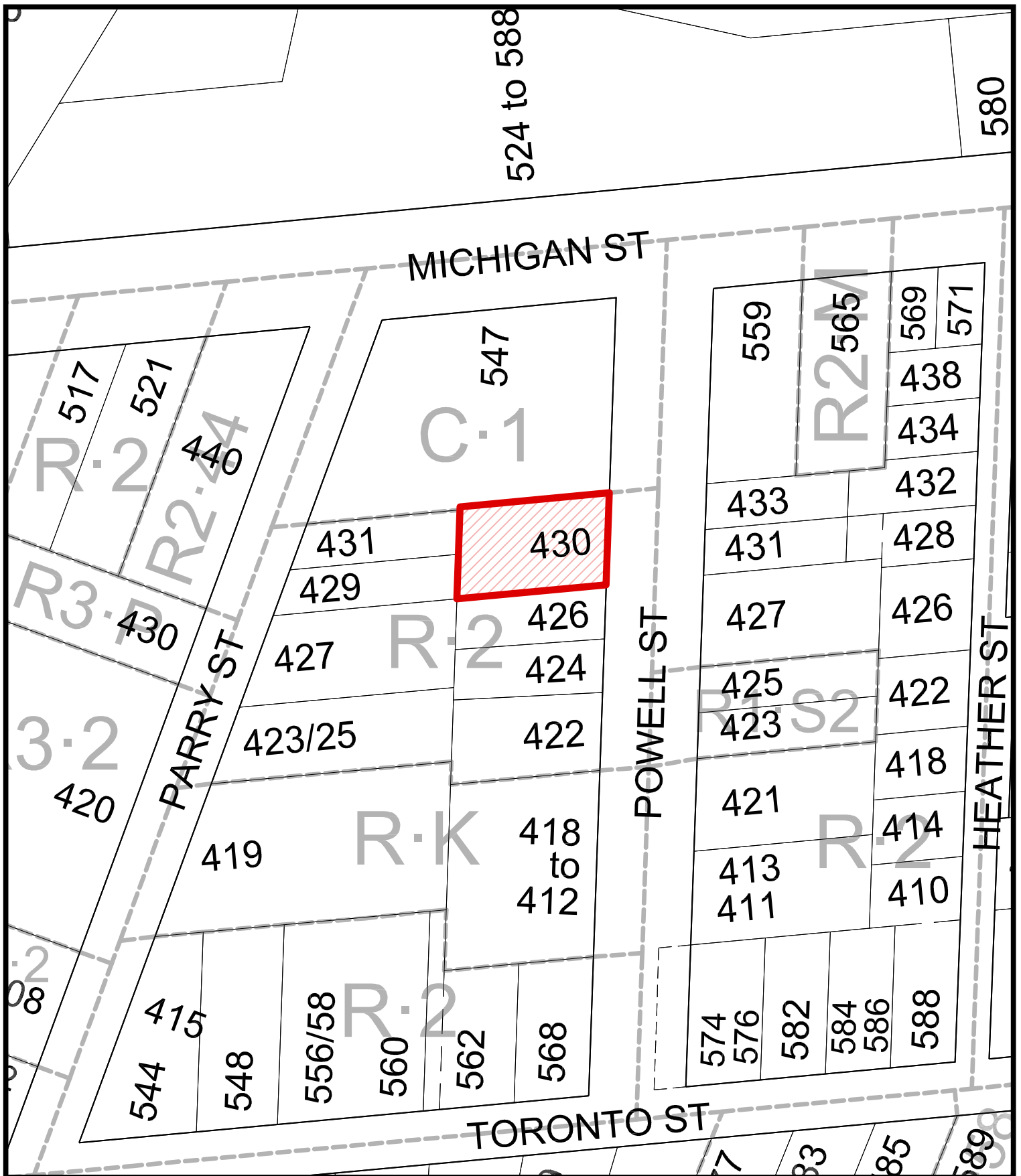
Chloe Tunis, Planner
Sustainable Planning and Community
Development Department

Karen Hoesel
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

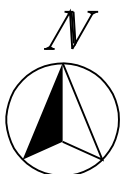
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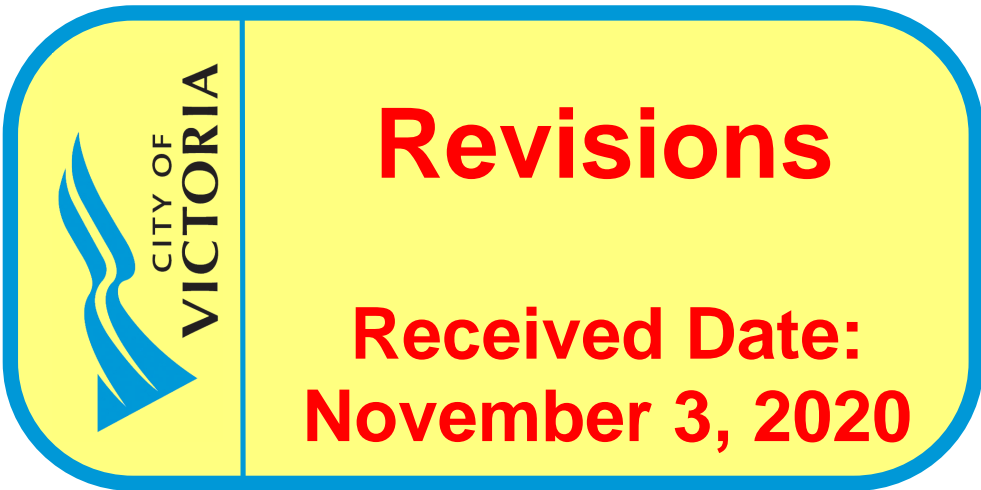
430 Powell Street
Rezoning No.00736





430 Powell Street
Rezoning No.00736





430 Powell St.

Magellan Holdings Ltd

ISSUE	Nov. 3, 2020: Application Revisions
PROJECT	430 Powell St.

Project Directory

Developer
Magellan Holdings Ltd.
Conrad Nyren
conradnyren01@gmail.com

Design
Arcata
924 McClure St, Victoria, BC V8V 3E7
T. 778.432.3550

Landscape Design
LADR
3 - 864 Queens Ave. Victoria V8T 1M5
T. 250.598.0105

Surveyor
Island Land Surveying Ltd.
117-693 Hoffman Ave. Victoria V9B 4X1
T. 250.476.1515

Project Data

Civic Address
430 Powell St.

Legal Description
Lot A, Lots 1775&1776 Victoria City, Plan EPP28098

Zoning (existing)
R2-Two Family Dwelling District

Zoning (proposed)
TBD (site specific)

Site Area (existing)
482.5 m²

Proposed Residence 1

Site Area Proposed Lot 1
240.7 m²

Gross Floor Area
Basement: 56.0 m²
Main Level: 61.0 m²
Split Level: 24.6 m²
Level 2: 52.0 m²
Garage: 22.0 m²
215.6 m²

Total Floor Area
Main Level: 61.0 m²
Split Level: 24.6 m²
Level 2: 52.0 m²
Garage: 22-18.6 stall = 3.4 m²
141.0 m²

FSR
Proposed res. 141.0 m² /
Lot Area 240.70 m²
0.58:1

Site Coverage
Allowed (R2): 96.28 m² 40.00%
Proposed: 96.00 m² 39.88%

Open Site Space
Proposed res. 96.28 m² +
Driveway 25.1 m²
Total 121.38 m²
Lot Area 240.7 m² -
121.38 m² 119.32 m²
49.57%

Average Grade
7.43m

Building Height Proposed
Allowed (R2): 7.6m
Proposed: 2 storey, 7.48m from average grade to gable mid-point.

Number of Storeys
Allowed (R2): 2
Proposed: 2

Parking
Required: 1 space per dwelling unit
Proposed: 1

Setbacks
Allowed as per current R-2 Zone:
Front 7.5m
Rear 10.7m
Side north 3.0m
Side south 1.5m
Side combined 4.5m

Allowed R1-S2
Front 6.0m
Rear 6.0m
Side north 2.4m
Side south 2.4m

Proposed
Front 4.00m
Rear 4.75m to building
3.9m to stair
2.00m
Side north 1.20m
Side south 2.00m
Side combined 3.20m

Proposed Residence 2

Site Area Proposed Lot 2
Lot 2: 241.8 m²

Gross Floor Area
Basement: 54.0 m²
Main Level: 60.0 m²
Split Level: 26.6 m²
Level 2: 50.0 m²
Garage: 22.0 m²
212.6 m²

Total Floor Area
Main Level: 60.0 m²
Split Level: 26.6 m²
Level 2: 50.0 m²
Garage: 22-18.6 stall = 3.4 m²
140.0 m²

FSR
Proposed res. 140.0 m² /
Lot Area 241.8 m²
0.58:1

Site Coverage
Allowed (R2): 96.72 m² 40.00%
Proposed: 96.5 m² 39.90%

Open Site Space
Proposed res. 96.5 m² +
Driveway 28.2 m²
Total 124.7 m²
Lot Area 241.8 m² -
124.7 m² 117.1 m²
48.4%

Average Grade
7.45m

Building Height Proposed
Allowed (R2): 7.6m
Proposed: 2 storey, 7.47m from average grade to gable mid-point.

Number of Storeys
Allowed (R2): 2
Proposed: 2

Parking
Required: 1 space per dwelling unit
Proposed: 1

Setbacks
Allowed as per current R-2 Zone:
Front 7.5m
Rear 10.7m
Side north 3.0m
Side south 1.5m
Side combined 4.5m

Allowed R1-S2
Front 6.0m
Rear 6.0m
Side north 2.4m
Side south 2.4m

Proposed
Front 4.00m
Rear 4.53m to building
4.35m to stair
2.00m
Side north 1.20m
Side south 2.00m
Side combined 3.20m

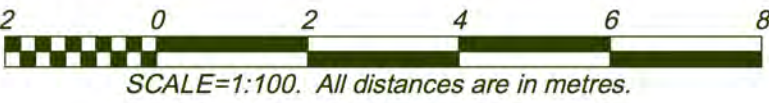


1 Context Plan



2 Street Views of Site

SITE PLAN OF LOTS A, B & C, LOTS 1775 & 1776
VICTORIA CITY, PLAN EPP28098.



NOTE:
Lot dimensions & areas shown are based upon Plan EPP28098.

Lot dimensions, offsets, and area shown may vary upon completion of a comprehensive legal survey. Geodetic elevations shown are based upon observations to geodetic control monuments 8-110 (Elevation= 10.267m) and 8-111 (Elevation= 7.957m).

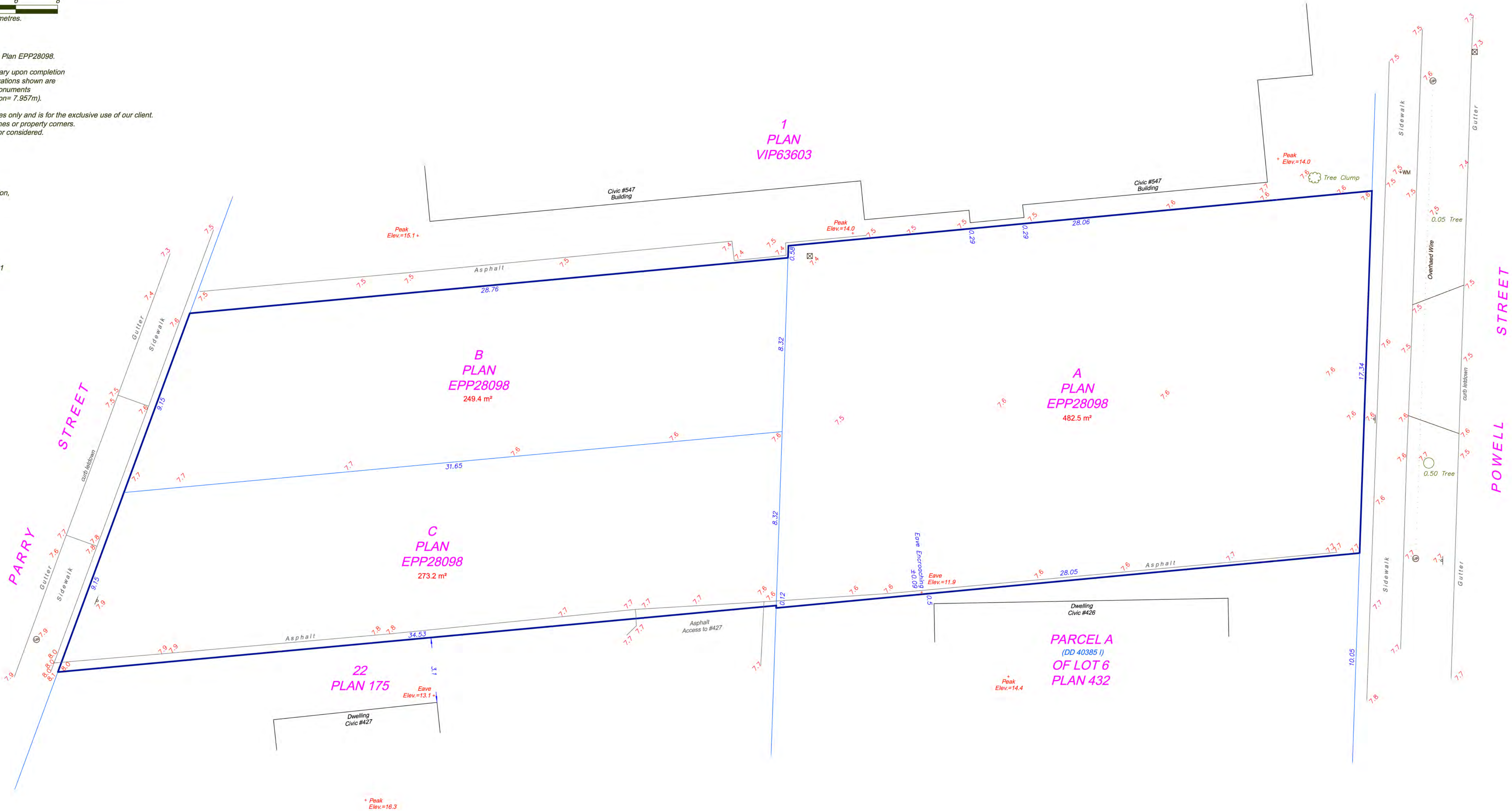
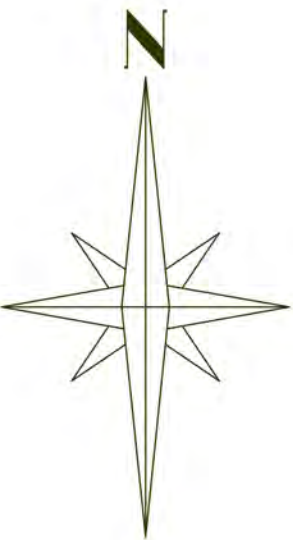
This plan is for building design & permit purposes only and is for the exclusive use of our client. This plan shall not be used to define property lines or property corners. Unregistered interests have not been included or considered.

LEGEND

- ☒ Denotes catch basin
- +WM Denotes water meter
- 0.60 Tree Denotes approximate tree location, diameter and species
- ⊕ Denotes ground elevation
- ⊙ Denotes utility pole
- ⚡ Denotes sign

Field survey dated May 13th, 2019.

The parcels are subject to Covenant CA3383451



File: 8-Magellan-SP
Date: May 15, 2019
Island Land Surveying Ltd.
117-693 Hoffman Avenue
Victoria B.C. V9B 4X1
TEL 250.475.1515 fax 250.475.1516
www.islandsurveying.ca

© 2019 Island Land Survey.

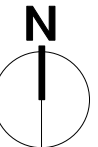
James Bay Community Project

Proposed Lot 1 Residence

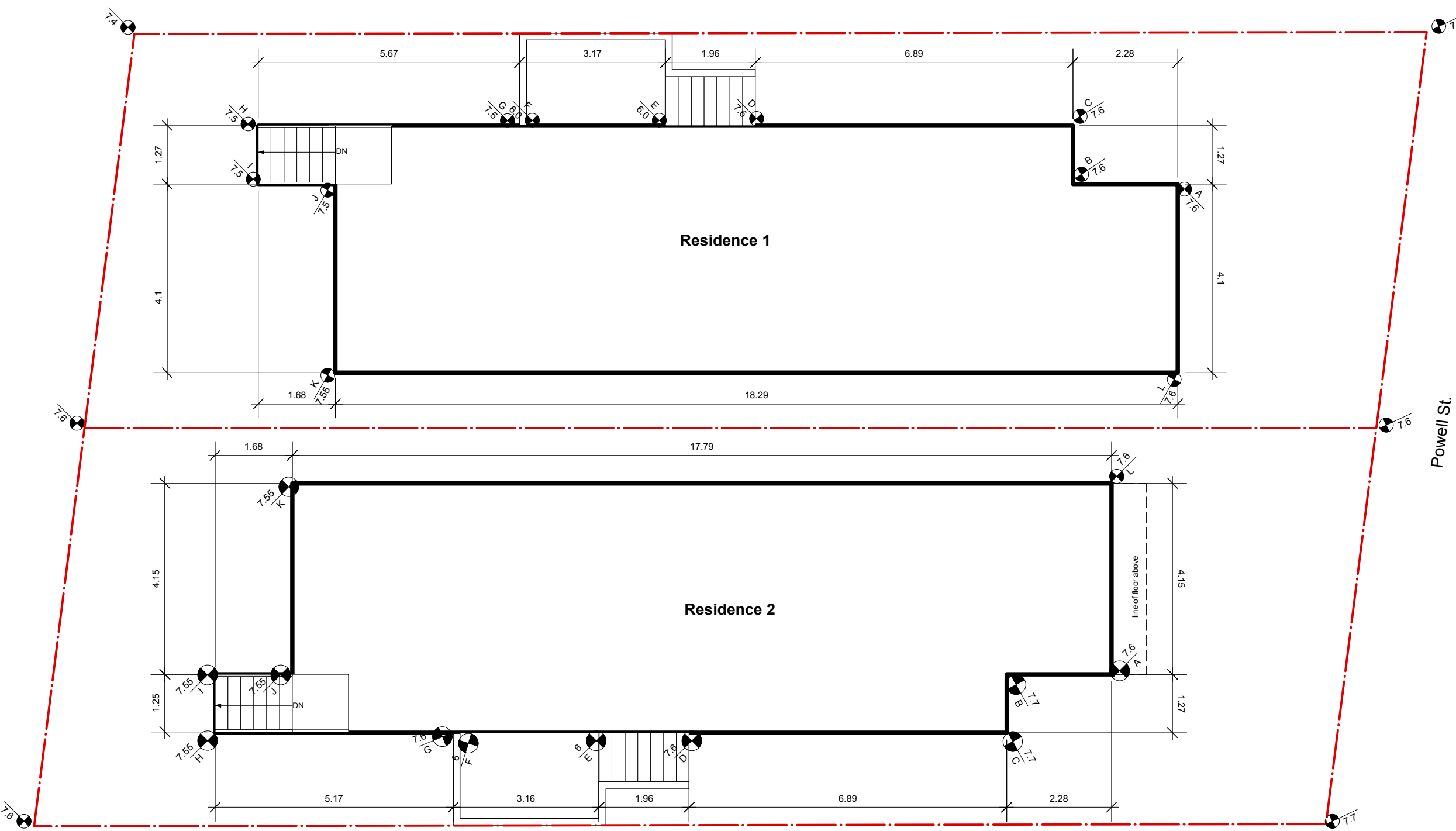
Proposed Lot 2 Residence

426 Powell St.
existing residence

*Note: see landscape plan for planting list and surfacing details



1 Site Plan: Proposed Lot Division
Scale: 1:48



1 Average Grade Plan
Scale: 1:96

Average Grade Calculation

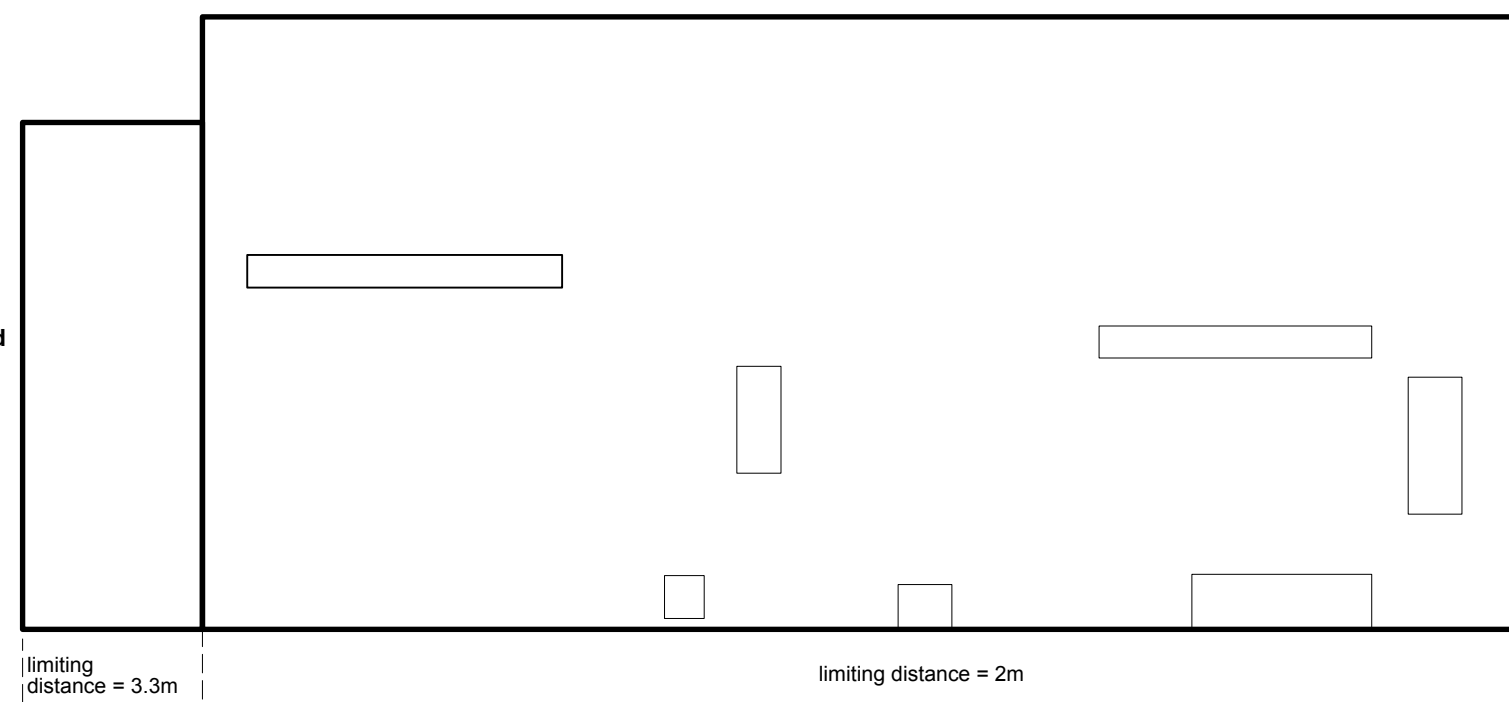
Points	
A & B (7.6 + 7.6) / 2 x 2.28 m	17.33
B & C (7.6 + 7.6) / 2 x 1.27 m	9.65
C & D (7.6 + 7.6) / 2 x 6.89 m	52.36
D & E (7.6 + 6.0) / 2 x 1.96 m	13.33
E & F (6.0 + 6.0) / 2 x 3.17 m	19.02
G & H (7.5 + 7.5) / 2 x 5.67 m	42.52
H & I (7.5 + 7.5) / 2 x 1.27 m	9.52
I & J (7.5 + 7.5) / 2 x 1.68 m	12.60
J & K (7.5 + 7.55) / 2 x 4.1 m	30.85
K & L (7.55 + 7.6) / 2 x 18.29 m	138.55
L & A (7.6 + 7.6) / 2 x 4.10 m	31.16
Perimeter of building = 50.67m	376.89

Average Grade 376.89 / 50.67 = 7.43

Average Grade Calculation

Points	
A & B (7.6 + 7.7) / 2 x 2.28 m	17.44
B & C (7.7 + 7.7) / 2 x 1.27 m	9.78
C & D (7.7 + 7.6) / 2 x 6.89 m	52.70
D & E (7.6 + 6.0) / 2 x 1.96 m	13.33
E & F (6.0 + 6.0) / 2 x 3.16 m	18.96
G & H (7.6 + 7.55) / 2 x 5.17 m	39.16
H & I (7.55 + 7.55) / 2 x 1.25 m	9.44
I & J (7.55 + 7.55) / 2 x 1.68 m	12.68
J & K (7.55 + 7.55) / 2 x 4.15 m	31.33
K & L (7.55 + 7.6) / 2 x 17.79 m	134.76
L & A (7.6 + 7.6) / 2 x 4.15 m	31.54
Perimeter of building = 49.77m	371.12

Average Grade 371.12 / 49.77 = 7.45



2 Residence 1: North Exposing Building Face
Scale: 1:96

Limiting Distance
2m

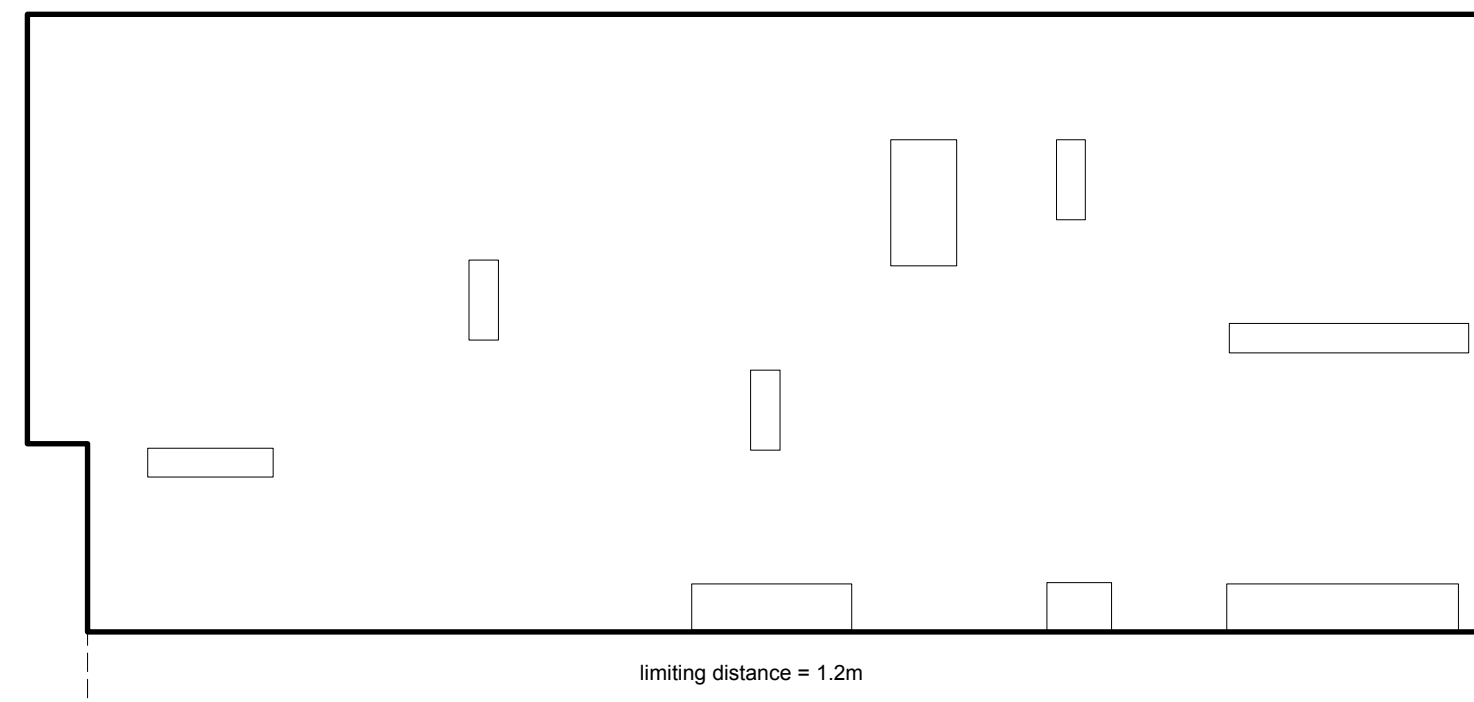
Exposing Building Face
129.4 m²

Glazed Openings
Proposed: 7.28 m², 5.62%
Allowed: 9%

Fire Resistance Rating
1h

Type of Construction Required
Noncombustible

Type of Cladding Required
Noncombustible



4 Residence 2: North Exposing Building Face
Scale: 1:96

Limiting Distance
1.2m

Exposing Building Face
143.7 m²

Glazed Openings
Proposed: 7.66 m², 5.3%
Allowed: 7%

Fire Resistance Rating
1h

Type of Construction Required
Noncombustible

Type of Cladding Required
Noncombustible



3 Residence 1: South Exposing Building Face
Scale: 1:96

Limiting Distance
1.2m

Exposing Building Face
144.9 m²

Glazed Openings
Proposed: 6.67 m², 4.6%
Allowed: 7%

Fire Resistance Rating
1h

Type of Construction Required
Noncombustible

Type of Cladding Required
Noncombustible

Limiting Distance
2m

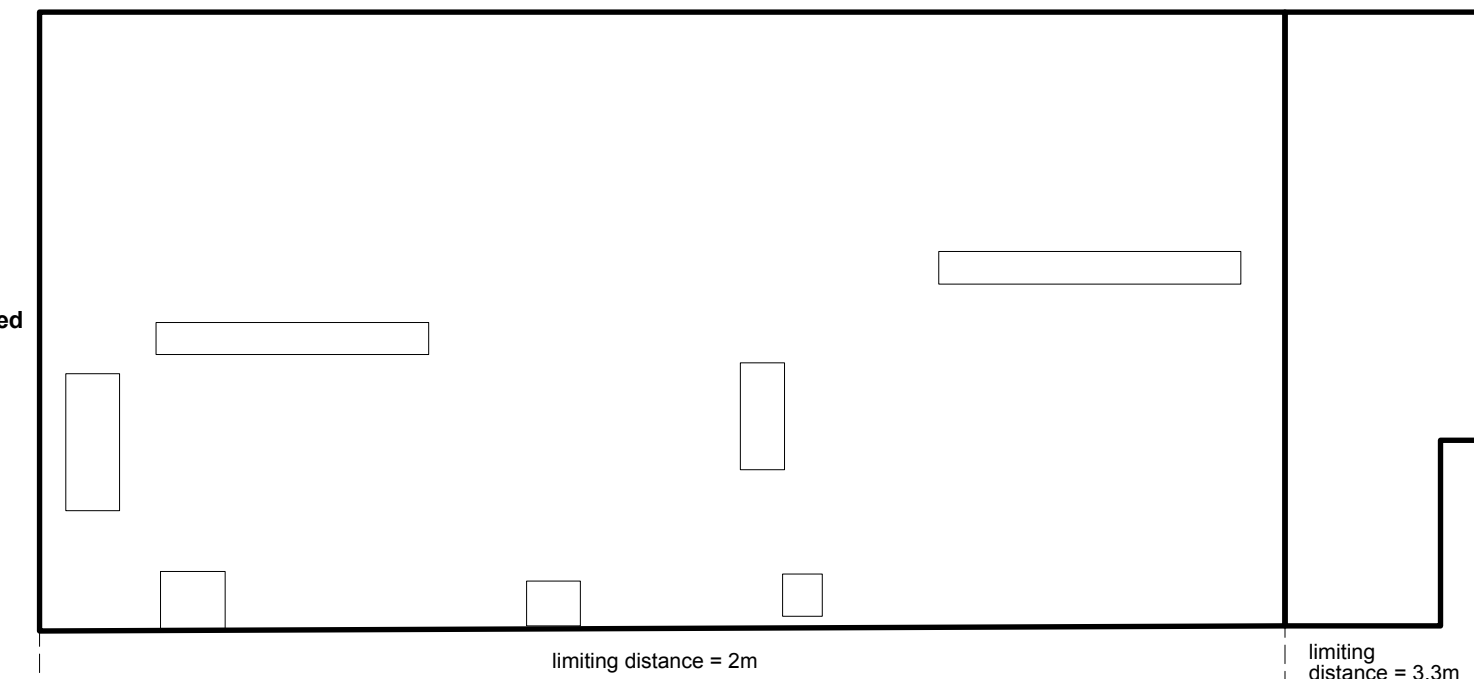
Exposing Building Face
123.74 m²

Glazed Openings
Proposed: 6.2 m², 5%
Allowed: 9%

Fire Resistance Rating
1h

Type of Construction Required
Noncombustible

Type of Cladding Required
Noncombustible



5 Residence 2: South Exposing Building Face
Scale: 1:96

Limiting Distance
3.3m

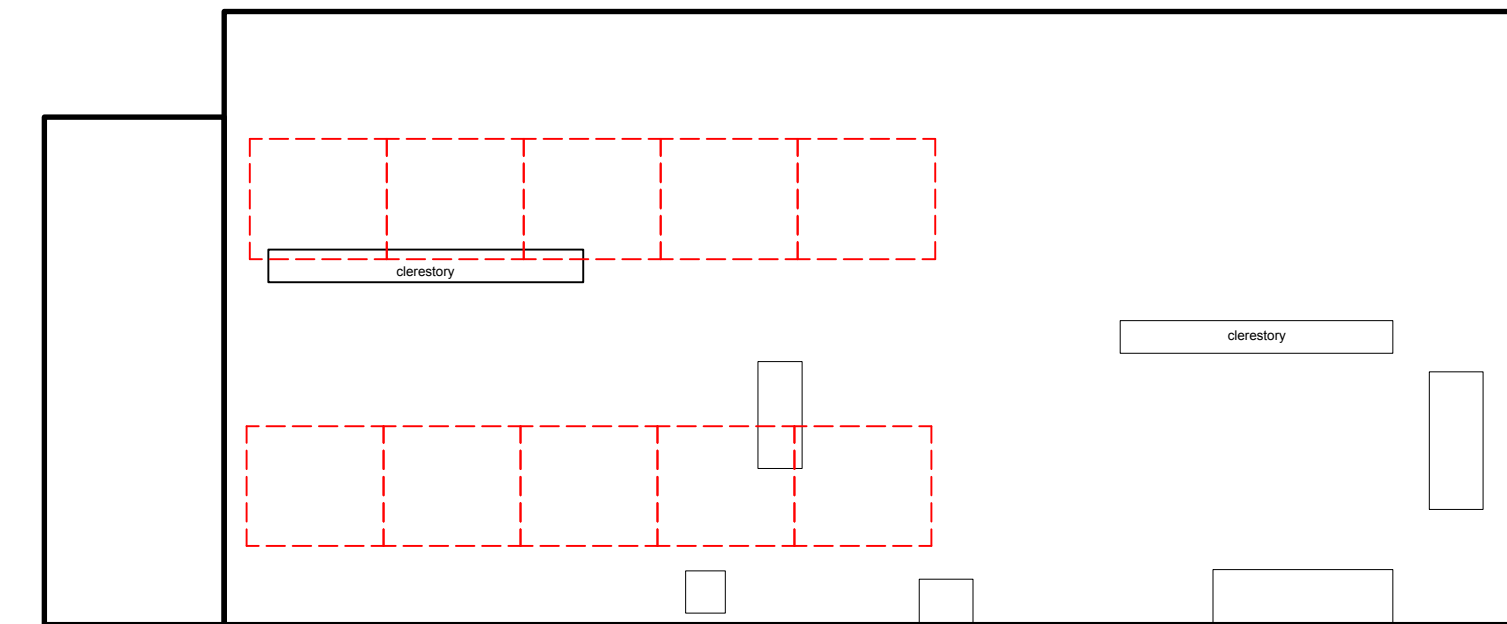
Exposing Building Face
19.5 m²

Glazed Openings
Proposed: 0m²
Allowed: 12.3%

Fire Resistance Rating
1h

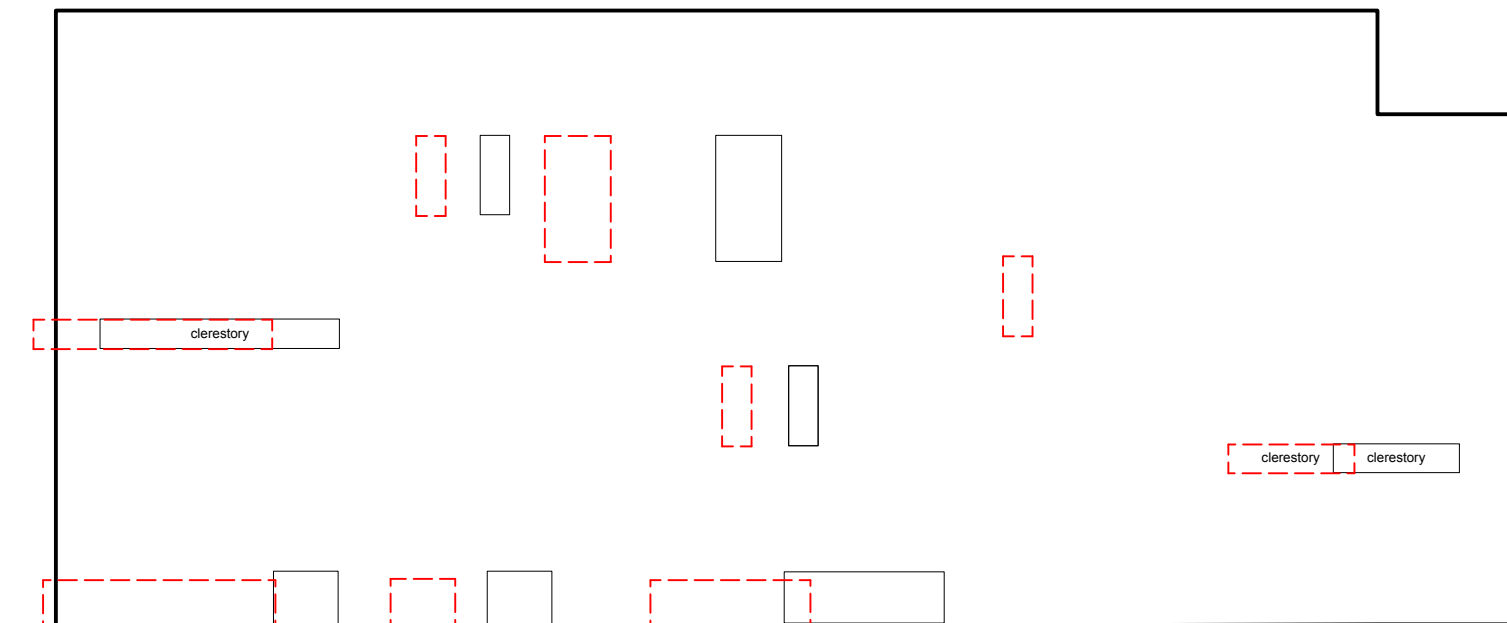
Type of Construction Required
Noncombustible

Type of Cladding Required
Noncombustible



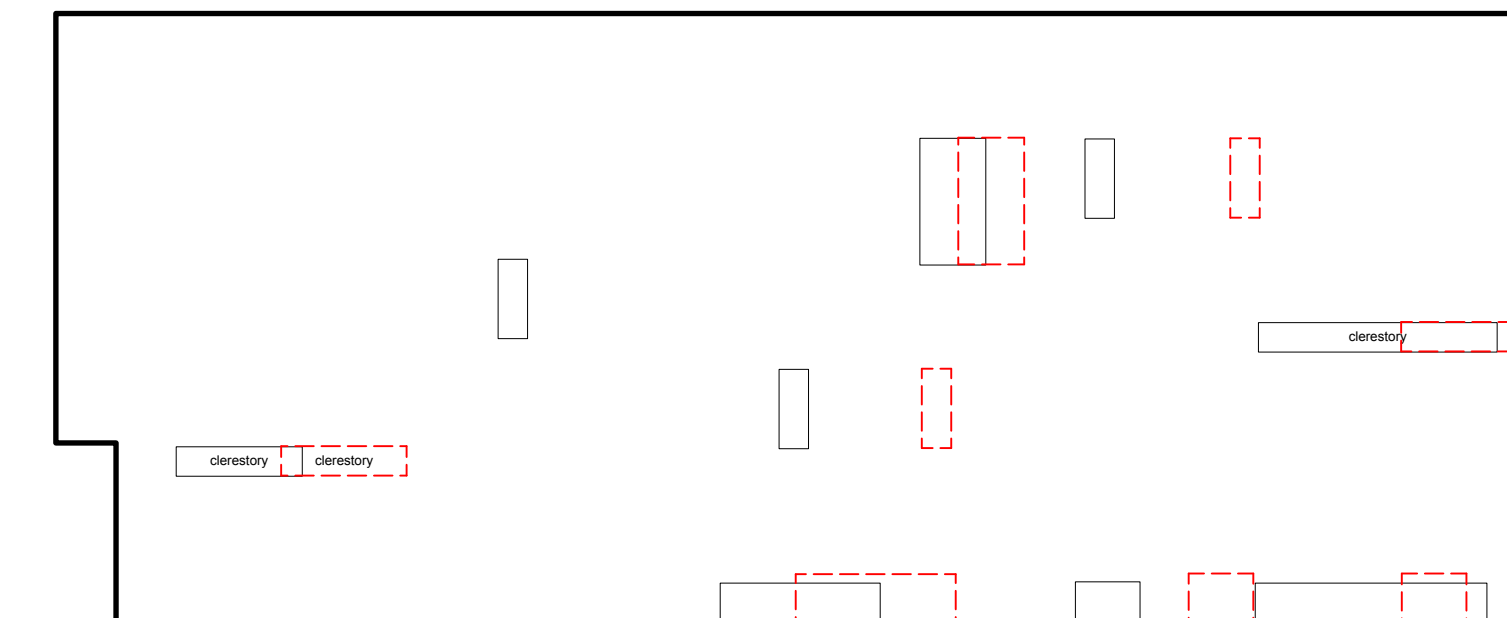
indicates window outline from
neighbouring building

6 Residence 1: North Elevation Neighbouring Building Window Overlay
Scale: 1:96



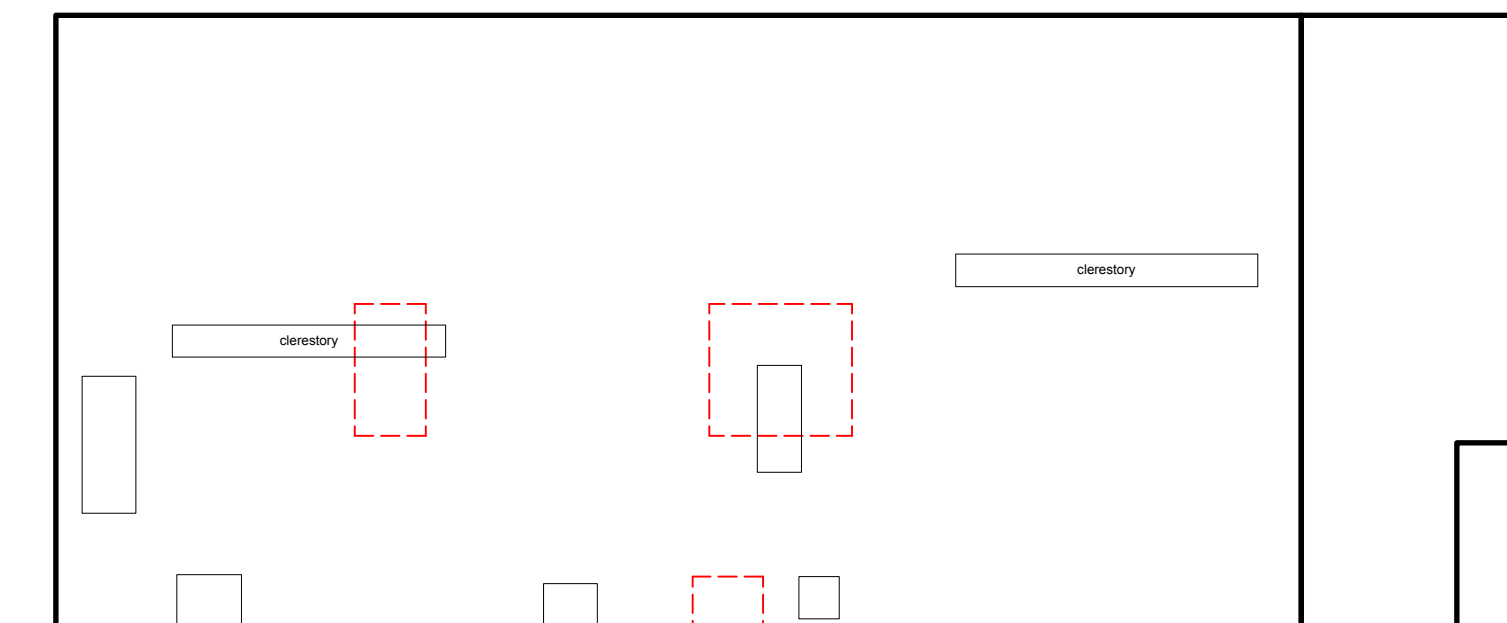
indicates window outline from
neighbouring building

7 Residence 1: South Elevation Neighbouring Building Window Overlay
Scale: 1:96



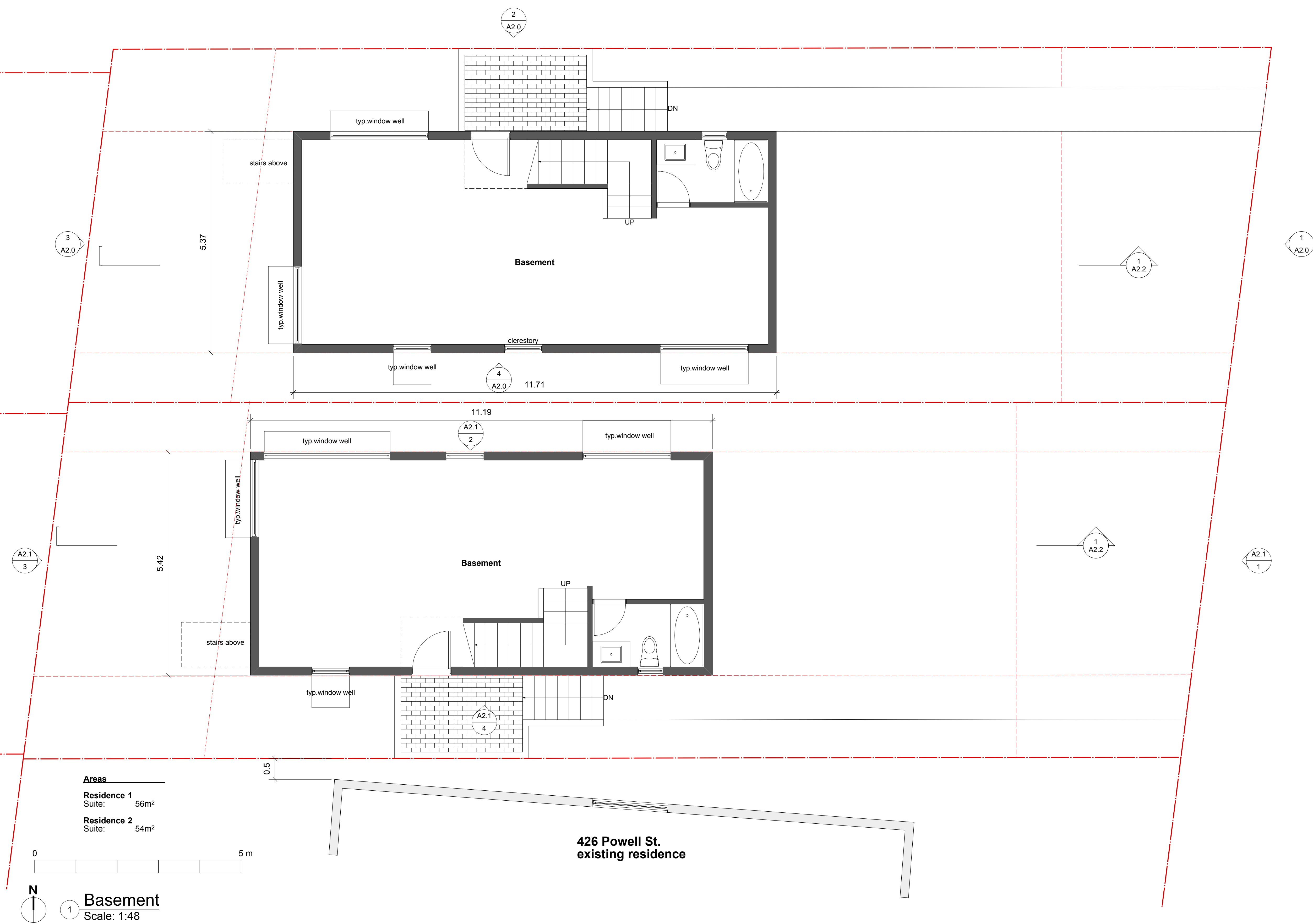
indicates window outline from
neighbouring building

8 Residence 2: North Elevation Neighbouring Building Window Overlay
Scale: 1:96



indicates window outline from
neighbouring building

9 Residence 2: South Elevation Neighbouring Building Window Overlay
Scale: 1:96



James Bay Community Project


**426 Powell St.
existing residence**

Areas

Residence 1
Level 1: 61m²
Garage: 22m² -18.6m² parking stall = 3.4m²

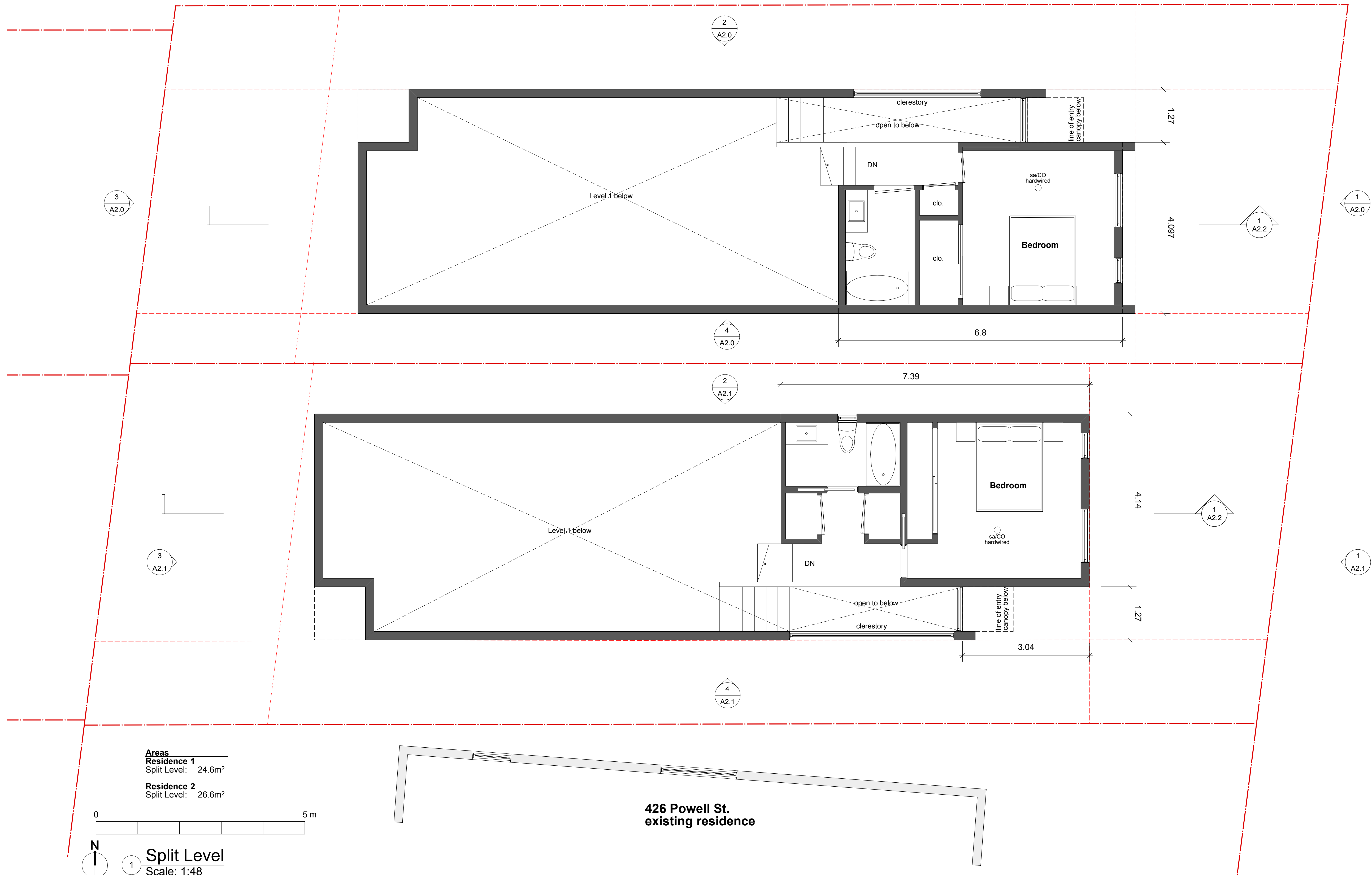
Residence 2
Level 1: 60m²
Garage: 22m² -18.6m² parking stall = 3.4m²

Level 1

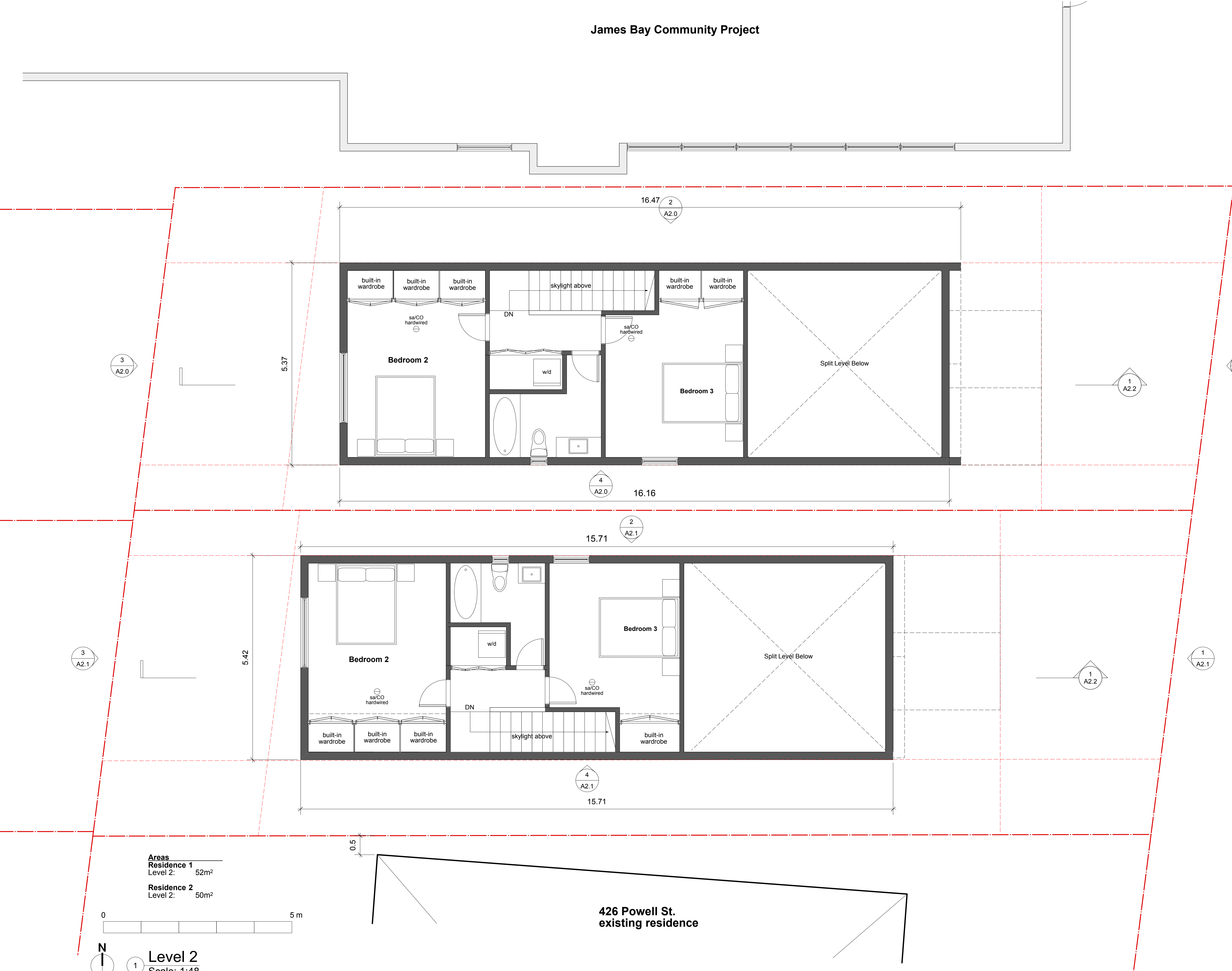


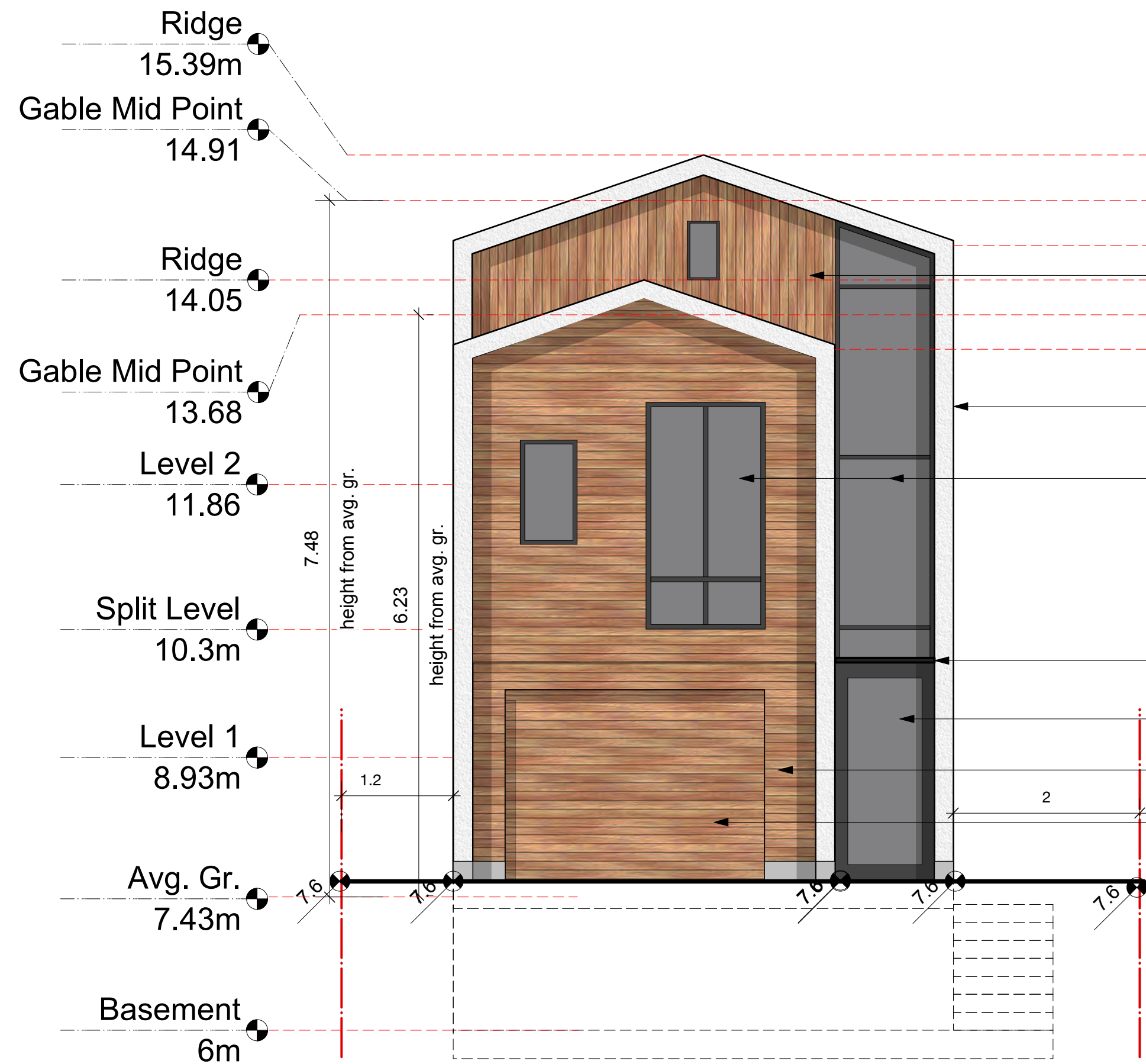
177

James Bay Community Project

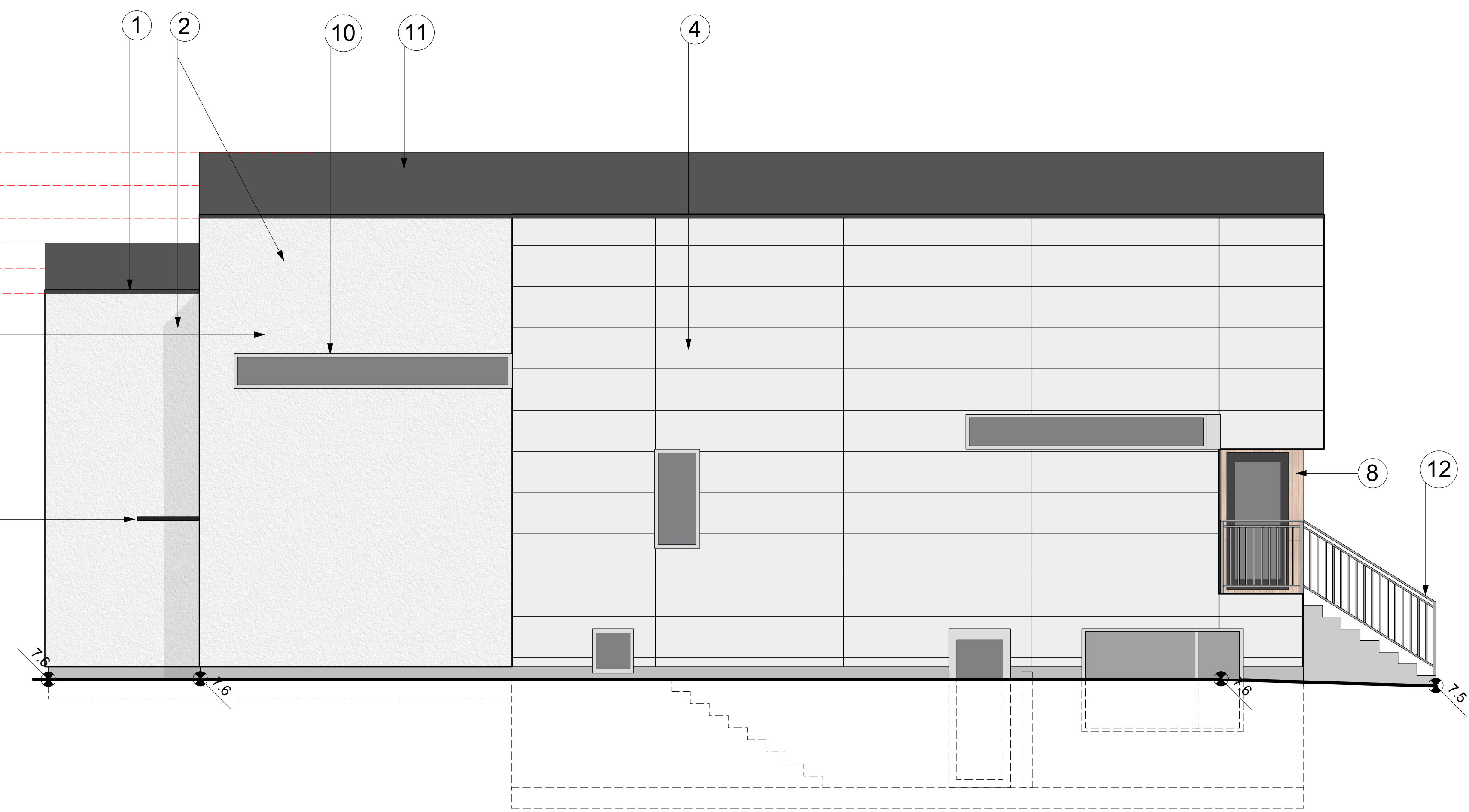


James Bay Community Project

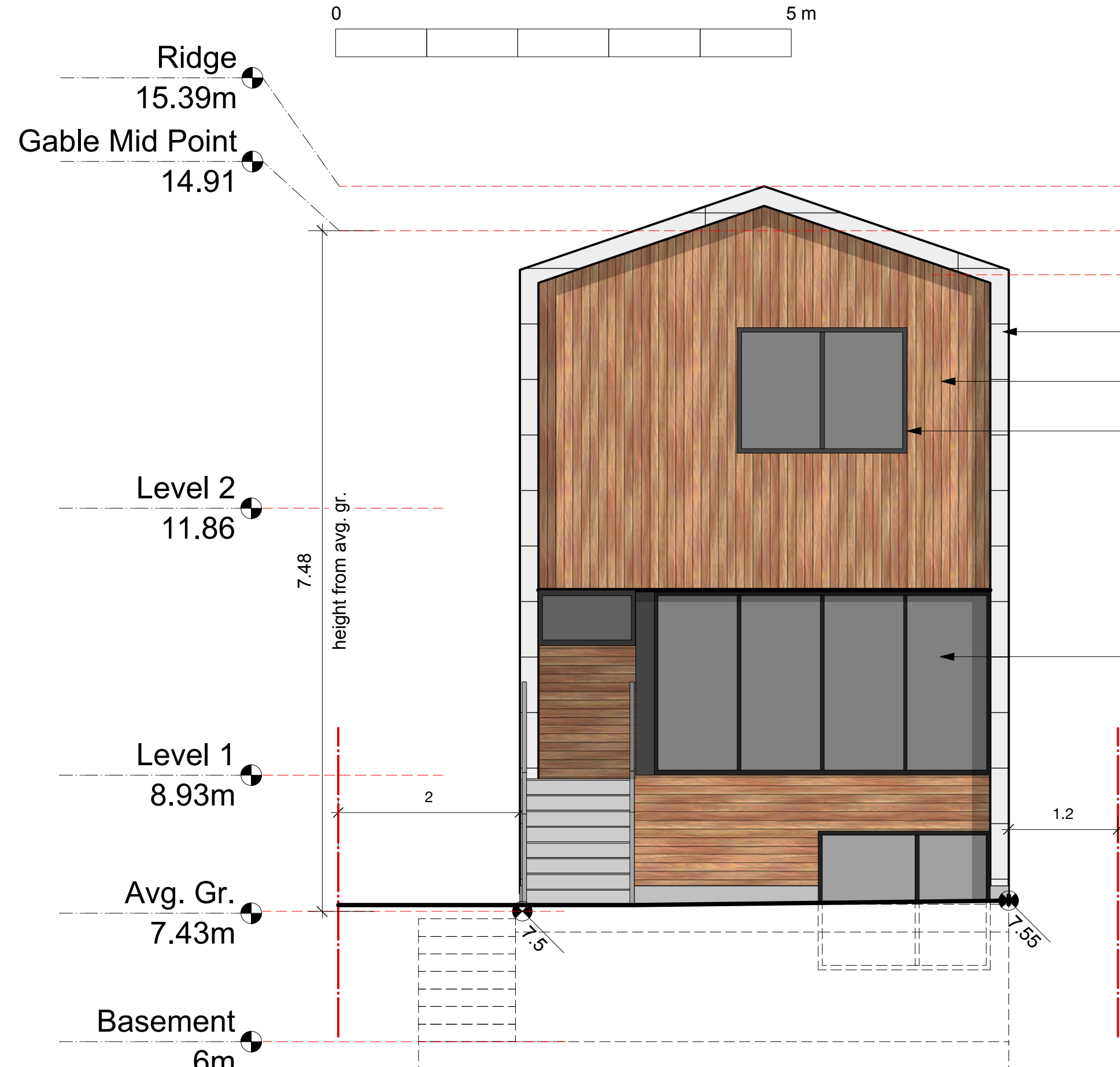




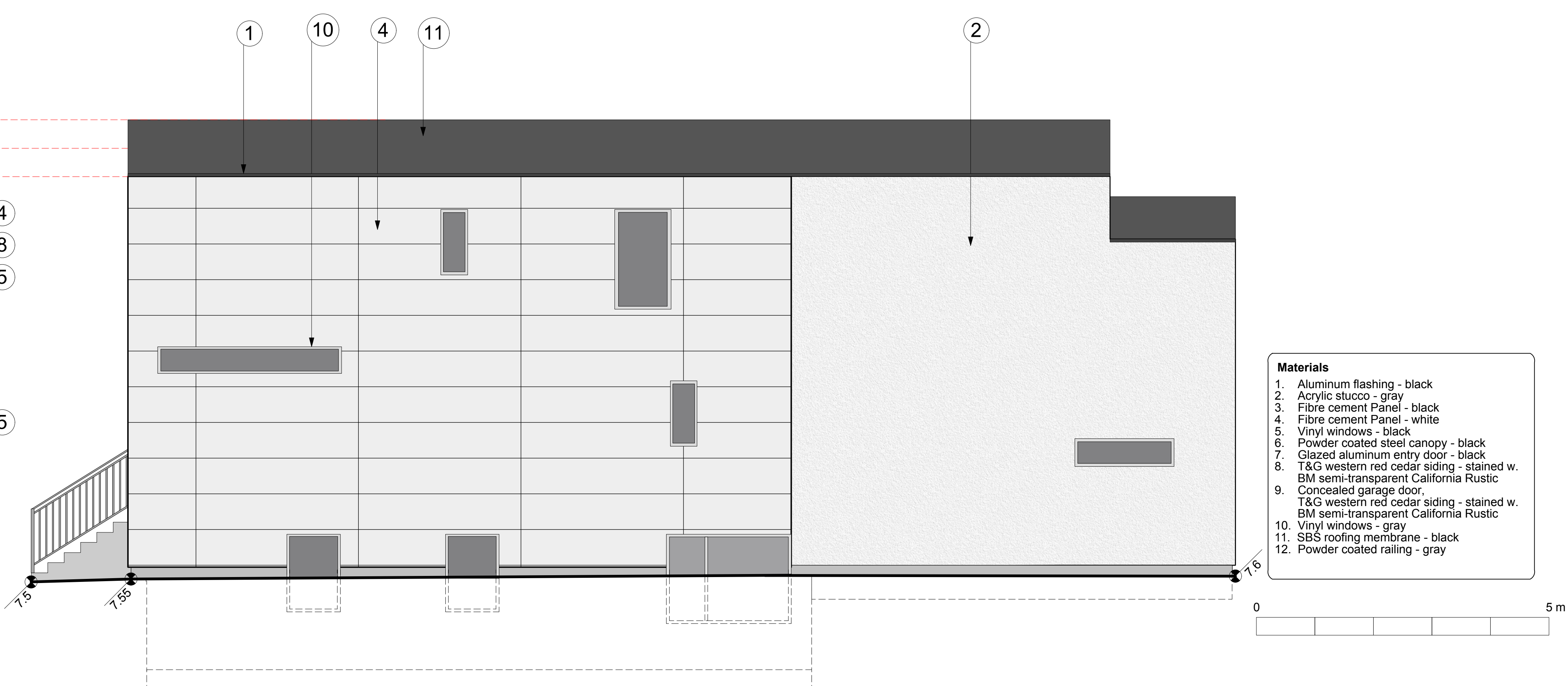
1 Residence 1: East Elevation
Scale: 1:48



2 Residence 1: North Elevation
Scale: 1:48

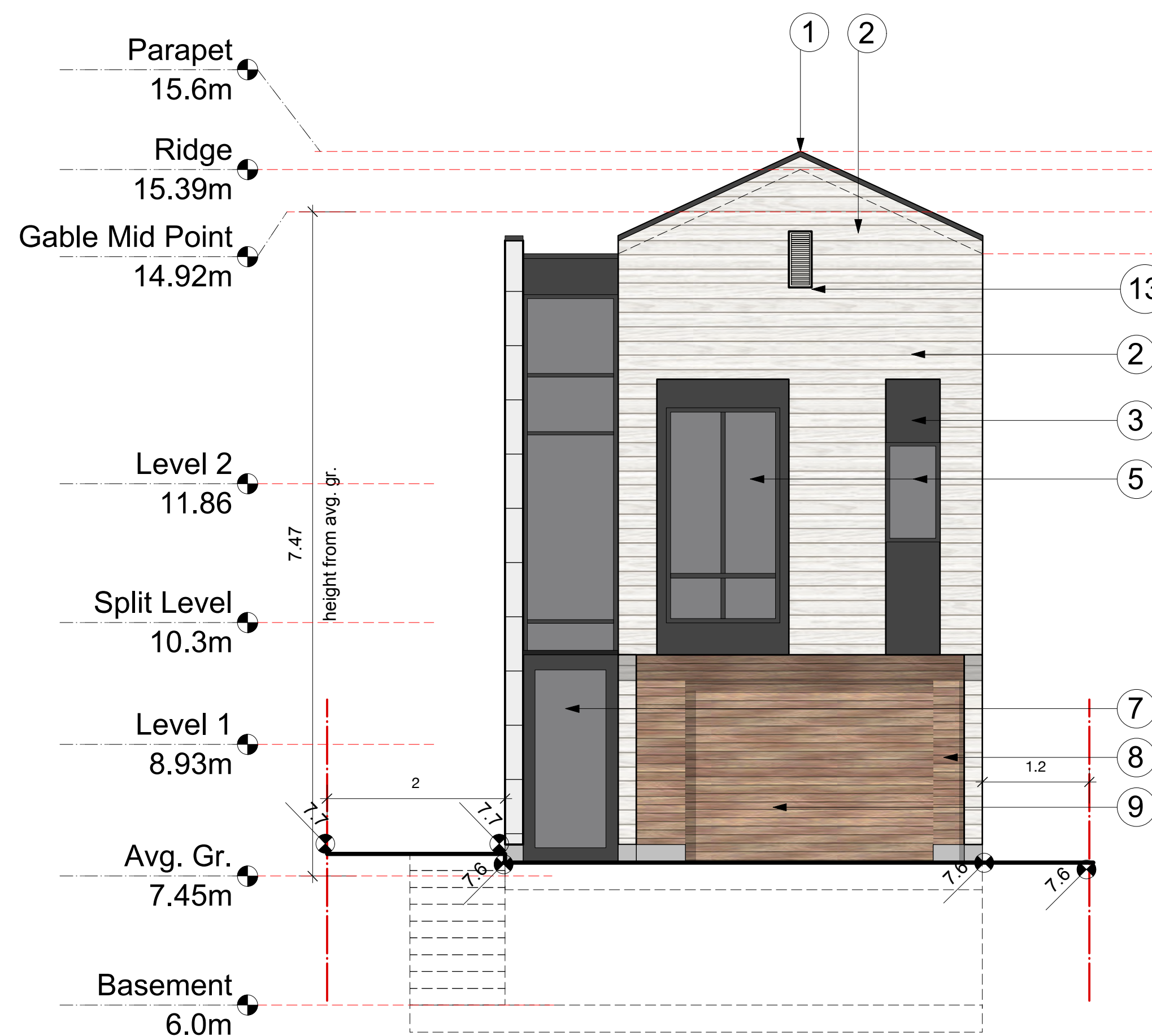


3 Residence 1: West Elevation
Scale: 1:48

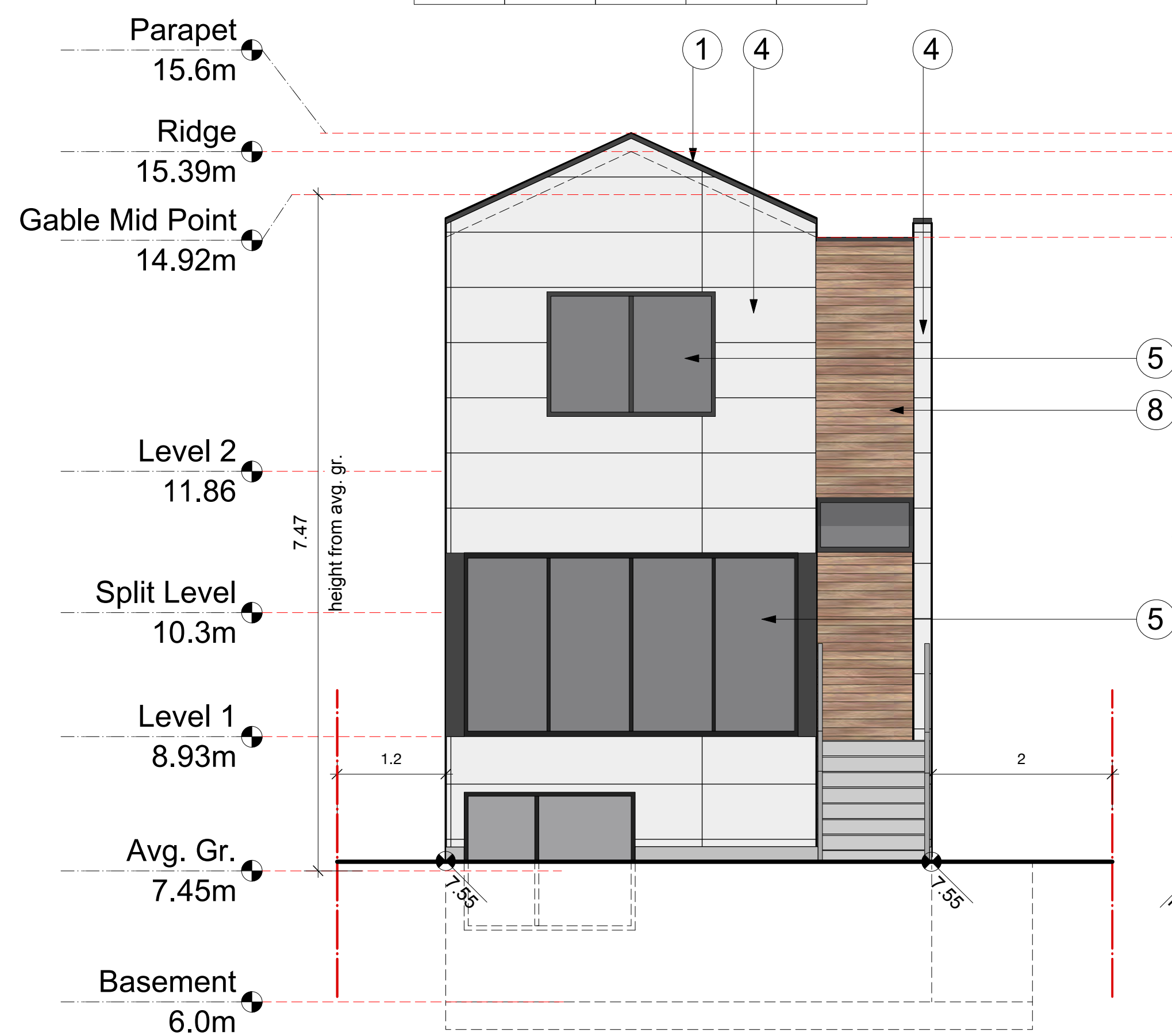


4 Residence 1: South Elevation
Scale: 1:48

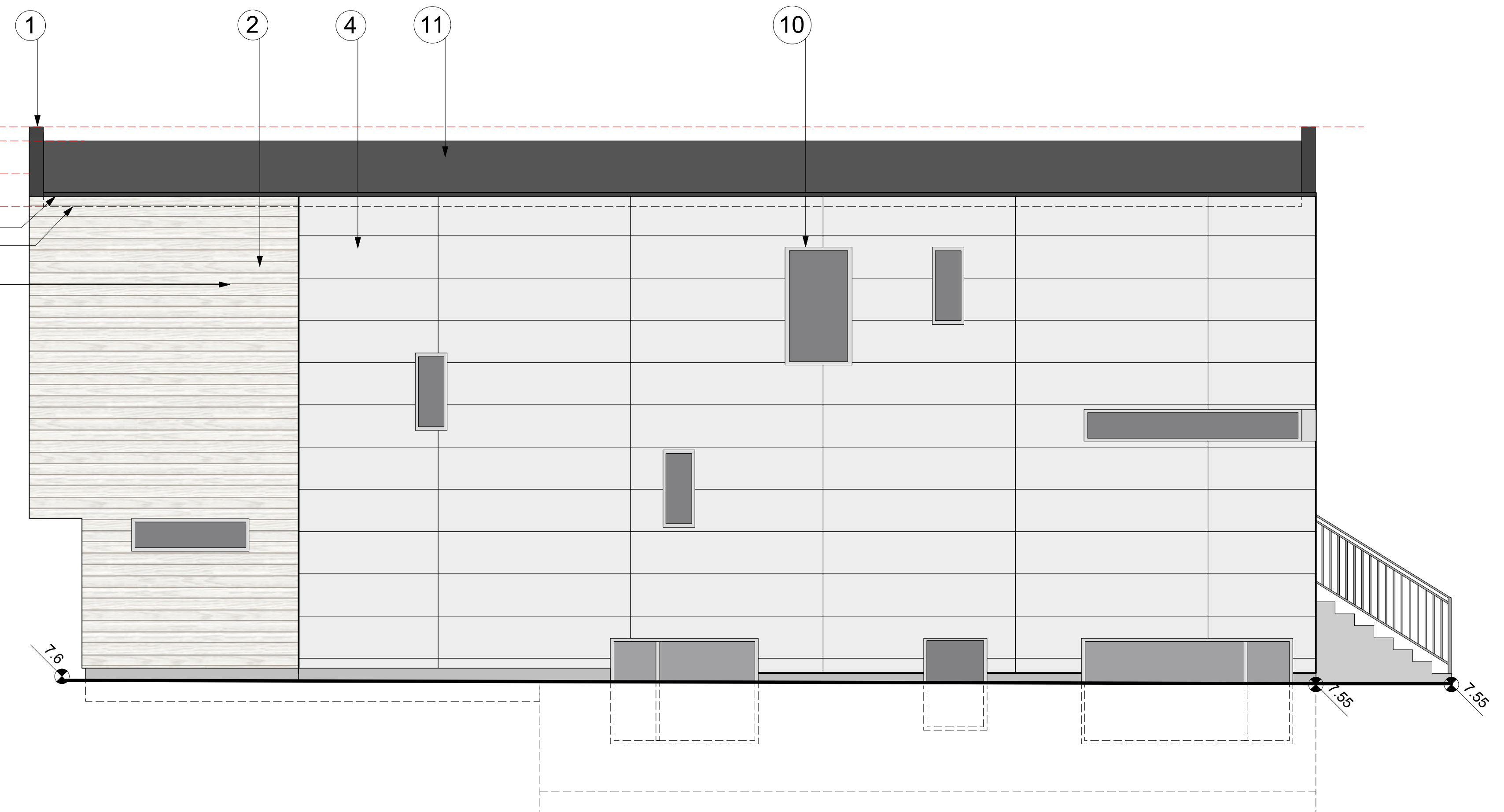
- Materials**
- 1. Aluminum flashing - black
 - 2. Acrylic stucco - gray
 - 3. Fibre cement Panel - black
 - 4. Fibre cement Panel - white
 - 5. Vinyl windows - black
 - 6. Powder coated steel canopy - black
 - 7. Glazed aluminum entry door - black
 - 8. T&G western red cedar siding - stained w. BM semi-transparent California Rustic
 - 9. Concealed garage door, T&G western red cedar siding - stained w. BM semi-transparent California Rustic
 - 10. Vinyl windows - gray
 - 11. SBS roofing membrane - black
 - 12. Powder coated railing - gray



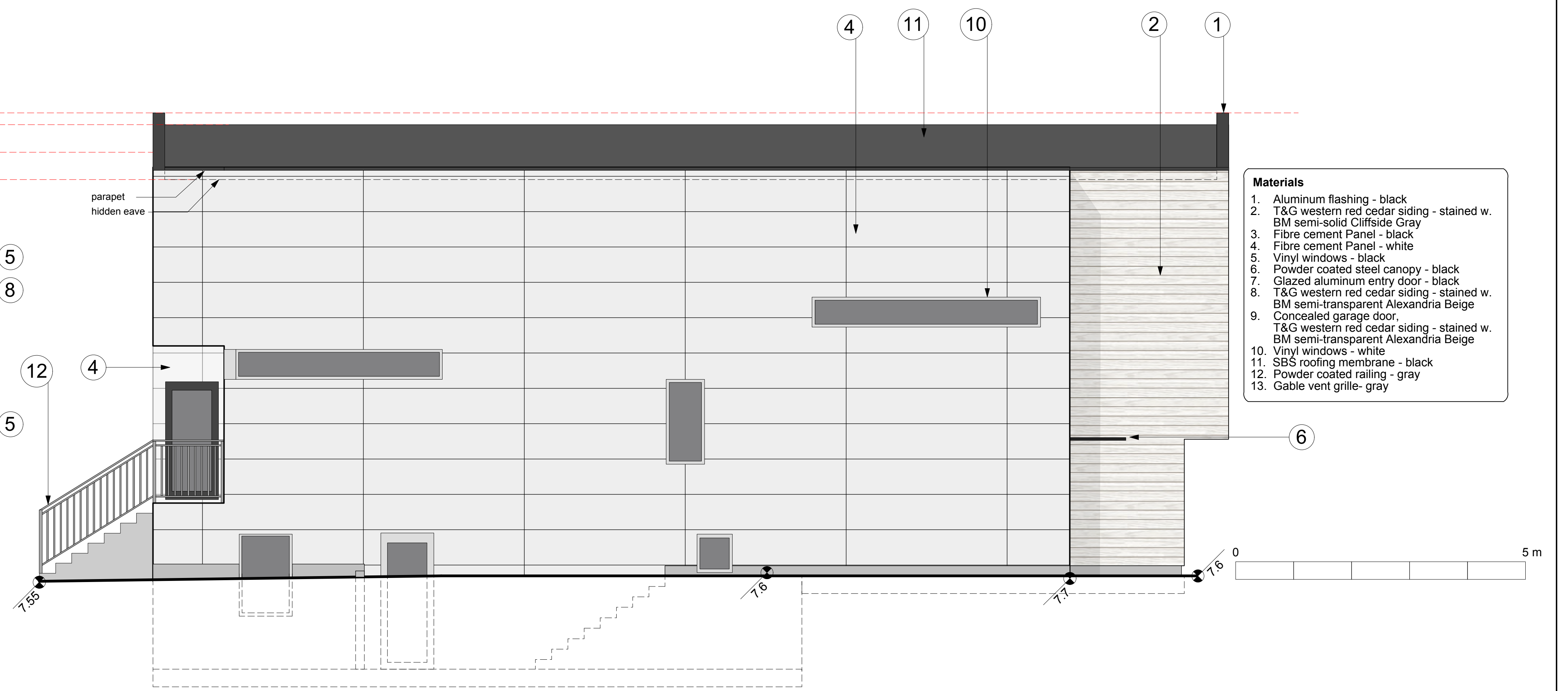
1 Residence 2: East Elevation
Scale: 1:48



3 Residence 3: West Elevation
Scale: 1:48

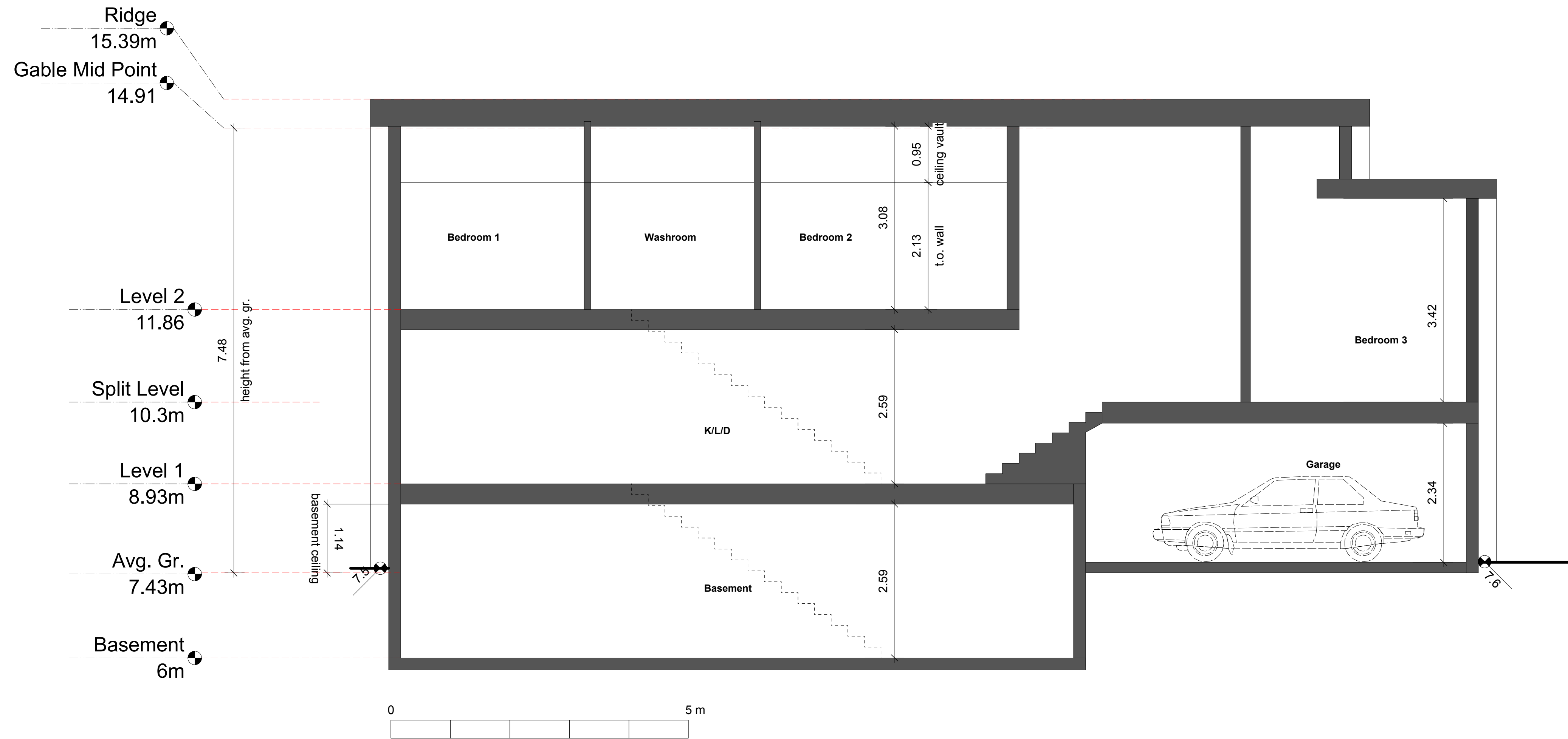


2 Residence 2: North Elevation
Scale: 1:48

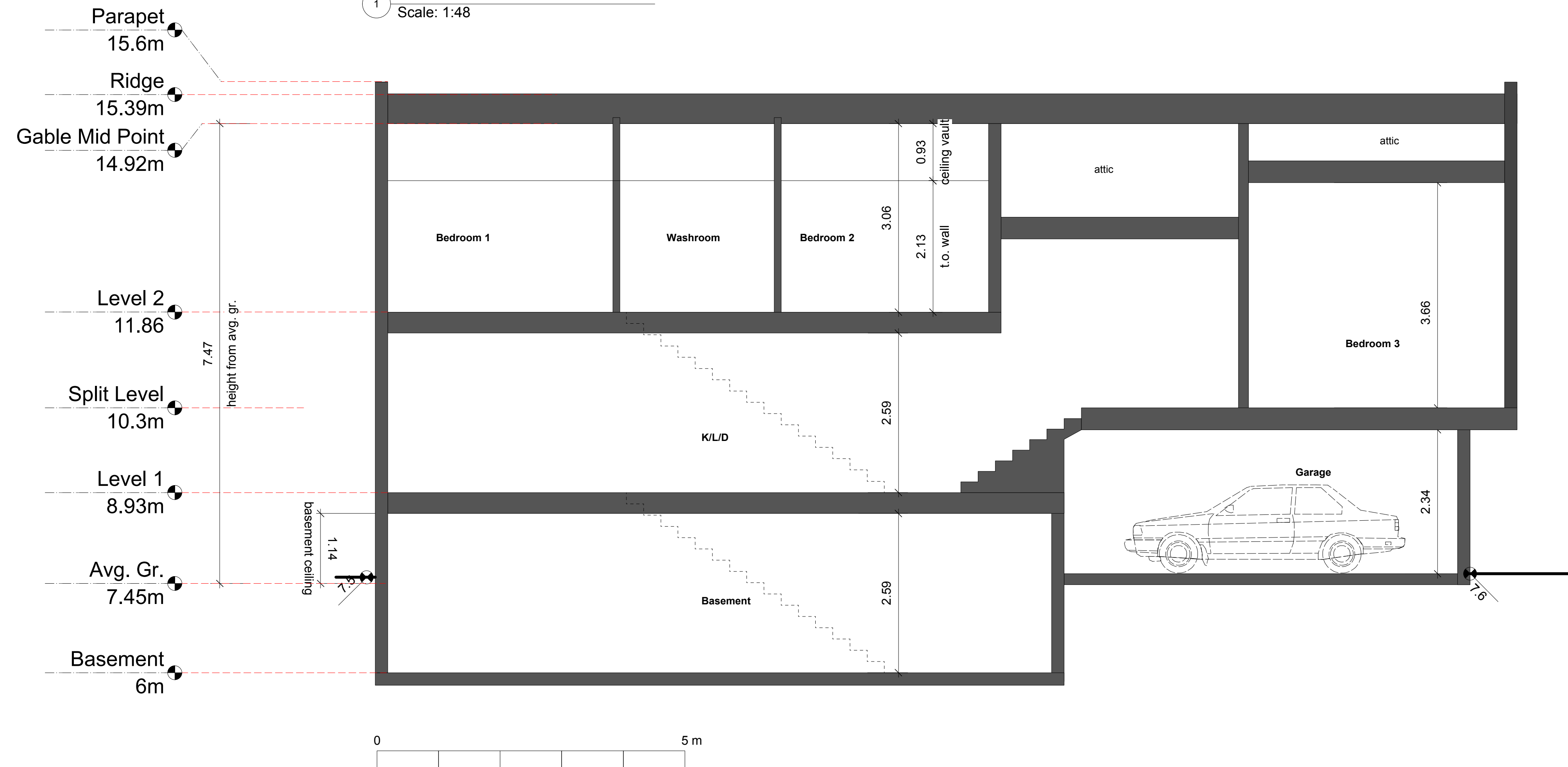


4 Residence 4: South Elevation
Scale: 1:48

- Materials**
1. Aluminum flashing - black
 2. T&G western red cedar siding - stained w. BM semi-solid Cliffside Gray
 3. Fibre cement Panel - black
 4. Fibre cement Panel - white
 5. Vinyl windows - black
 6. Powder coated steel canopy - black
 7. Glazed aluminum entry door - black
 8. T&G western red cedar siding - stained w. BM semi-transparent Alexandria Beige
 9. Concealed garage door, T&G western red cedar siding - stained w. BM semi-transparent Alexandria Beige
 10. Vinyl windows - white
 11. SBS roofing membrane - black
 12. Powder coated railing - gray
 13. Gable vent grille- gray



1 Residence 1: South Section
Scale: 1:48



2 Residence 2: South Section
Scale: 1:48



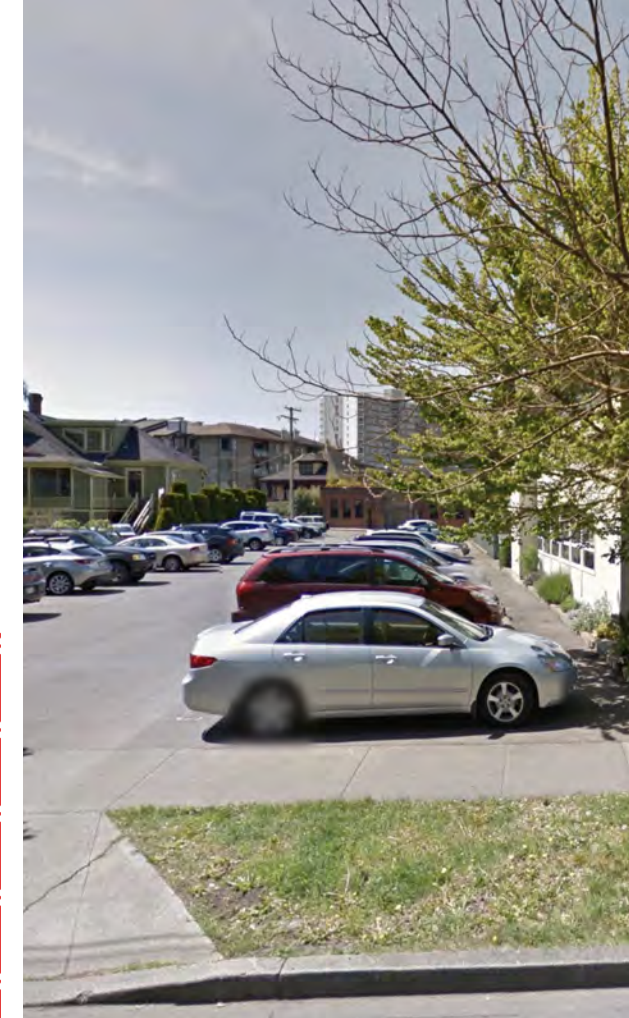
424 Powell St.



426 Powell St.



Existing Parking Lot
430 Powell St.



Existing Parking Lot
430 Powell St.



James Bay Community Project



424 Powell St.

426 Powell St.

Proposed Residence
430 Powell St.

Proposed Residence
430 Parry St.

James Bay Community Project

1 Powell St. Context
Scale: 1:96

ISSUE
Nov. 3, 2020: Application Revisions

PROJECT
430 Powell St.

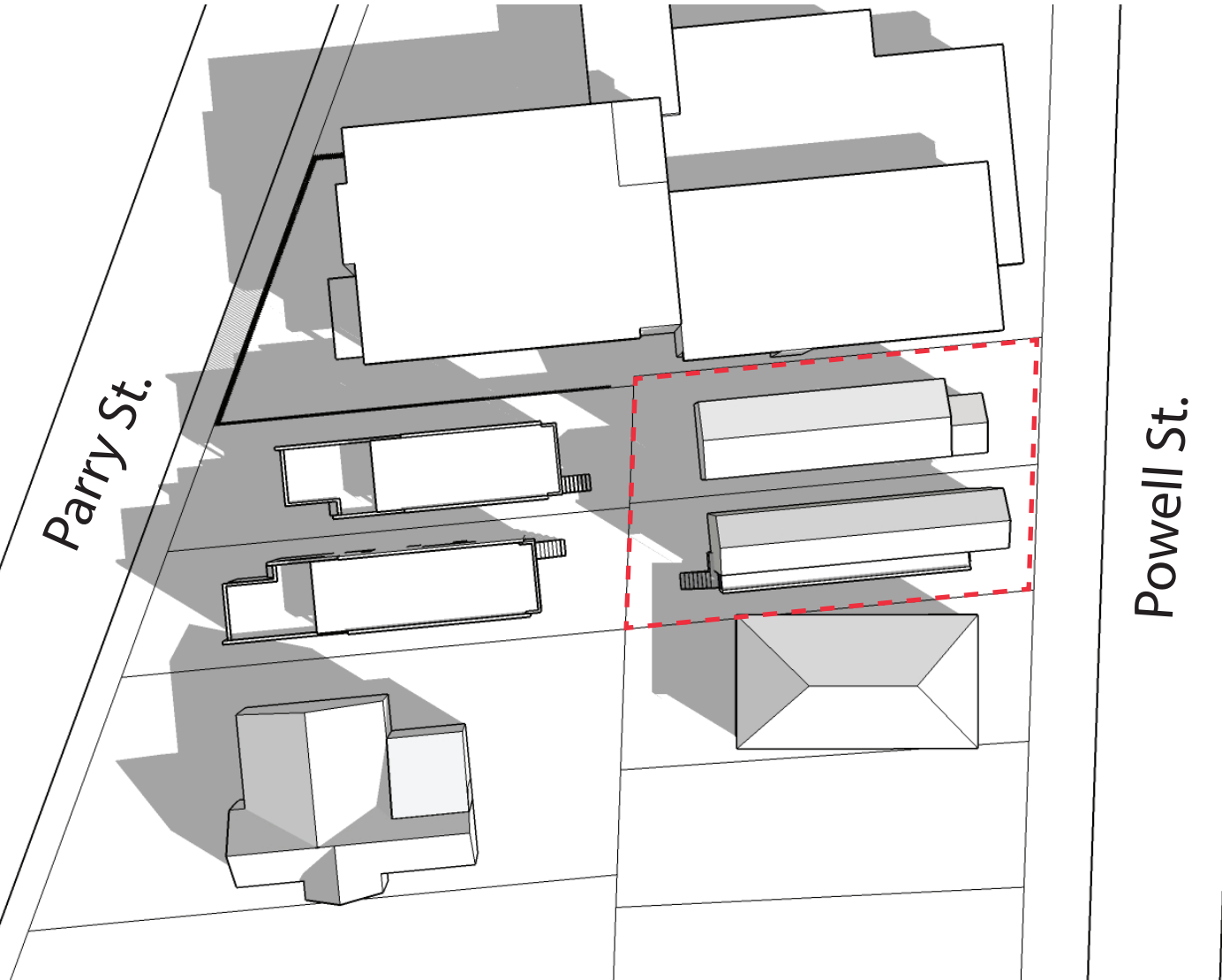
A 2.3
Street Elevation

Spring/Fall Equinox

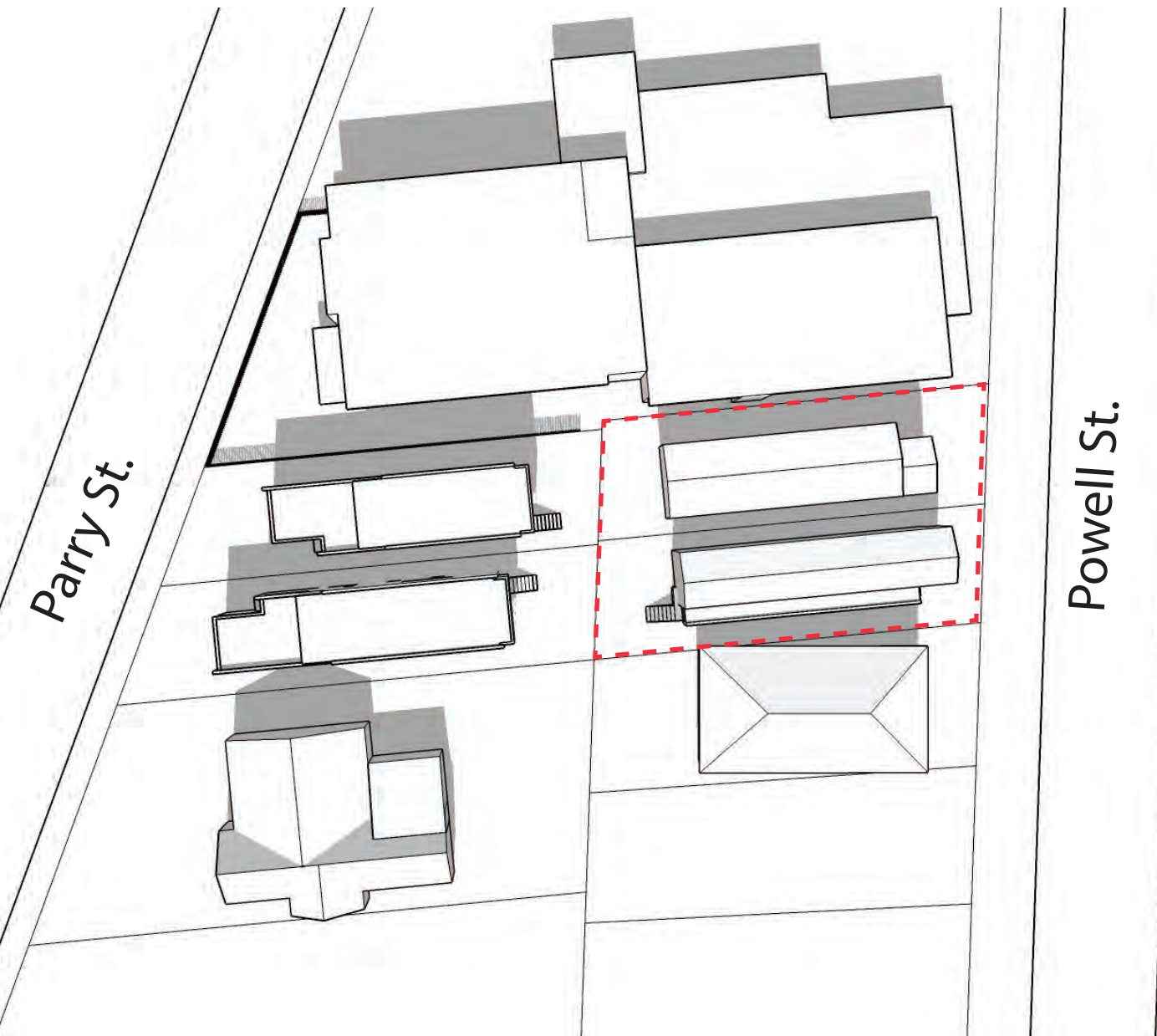
Summer Solstice

Winter Solstice

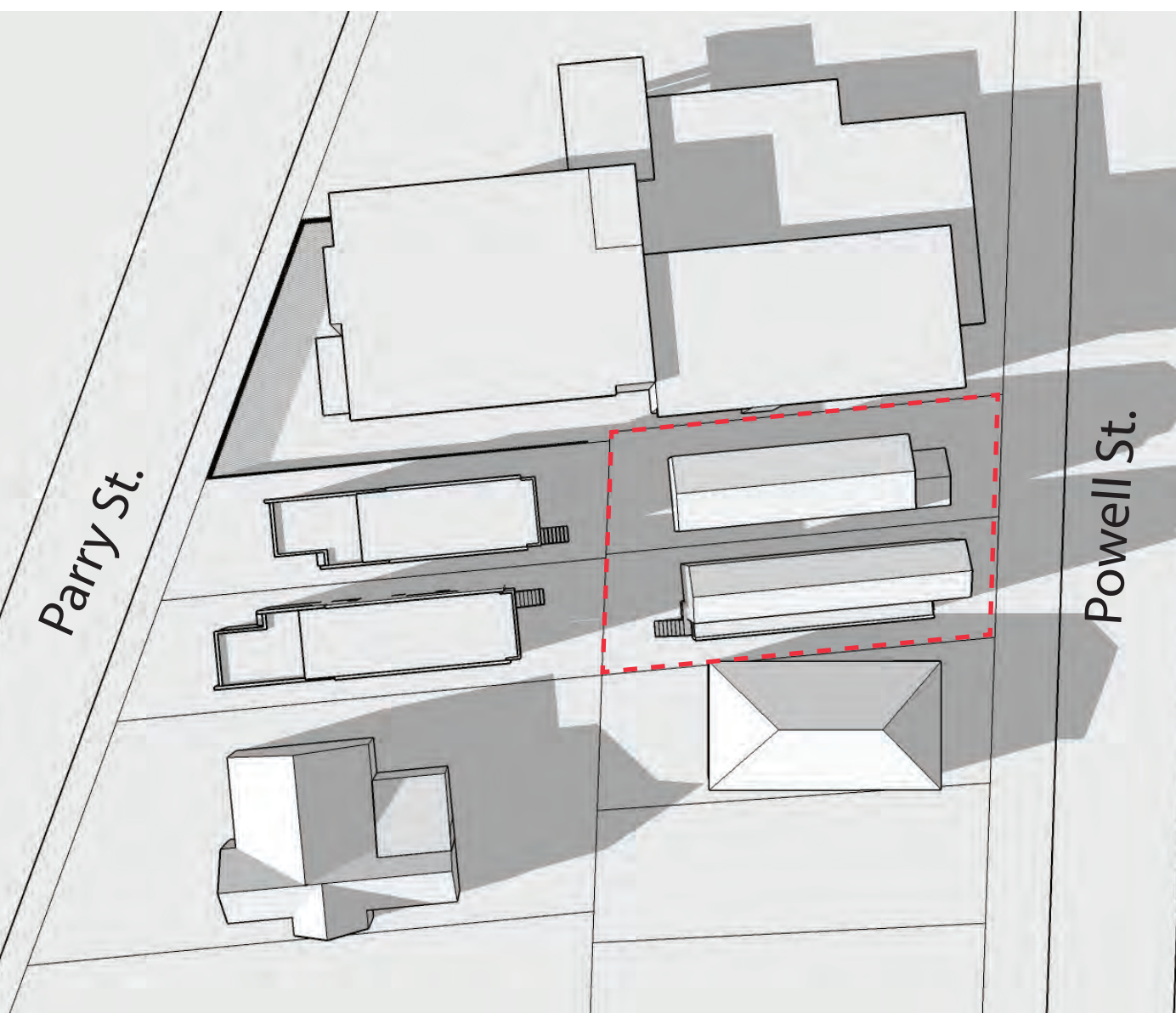
9AM



12PM



4:30PM



Parry St.

Powell St.

Parry St.

Powell St.

Parry St.

Powell St.

Parry St.

Powell St.

Parry St.

Powell St.

Parry St.

Powell St.



924 McClure St.
 Victoria, BC. V8V 3E7
 c. 250.413.7307
 o. 778-432-3550
 e. arcata@telus.net

June 30, 2020
 Mayor and Council
 City of Victoria
 1 Centennial Square
 Victoria, BC V8W 1P6

Re: 430 Powell Street Proposed Development

Dear Mayor and Council,

Introduction

The proposed development is a sensitive infill which seeks to improve a parking lot by providing 2 single family homes in close proximity to James Bay Village and Capital Park.

The Site

The subject site at 430 Powell St. is a legal nonconforming lot zoned as *R-2 Two Family Dwelling District* and is currently being used as a Robbins' monthly parking lot. Our proposal seeks to rezone the parcel to a site specific zone, sub dividing it into 2 small lots similar in size to 429 & 431 Parry St., the neighbouring properties sharing their rear yard boundary with 430 Powell St.



430 Powell St. is adjacent to James Bay Village and half a block from the Capital Park Development. The area offers access to amenities, transportation, and community services like the James Bay Community Project, Five Corners retail, Capital Park, and Irving Park. Powell St. itself has a range of housing typologies suitable for a variety of tenures. Our proposed development will add additional family housing in the community while maintaining a design aesthetic complementary to the immediate context.

Design Rationale

The design of the 2 proposed single family homes draws inspiration from the buildings in the immediate area. Specifically, the gable roof form of the traditional pattern houses which define the character of Powell St.

The material palette is refined and limited consisting primarily of western red cedar, fibre cement panels, and acrylic stucco—all contextual references to the site's surroundings. This ensures that the established quality level of materials remains consistent on Powell St. For example, the front facade has large amounts of glazing which brings an element of lightness and transparency to the street edge while defining and creating a welcoming front door. The front facade is further articulated with Western red cedar accents. The side elevations are finished with a combination of either cedar and fibre cement panels or acrylic stucco and fibre cement panels. Punched openings in the side elevations were carefully placed and sized to respect neighbours privacy and limit overlook.

Green Building Features

The 2 proposed residences incorporate the following green building features:

- Designed to Step Code 3
- High efficiency heat pump system
- Low flow plumbing fixtures and dual flush toilets
- Permeable driveway pavers
- Low maintenance native plantings
- Net increase of trees and vegetation

Policy Framework

Our proposal is consistent with the OCP James Bay Strategic Directions and align with the following:

- 21.16.1 Maintain a variety of housing types and tenures for a range of age groups and incomes.
- 21.16.5 Continue to support sensitive infill.

Additionally, the creation of 2 new single family homes supports the growth management goal of having 40% of new population by 2041 occurring in Large Urban Villages. Our site is adjacent to the James Bay Urban Village and is only 70m from the Urban Core southern boundary, therefore it is ideally located to help support this objective. Furthermore, the infill project helps enhance the City's sustainability goals as follows:

- Our proposal is family-oriented and contributes to the diverse mix of housing types and tenures characteristic of the area. This is an essential component for a vibrant, mixed-used urban village.
- Daily destinations are highly walkable in an amenity rich Large Urban Village.
- The site is adjacent to transportation options including a transit corridor, well-developed sidewalk network, and is in close proximity to the expanding bicycle network, which will all contribute to reduced automobile use.

Conclusion

Our proposal takes an asphalt parking lot and transforms it into 2 single family homes thus adding to the diverse range of housing typologies in the area while aligning with the OCP goals and strategic directions. It is our hope that providing additional housing we can help contribute to the positive growth and vitality of the James Bay Neighbourhood.

Yours truly,



Larry Cecco, MRAIC, AIA int.



James Bay Neighbourhood Association

Victoria, B.C., Canada

August 21st, 2020

Mayor and Council,
City of Victoria

Dear Mayor Helps and Councilors,

Re: CALUC Community Discussion - 430 Powell Street

As mentioned in March 30th, 2020, correspondence to Mayor and Council, a pre-meeting was held on Friday, March 13th to consider the readiness of the 430 Powell Street proposal. The proposal was briefly discussed at the December 11th, 2019, JBNA meeting which considered the companion developments at 429-431 Parry Street (a courtesy presentation). At that time, nearby neighbours expressed appreciation of the developer's approach

To facilitate the development of this site, which is on the same 'parking lot' as the 429/431 Parry development which has been approved at Committee of the Whole and is proceeding, JBNA called a ZOOM Community Discussion Forum to consider the proposal.

An invitation was distributed to 62 residences within 100m of the subject property (see Appendix 'A') and to those on the JBNA e-lists. 13 community members participated in the ZOOM discussion. In addition to comments at the forum, we received phone-calls and e-mails about the proposal. An e-mail from a resident is attached as Appendix 'B'.

Conrad Nyren, Magellan Holdings Ltd., presented the proposal. He described the changes made to assist the JB Community Project access problems and the compatibility of this proposal with the Parry St project (see Appendix 'C'). The Powell Street application is for site-specific zoning based on the R1S2 small lot zone. The proposal is for a sensitive in-fill of two small family appropriate dwellings. The architect didn't want to mimic heritage, but wanted to complement the existing heritage homes on Powell St.

One Powell St resident stated she had consulted with other neighbours who could not participate due to technology limitations. All were supportive of the project as presented. The massing and design complemented the existing homes on Powell Street and would add family housing to the area.

.. 2

The only concern raised was the loss of parking. Since the parking was, in the main, leased parking, those currently with spots could be expected to search for other leasing opportunities.

The proponent also spoke of a support letter from the Songhees Investment Development Corporation, which had sold the property for development (Appendix 'D').

Since the development will involve 'small lot' zoning, the proponent needed to survey nearby properties. An interim report on that survey is attached (Appendix 'E').

Although the CALUC process is under review due to the COVID-19 pandemic, we believe that given the overall positive community feedback, that the community consultation obligations have now been met.

For your consideration,



Marg Gardiner
President, JBNA

Cc: JBNA Board
Chloe Tunis, CoV Planner
Conrad Nyren, Magellan Holdings Ltd.
Danny Zeigler, Arcata

Appendix 'A'

Community Forum Notice delivered to 62 residences within 100meters



jbna@jbna.org
Victoria, B.C., Canada

James Bay Neighbourhood Association

www.jbna.org
August, 2020

430 Powell St Community Forum

JBNA is hosting a Community Discussion to consider, and receive comment on, the proposed development for 430 Powell Street on Wednesday, August 12th, at 7pm, via ZOOM conferencing.

430 Powell St: currently nonconforming lot that dates back to the original street layout of James Bay; the Official Community Plan designation is Traditional Residential.

Zoning (existing) R2-Two Family Dwelling District

Zoning (proposed) TBD (site specific)



The proposal subdivides the existing R-2 zoned lot into 2 smaller lots similar in size to 429 & 431 Parry St.— the neighbouring properties to the west.

The proposed residences are modest 3 bedroom, 2 bathroom, houses with a garage; total floor areas of 1,518 sq.ft. and 1,507 sq.ft. over two storeys.

For information, you may call/e-mail:

Proponent: Conrad Nyren, Magellan Holding Ltd, 250-589-9520,
conradnyren01@gmail.com

JBNA CALUC Co-Chairs:

Marg Gardiner, marg.jbna@telus.net 250-360-0300

Tim VanAlstine, timothyvanalstine@gmail.com 250-704-6566

Join Zoom Meeting (link will also be sent to those on JBNA e-lists):

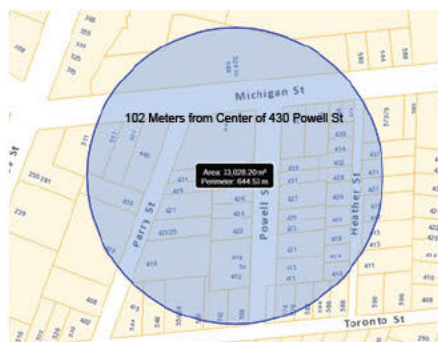
<https://us02web.zoom.us/j/85408664940?pwd=cFRQW9lNU1lMWlvTXNtU0FkVmhwWz09>

Meeting ID: 854 0866 4940

Passcode: 797593

Note: the City is currently modifying a comment system and may, or may not, provide on-line comment opportunity in addition to receiving letters about the project.

JBNA ~ honouring our history, building our future



Appendix 'B'
Correspondence received from resident

From: Coralee Bell [REDACTED]
Subject: 430 Powell Street Community Forum
Date: August 12, 2020 at 8:33:06 PM PDT
To: "timothyvanalstine@gmail.com"
Cc: "marg.jbna@telus.net"

Hi Tim,

Thank you for taking the time to talk with us regarding the development proposal by telephone as we did not receive the Zoom meeting invitation. Much appreciated!

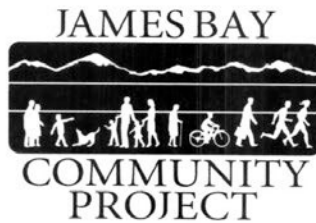
We both believe that Single Family homes preserve diversity and provide stabilization in healthy neighbourhoods. Capital Park has already built multiple condominiums and also some townhouses. On Parry Street, (one block away), a 5-story condominium building is in the process of being approved. Single family homes are in short supply and in high demand.

Conrad has been exceptionally receptive to the suggestions and concerns of neighbours surrounding the proposed development. We are pleased with both the design and choice of tasteful exterior finishing materials that are complementary to the existing homes here on Powell Street.

Kind regards,
Coralee Bell & Bob Hornsby
YYY Powell Street

Appendix 'C'

Letter of Support from JB Community Project directly to north



30th July, 2020

Mayor & Council
City of Victoria

Dear Mayor Helps and Councillors,

Re: 430 Powell Street Proposed Development

The James Bay Community Project (legal name James Bay Health & Community Services Society) situated at 547 Michigan Street, is a non-profit social services agency and the owner of a property adjoining the above property.

This letter is in support of the application to the City of Victoria by Magellan Holdings Ltd. to build two houses on the property identified as 430 Powell Street.

Conrad Nyren from Magellan Holdings Ltd. has undertaken extensive consultations with the James Bay Community Project (JBCP) regarding Magellan Holdings' plans to build two dwellings on this property. These consultations resulted in a legal agreement which will ensure that JBCP's needs (including emergency access) are met and that the development does not negatively impact JBCP.

JBCP has appreciated both the process and the substance of our discussions with Mr. Nyren, and are happy to unreservedly support the above application.

Regards,

A handwritten signature in black ink, appearing to read "Kaye Kennish".

Kaye Kennish
Executive Director, James Bay Community Project

cc. Conrad Nyren, Magellan Holdings Ltd.
Tim Schober – Chair, JBCP

547 Michigan Street Victoria BC V8V 1S5 · Tel. 250-388-7844 · Fax. 250-388-7856

Appendix 'D'
Letter of Support from Property Owner



Songhees Nation Investment Corporation

May 26, 2020

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

Dear Mayor and Council,
Re: 429 and 431 Parry Street and 430 Powell St Proposed Developments

On behalf of the Songhees Nation Investment Corporation and Songhees Nation, I write to convey support for the proposed development of 429 and 431 Parry Street.

When Songhees Nation acquired these properties under an Incremental Treaty Agreement with BC, the objective was revenue generation for the Nation. The property currently yields \$11,000 per year. The Songhees Nation Investment Corporation explored a joint development with the James Bay Community Project and a small housing development with a partner but settled on selling the property to invest in another development opportunity.

The proponents at Magellan Holdings Ltd have a vision for the property that we feel is appropriate for the neighbourhood and we note that it is supported by the James Bay Neighbourhood Association.

We ask that you approve this zoning variance so that we can complete the sale of the property and move forward with our investment.

Sincerely



Christina Clarke
CEO Songhees Development Corporation

cc Songhees Nation Investment Corporation Board of Directors

Appendix 'E' (12 pages)

Small Lot House Rezoning petition (note: interim as survey not yet completed)

SUMMARY SMALL LOT HOUSE REZONING PETITION

I, CONRAD NYREN, have petitioned the adjacent neighbours* in compliance with
(applicant)
the Small Lot House Rezoning Policies for a small lot house to be located at 430 POWELL ST.
(location of proposed house)
and the petitions submitted are those collected by JULY 30/2020.**
(date)

Address	In Favour ✓	Opposed ✓	Neutral (30-day time expired) ✓
547 MICHIGAN ST	✓		
559 MICHIGAN ST	✓		
433 POWELL ST	✓		
426 POWELL ST.	✓		
* 431 POWELL ST.	✓		
* 429 PARRY ST	✓		
431 PARRY ST.	✓		
427 POWELL			
#1-427 PARRY	RELEASED & VACANT	✓	
424 POWELL			
#2-427 PARRY ST	✓		
#4-427 PARRY ST.	✓		
#3-427 PARRY			
* BOTH PROPERTIES OWNED BY SAME ENTITY			

SUMMARY	Number	100%
IN FAVOUR	9	15%
OPPOSED		0%
TOTAL RESPONSES		100%

(TO DATE)

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

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

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

CONRAD NYREN

(print name)

, am conducting the petition requirements for the

property located at 430 POWELL ST.

to the following Small Lot Zone: SITE SPECIFIC

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

Please review the plans and indicate the following:

NAME: (please print) KAYE KENNISH - Signatory for JAMES BAY HEALTH & COMMUNITY SERVICES SOCIETY (see note above)

ADDRESS: 547 MICHIGAN STREET, VICTORIA

Are you the registered owner? Yes ☒ JBHCS is owner No ☐

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

☒ I support the application.

☐ I am opposed to the application.

Comments:

We are very happy with these plans and with the process of consultation.

30 July 2020

Date

Kaye Kennish

Signature

CITY OF VICTORIA

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

CONRAD NYREN, am conducting the petition requirements for the
(print name)

property located at 430 POWELL ST.

to the following Small Lot Zone: T.B.D. (SMALL LOT)

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

Please review the plans and indicate the following:

NAME: (please print) INGRID HOLM (see note above)

ADDRESS: 559 MICHIGAN ST., VICTORIA

Are you the registered owner? Yes ☒ No ☐

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

☒ I support the application.

☐ I am opposed to the application.

Comments:

100% HAS MY APPROVAL!

JULY 31/2020
Date

Ingrid Holm
Signature

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

CONRAD NYREN (print name), am conducting the petition requirements for the

property located at 430 POWELL ST.

to the following Small Lot Zone: T.P.D. (SMALL LOT)

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

Please review the plans and indicate the following:

NAME: (please print) Coralie Bell (see note above)

ADDRESS: 433 Powell Street Victoria BC

Are you the registered owner? Yes ☒ No ☐

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

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

Comments:

I think the applicants/developers have
done an exemplary job of designing their homes to
fit in with the existing neighbourhood!

July 31, 2020
Date

Coralie Bell
Signature

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

CONRAD NYREN
(print name), am conducting the petition requirements for the

property located at 430 POWELL ST.

to the following Small Lot Zone: T.B.D. (SMALL LOT)

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

Please review the plans and indicate the following:

NAME: (please print) Stacey Rod (see note above)

ADDRESS: 426 Powell St

Are you the registered owner? Yes ☒ No ☐

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

☒ I support the application.

☐ I am opposed to the application.

Comments:

Date

Signature

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

CONRAD NYREW (print name), am conducting the petition requirements for the

property located at 430 POWELL ST.

to the following Small Lot Zone: T.B.D. (SMALL LOT)

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

Please review the plans and indicate the following:

NAME: (please print) MONICA KURC (see note above)

ADDRESS: 431 POWELL ST.

Are you the registered owner? Yes ☒ No ☐

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

☒ I support the application.

☐ I am opposed to the application.

Comments:

Happy that SINGLE FAMILY HOUSES
ARE BEING IN

Aug 1 / 2020
Date

[Signature]
Signature

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

CONRAD NYREN
(print name)

, am conducting the petition requirements for the

property located at 430 POWELL STREET

to the following Small Lot Zone: T.B.D. (SMALL LOT)

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

Please review the plans and indicate the following:

NAME: (please print) SONQUEES NATION INVESTMENT CORP.
(see note above)

ADDRESS: 431 AND 429 PARRY ST

Are you the registered owner? Yes ☒ No ☐

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

☒ I support the application.

☐ I am opposed to the application.

Comments:

JULY 31/2020
Date

[Signature]
Signature

CITY OF VICTORIA

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

CONRAD NYREN
(print name)

, am conducting the petition requirements for the

property located at 430 POWELL STREET

to the following Small Lot Zone: T.B.D. (SMALL LOT)

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

Please review the plans and indicate the following:

NAME: (please print) SONQUEES NATION INVESTMENT CORP.
(see note above)

ADDRESS: 431 AND 429 PARRY ST

Are you the registered owner? Yes ☒ No ☐

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

☒ I support the application.

☐ I am opposed to the application.

Comments:

JULY 31/2020
Date

[Signature]
Signature

CITY OF VICTORIA



924 McClure St.
Victoria, BC. V8V 3E7
c. 250.413.7307
o. 778-432-3550
e. arcata@telus.net

June 30, 2020
Mayor and Council
City of Victoria
1 Centennial Square
Victoria, BC V8W 1P6

Re: 430 Powell Street Proposed Development

Dear Mayor and Council,

Introduction

The proposed development is a sensitive infill which seeks to improve a parking lot by providing 2 single family homes in close proximity to James Bay Village and Capital Park.

The Site

The subject site at 430 Powell St. is a legal nonconforming lot zoned as *R-2 Two Family Dwelling District* and is currently being used as a Robbins' monthly parking lot. Our proposal seeks to rezone the parcel to a site specific zone, sub dividing it into 2 small lots similar in size to 429 & 431 Parry St., the neighbouring properties sharing their rear yard boundary with 430 Powell St.



430 Powell St. is adjacent to James Bay Village and half a block from the Capital Park Development. The area offers access to amenities, transportation, and community services like the James Bay Community Project, Five Corners retail, Capital Park, and Irving Park. Powell St. itself has a range of housing typologies suitable for a variety of tenures. Our proposed development will add additional family housing in the community while maintaining a design aesthetic complementary to the immediate context.

Design Rationale

The design of the 2 proposed single family homes draws inspiration from the buildings in the immediate area. Specifically, the gable roof form of the traditional pattern houses which define the character of Powell St.

The material palette is refined and limited consisting primarily of western red cedar, fibre cement panels, and acrylic stucco—all contextual references to the site's surroundings. This ensures that the established quality level of materials remains consistent on Powell St. For example, the front facade has large amounts of glazing which brings an element of lightness and transparency to the street edge while defining and creating a welcoming front door. The front facade is further articulated with Western red cedar accents. The side elevations are finished with a combination of either cedar and fibre cement panels or acrylic stucco and fibre cement panels. Punched openings in the side elevations were carefully placed and sized to respect neighbours privacy and limit overlook.

Green Building Features

The 2 proposed residences incorporate the following green building features:

- Designed to Step Code 3
- High efficiency heat pump system
- Low flow plumbing fixtures and dual flush toilets
- Permeable driveway pavers
- Low maintenance native plantings
- Net increase of trees and vegetation

Policy Framework

Our proposal is consistent with the OCP James Bay Strategic Directions and align with the following:

- 21.16.1 Maintain a variety of housing types and tenures for a range of age groups and incomes.
- 21.16.5 Continue to support sensitive infill.

Additionally, the creation of 2 new single family homes supports the growth management goal of having 40% of new population by 2041 occurring in Large Urban Villages. Our site is adjacent to the James Bay Urban Village and is only 70m from the Urban Core southern boundary, therefore it is ideally located to help support this objective. Furthermore, the infill project helps enhance the City's sustainability goals as follows:

- Our proposal is family-oriented and contributes to the diverse mix of housing types and tenures characteristic of the area. This is an essential component for a vibrant, mixed-used urban village.
- Daily destinations are highly walkable in an amenity rich Large Urban Village.
- The site is adjacent to transportation options including a transit corridor, well-developed sidewalk network, and is in close proximity to the expanding bicycle network, which will all contribute to reduced automobile use.

Conclusion

Our proposal takes an asphalt parking lot and transforms it into 2 single family homes thus adding to the diverse range of housing typologies in the area while aligning with the OCP goals and strategic directions. It is our hope that providing additional housing we can help contribute to the positive growth and vitality of the James Bay Neighbourhood.

Yours truly,



Larry Cecco, MRAIC, AIA int.

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

CONRAD NYREN, am conducting the petition requirements for the
(print name)

property located at 430 POWELL ST.

to the following Small Lot Zone: T.B.A. (SMALL LOT)

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Please review the plans and indicate the following:

NAME: (please print) MICHAEL LeBOWTICHI (see note above)

ADDRESS: 4-427 PARRY ST., VICTORIA

Are you the registered owner? Yes ☐ No ☒

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

☒ I support the application.

☐ I am opposed to the application.

Comments:

18 AUGUST

Date

2020

Signature

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

CONZAN NYREN (print name), am conducting the petition requirements for the

property located at 430 POWELL

to the following Small Lot Zone: T.B.O. (SMALL LOT)

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

Please review the plans and indicate the following:

NAME: (please print) Nadine Plotnikoff (see note above)

ADDRESS: #2-427 Parry St

Are you the registered owner? Yes ☐ No ☒

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

☒ I support the application.

☐ I am opposed to the application.

Comments:

I do appreciate the personal
time & consultations from Council
The plan is

18 AUGUST 2020
Date

N Plotnikoff
Signature

SUMMARY SMALL LOT HOUSE REZONING PETITION

I, CONRAD NYREN (applicant), have petitioned the adjacent neighbours* in compliance with

the Small Lot House Rezoning Policies for a small lot house to be located at 430 POWELL ST. (location of proposed house)

and the petitions submitted are those collected by SEPTEMBER **20, 2020 (date)

Address	In Favour	Opposed	Neutral (30-day time expired)
	✓	✓	✓
547 MICHIGAN ST.	✓		
559 MICHIGAN ST.	✓		
433 POWELL ST.	✓		
426 POWELL ST.	✓		
431 PARRY ST.	✓		
429 PARRY ST.	✓		
431 POWELL ST.	✓		
427 POWELL ST.			✓
#1-427 PARRY ST.			✓
#2-427 PARRY ST.	✓		
#3-427 PARRY ST.	✓		
#4-427 PARRY ST.			✓
424 POWELL ST.			✓

DATE DELIVERED

JULY 18/2020

AUG 18/2020

AUG 5/2020

AUG 14/2020

SUMMARY	Number	%
IN FAVOUR	9	
OPPOSED	0	
TOTAL RESPONSES	9	100%

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

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

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

CARLAD NYREN

(print name)

, am conducting the petition requirements for the

property located at 430 POWELL ST.

to the following Small Lot Zone: SITE SPECIFIC

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

Please review the plans and indicate the following:

NAME: (please print) KAYE KENNISH - Signatory for JAMES BAY HEALTH & COMMUNITY SERVICES SOCIETY (see note above)

ADDRESS: 547 MICHIGAN STREET, VICTORIA

Are you the registered owner? Yes ☒ JBHCS is owner No ☐

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

☒ I support the application.

☐ I am opposed to the application.

Comments:

We are very happy with these plans and with the process of consultation.

30 July 2020
Date

Kaye Kennish
Signature

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

CONRAD NYREN, am conducting the petition requirements for the
(print name)

property located at 430 POWELL ST.

to the following Small Lot Zone: T.B.D. (SMALL LOT)

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Please review the plans and indicate the following:

NAME: (please print) INGRID HOLM (see note above)

ADDRESS: 559 MICHIGAN ST., VICTORIA

Are you the registered owner? Yes ☒ No ☐

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

☒ I support the application.

☐ I am opposed to the application.

Comments:

100% HAS MY APPROVAL!

JULY 31/2020
Date

Ingrid Holm
Signature

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

CONRAD NYREN

(print name)

, am conducting the petition requirements for the

property located at 430 POWELL ST.

to the following Small Lot Zone: T.O.D. (SMALL LOT)

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Please review the plans and indicate the following:

NAME: (please print) Coralce Bell (see note above)

ADDRESS: 433 Powell Street Victoria BC

Are you the registered owner? Yes ☒ No ☐

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

☒ I support the application.

☐ I am opposed to the application.

Comments:

I think the applicants/developers have
done an exemplary job of designing their homes to
fit in with the existing neighbourhood!

July 31, 2020
Date

Coralce Bell
Signature

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

CONRAD NYREN, am conducting the petition requirements for the
(print name)

property located at 430 POWELL ST.

to the following Small Lot Zone: T.B.D. (SMALL LOT)

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Please review the plans and indicate the following:

NAME: (please print) Stacey Rod (see note above)

ADDRESS: 426 Powell St

Are you the registered owner? Yes ☒ No ☐

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

☒ I support the application.

☐ I am opposed to the application.

Comments:

Date

Signature

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

COWRAD NYREN
(print name), am conducting the petition requirements for the

property located at 430 POWELL ST.

to the following Small Lot Zone: T.B.D. (SMALL LOT)

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Please review the plans and indicate the following:

NAME: (please print) MONICA KURC (see note above)

ADDRESS: 431 POWELL ST.

Are you the registered owner? Yes ☒ No ☐

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

☒ I support the application.

☐ I am opposed to the application.

Comments:

Happy THAT SINGLE FAMILY HOUSES
ARE GOING IN

Aug 1 / 2020
Date

[Signature]
Signature

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

CONRAD NYREN
(print name)

, am conducting the petition requirements for the

property located at 430 POWELL STREET

to the following Small Lot Zone: T.B.D. (SMALL LOT)

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Please review the plans and indicate the following:

NAME: (please print) SONGBLUES NATION INVESTMENT CORP.
(see note above)

ADDRESS: 431 AND 429 PARRY ST

Are you the registered owner? Yes ☒ No ☐


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

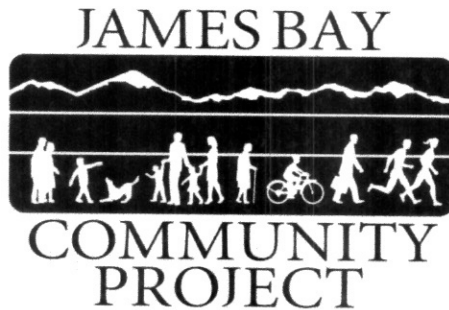
☒ I support the application.

☐ I am opposed to the application.

Comments:

JULY 31/2020
Date


Signature



30th July, 2020

Mayor & Council
City of Victoria

Dear Mayor Helps and Councillors,

Re: 430 Powell Street Proposed Development

The James Bay Community Project (legal name James Bay Health & Community Services Society) situated at 547 Michigan Street, is a non-profit social services agency and the owner of a property adjoining the above property.

This letter is in support of the application to the City of Victoria by Magellan Holdings Ltd. to build two houses on the property identified as 430 Powell Street.

Conrad Nyren from Magellan Holdings Ltd. has undertaken extensive consultations with the James Bay Community Project (JBCP) regarding Magellan Holdings' plans to build two dwellings on this property. These consultations resulted in a legal agreement which will ensure that JBCP's needs (including emergency access) are met and that the development does not negatively impact JBCP.

JBCP has appreciated both the process and the substance of our discussions with Mr. Nyren, and are happy to unreservedly support the above application.

Regards,

A handwritten signature in cursive script, appearing to read "Kaye Kennish".

Kaye Kennish
Executive Director, James Bay Community Project

cc. Conrad Nyren, Magellan Holdings Ltd.
Tim Schober – Chair, JBCP

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

CONRAD NYREN, am conducting the petition requirements for the
(print name)

property located at 430 POWELL

to the following Small Lot Zone: T.B.O. (SMALL LOT)

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Please review the plans and indicate the following:

NAME: (please print) Nadine Plotnikoff (see note above)

ADDRESS: #2-427 Parry St

Are you the registered owner? Yes ☐ No ☒

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

☒ I support the application.

☐ I am opposed to the application.

Comments:

I do appreciate the personal
time & consultation from Conrad
The plan is

18 AUGUST 2020
Date

N. Plotnikoff
Signature

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

CONRAD NYREN am conducting the petition requirements for the
(print name)

property located at 430 POWELL ST.

to the following Small Lot Zone: T.B.D. (SMALL LOT)

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Please review the plans and indicate the following:

NAME: (please print) Quentin Verhaegen (see note above)

ADDRESS: 559 Michigan St.

Are you the registered owner? Yes ☒ No ☐

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

☒ I support the application.

☐ I am opposed to the application.

Comments:

July 31/2020
Date

Q. Verhaegen
Signature

COPY

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

CONRAD NYREN, am conducting the petition requirements for the
(print name)

property located at 430 POWELL ST.

to the following Small Lot Zone: T.B.D. (SMALL LOT)

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Please review the plans and indicate the following:

NAME: (please print) MARSHA CARTER (see note above)

ADDRESS: 1-427 PARRY ST.

Are you the registered owner? Yes ☒ No ☐

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

☐ I support the application.

☐ I am opposed to the application.

Comments:

OWNER/RESIDENT REPORTEDLY DECEASED
WILL CURRENTLY IN PROBATE

DROP OFF WITNESSED BY MICHELLE LEBOUTILLIER
OF #4-427 PARRY ST.

AUGUST 18/2020
Date

Signature

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

COWRAD NYREN
(print name), am conducting the petition requirements for the

property located at 430 POWELL ST.

to the following Small Lot Zone: T.B.A. (SMALL LOT)

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Please review the plans and indicate the following:

NAME: (please print) MICHELLE LeBOUTILLIER (see note above)

ADDRESS: 4427 PARRY ST., VICTORIA

Are you the registered owner? Yes ☐ No ☒

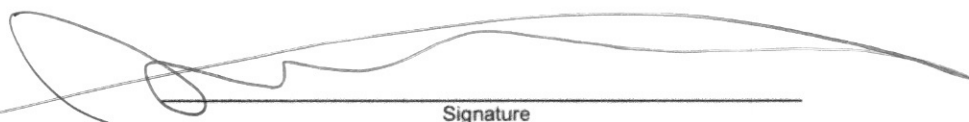
I have reviewed the plans of the applicant and have the following comments:

☒ I support the application.

☐ I am opposed to the application.

Comments:

18, AUGUST
Date
2020


Signature



Talbot Mackenzie & Associates
Consulting Arborists

Arborist Report

430 Powell Street, Victoria

PREPARED FOR: Magellan Holdings Ltd
1271 Mt Newton Cross Rd
Saanichton BC
V8M 1S1

PREPARED BY: Talbot, Mackenzie & Associates
Tom Talbot – Consulting Arborist
ISA Certified # PN-0211A
TRAQ - Qualified

Date submitted: June 24, 2020

Box 48153 RPO - Uptown Victoria, BC V8Z 7H6
Ph: (250) 479-8733
Fax: (250) 479-7050
Email: tmtreehelp@gmail.com



Talbot Mackenzie & Associates

Consulting Arborists

Jobsite Property: 430 Powell Street

Date of Site Visit: May 29, 2020

Weather conditions: Partly cloudy, 22° Celsius, east 11km/h

Site Conditions: Flat property, currently paved for parking. No buildings on the site.

Protection Plan Summary: From the plans that were reviewed it is our opinion that it will be possible to construct the two residential buildings as outlined in the plans that were supplied while mitigating the impacts on the municipal trees that grow along the property frontage. It should also be possible to mitigate the impacts of the construction on elm tree located on the adjacent 547 Michigan Street property although in our opinion the structural issues observed indicate that this tree will be unsuitable to retain in this location Long term.

To Mitigate the impacts on the subject trees we recommend:

1. Retaining the existing asphalt surfacing between the property boundary and the proposed building footprints throughout the construction phase. If it is necessary to remove this surfacing prior to completion of construction, the protective barrier fencing that has been erected will have to be relocated to encompass the larger defined area of the critical root zones, at that time.
2. The Existing driveway crossing is to be replaced. We recommend that where possible, any adjoining hardscape (i.e. curb and sidewalk) be retained undisturbed.
3. We recommend, if possible, installing the underground services on the north side of existing driveway crossing and where they are outside the critical root zones of municipal magnolia and neighbouring elm tree. If the services must be located within the driveway access, we recommend that they be located within the north half of this driveway crossing. The project arborist must supervise the removal and replacement of any hardscape or pavement that is located within the critical root zones of the subject trees. Based on the number and size of roots that are encountered when the paved surfaces are removed, it may only be possible to remove the pavement layer and replace the new surfacing above the existing base layers without any excavation beneath this grade.
4. Any pruning of the municipal trees for clearance must be completed by an ISA Certified arborist and to ANSI 300 standards at the direction of the project arborist or be completed by the municipal Parks Department staff. Pruning of the bylaw-protected elm tree must also be completed by an ISA Certified Arborist.

Scope of Assignment: Provide arborist services to review the impacts on the tree resource of constructing two residential buildings on two separate lots on an existing vacant lot (presently used for parking) at 430 Powell Street. Prepare a tree impact and retention report to be used during the construction of the new buildings, access to and servicing the lots.

Methodology: During our May 29, 2020 site visit we visually examined the structural characteristics of the above ground portions of each of the trees on the municipal frontage and adjacent property where they could potentially be impacted. Each tree was assigned a reference number that is indicated on the landscape drawing to identify the trees in the field and is referenced in our tree resource spreadsheet that is attached to this report.

Summary of Tree Resource: There are no trees located within the boundaries of this property. The documented trees that are protected and located on the adjacent property at 547 Michigan Street and the 430 Powell Street municipal frontage include the following:

1. One (1) bylaw protected 11/24/25/27 cm d.b.h. Cork elm tree #Nt1, located on the adjacent property, just inside the property boundary. This tree is poorly structured having multiple stems that are weakly attached at their union. Its structural characteristics make this a poor specimen to retain in this location as the risk of stem failure associated with these defects will increase as the tree matures and increases in size. This tree may have grown in this location as a seedling from a nearby tree and may have been cut to the ground historically.
2. One (1) 43 cm d.b.h. Tulip tree #14470, located on the 430 Powell Street municipal frontage.
3. One (1) 05 cm d.b.h. Yellow Bird magnolia, #14471, located on the 430 Powell Street municipal frontage.

Findings and Observations:

Potential Impacts: We anticipate that the highest potential for impacts on the tree resource would occur during:

1. Removal of the existing and installation of hardscape within the 430 Powell Street property and any changes to the existing driveway crossing, municipal curbs, and sidewalk.
2. Locating and installing services and service corridors

From the drawings and the proposal that was reviewed it is our opinion that:

1. It should be possible to mitigate the impacts on the two (2) Municipal trees #14470 and 14471 and retain these trees
2. The elm tree Nt1 on the adjacent property, is in our opinion unsuitable to retain in this location, long term, however it should be possible to mitigate the impacts sufficiently to retain it at this time.

Mitigation of Impacts: Our recommendations for mitigation procedures to reduce the impacts on the tree to be retained, outlined in the following, should be implemented prior to and during the construction period.

Barrier Fencing The areas, surrounding the tree to be retained on the municipal frontage must be isolated from the construction activity by erecting protective barrier fencing. Typically, the fencing is erected at the perimeter of the critical root zones as defined in our Tree Resource Spreadsheet or at the edge of the canopy spread. On this site, the canopy has an unusually large spread and extends over the municipal sidewalk and areas of existing pavement on the subject property.

Therefore, we recommend erecting the fencing to protect the municipal trees along the street curb, edge of the existing driveway crossing and along the sidewalk edge out to the side property boundaries. If required, the fencing around the small magnolia tree can be relocated to edge of its critical root zone, to accommodate the service lines that will cross the frontage, once these service locations have been determined. Should it not be possible to retain the existing pavement through the construction phase, it will be necessary to erect or relocate the barrier fencing at the edge of the critical root zones, at the time the pavement is removed.

The barrier fencing to be erected must be a minimum of 4 feet in height, of solid frame construction that is attached to wooden or metal posts. A solid board or rail must run between the posts at the top and the bottom of the fencing. This solid frame can then be covered with plywood, or flexible snow fencing (see attached diagram). The fencing must be erected prior to the start of any construction activity on site (i.e. excavation, construction), and remain in place through completion of the project. Signage must be posted around the protection zone to declare it off limits to all construction related activity. The project arborist must be consulted before this fencing is removed or moved for any purpose.

Demolition: There are no buildings on the site to be demolished, however it will be necessary to remove the existing asphalt surfacing from within the building footprint area and service corridors. We recommend that the portion of this existing pavement that is between the proposed building footprints and the front property boundary be retained through the construction phase to protect any roots from the municipal trees and the adjacent elm tree that extend beneath this paved area.

Building Footprint : Excavation for the footprint is outside the defined critical root zone of the municipal Tulip and magnolia trees, and where the required excavation should not have an impact on the subject trees, if the existing paved area at the front of the lot can be retained through the construction phase.

Servicing: It is our understanding that there are no existing service connections to this property. We recommend that all the underground services be located on the north side of the driveway entrance and where the services and all excavation that is required is located outside the defined critical root zone areas of the municipal trees and of the adjacent elm tree.

The project arborist should review the proposed underground service location once they have been defined and prior to installation to review any potential conflicts with the protected trees and proposed any changes to these locations if they are located where they will have a detrimental impact on the tree resource.

Driveway and Hardscape features: The drawings that were reviewed show the existing driveway crossing is to be removed and reconstructed and used as a common driveway access to both lots with the alignment slightly further from the municipal Tulip tree. It may only be possible to remove the existing concrete layer and replace the new surface over the existing base layers without any excavation beneath this grade. If possible, we recommend retaining any adjoining municipal curbs, and sidewalks undisturbed.

We recommend the portion of this existing pavement that is between the proposed building footprints and the front property boundary be retained through the construction phase to protect any roots from the municipal Tulip tree #14470 and the adjacent elm #Nt1 that extend beneath this paved area.

Removal and replacement of the existing pavement and hardscape from within the critical root zone areas of the subject trees may impact any root structures that grow beneath this hardscape. Based on the number and size of roots that are encountered, when the paved surfaces are removed, it may only be possible to remove the pavement layer and replace the new surface over the existing base layers without any excavation beneath this grade.

The project arborist must supervise excavation to remove any of the existing pavement and hardscape from within the critical root zones of trees that are to be retained and monitor and supervise the installation of the replacement surfacing.

Blasting and rock removal: We do not anticipate that any blasting or other means of rock removal will be required. If rock is encountered, the blasting to level these rock areas should be sensitive to the root zones located at the edge of the rock. Care must be taken to assure that the area of blasting does not extend into the critical root zones beyond the building and driveway and servicing footprints. The use of small low-concussion charges, and multiple small charges will reduce fracturing, ground vibration, and reduce the impact on the surrounding environment. Only explosives of low phytotoxicity, and techniques that minimize tree damage, are to be used. Provisions must be made to store blast rock, and other construction materials and debris, away from critical tree root zones.

Arborist supervision: The project arborist must supervise any excavation that encroaches within the critical root zones of the municipal and bylaw-protected trees.

Canopy Pruning: The canopy of municipal Tulip tree and adjacent Elm tree will require pruning for clearance above the proposed parking areas

Any pruning of the municipal trees for clearance must be completed by an ISA Certified arborist and to ANSI 300 standards at the direction of the project arborist or be completed by the municipal Parks Department staff. Pruning of the bylaw-protected elm tree must also be completed by an ISA Certified Arborist.

Work Area and Material Storage: It is important that the issue of storage of excavated soil, construction material, and site parking be reviewed prior to the start of construction; where possible, these activities should be kept outside of the critical root zones of trees that are to be retained.

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

- Locating the barrier fencing
- Reviewing the report with the project foreman or site supervisor
- Locating work zones, where required
- Supervising excavation for the driveway, and service footprints where they encroach within the critical root zones of trees that are to be retained.
- Reviewing and advising of any pruning requirements for building clearances.

Review and site meeting: Once approval of the project is granted; it is important that the project arborist meet with the principals involved in the project to review the information contained herein. It is also important that the arborist meet with the site foreman or supervisor before any site changes or other construction activity occurs.

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

Yours truly,
Talbot Mackenzie & Associates



Tom Talbot & Graham Mackenzie
ISA Certified, & Consulting Arborists

Encl. Tree resource spreadsheet (1), Resource sheet definitions (1), Tree location drawing with tree numbers and Barrier Fencing (1), Barrier fencing specifications (1),

Disclosure Statement

The tree resource assessment conducted is a Level 1 limited visual assessment of the aboveground portions of trees located adjacent to the 430 Powell Street property and municipal frontage, by way of a ground level walking inspection of all sides of the trunk canopy and root collar.

The opinions and recommendations provided are based on the circumstances and observations as they existed at the time of the site inspection of the Client's Property on May 29, 2020 and the trees situate thereon by and upon drawings and information provided by the Client. The opinions are given based on observations made and using generally accepted professional judgment, however, because trees and plants are living organisms and subject to change, damage and disease, the results, observations, recommendations, and analysis as set out are valid only as at the date any such testing, observations and analysis took place and no guarantee, warranty, representation or opinion is offered as to the length of the validity of the results, observations, recommendations and analysis.



Talbot Mackenzie & Associates
Consulting Arborists

Key to Headings in Tree Resource Spreadsheet – Page 1

Tag: Tree identification number on a metal tag attached to tree with nail or wire at eye level. Trees on municipal or neighboring properties are not tagged and are identified on the site plans usually starting from the number one.

NT: No Tag due to inaccessibility or separate ownership.

DBH: Diameter at breast height – diameter of trunk, measured in centimetres at 1.4m above ground level. For trees on a slope, it is taken at the average point between the high and low side of the slope.

* Measured over ivy.

~ Approximate because of inaccessibility or on neighbouring property.

Crown Spread: Indicates the diameter of the crown spread measured in metres to the dripline of the longest limbs.

Relative Tolerance Rating: Relative tolerance of the species of tree to construction related impacts such as root pruning, crown pruning, soil compaction, hydrology changes, grade changes and other soil disturbance. This rating does not take into account individual tree characteristics, such as health and vigour. Three ratings are assigned: Poor, Moderate or Good.

Optimal Root Protection Zone: A calculated radial measurement in metres from the trunk of the tree. It is the optimal size of tree protection zone and is calculated by multiplying the DBH of the tree by 10, 12 or 15 depending on the Tree's Construction Tolerance Rating. This methodology is based on the methodology described by Nelda Matheny and James R. Clark in their book "Trees and Development: A Technical Guide to Preservation of Trees During Land Development."

- 15 x DBH = Poor Tolerance of Construction
- 10 or 12 x DBH = Moderate
- 08 or 10 x DBH = Good

For this purpose, the DBH of multiple stems is considered the sum of 100% of the diameter of the largest trunk and 60% of the diameter of each additional trunk. It should be noted that these measures are solely mathematical calculations that do not take into account crown spread, soil depth, age, health, or structure (such as lean).

Health Condition

- Poor - significant signs of visible stress and/or decline that threaten the long-term survival of the specimen
- Fair - signs of significant stress
- Good - no visible signs of significant stress and/or only minor aesthetic issues

Structure Condition

- Very Poor – Potentially imminent hazard that requires immediate action such as large dead hanging limbs or an unstable root plate
- Poor - Poor structural defects that have been in place for a long period of time to the point that mitigation measures are limited
- Fair - Structural concerns such as codominant stems that are still possible to mitigate through pruning
- Good - No visible or only minor structural flaws that require no to very little pruning

Tree Status:

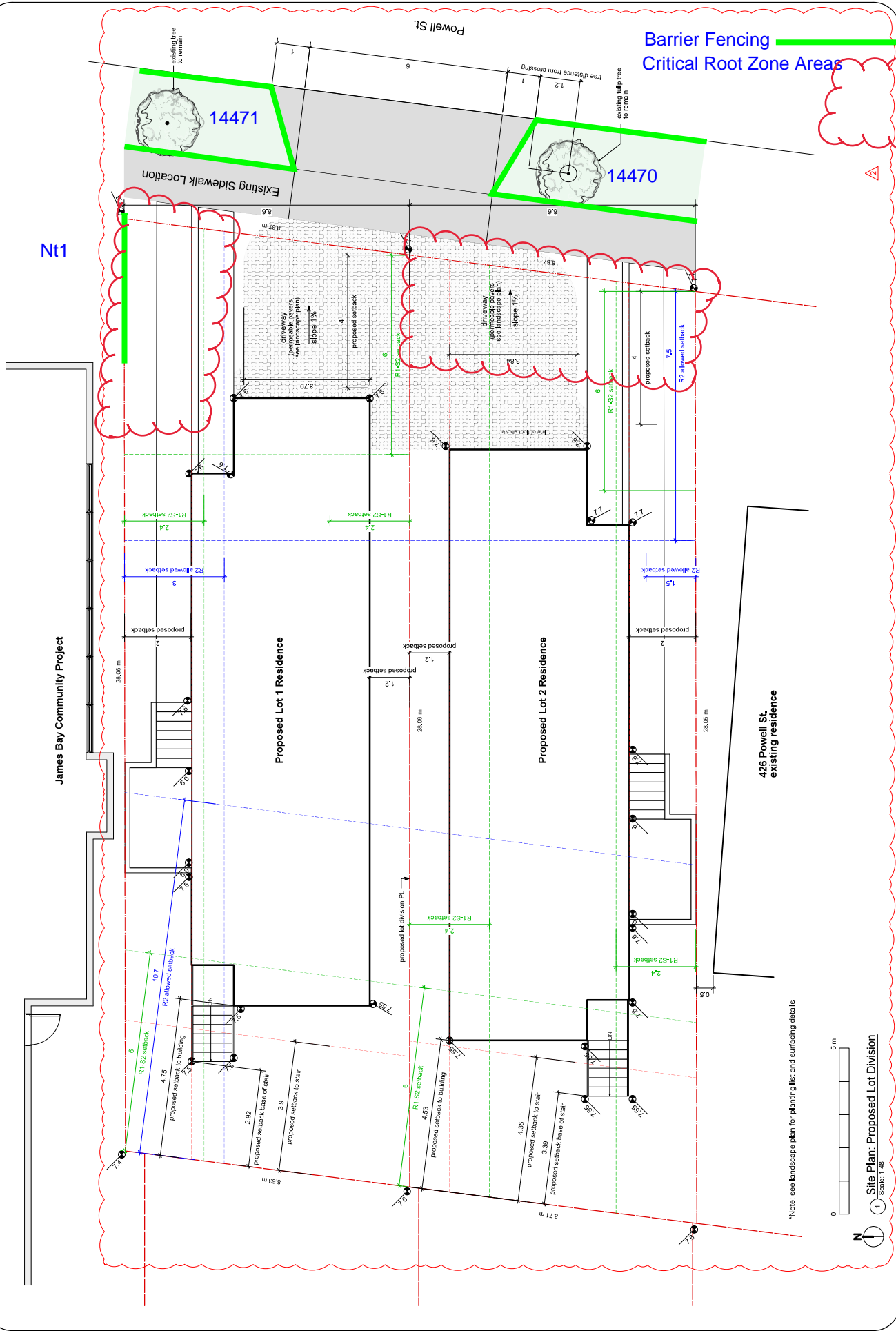
- Bylaw-protected – Tree that is of a size or species that is protected under the current municipal Tree Protection Bylaw.
- Not Protected – Tree that is of a size or species that is not protected under the current municipal Tree Protection Bylaw.
- Municipal – Tree that is located on the municipal frontage.

Retention Status:

- Remove - Not possible to retain given proposed construction plans
- Retain - It is possible to retain this tree in the long-term given the proposed plans and information available. This is assuming our **recommended mitigation measures are followed**
- Retain * - See report for more information regarding potential impacts
- TBD (To Be Determined) - The impacts on the tree could be significant. However, in the absence of exploratory excavations and in an effort to retain as many trees as possible, we recommend that the final determination be made by the supervising project arborist at the time of excavation. The tree might be possible to retain depending on the location of roots and the resulting impacts but concerned parties should be aware that the tree may require removal.
- NS - Not suitable to retain due to health or structural concerns

Tree Resource Spreadsheet for 430 Powell Street

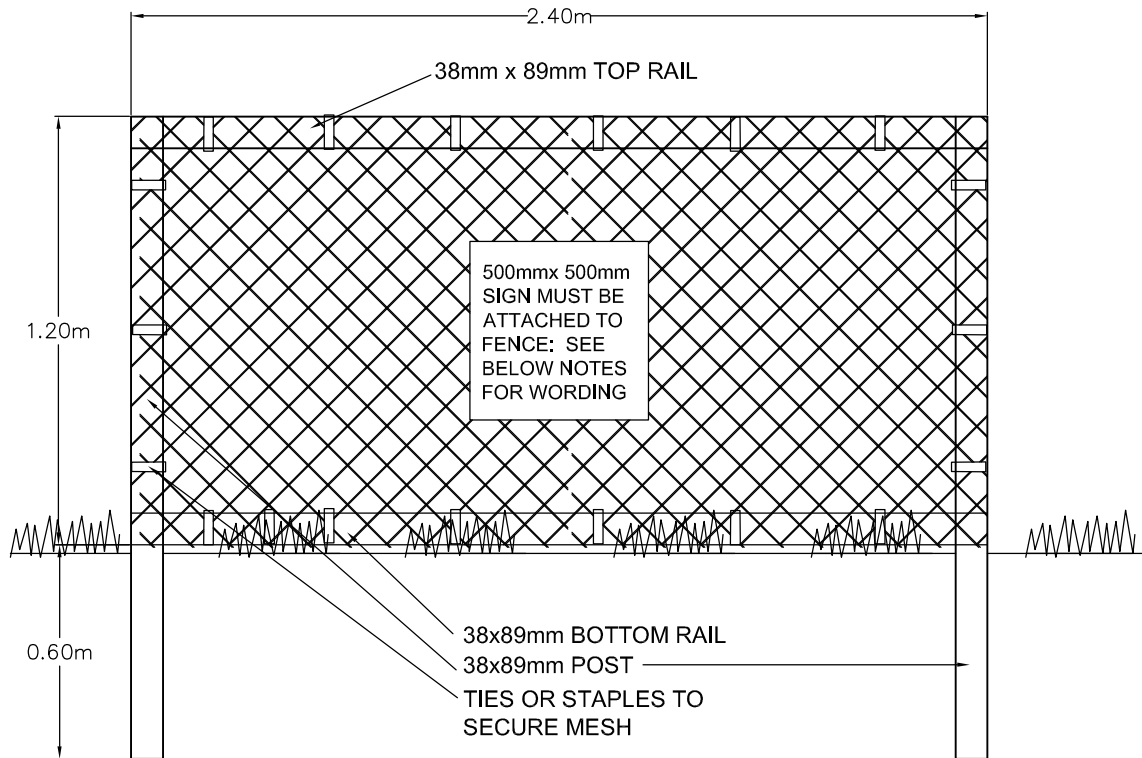
Tree ID	Common Name	Latin Name	DBH (cm) * over ivy ~ approximate	Crown Spread (m)	CRZ (m)	Health	Structure	Relative Tolerance	Remarks and Recommendations	Retention Status
14470	Tulip tree	<i>Liriodendron tulipifera</i>	43.0	9	5.0	Good	Fair	Moderate	Structure altered by topping below hydro primary conductor .	Retain
14471	Magnolia Yellow bird	<i>Magnolia accuminata</i> 'Yellow Bird'	5.0	2	1.0	Good	Good	Moderate	Can be transplanted.	Retain
Nt1	Cork elm	<i>Ulmus carpinifolia</i>	11\24\25\27	12	5.0	Good	Poor	Good	Multiple stems, weakly attached at union. Located on adjacent property at 547 Michigan Street. Poor location for a tree of this ultimate size, may have grown as seedling.	TBD



*Note: see landscape plan for planting list and surfacing details



1 Site Plan: Proposed Lot Division
Scale: 1:48



TREE PROTECTION FENCING

1. FENCE WILL BE CONSTRUCTED USING 38 mm X 89mm WOOD FRAME: TOP, BOTTOM AND POSTS * USE ORANGE SNOW-FENCING MESH AND SECURE THE WOOD FRAME WITH "ZIP" TIES OR GALVANIZED STAPLES.
 2. ATTACH A 500mm X 500mm SIGN WITH THE FOLLOWING WORDING: WARNING- TREE PROTECTION AREA. THIS SIGN MUST BE AFFIXED ON EVERY FENCE OR AT LEAST EVERY 10 LINEAR METERS.
- * IN ROCKY AREAS, METAL POSTS (T-BAR OR REBAR) DRILLED INTO ROCK WILL BE ACCEPTED

Richard Elliott

From: Kaye Kennish [REDACTED]
Sent: July 31, 2020 6:36 PM
To: Victoria Mayor and Council
Cc: Conrad Nyren
Subject: 430 Powell Street Proposed Development
Attachments: JBCP Letter of Support Powell Street.pdf

Hello Mayor Helps and Council,

Attached is a letter of support from the James Bay Community Project for the proposed development on 430 Powell Street by Magellan Holdings Ltd.

Thank you.

Kaye

Kaye Kennish
 Executive Director
 James Bay Community Project and Capital City Volunteers
 547 Michigan Street
 Victoria BC V8V 1S5

www.jbcp.bc.ca Like us on [Facebook](#) Follow us [@Jamesbaycp](#)

“Building Community Together”

CONFIDENTIALITY NOTICE: *This communication from James Bay Community Project is for the sole use of the intended recipient or recipients and may contain confidential, personal and/or privileged information. Any unauthorized review, use, disclosure, distribution or other dissemination of this communication and/or the information contained therein is strictly prohibited. If you are not the intended recipient of this communication, please contact the sender and destroy all copies of the original communication.*

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30th July, 2020

Mayor & Council
City of Victoria

Dear Mayor Helps and Councillors,

Re: 430 Powell Street Proposed Development

The James Bay Community Project (legal name James Bay Health & Community Services Society) situated at 547 Michigan Street, is a non-profit social services agency and the owner of a property adjoining the above property.

This letter is in support of the application to the City of Victoria by Magellan Holdings Ltd. to build two houses on the property identified as 430 Powell Street.

Conrad Nyren from Magellan Holdings Ltd. has undertaken extensive consultations with the James Bay Community Project (JBCP) regarding Magellan Holdings' plans to build two dwellings on this property. These consultations resulted in a legal agreement which will ensure that JBCP's needs (including emergency access) are met and that the development does not negatively impact JBCP.

JBCP has appreciated both the process and the substance of our discussions with Mr. Nyren, and are happy to unreservedly support the above application.

Regards,

A handwritten signature in black ink, appearing to read "Kaye Kennish".

Kaye Kennish
Executive Director, James Bay Community Project

cc. Conrad Nyren, Magellan Holdings Ltd.
Tim Schober – Chair, JBCP



Songhees Nation Investment Corporation

May 26, 2020

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

Dear Mayor and Council,
Re: 429 and 431 Parry Street and 430 Powell St Proposed Developments

On behalf of the Songhees Nation Investment Corporation and Songhees Nation, I write to convey support for the proposed development of 429 and 431 Parry Street.

When Songhees Nation acquired these properties under an Incremental Treaty Agreement with BC, the objective was revenue generation for the Nation. The property currently yields \$11,000 per year. The Songhees Nation Investment Corporation explored a joint development with the James Bay Community Project and a small housing development with a partner but settled on selling the property to invest in another development opportunity.

The proponents at Magellan Holdings Ltd have a vision for the property that we feel is appropriate for the neighbourhood and we note that it is supported by the James Bay Neighbourhood Association.

We ask that you approve this zoning variance so that we can complete the sale of the property and move forward with our investment.

Sincerely



Christina Clarke
CEO Songhees Development Corporation

cc Songhees Nation Investment Corporation Board of Directors

Rezoning & Development Permit with Variances Application for 430 Powell Street



1

Subject Property



2

Subject Property



3

Street Context



Buildings to the South

Building to the North



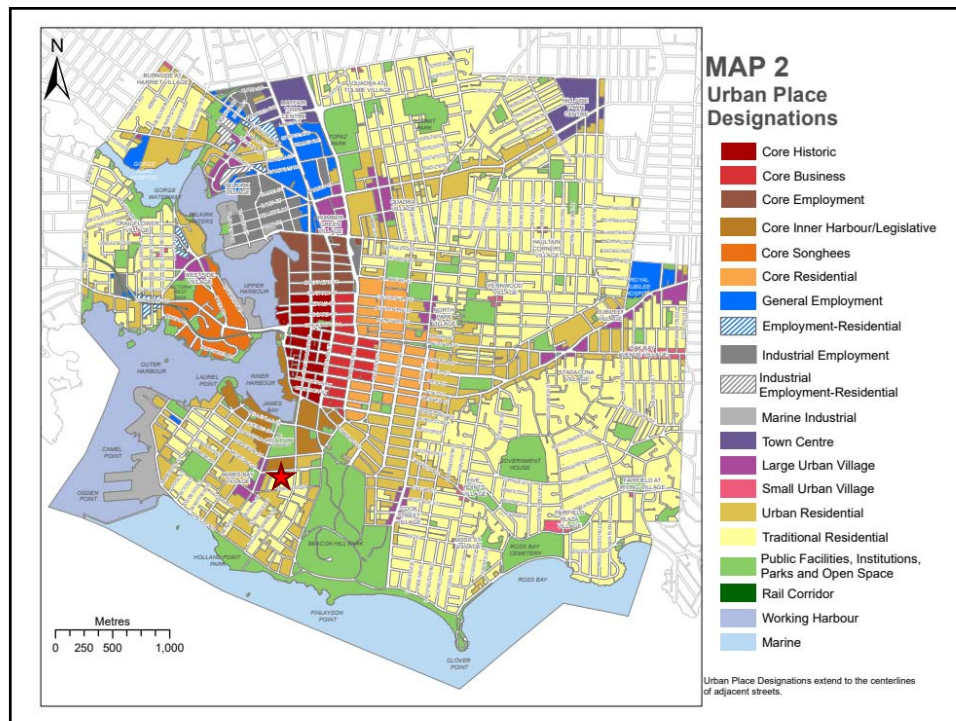
4

Street Context-

Across the Street

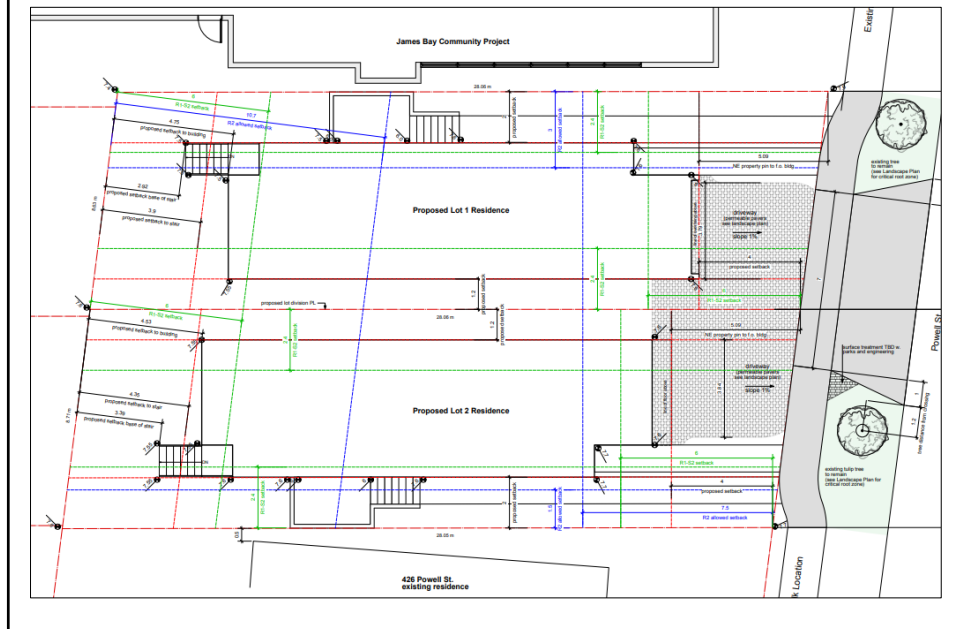


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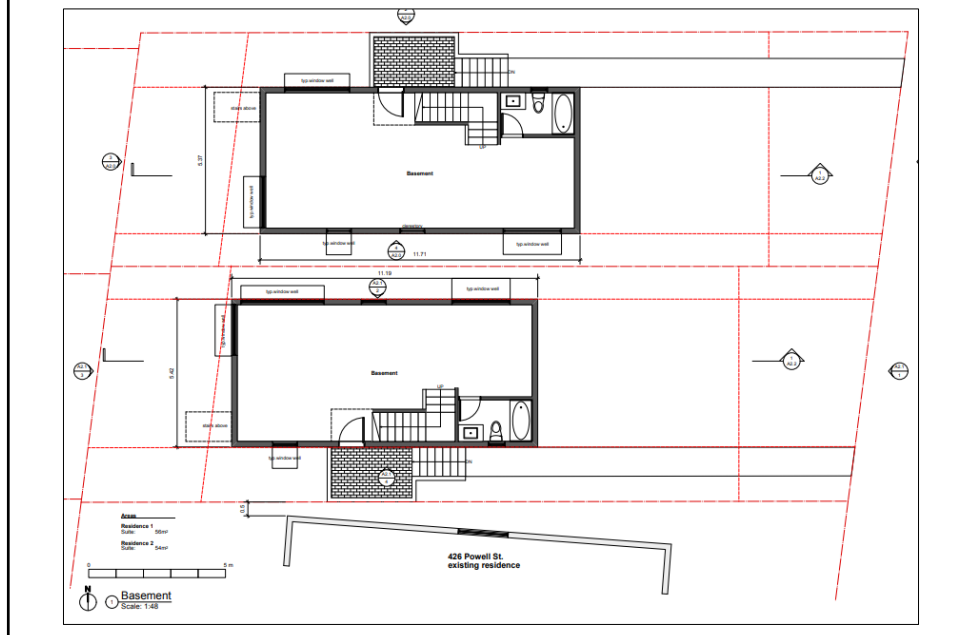
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Site Plan



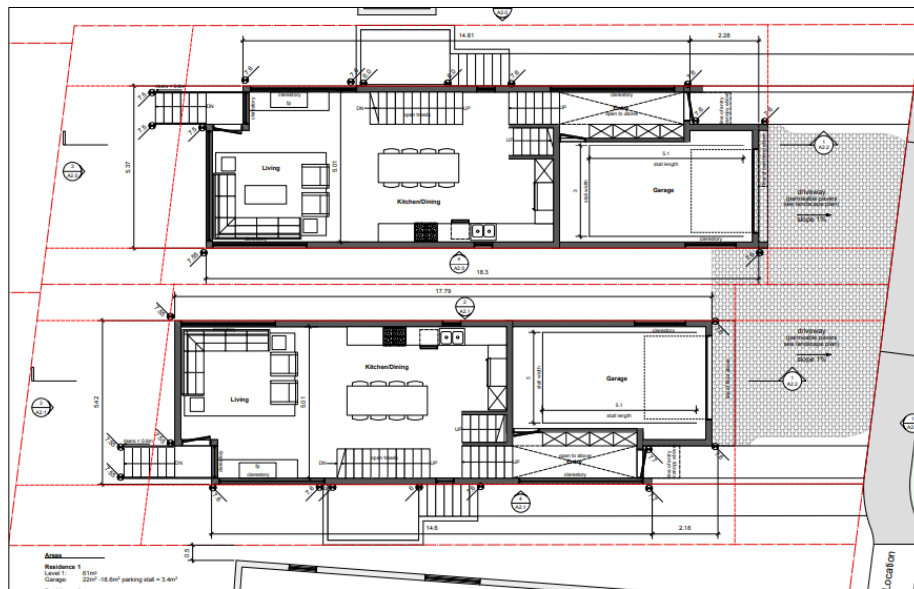
7

Floor Plans – Basement



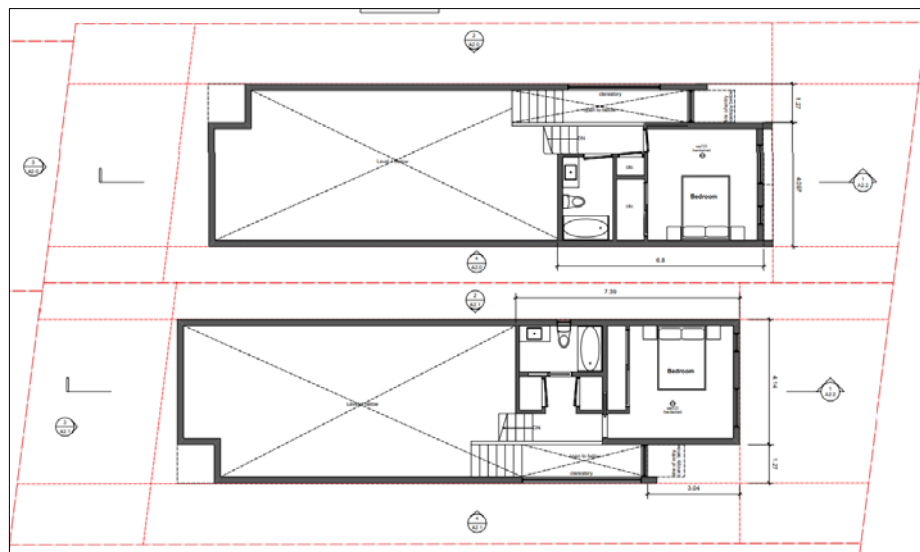
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Floor Plans – First Storey



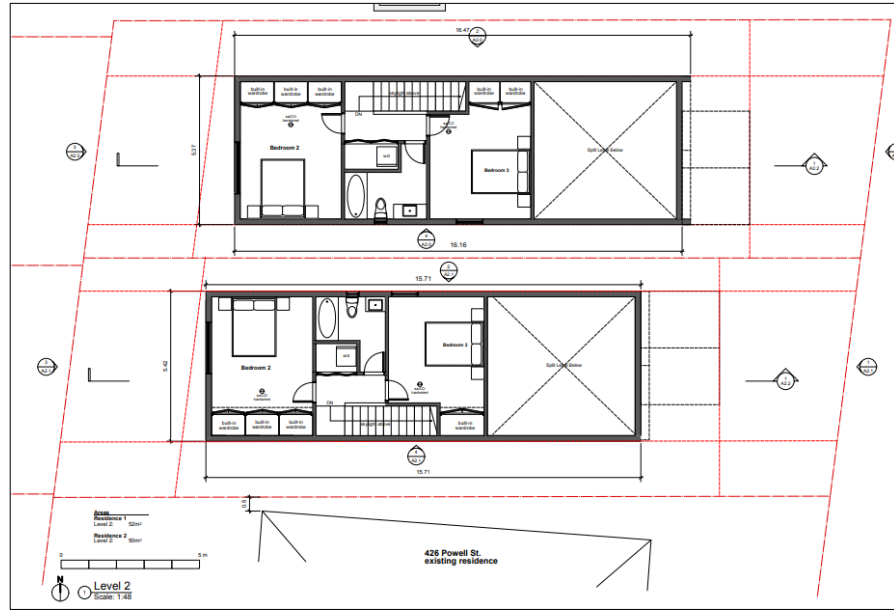
9

Floor Plans – First Storey Split Level



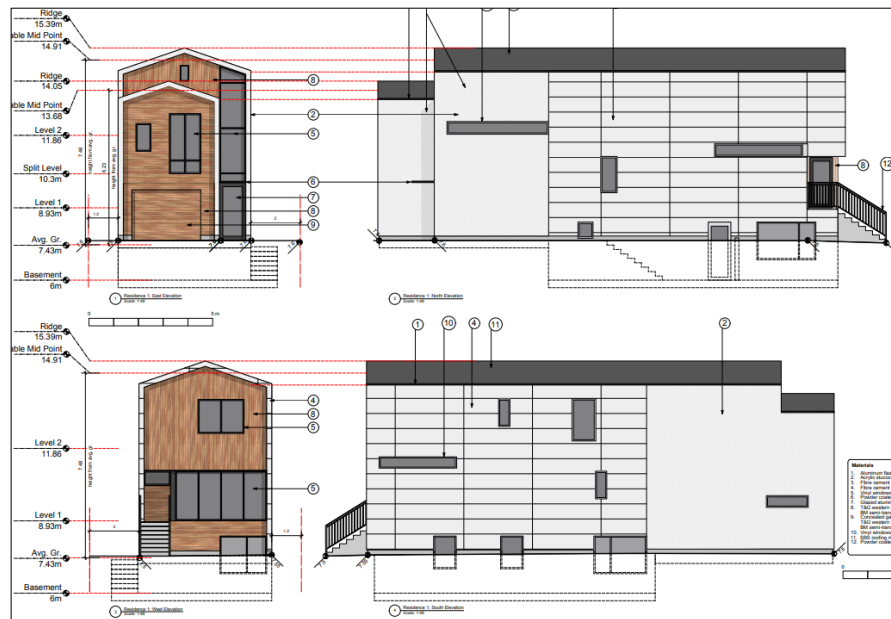
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Floor Plans – Second Storey



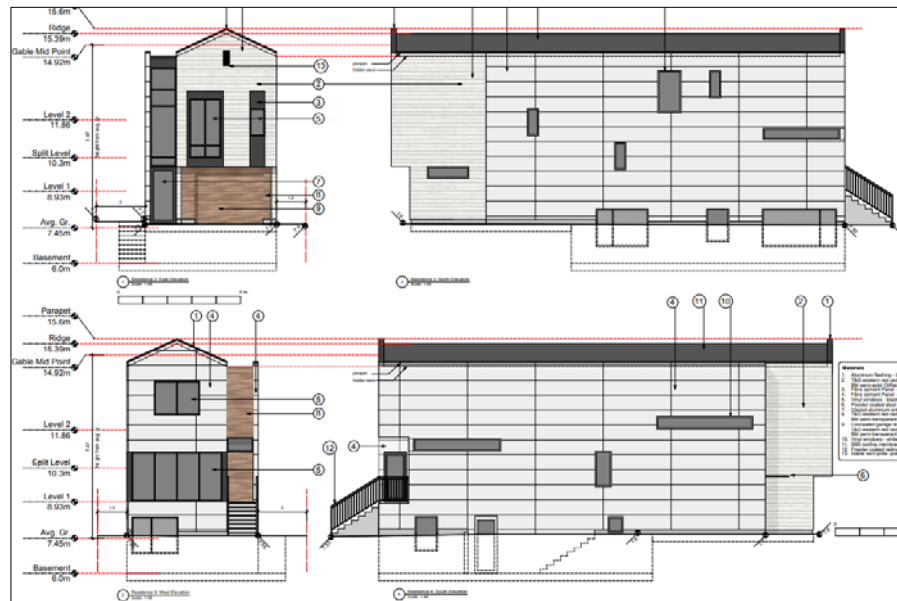
11

Elevation Plans – Lot 1



12

Elevation Plans – Lot 2



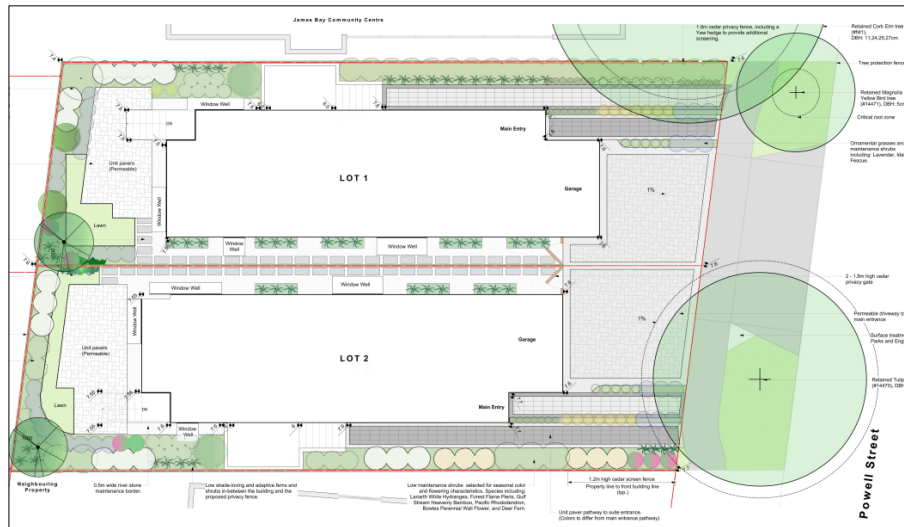
13

Streetscape

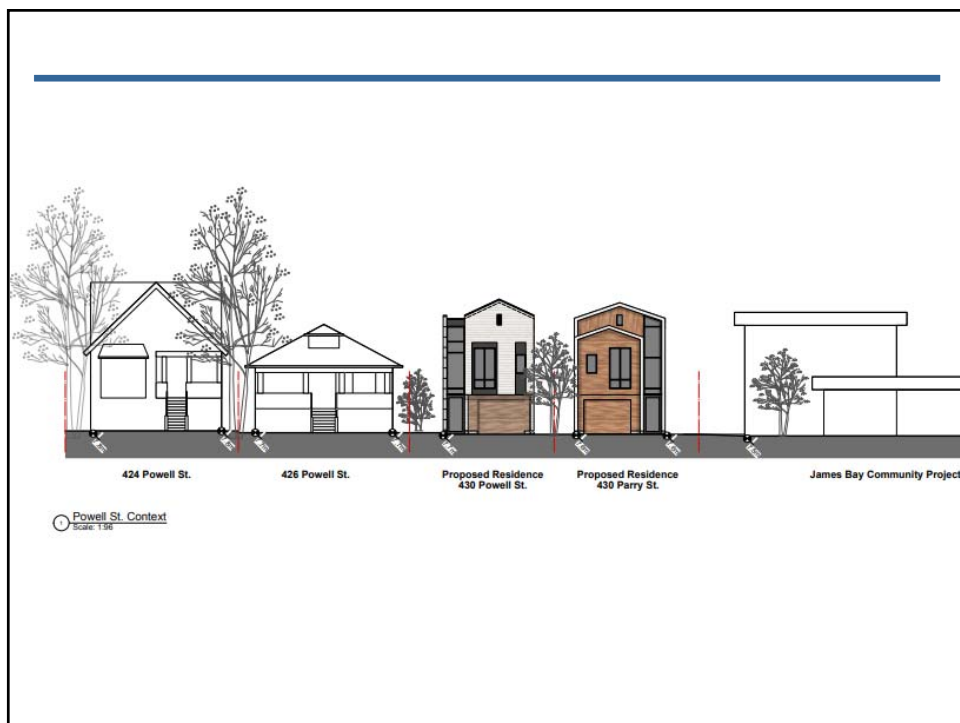


14

Landscape Plan



15



16

G. BYLAWS

G.1 Bylaw for 430 Powell Street: Rezoning Application No. 00736 and Development Permit with Variances Application No. 00736

Moved By Councillor Andrew

Seconded By Councillor Alto

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

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1254) No. 21-047

CARRIED UNANIMOUSLY



Council Report

For the Meeting of April 22, 2021

To: Council **Date:** April 14, 2021
From: C. Kingsley, City Clerk
Subject: 430 Powell Street: Rezoning Application No. 00736 and Development Permit with Variances Application No. 00736

RECOMMENDATION

That the following bylaw be given first and second readings:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1254) No. 21-047

BACKGROUND

Attached for Council's initial consideration is a copy of the proposed Bylaw No. 21-047.

The issue came before Council on February 4, 2021 where the following resolution was approved:

430 Powell Street: Rezoning Application No. 00736 and Development Permit with Variances Application No. 00736

Rezoning Application No. 00736

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00736 for 430 Powell Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

Development Permit with Variances Application No. 00736

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after Public Hearing for Rezoning Application No. 00736, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00736 in accordance with:

1. Plans date stamped November 3, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances: reduce the rear yard setback from 6.00m to 2.92m to the stairs and 4.75m to the building for Lot 1;
 - i. reduce the rear yard setback from 6.00m to 2.92m to the stairs and 4.75m to the building for Lot 1;
 - ii. reduce the north side yard setback from 2.40m to 2.0m for elevations with windows into habitable rooms for Lot 1;

- iii. reduce the south side yard setback from 2.40m to 1.2m m for elevations with windows into habitable rooms for Lot 1;
 - iv. reduce the rear yard setback from 6.00m to 3.39m to the stairs and 4.53m to the building for Lot 2;
 - v. reduce the north side yard setback from 2.40m to 1.2m for elevations with windows into habitable rooms for Lot 2; and
 - vi. reduce the south side yard setback from 2.40m to 2.0m for elevations with windows into habitable rooms for Lot 2.
3. The Development Permit lapsing two years from the date of this resolution.”

Respectfully submitted,

Curk Kingsley
City Clerk

Report accepted and recommended by the City Manager

List of Attachments:

- Bylaw No. 21-047

NO. 21-047

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by creating the R1-S30 Zone, Powell Street Small Lot District, and to rezone land known as 430 Powell Street from the R-2 Zone, Two Family Dwelling District, to the R1-S30 Zone, Powell Street Small Lot 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. 1254)”.
- 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:

“1.153 R1-S30 Zone, Powell Street Small Lot District”
- 3 The Zoning Regulation Bylaw is also amended by adding to Schedule B after Part 1.152 the provisions contained in Schedule 1 of this Bylaw.
- 4 The land known as 430 Powell Street, legally described as PID: 029-107-962, Lot A of Lots 1775 and 1776, Victoria City, Plan EPP28098 shown hatched on the attached map, is removed from the R-2 Zone, Two Family Dwelling District, and placed in the R1-S30 Zone, Powell Street Small Lot District.

READ A FIRST TIME the	day of	2021
READ A SECOND TIME the	day of	2021
Public hearing held on the	day of	2021
READ A THIRD TIME the	day of	2021
ADOPTED on the	day of	2021

CITY CLERK

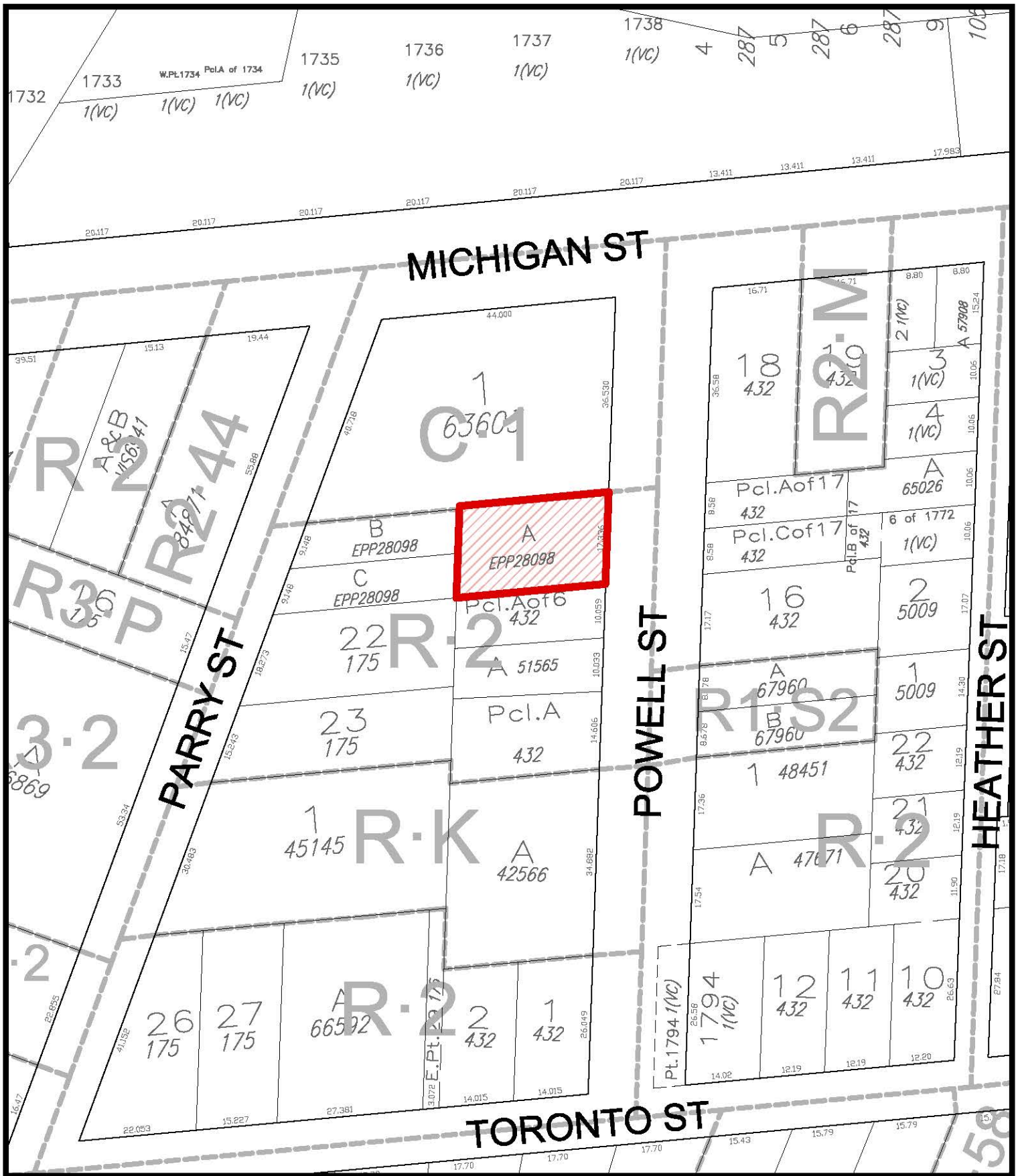
MAYOR

PART 1.53 – R1-S30 ZONE, POWELL STREET SMALL LOT DISTRICT

Uses	1	The following uses are the only uses permitted in this zone: (a) <u>single family dwelling</u> ; (b) <u>accessory uses</u> to a <u>single family dwelling</u> ; (c) <u>home occupation</u> ; (a) <u>buildings</u> accessory to a permitted use; (b) a maximum of two <u>garage sales</u> in any calendar year.
Lot area	2	The minimum <u>site area</u> must be 240 m ² .
	3	The minimum frontage of a <u>lot</u> on a <u>street</u> must be 8.6 m.
Height, Roof Deck	4	(a) The maximum <u>height</u> of a <u>single family dwelling</u> must not exceed 7.5 m nor two <u>storeys</u> , for which purpose any <u>basement floor area</u> that is more than 1.2 m above <u>grade</u> is deemed to be the first <u>storey</u> . (b) <u>Roof Deck</u> – not permitted.
Floor Area	5	The maximum <u>total floor area</u> for the dwelling must be 190m ² .
Floor space ratio	6	The maximum <u>floor space ratio</u> must be 0.6 to 1.
Site coverage	7	The maximum <u>site coverage</u> must be 40%.
Setback(s)	8	Except as required by s. 14, the minimum <u>setbacks</u> of the main structure must be in compliance with the following: (a) <u>front yard</u> of 4.0 m (i) an entrance porch and <u>steps</u> may project from the main <u>building</u> face by a maximum of 0.5 m with a maximum <u>height</u> of 1.7 m, including any vertical enclosures to the porch and <u>steps</u> , and (b) <u>rear yard</u> of 6.0 m; (c) <u>side yard</u> interior of 1.5 m or 2.4 m for any portion of a dwelling used for habitable space and which has a window; (d) <u>side yard</u> on a flanking street of 2.4 m.
Accessory Buildings	9	All <u>accessory buildings</u> must be located in a <u>rear yard</u> .
	10	The maximum <u>rear yard site coverage</u> by an <u>accessory building</u> must be 30%.

PART 1.53 – R1-S30 ZONE, POWELL STREET SMALL LOT DISTRICT

Height	11	A minimum separation distance of 2.4 m must be provided between a <u>single family dwelling</u> and an <u>accessory building</u> .
	12	The maximum <u>height</u> of any <u>accessory building</u> must not exceed 4.0 m.
	13	The minimum <u>setbacks</u> of detached <u>accessory buildings</u> must be in compliance with the following: <ul style="list-style-type: none"> (a) <u>front yard</u> of 18 m; (b) <u>rear yard</u> of 1.5 m when facing a lane; (c) <u>side yard</u> on a corner <u>lot</u>, no <u>accessory building</u> may be located closer to the flanking <u>street</u> than the minimum <u>setback</u> required for the principal <u>building</u> on the adjoining <u>lot</u> of such flanking <u>street</u>.
Parking	14	Parking must comply with Schedule C.
Outdoor Features	15	(a) The setbacks set out in sections 8 and 14 apply to outdoor features attached to the main building 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



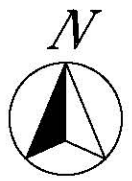
MICHIGAN ST

PARRY ST

POWELL ST

HEATHER ST

TORONTO ST



430 Powell Street
Rezoning No.00736



[REDACTED]

From: Luke Mari [REDACTED]
Sent: Wednesday, May 5, 2021 4:40 PM
To: Public Hearings
Subject: 430 Powell Street

To Mayor & Council,

We are writing on behalf of our property at 430 Parry Street.

We oppose the proposed rezoning on the basis that the subject location is extremely walkable to jobs, amenities, and transit options. It's a total underutilization of land to construction two small single family dwellings in light of our climate and housing crisis. This parcel of land could easily host a house-plex of 4-8 homes that satisfies the scale, massing, and form of the surrounding community.

We need to be far more diligent with valuable land in our City in order to accomplish broader City objectives. Such a proposal is at serious risk of being torn down in 10-15 years and replaced with a multiple family structure that we should be allowing today.

Please send the application back to the applicant to increase the density to a level more suitable for such an excellent urban location.

Regards,

Luke

--

Luke Mari, MCIP/RPP
Principal, Development
ARYZE Developments
1839 Fairfield Rd.
Victoria, BC, V8S 1G9
[REDACTED]

Madison Heiser

From: Stacey Boal [REDACTED]
Sent: Monday, May 10, 2021 9:09 PM
To: Public Hearings
Subject: Zoning Regulation Bylaw, Amendment Bylaw [no.1254] -No. 21-047

To whom it may concern,

I am writing to express our concerns about the proposed changes to 430 Powell St. For the most part, I am in favour of the planned development. However; as the owner of 426 Powell St. I am worried about how close the new house will be. Our house is barely 18 inches from the fence. The excavation and building process will be so close to us, it may cause significant damage to windows and plaster. Our bedroom will be right up against all the noise. I fear I will lose 2 excellent apple trees that are right on the edge of our property. For these reasons I cannot support reducing the south yard setback.

Thanks you for considering my concerns

Stacey Boal and Ronald Comber

426 Powell St

NO. 21-047

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by creating the R1-S30 Zone, Powell Street Small Lot District, and to rezone land known as 430 Powell Street from the R-2 Zone, Two Family Dwelling District, to the R1-S30 Zone, Powell Street Small Lot District.

The Council of The Corporation of the City of Victoria enacts the following provisions:

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- 3 The Zoning Regulation Bylaw is also amended by adding to Schedule B after Part 1.152 the provisions contained in Schedule 1 of this Bylaw.
- 4 The land known as 430 Powell Street, legally described as PID: 029-107-962, Lot A of Lots 1775 and 1776, Victoria City, Plan EPP28098 shown hatched on the attached map, is removed from the R-2 Zone, Two Family Dwelling District, and placed in the R1-S30 Zone, Powell Street Small Lot District.

READ A FIRST TIME the **22nd** day of **April** 2021

READ A SECOND TIME the **22nd** day of **April** 2021

Public hearing held on the day of 2021

READ A THIRD TIME the day of 2021

ADOPTED on the day of 2021

CITY CLERK

MAYOR

PART 1.53 – R1-S30 ZONE, POWELL STREET SMALL LOT DISTRICT

Uses	1	The following uses are the only uses permitted in this zone: (a) <u>single family dwelling</u> ; (b) <u>accessory uses</u> to a <u>single family dwelling</u> ; (c) <u>home occupation</u> ; (a) <u>buildings</u> accessory to a permitted use; (b) a maximum of two <u>garage sales</u> in any calendar year.
Lot area	2	The minimum <u>site area</u> must be 240 m ² .
	3	The minimum frontage of a <u>lot</u> on a <u>street</u> must be 8.6 m.
Height, Roof Deck	4	(a) The maximum <u>height</u> of a <u>single family dwelling</u> must not exceed 7.5 m nor two <u>storeys</u> , for which purpose any <u>basement floor area</u> that is more than 1.2 m above <u>grade</u> is deemed to be the first <u>storey</u> . (b) <u>Roof Deck</u> – not permitted.
Floor Area	5	The maximum <u>total floor area</u> for the dwelling must be 190m ² .
Floor space ratio	6	The maximum <u>floor space ratio</u> must be 0.6 to 1.
Site coverage	7	The maximum <u>site coverage</u> must be 40%.
Setback(s)	8	Except as required by s. 14, the minimum <u>setbacks</u> of the main structure must be in compliance with the following: (a) <u>front yard</u> of 4.0 m (i) an entrance porch and <u>steps</u> may project from the main <u>building</u> face by a maximum of 0.5 m with a maximum <u>height</u> of 1.7 m, including any vertical enclosures to the porch and <u>steps</u> , and (b) <u>rear yard</u> of 6.0 m; (c) <u>side yard</u> interior of 1.5 m or 2.4 m for any portion of a dwelling used for habitable space and which has a window; (d) <u>side yard</u> on a flanking street of 2.4 m.
Accessory Buildings	9	All <u>accessory buildings</u> must be located in a <u>rear yard</u> .
	10	The maximum <u>rear yard site coverage</u> by an <u>accessory building</u> must be 30%.

PART 1.53 – R1-S30 ZONE, POWELL STREET SMALL LOT DISTRICT

Height	11 A minimum separation distance of 2.4 m must be provided between a <u>single family dwelling</u> and an <u>accessory building</u> .
Accessory Building Setbacks	<p>12 The maximum <u>height</u> of any <u>accessory building</u> must not exceed 4.0 m.</p> <p>13 The minimum <u>setbacks</u> of detached <u>accessory buildings</u> must be in compliance with the following:</p> <p>(a) <u>front yard</u> of 18 m;</p> <p>(b) <u>rear yard</u> of 1.5 m when facing a lane;</p> <p>(c) <u>side yard</u> on a corner <u>lot</u>, no <u>accessory building</u> may be located closer to the flanking <u>street</u> than the minimum <u>setback</u> required for the principal <u>building</u> on the adjoining <u>lot</u> of such flanking <u>street</u>.</p>
Parking	14 Parking must comply with Schedule C.
Outdoor Features	<p>15 (a) The setbacks set out in sections 8 and 14 apply to outdoor features attached to the main building as though they are buildings</p> <p>(b) Outdoor features may not exceed a height of 3.5m from natural grade or finished grade, whichever is lower</p>



F. REPORTS OF COMMITTEE

F.1 Committee of the Whole

F.1.a Report from the March 11, 2021 COTW Meeting

F.1.a.a -161-167 Robertson Street: Development Variance Permit Application No. 00255 (Gonzales)

Moved By Councillor Andrew

Seconded By Councillor Alto

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

“That Council authorize the issuance of Development Variance Permit Application No. 00255 for 161-167 Roberson Street, in accordance with:

1. Plans date stamped November 25, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
 - i. Floor area of all floor levels combined (maximum) be increased from 300m2 to
3. The Development Variance Permit lapsing two years from the date of this resolution.”

CARRIED UNANIMOUSLY

G.2 161-167 Robertson Street: Development Variance Permit Application No. 00255 (Gonzales)

Committee received a report dated February 25, 2021 from the Director of Sustainable Planning and Community Development regarding the proposed Development Variance Permit Application for 161-167 Robertson Street in order to allow an additional 73m² of floor area within the basement level of the existing single-family dwelling and recommending that it move forward to an opportunity for public comment.

Moved By Councillor Alto
Seconded By Councillor Thornton-Joe

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

“That Council authorize the issuance of Development Variance Permit Application No. 00255 for 161-167 Roberson Street, in accordance with:

1. Plans date stamped November 25, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
 - i. Floor area of all floor levels combined (maximum) be increased from 300m² to 373m².
3. The Development Variance Permit lapsing two years from the date of this resolution.”

CARRIED UNANIMOUSLY



Committee of the Whole Report For the Meeting of March 11, 2021

To: Committee of the Whole **Date:** February 25, 2021
From: Karen Hoese, Director, Sustainable Planning and Community Development
Subject: Development Variance Permit Application No. 00255 for 161-167 Robertson Street

RECOMMENDATION

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

“That Council authorize the issuance of Development Variance Permit Application No. 00255 for 161-167 Roberson Street, in accordance with:

1. Plans date stamped November 25, 2020.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
 - i. Floor area of all floor levels combined (maximum) be increased from 300m² to 373m².
3. The Development Variance Permit lapsing two years from the date of this resolution.”

LEGISLATIVE AUTHORITY

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

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Variance Permit Application for the property located at 161-167 Robertson Street. The proposal is to allow an additional 73m² of floor area within the basement level of the existing single-family dwelling.

The following points were considered in assessing this application:

- The excavation for the dwelling revealed sub-surface soil conditions that required a deeper foundation than initially anticipated, thus triggering a change to the approved building plans. The change requested is to allow an area of 73m² originally shown as

crawlspace to be used as habitable floor area.

- The request to allow additional floor area in the basement level does not contribute to the building mass of the dwelling.
- The additional floor area within the basement involves no changes to the exterior of the dwelling, and, as such, there are no privacy or overlook issues resulting from the additional floor area.
- The density provision of the existing R1-G Zone, Single Family Dwelling (Gonzales) District, is not exceeded as the additional floor area in the basement level is exempt from the definition of floor space ratio; however, the combined floor area regulations for all levels of the building is exceeded by 73 m².

BACKGROUND

Description of Proposal

A one-and-a-half-storey, single-family dwelling with a basement is nearing completion on the subject property. The applicants have advised that in order to accommodate the design and seismic requirements of the new house, substantial excavation was required. This excavation was deeper than originally anticipated and as a result provided an opportunity to create additional habitable floor area.

The proposed variance is related to allowing an additional 73m² floor area in the basement level of the dwelling.

Sustainability

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

Active Transportation

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

Public Realm

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

Accessibility

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

Data Table

The following data table compares the proposal with the existing R1-G Zone, Single Family Dwelling (Gonzales) District. An asterisk is used to identify where the proposal does not meet the requirements of the existing zone. A double asterisk identifies an existing situation. A triple asterisk is used to identify Board of Variance approvals. Note that only one variance (in **bold**) is requested with this current application.

Zoning Criteria	Proposal	Zone Standard R1-G	Comments
Site area (m ²) – minimum	875	460.00	
Lot width (m) – minimum average	13.72 **	15.00	Existing non-conforming
Density (Floor Space Ratio) – maximum	0.27:1	0.5:1	Basement exempt from total floor area & FSR
1 st and 2 nd storey floor area (m ²) – maximum	239.94	240	
Total floor area (m ²) – maximum	372.77 *	300.00	Variance requested
Height (m) – maximum	8.08 ***	7.60	Board of Variance approved
Storeys – maximum	1.5 with basement	1.5 or 2 storey with basement	Half-storey is less than 70% of floor area of first storey
Site coverage (%) – maximum	29.82	30	
Open site space (%) – minimum	50.88	50	
Area of the lot			
Front yard	50.03	50	
Setbacks (m)			
Front – minimum	30.76	7.5	
Rear – from the front lot line to the rear of the building for water lots – maximum	50.00 *	36.50	Board of Variance approved
Side - minimum	2.06	2.06	15% of lot width
Side - minimum	2.19	2.06	15% of lot width
Combined side yards (minimum)	4.25 *	5.40	Board of Variance approved
Parking – vehicular – minimum	2	1	
Accessory structure (garage) – location (Robertson Street)	Front yard ***	Rear yard	Board of Variance approved
Accessory structure height at shoreline – maximum	5.22m ***	3.5m	Board of Variance approved

Relevant History

In 2019, a building permit for a new single-family residence was issued. The design of the new house and accessory building required a number of Board of Variance approvals, which are detailed in the Data Table. A Board of Variance appeal to allow the additional floor area in the basement was declined on March 12, 2020, and therefore the applicants are pursuing an approval through the Development Variance Permit process. The Board of Variance minutes are attached (Attachment F).

The applicant has provided a report from Ryzuk Geotechnical dated March 2, 2020, providing details of the excavation and foundation conditions. The excavation created a deeper foundation, which created an opportunity to change area in the basement from a crawlspace to habitable area. This is more fully described in the section titled Regulatory Considerations.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, on December 10, 2020 the application was referred for a 30-day comment period to the Fairfield-Gonzales CALUC. At the time of writing this report, a letter from the CALUC had not been received.

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

ANALYSIS

Tree Preservation Bylaw and Urban Forest Master Plan

There are no *Tree Preservation Bylaw* impacts with this application for additional floor area in the basement.

Regulatory Considerations

The property is subject to the regulations of the R1-G Zone, Single Family Dwelling (Gonzales) District. This Zone allows for a single-family dwelling, with the following limitations to the floor area of the dwelling:

- maximum floor space ratio of 0.5:1
- maximum floor area for the first and second storey combined of 240 m²
- maximum total floor area of all levels (first and second storey and basement) of 300 m².

The development of the subject property meets the requirements for floor space ratio and for the maximum floor area of the first and second storey combined. The floor space ratio is 0.27:1, which is below the requirement 0.5:1. The new or additional floor area outside the scope of the regulations is within the basement level. According to the definition of basement within the *Zoning Regulation Bylaw*, the lowest level ceiling cannot be more than 1.2m above grade. The changes requested by this variance application do not impact the interpretation of the bylaw as the lower level remains consistent with the definition of basement and is 1.2m below grade.

In order to be considered floor area, the floor to ceiling height must be greater than 1.5m (4.9 feet). Floor to ceiling height less than 1.5m in height is considered non-habitable crawlspace, which is generally used for storage or utilities within a home. The approved building plans for

this dwelling originally showed approximately half the basement level as crawlspace. With the deeper excavation the clearance height was increased, converting 73m² of area formerly noted as crawlspace to habitable area. This change to the floor plans in the basement level allows for a larger bedroom and full height storage. In the applicant's letter dated November 25, 2020, it is indicated that the additional floor area may accommodate a secondary suite at a later date, which is permitted within the zone.

This application presents a conundrum in that it appears to circumvent regulations that are intended to cap the total floor area and limit the overall size of houses and potential ancillary uses such as secondary suites. However, the structure and additional floor area are already built and the remedy for compliance with the *Zoning Regulation Bylaw* is to fill in or build a bulkhead or suspended ceiling within the additional 73m² of floor area to return it to its classification of crawlspace. While this sort of corrective approach would bring the building in line with the *Zoning Regulation Bylaw*, it would not change the outward appearance nor reduce the massing of the existing single-family dwelling. As such, there would be no change in terms of the building's impact on the adjacent properties.

CONCLUSIONS

Requesting approval after the fact is not an ideal situation; however, the exterior form and massing of the single-family dwelling has not changed as a result of the additional floor area and no privacy impacts to adjacent neighbours are attributed to the additional floor area.

ALTERNATE MOTION

That Council decline Development Variance Permit Application No. 000255 for the property located at 161-167 Robertson Street.

Respectfully submitted,

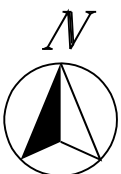
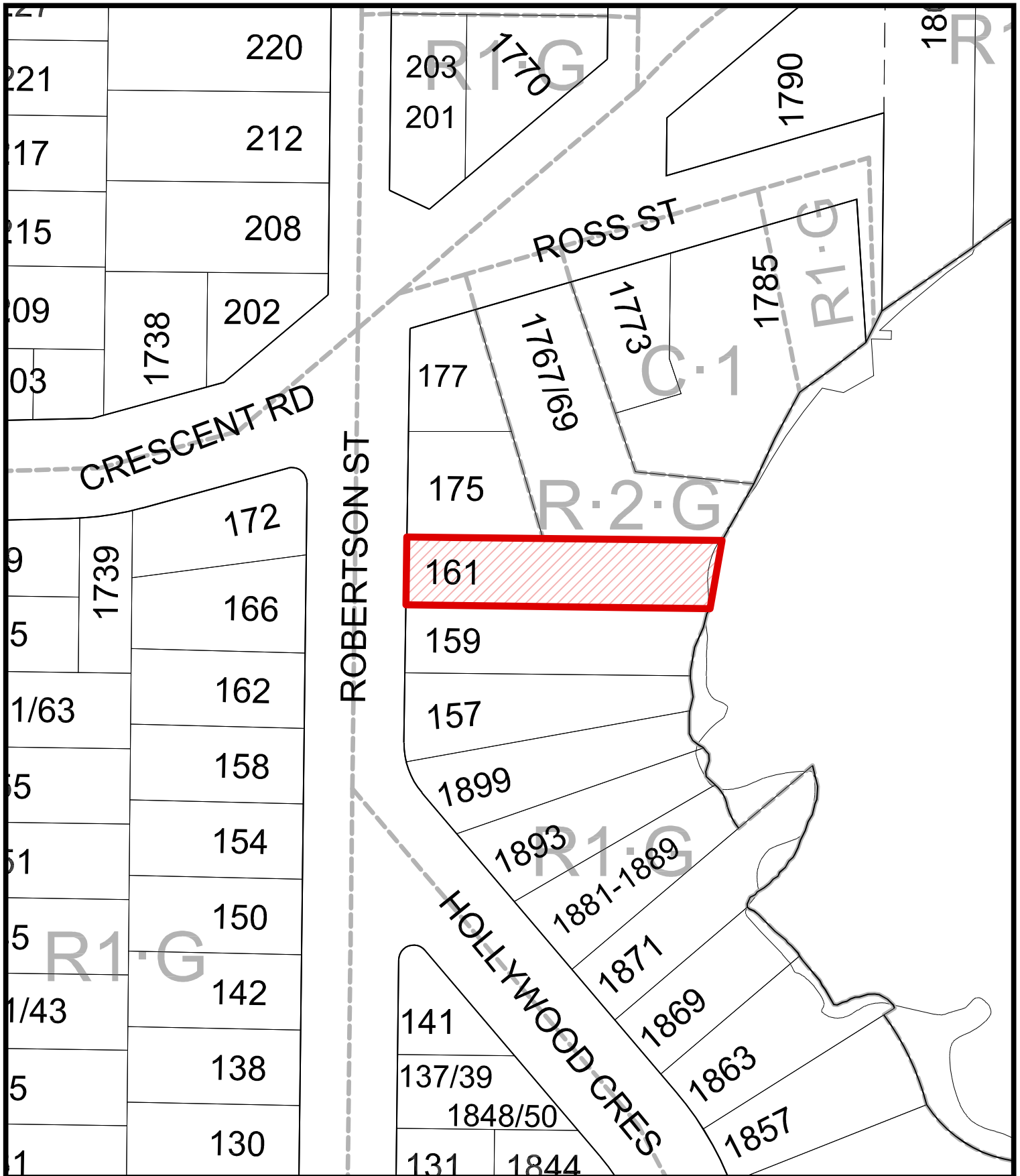
Lucina Baryluk
Senior Planner
Development Services

Karen Hoese, Director
Sustainable Planning and Community
Development Department

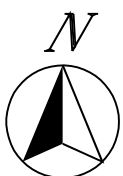
Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped November 25, 2020
- Attachment D: Letter from applicant to Mayor and Council dated November 25, 2020
- Attachment E: Letter from Ryzuk Geotechnical dated March 2, 2020
- Attachment F: Board of Variance minutes, dated March 12, 2020
- Attachment G: Correspondence.

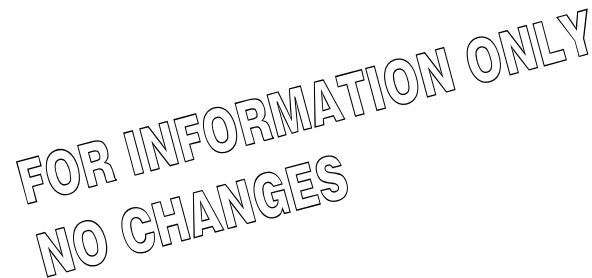


161 Robertson Street
Development Variance Permit No.00255

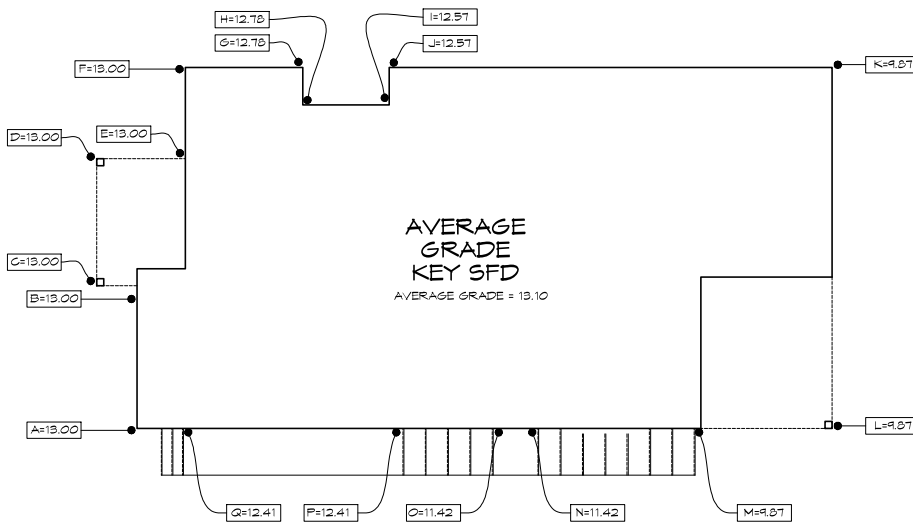


161 Robertson Street
Development Variance Permit No.00255





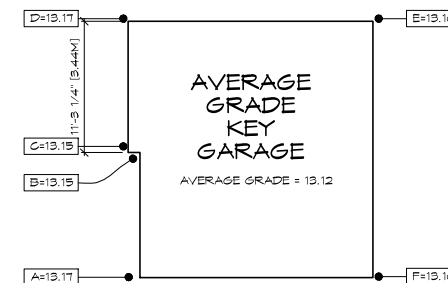
262



161 Robertson - Average Grade Calculation

SEGMENT	Start	Finish	Average	Distance	Factor	Total Factors	Perimeter	Average grade (total factors / perimeter)
AB	13.00	13.00	13.00	3.73	48.49	690.42	59.33	11.637
BC	13.00	13.00	13.00	1.05	13.65			
CD	13.00	13.00	13.00	3.33	43.29			
DE	13.00	13.00	13.00	2.32	30.16			
EF	13.00	13.00	13.00	2.39	31.07			
FG	13.00	12.78	12.89	3.07	39.57			
GH	12.78	12.78	12.78	0.98	12.52			
HI	12.78	12.57	12.68	2.26	28.65			
IJ	12.57	12.57	12.57	0.98	12.32			
JK	12.57	9.87	11.22	11.58	129.93			
KL	9.87	9.87	9.87	9.45	93.27			
LM	9.87	9.87	9.87	3.43	33.85			
MN	9.87	11.42	10.65	4.27	45.45			
NO	11.42	11.42	11.42	1.19	13.59			
OP	11.42	12.41	11.92	2.34	27.88			
PQ	12.41	12.41	12.41	5.77	71.61			
QA	12.41	13.00	12.71	1.19	15.12			
TOTAL				59.33	690.42			

AVERAGE GRADE
11.64



161 Robertson Garage - Average Grade Calculation

SEGMENT	Start	Finish	Average	Distance	Factor	Total Factors	Perimeter	Average grade (total factors / perimeter)
AB	13.17	13.15	13.16	3.27	43.03	343.99	26.22	13.119
BC	13.15	13.15	13.15	0.30	3.95			
CD	13.15	13.10	13.13	3.44	45.15			
DE	13.10	13.10	13.10	6.40	83.84			
EF	13.10	13.10	13.10	6.71	87.90			
FA	13.10	13.17	13.14	6.10	80.12			
TOTAL				26.22	343.99			13.12

FOR INFORMATION ONLY
NO CHANGE

Andrew SFD & Garage
161 Robertson Street, Victoria February 20, 2020



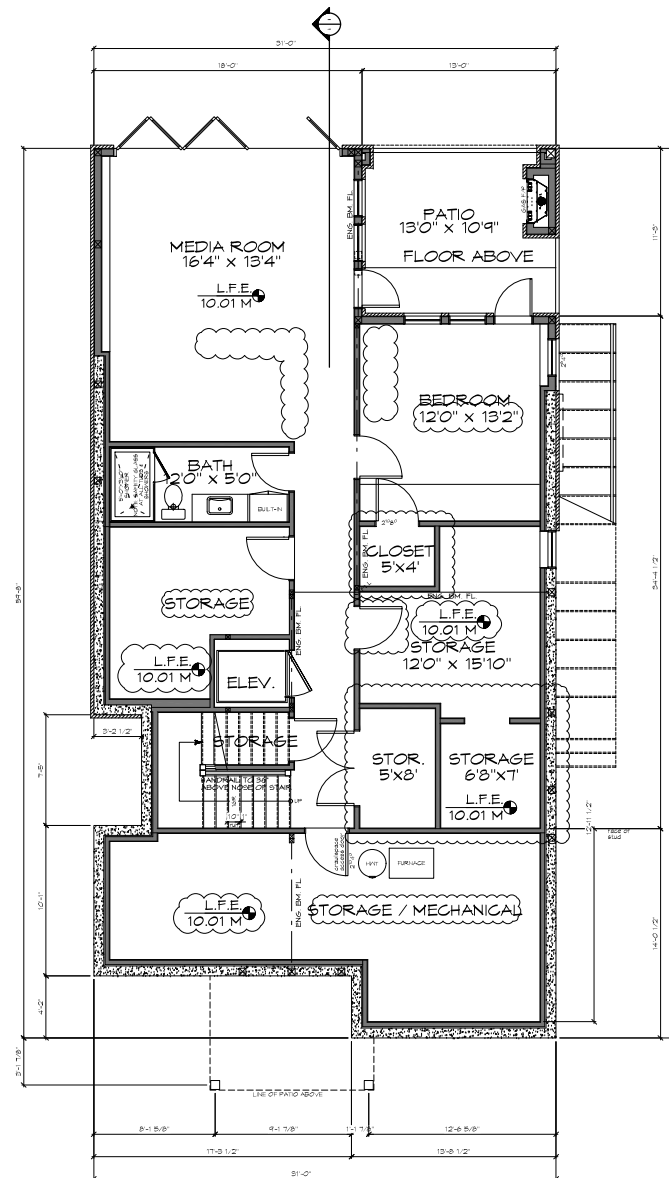
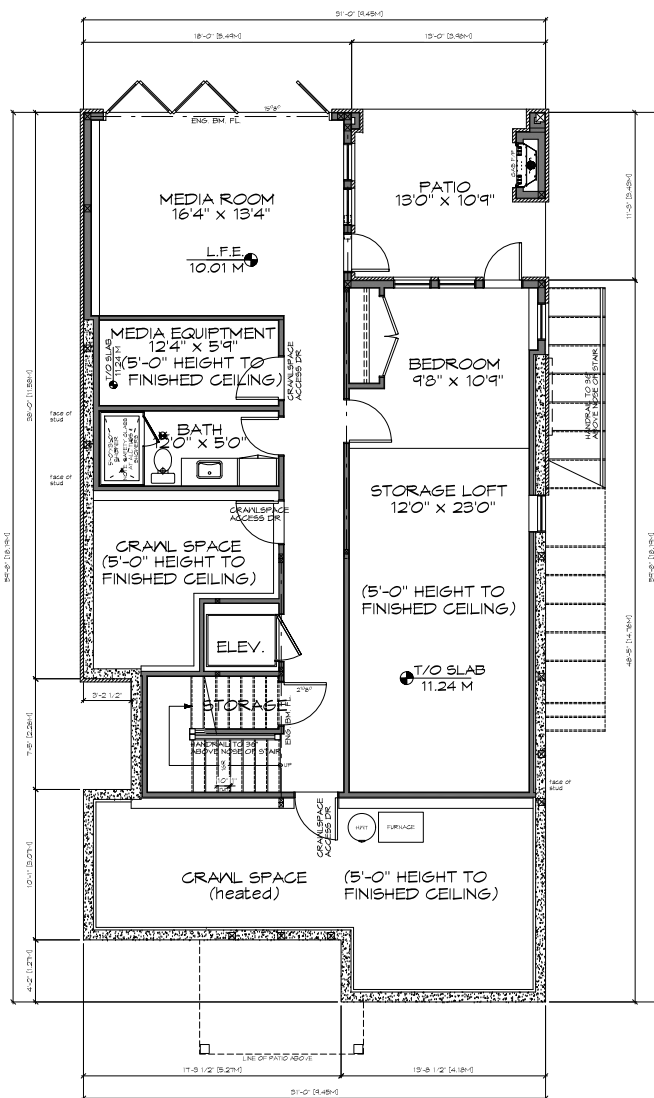
SITE DATA - NEW SFD & GARAGE @ 161 ROBERTSON STREET

LEGAL DESCRIPTION - LOT 2, BLOCK1, SECTION 19, VICTORIA DISTRICT, PLAN 910
ZONING - R1-G

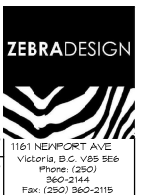
PROPOSED SFD	REQUIRED	PROPOSED	COMMENTS
LOT AREA	460.00 M ²	815.89 M ² (9429.03 FT ²)	non-conforming
LOT WIDTH	15.00 M	13.71 M (44.98')	
LOT DEPTH (AVG.)		64.15 M (210.47')	
FRONT YARD AREA		422.04 M ² (4542.77 FT ²)	
REAR YARD AREA		190.11 M ² (2046.24 FT ²)	
SETBACKS			
FRONT	7.50 M	30.76 M (100.92')	variance granted 10/15/18
REAR	36.50 M (from front lot line)	50.00 M (164.04')	
SIDE (north)	2.06 M (15.00% lot width)	2.06 M (6.76')	
SIDE (south)	2.06 M (15.00% lot width)	2.19 M (7.19')	
SIDE COMBINED	5.40 M	4.25 M (13.94')	variance granted 10/15/18
AVERAGE GRADE		11.56 M (37.93')	
BUILDING HEIGHT	7.60 M	8.08 M (26.51')	variance granted 10/15/18
STOREYS	1 ½ STOREYS + BSMT	1 ½ STOREYS + BSMT	
FLOOR AREA			
UPPER FLOOR		98.79 M ² (1063.41 FT ²)	
MAIN FLOOR		14.15 M ² (151.93 FT ²)	
BASEMENT		132.83 M ² (1424.81 FT ²)	FORMERLY 60.03 M ² (646.2 FT ²)
TOTAL FLOOR AREAS			
MAIN AND UPPER FLOORS		238.94 M ² (2562.74 FT ²)	
ALL FLOORS COMBINED	240 M ²	572.77 M ² (6012.46 FT ²)	variance required
FLOOR AREA RATIO	0.50	0.49	
SITE COVERAGE	30.00%	24.62%	
OPEN SITE SPACE	50.00%	50.89%	
OPEN SITE SPACE - FRONT YARD	50.00%	50.03%	
PARKING	1	3	
ACCESSORY GARAGE			
MUST BE IN REAR YARD			
REAR YARD			
SETBACKS			
TO HOUSE	2.40 M	15.02 M (49.28')	
REAR	0.60 M	49.46 M (159.99')	
SIDE NORTH	0.60 M	0.61 M (2.00')	
SIDE SOUTH	0.60 M	6.40 M (21.00')	
AVG. GRADE		13.12 M (43.04')	
BUILDING HEIGHT	3.50 M	3.43 M (11.25')	
FLOOR AREA	37.00 M ²	36.76 M ² (395.71 FT ²)	
SITE COVERAGE	25.00 % OF REAR YARD	0.00 % OF REAR YARD	
ACCESSORY BUILDING			
SETBACKS			
TO HOUSE	2.40 M	7.71 M (25.49')	
REAR	0.60 M	4.58 M (15.03')	
SIDE NORTH	0.60 M	0.81 M (2.66')	
SIDE SOUTH	0.60 M	6.98 M (22.90')	
AVG. GRADE		5.87 M (19.26')	
BUILDING HEIGHT	3.50 M	2.66 M (8.73')	
FLOOR AREA	37.00 M ²	18.68 M ² (201.05 FT ²)	
SITE COVERAGE	25.00 % OF REAR YARD	9.83 % OF REAR YARD	
ACC. BLDG-POOL/HOT TUB			
SETBACKS			
TO HOUSE	2.40 M	4.82 M (15.81')	
REAR	0.60 M	6.99 M (22.93')	
SIDE NORTH	0.60 M	1.22 M (4.00')	
SIDE SOUTH	0.60 M	1.52 M (4.99')	
GRADE		4.65 M (15.26')	
HEIGHT	3.50 M	5.22 M (17.13')	
FLOOR AREA	37.00 M ²	27.26 M ² (293.41 FT ²)	
SITE COVERAGE	25.00 % OF REAR YARD	14.34 % OF REAR YARD	
NORTHEAST STAR			
SETBACKS			
REAR	0.60 M	0.61 M (2.00')	
SIDE NORTH	0.60 M	0.70 M (2.30')	
AREA		2.40 M ² (26.67 FT ²)	LESS THAN 2 ABOVE NATURAL GRADE
EAST STAR AREA			
REQUIRED			
PROPOSED			
0.71 M ² (8.25 FT ²)			
COMMENTS			
ACCESSORY BLDG-COMBINED-			
REAR YARD			
PROPOSED			
FLOOR AREA BUILDING			
FLOOR AREA (POOL/TUB)	37.00 M ²	18.68 M ² (201.05 FT ²)	
EAST STAR AREA	37.00 M ²	27.26 M ² (293.41 FT ²)	
SITE COVERAGE	25.00 % OF REAR YARD	0.71 M ² (8.25 FT ²)	
VARIANCES			
(SFD) REAR YARD SETBACK	36.50 M (from front lot line)	50.00 M (164.04')	VARIANCE (44.29')
(SFD) SIDE COMBINED	5.40 M	4.25 M (13.94')	13.50 M (44.29')
(SFD) BUILDING HEIGHT	7.60 M	8.08 M (26.51')	1.15 M (3.77')
GARAGE IN REAR YARD	REAR YARD	FRONT YARD	0.49 M (1.57')

REQUESTED VARIANCE INDICATED BY SYMBOL

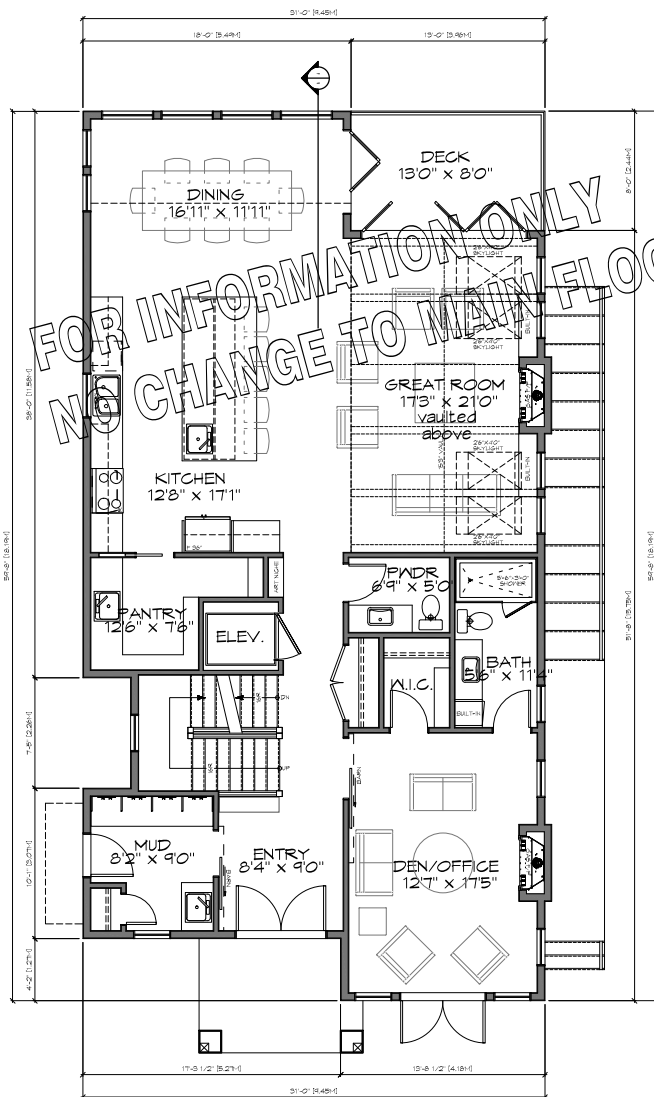




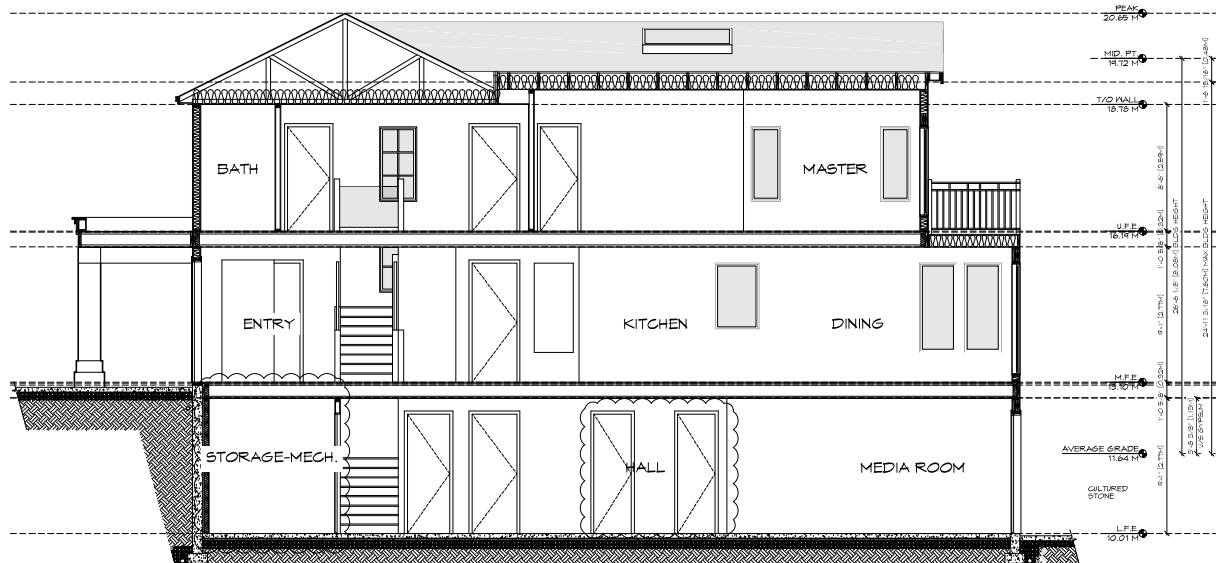
BOVO4a
BVP-V1



Andrew SFD & Garage
161 Robertson Street, Victoria November 16, 2020



Existing Main Floor Plan
SCALE 1 : 100



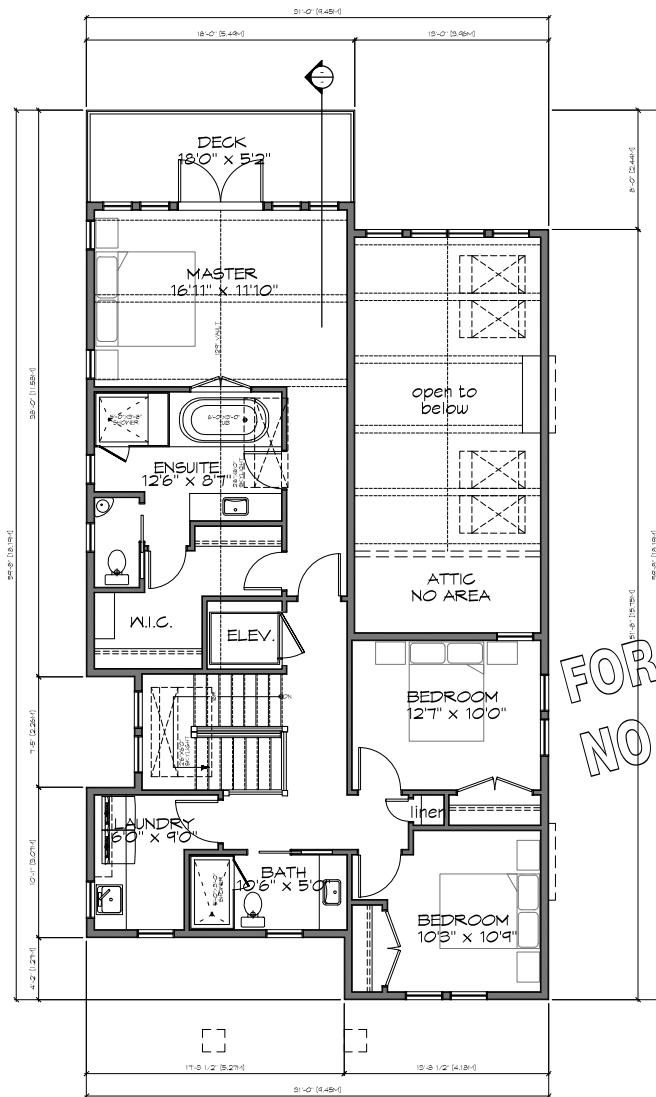
Building Section CHANGE TO BASEMENT LEVEL ONLY
SCALE 1 : 100

BOVO4
DVP-V1

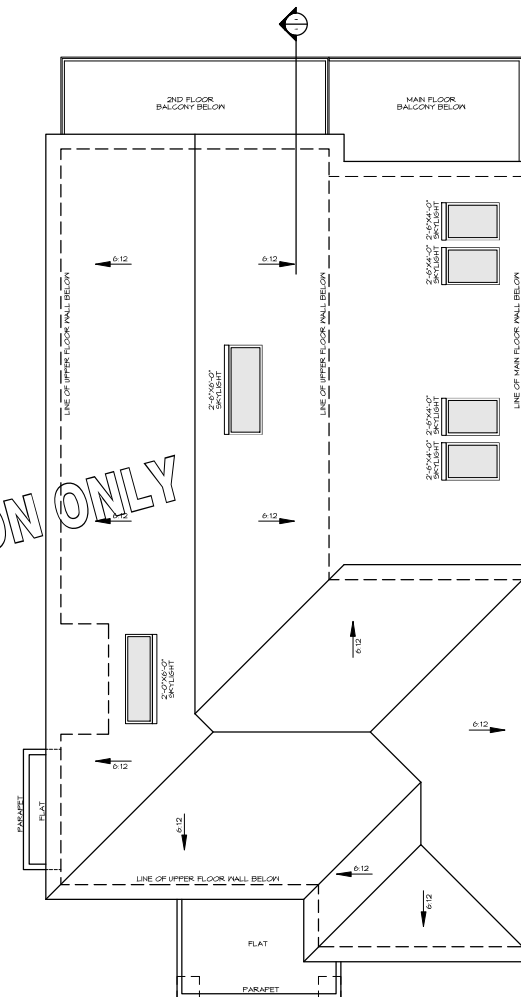


Andrew SFD & Garage
161 Robertson Street, Victoria November 16, 2020

1161 NEWPORT AVE
Victoria, B.C. V8S 5E6
Phone: (250) 360-2144
Fax: (250) 360-2115



Existing Upper Floor Plan
SCALE 1 : 100



Existing Roof Plan
SCALE 1 : 100

Andrew SFD & Garage

161 Robertson Street, Victoria November 16, 2020

BOV05
DVP-V1

ZEBRADESIGN



1161 NEWPORT AVE
Victoria, B.C. V8S 5E6
Phone: (250)
360-2144
Fax: (250) 360-2115



Existing Front Elevation
SCALE 1 : 100

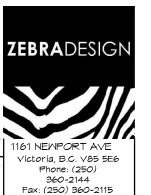


Existing Side Elevation - North
SCALE 1 : 100

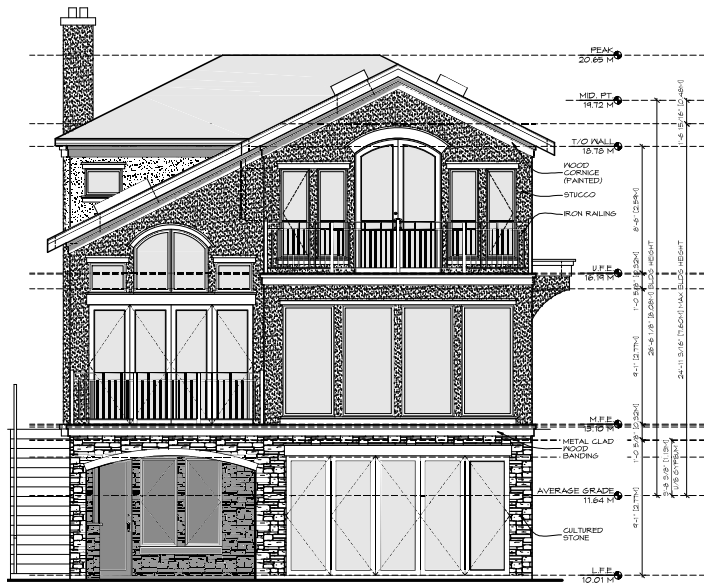
FOR INFORMATION ONLY
NO CHANGES

Andrew SFD & Garage
161 Robertson Street, Victoria November 16, 2020

BOY06
DVP-V1



1161 NEWPORT AVE
VICTORIA, B.C. V8S 5E6
Phone: (250) 360-2144
Fax: (250) 360-2115



Existing Rear Elevation
SCALE 1 : 100

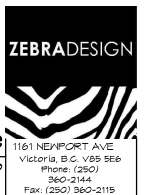


Existing Side Elevation - South
SCALE 1 : 100

FOR INFORMATION ONLY
NO CHANGES

Andrew SFD & Garage
161 Robertson Street, Victoria November 16, 2020

BOV07
DVP-V1



1161 NEWPORT AVE
VICTORIA, B.C. V8S 5E6
Phone: (250) 360-2144
Fax: (250) 360-2115

November 25, 2020

Dear Mayor and Council,

Thank you for taking the time to review the application for a variance pertaining to the maximum floor area for our property under construction at 161 Robertson Street. In order to achieve seismic stability during construction, we were forced to excavate deeper than expected. As a result, what was intended to be crawlspace ended up as full height basement, which is included in total floor area calculations. Because the proposed variance pertains only to the below grade portion of the basement, it would have no impact on the outward appearance of the property or on city services.

During professional design of our family home, we had anticipated that we would encounter bedrock near the surface on the west (uphill) side of the property, because most of the properties nearby are known to have bedrock relatively near the surface. We therefore designed a home with a 5 foot storage crawlspace in this 73 square meter section in order to minimize the need for disruptive blasting.

Because our new family home is in a high-risk Tsunami zone, seismic stability is extremely important to us. During excavation, routine assessment by Ryzuk Geotechnical revealed that, not only was bedrock deeper than expected, but that we would need to excavate deeper on that 73 square meter (8% of the lot) in order to be able to achieve the most solid footing possible. As a result of this unexpected consideration, excavation for the planned 73 square meter crawlspace ended up being an additional 4' in height, resulting in accessible basement where previously there would have been a 5' crawlspace. Please see the attached letter from Ryzuk Geotechnical for details.

There is no impact to the appearance of the building as the additional square footage was added by excavating below grade. Openings, services, site coverage, and external appearance remain completely unchanged. The floor area ratio remains well within required limits.

As a result of this 4' additional excavation and finishing it at basement level, this 73 square meter space is now included in Floor Area calculation. We are therefore requesting a relaxation of the Floor Area to allow for this larger basement. By keeping the whole basement area accessible, we preserve an area which could one day be used to create a 100 square meter two bedroom apartment.

We herewith request the relaxation of the following zoning requirement:

Floor Area (R1-G part 1.6.3.c): From the required 300 square meters to 372.77 square meters.

Sincerely,

The image shows two handwritten signatures in black ink. The signature on the left is stylized and appears to be 'Stephanie'. The signature on the right is also stylized and appears to be 'John Andrew'.

Stephanie and John Andrew

RYZUK GEOTECHNICAL

Engineering & Materials Testing

28 Crease Avenue, Victoria, BC, V8Z 1S3 Tel: 250-475-3131 Fax: 250-475-3611 www.ryzuk.com

March 2, 2020
File No: 8393-1

Alan Andrew
1966 Fairfield Rd
Victoria, BC
V8S 1H4

Attn: Alan Andrew (email: j.alan.andrew@gmail.com)

Dear Sir,


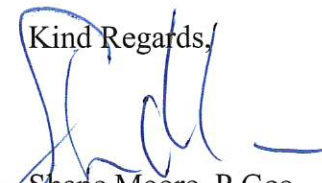
Re: Board of Variance
161 Robertson St – Victoria, BC

We understand that the marginal increase in floor area due to basement space rather than crawlspace has resulted in a requirement for you to make application to the Board of Variance. This letter summarizes the geotechnical conditions that contributed to the circumstances that have resulted in such.

During design, we had undertaken a subsurface investigation to confirm the existing geotechnical conditions, however, the depth to bedrock was extrapolated based on that information as well as the visible conditions along the shoreline slope and on the neighbouring properties. Unfortunately, during the process of excavation, we discovered that the bedrock plummeted more rapidly than anticipated, and we encountered soils that were not suitable for support of the residence considering the current BC Building Code for seismic stability. Accordingly, we recommended that the foundations be extended and secured to bedrock at an elevation that was lower than designed. Subsequently, given that the excavation had taken place, there was sound rationale to make use of that space as basement rather than infill back up to a higher elevation for a crawlspace.

If you have any questions with respect to the above, please contact us.

Kind Regards,



Shane Moore, P.Geo.
Senior Geoscientist/Managing Partner

12:50 Board of Variance Appeal #00827
David Yamamoto, Applicant; Alan Andrew, Owner
161 Robertson Street

Present Zoning: R1-G - Four single family dwellings (cottages)
Present Use: R1-G - Single Family Dwelling

The proposal is to convert crawlspace to basement area in a single-family dwelling currently under construction.

Bylaw Requirement

Relaxation Requested

Section 1.6.3 (c) Increase the maximum floor area of all floor levels combined from 300m² to 372.77m².

David Yamamoto, applicant; Alan Andrew & Stephanie Andrew, homeowners; were present.

Applicant

- The basement is being claimed for floor space because the original excavation was only done to the depth in which to permit the original crawlspace areas.
- Hardpan conditions were much lower than expected, making excavation deeper than originally planned.
- The property is still under the floor area ratio limit.
- There is no aesthetic change to the house.
- Wheelchair accessible space is important for our family because of some past personal experiences.

Board

- Has the excavation taken place?
 - Yes.
- Has the slab been poured?
 - Yes.
- Prior to getting the building permit what geotechnical investigation was taken?
 - The owners had a specialist, but no digging was done. The consultant had worked on the neighbour's project beside our house in 2008 and thought he had a good grasp on the soil conditions.
- What are the options moving forward if this application was denied?
 - The applicant would have to look into building the floor up, dropping the ceiling down or to drop in a mezzanine level.

Public portion of the meeting closed.

- This is a significant amount of space, 800sq ft added to the residence

Motion:

Moved: Jaime Hall

Seconded: Margaret Eckenfelder

That the following variances be declined:

Section 1.6.3 (c)

Increase the maximum floor area of all floor levels
combined from 300m² to 372.77m².

Carried Unanimously

Hi Alex,

I am writing to urge you and city council to consider rejecting the variance permit application for the above-noted property. Here are my concerns:

1. *"... what was intended to be crawlspace ended up as full height basement."*

The whole notion of applying for a variance permit after the fact seems disingenuous. This is a multi-million \$ house built on the edge of a steep slope leading to the water and it is inconceivable why the owners wouldn't have undertaken proper geotechnical assessment work prior to construction if, as they state, "seismic stability is very important to us".

2. *"There is no impact to the appearance of the building as the additional square footage was added by excavating below grade."*

Based on my understanding of this project I think this is incorrect. If the owners had completed a proper geotechnical assessment prior to construction and identified the need to excavate deeper, then the entire house could have been built with the originally planned 5' crawlspace but the house would sit 4' lower compared to how it sits now. In an area with potential waterfront views, a difference of 4' can make a huge difference to the view of water and Gonzales Hill to the residents on the opposite side of Robertson Street.

3. *"By keeping the whole basement area accessible, we preserve an area which could one day be used to create a ... two bedroom apartment."*

This really seems like they are grasping at straws. They clearly have no intention of developing this space as a rentable apartment and it is highly unlikely that any future owner of this multi-million \$ waterfront mansion is going to need a "mortgage helper" suite. However, the additional floor space undoubtedly adds a considerable amount to the value of this property.

It is unfortunate that this work went ahead without permission and it certainly puts the City in a difficult position. I am not sure what an appropriate mitigation would be.

Sincerely,

Jack Sutcliffe
Victoria

1

Development Variance Permit
Application for
161 Robertson Street

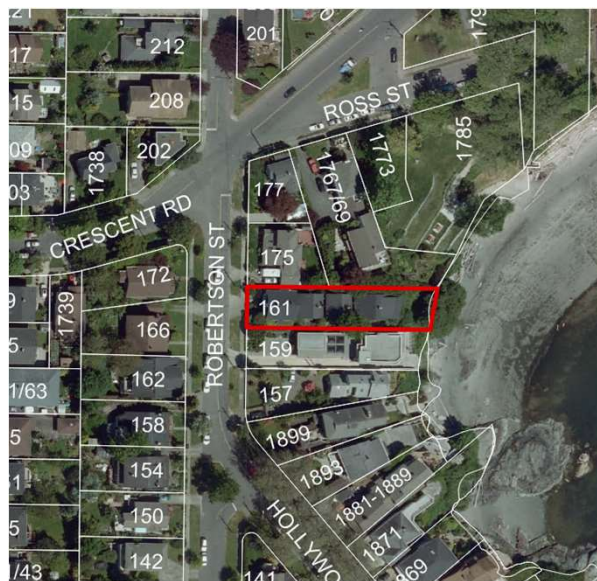
Convert crawlspace to basement



1

Aerial View

2



2

Subject Property

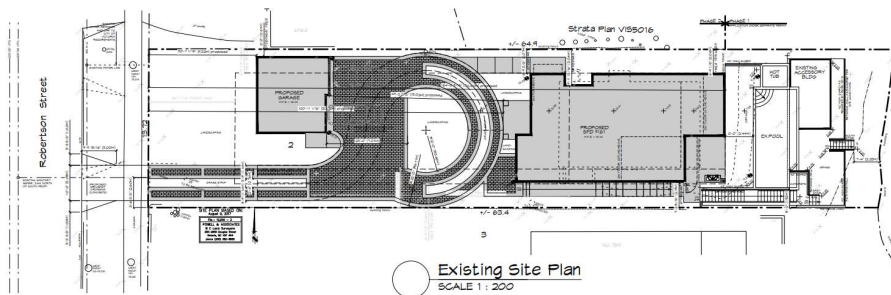
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3

161 Robertson – Existing Site Plan

4

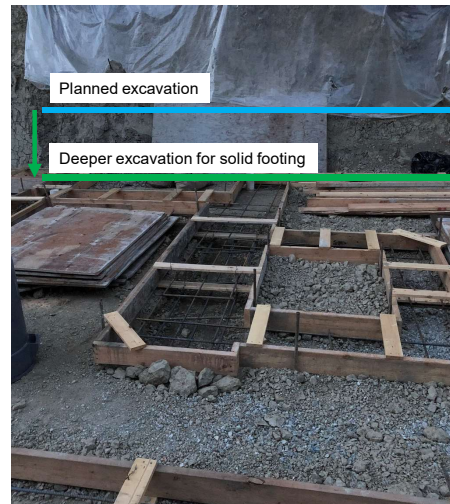


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Excavation detail

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- During excavation, the geotechnical engineer, Ryzuk Geotechnical, determined that bedrock was deeper than expected, requiring additional excavation to achieve solid footing



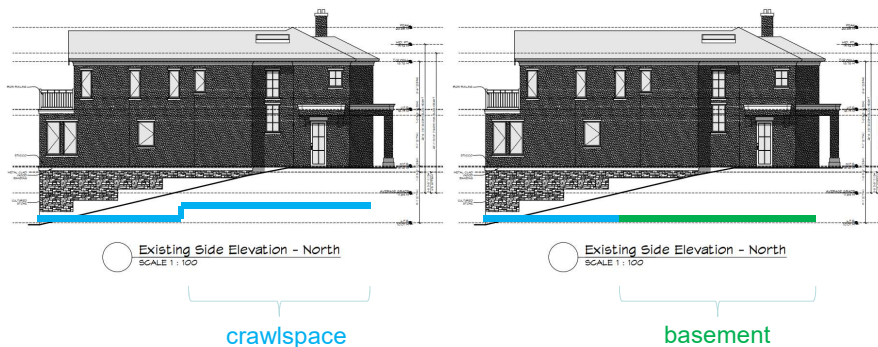
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Elevations – original and modified

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Original

Modified

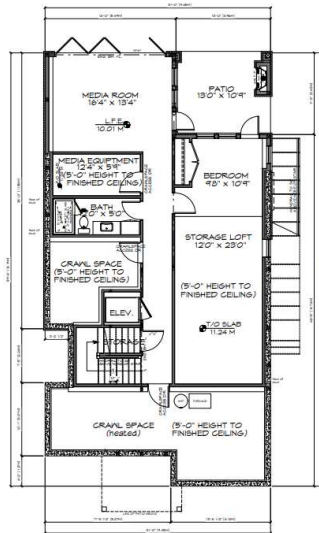


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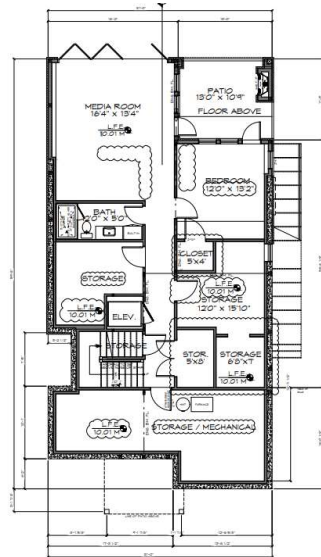
Floor plans – lower level

7

Original Basement



Modified Basement



7

161 Robertson – Applicant's rationale

8

- Conditions encountered during construction made it more efficient to build full basement
- Reduce need for fill materials
- No impact on city services, external appearance of house, trees, open area, greenspace, etc



8

[REDACTED]

From: Jean trevethan [REDACTED]
Sent: Sunday, May 2, 2021 1:31 PM
To: Public Hearings
Cc: Lucina Baryluk
Subject: 161 Robertson Variance

Dear Sirs,

As the neighbour of the subject property,(159 Robertson)I am happy to support their application for basement variance. This will have no impact on my view of the house, which is delightful and such an improvement on the original run down cottages.

When we built our house, we were given approval for a full basement and were encouraged to provide a basement suite by the City, and in fact were given \$5,000 to do so. This suite has always been rented, with no adverse comments from the neighborhood. I therefore have no objection to Dr Andrew's plans.

Jean Trevethan

Sent from my iPad

[REDACTED]

From: Paul Wagorn [REDACTED]
Sent: Thursday, May 6, 2021 4:42 PM
To: Public Hearings; Lucina Baryluk; Ben Isitt (Councillor)
Cc: Alan Andrew
Subject: 161 Robertson Street variance

All,

I own the property at 175 Robertson - the immediate neighbor north of 161 Robertson Street.

It is my understanding that there is an outstanding variance application for the abovementioned property for modifications to the crawlspace to convert it into basement space.

Based on the information that has been provided to me, I have no objection to the application, and support the variance application as the redevelopment of the property has been a net positive for the neighborhood.

Best,
Paul Wagorn
175 Robertson Street
[REDACTED]

E. REPORTS OF COMMITTEE

E.1 Committee of the Whole

E.1.a Report from the April 1, 2021 COTW Meeting

E.1.a.a -2747 Asquith Street: Development Variance Permit No. 00258 (Oaklands)

Moved By Councillor Andrew
Seconded By Councillor Young

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

“That Council authorize the issuance of Development Variance Permit Application No. 00258 for 2747 Asquith Street in accordance with:

1. Plans date stamped January 21, 2021.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
 - i. reduce the minimum distance from the parking stall to a street from 1.0m to 0.87m.
3. The Development Permit lapsing two years from the date of this resolution.”

CARRIED UNANIMOUSLY

E.3 2747 Asquith Street: Development Variance Permit No. 00258 (Oaklands)

Committee received a report dated March 18, 2021 from the Director of Sustainable Planning and Community Development regarding a Development Variance Permit Application for the property located at 2747 Asquith Street in order to renovate the existing single-family dwelling to create a secondary suite. The proposal meets the required number of parking stalls (one).

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

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

“That Council authorize the issuance of Development Variance Permit Application No. 00258 for 2747 Asquith Street in accordance with:

1. Plans date stamped January 21, 2021.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
 1. reduce the minimum distance from the parking stall to a street from 1.0m to 0.87m.
3. The Development Permit lapsing two years from the date of this resolution.”

CARRIED UNANIMOUSLY



Committee of the Whole Report For the Meeting of April 1, 2021

To: Committee of the Whole **Date:** March 18, 2021

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

Subject: Development Variance Permit Application No. 00258 for 2747 Asquith Street

RECOMMENDATION

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

“That Council authorize the issuance of Development Variance Permit Application No. 00258 for 2747 Asquith Street in accordance with:

1. Plans date stamped January 21, 2021.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
 - i. reduce the minimum distance from the parking stall to a street from 1.0m to 0.87m.
3. The Development Permit lapsing two years from the date of this resolution.”

LEGISLATIVE AUTHORITY

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

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Variance Permit Application for the property located at 2747 Asquith Street. The proposal is to renovate the existing single-family dwelling to create a secondary suite. The proposal meets the required number of parking stalls (one). However, a variance is required to reduce the minimum distance from the parking stall to a street from 1.0m to 0.87m.

The following points were considered in assessing this application:

- the proposal is consistent with the *Official Community Plan* as it adds to the existing housing rental stock.

- the proposal is consistent with the *Oaklands Neighbourhood Plan* as it maintains the low-scale, family-oriented character of the neighbourhood.
- the variance to reduce the required distance from the parking stall to the street by 0.13m (approximately five inches) is considered supportable since the municipal boulevard provides sufficient buffer to prevent any potential obstruction of the sidewalk.

BACKGROUND

Description of Proposal

The proposal is to renovate the existing property to create a secondary suite. No parking is required for a secondary suite, but the one stall for the single-family dwelling is subject to the regulations in Schedule C – Off Street Parking, which requires a minimum distance of 1.0m from the parking stall to a street.

Affordable Housing

The applicant proposes the creation of one new secondary suite, which would increase the overall supply of rental housing in the area.

Tenant Assistance Policy

The proposal is for the creation of a secondary suite within an existing single-family dwelling and would not result in the loss of any existing residential rental units.

Sustainability

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

Active Transportation

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

Public Realm

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

Accessibility

The *British Columbia Building Code* regulates accessibility as it pertains to buildings. The proposed secondary suite would be accessed without the use of stairs.

Existing Site Development and Development Potential

The site is presently a single-family dwelling. Under the current R1-B Single Family Dwelling District Zone, the property could be developed to include either a secondary suite or garden suite.

Data Table

The following data table compares the proposal with the existing R1-B Single Family Dwelling District Zone. An asterisk is used to identify where the proposal does not meet the requirements of the existing Zone. Two asterisks are used to identify where the proposal is legally non-conforming.

Zoning Criteria	Proposal	Existing R1-B Zone
Site area (m ²) – minimum	508.90	460.00
First and second storey floor area (m ²) – maximum	208.50	280.00
Combined floor area (m ²) – maximum	223.50	300.00
Lot width (m) – minimum	15.22	15.00
Height (m) – maximum	6.24	7.60
Storeys – maximum	2	2
Site coverage (%) – maximum	30.00	40.00
Setbacks (m) – minimum		
Front	4.10** (to porch) 5.97** (to building)	7.50
Rear	10.20	8.36
Side (south)	1.70	1.52
Side (north)	3.60	3.00
Combined side yards	5.30	4.50
Parking – minimum	1	1
Distance from parking stall to street	0.87*	1.0

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, on January 27, 2021 the application was referred for a 30-day comment period to the Oaklands CALUC. At the time of writing this report, a letter from the CALUC had not been received.

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

ANALYSIS

Official Community Plan

The proposal is for an additional rental unit within an existing single-family dwelling and is consistent with the *Official Community Plan, 2012* (OCP), which supports housing diversity, rental housing choice and the ongoing upgrade and regeneration of the City's rental housing stock.

Local Area Plans – Oaklands Neighbourhood Plan

The *Oaklands Neighbourhood Plan* notes a number of objectives related to housing, including “to make provision for a range of housing types and sizes in the Oaklands neighbourhood through limited infill, redevelopment and new housing” and “to maintain the family-oriented housing character of much of Oaklands”. The proposal is consistent with these objectives in the creation of a secondary suite within an existing dwelling.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no *Tree Preservation Bylaw* impacts and no impacts to public trees with this Application.

Regulatory Considerations

The existing property operates with a legal non-conforming front yard setback. The proposal meets the required number of parking stalls (one) for a single-family dwelling and secondary suite. The parking stall is located in the front yard as permitted under the bylaw and meets the minimum standards for stall dimensions. However, given the legal non-conforming front yard setback, the proposal cannot meet the required 1.0m distance from a parking stall to a street, without radically altering the exterior façade of the building. The requested variance to reduce this distance to 0.87m is considered supportable since the municipal boulevard provides sufficient buffer to prevent any potential obstruction of the sidewalk.

CONCLUSIONS

The subject site has been functioning with a legal non-conforming front yard setback for a number of years. The proposal to construct a secondary suite would increase the rental housing stock in the neighbourhood and the potential impacts on the neighbourhood would be minimal. Therefore, staff recommend that Council support the proposed variance.

ALTERNATE MOTION

That Council decline Development Variance Application No. 00258 for the property located at 2747 Asquith Street.

Respectfully submitted,

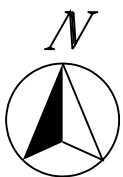
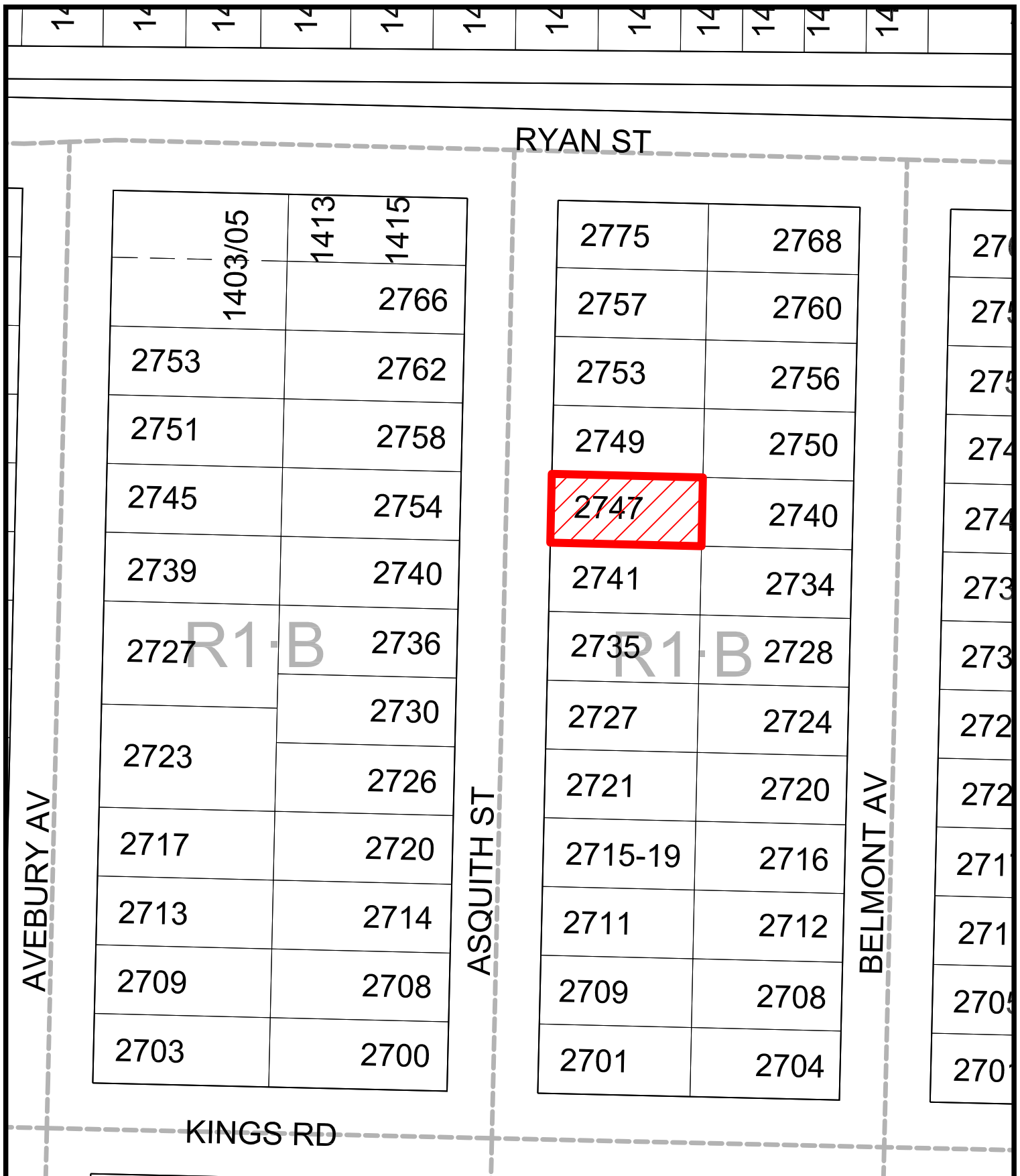
Charlotte Wain
Senior Planner – Development Services
Division

Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

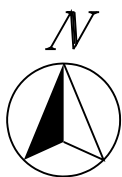
List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped January 21, 2021
- Attachment D: Letter from applicant to Mayor and Council dated January 18, 2021.



2727 Asquith Street
Development Variance Permit 00258

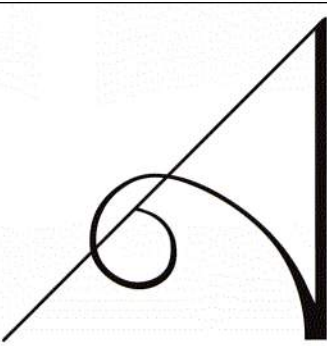




2747 Asquith Street
Development Variance Permit 00258

Air Photo





ARMITAGE ARCHITECT
1251 Victoria Avenue
Victoria, B.C. V8S 4P3
250-884-2414
john_armitage@shaw.ca

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1. Do not scale drawings.
2. Verify all dimensions.
3. Check Drawings against Specifications. In case of discrepancies, specifications shall govern.
4. Use latest revised drawings only.

Revisions:

- 1 Oct 28 / 20 - BP Revisions
- 2 Jan 9 / 21 - BP Revisions
- 3 Jan 11 / 21 - Variance Application

Project:

Stucchi-Leach Residence, Lower Level Renovation
2747 Asquith Street,
Victoria, BC.

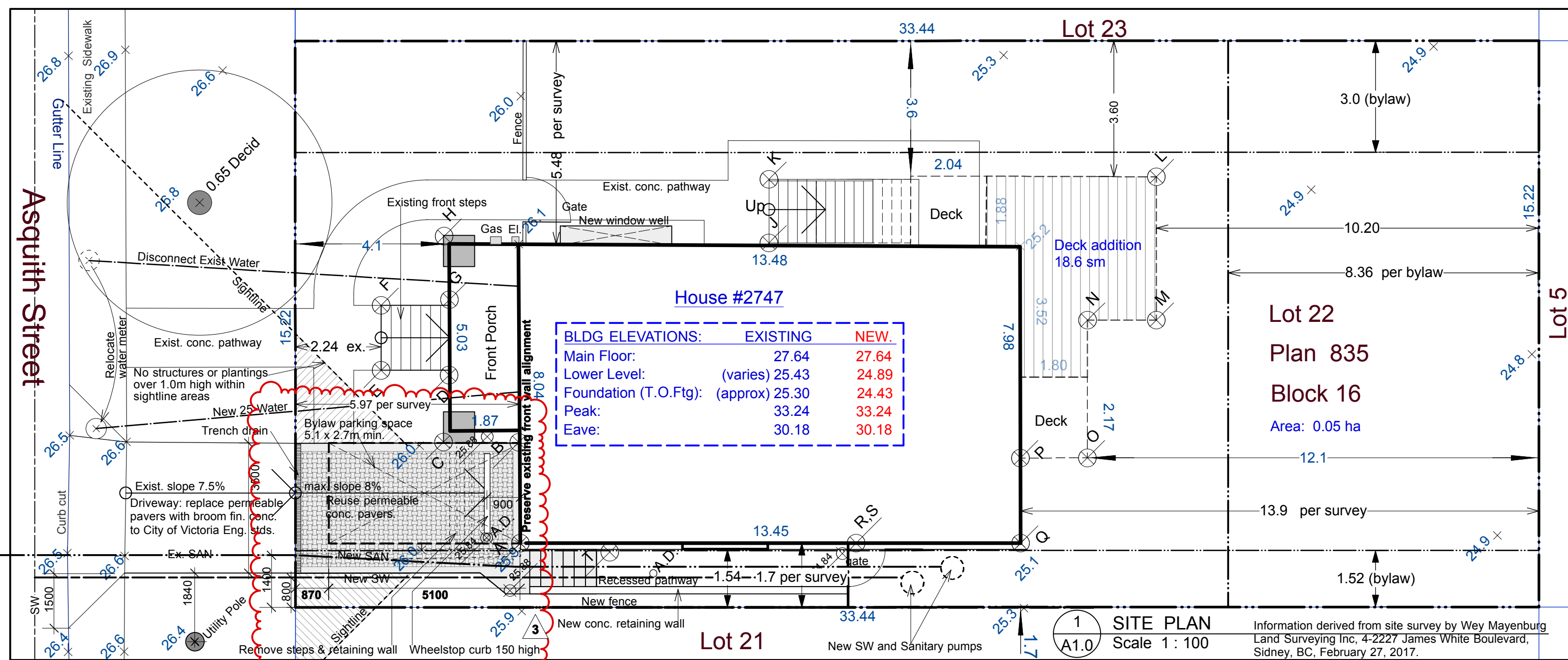
Title:
SITE PLAN
FLOOR PLANS

Date: June 12, 2020
Scale: As noted
Issue: BUILDING PERMIT

Sheet Number:

A-1.0

© Armitage Architect



PROJECT DATA

Property address: 2747 Asquith Street.

Legal: Lot 22, Block 16, Section 48, Victoria District, Plan 835.

Zoning: R1-B
Single Family Residential
Secondary Suite permitted

Floor Area:
Total (minimum): 218.24sm, existing
Total (maximum): 215.55sm, proposed
Storeys 1 & 2(max): 203.24sm, existing
200.55sm, proposed

Building Height:
- Bylaw: 7.60 m
- Existing: 6.24 m
2 storeys
2 1/2 storeys
(per Variance, Sep 14, 2017)

Setbacks: (per Variances, Sep 14, 2017)
Front: House: 5.97m, no change
Front Porch: 4.10m, no change
Front Steps: Existing 2.24m

Rear: 10.20m

Sides: 1.54m & 3.6m, 1.52 m & 3.0 m

Lot Area: 509 sm

Site Coverage:
- Bylaw: 509 x 40% = 203.6 sm
- SFD: Existing + New (incl decks) 153.0 sm (30%)
- Accessory buildings: None

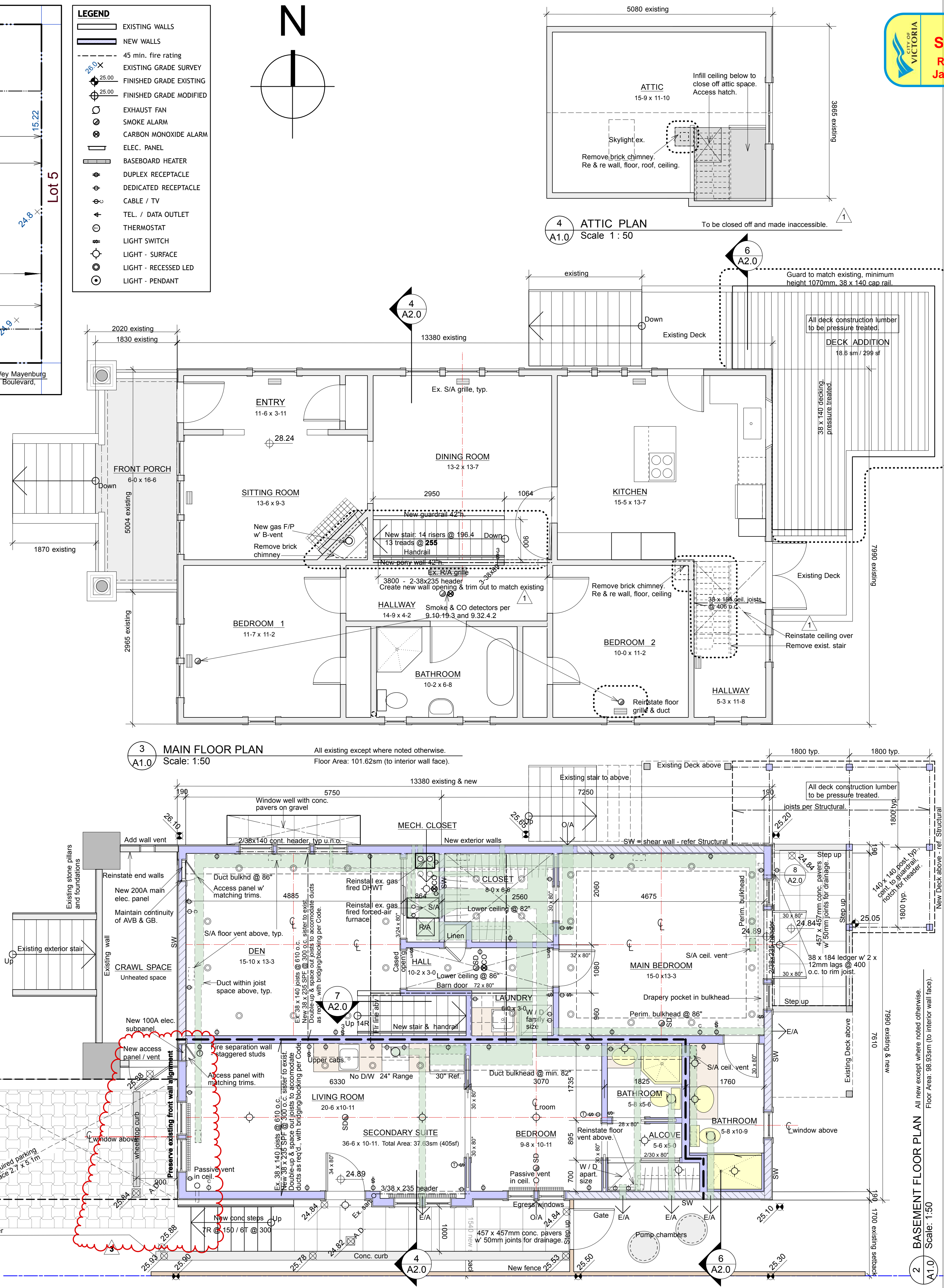
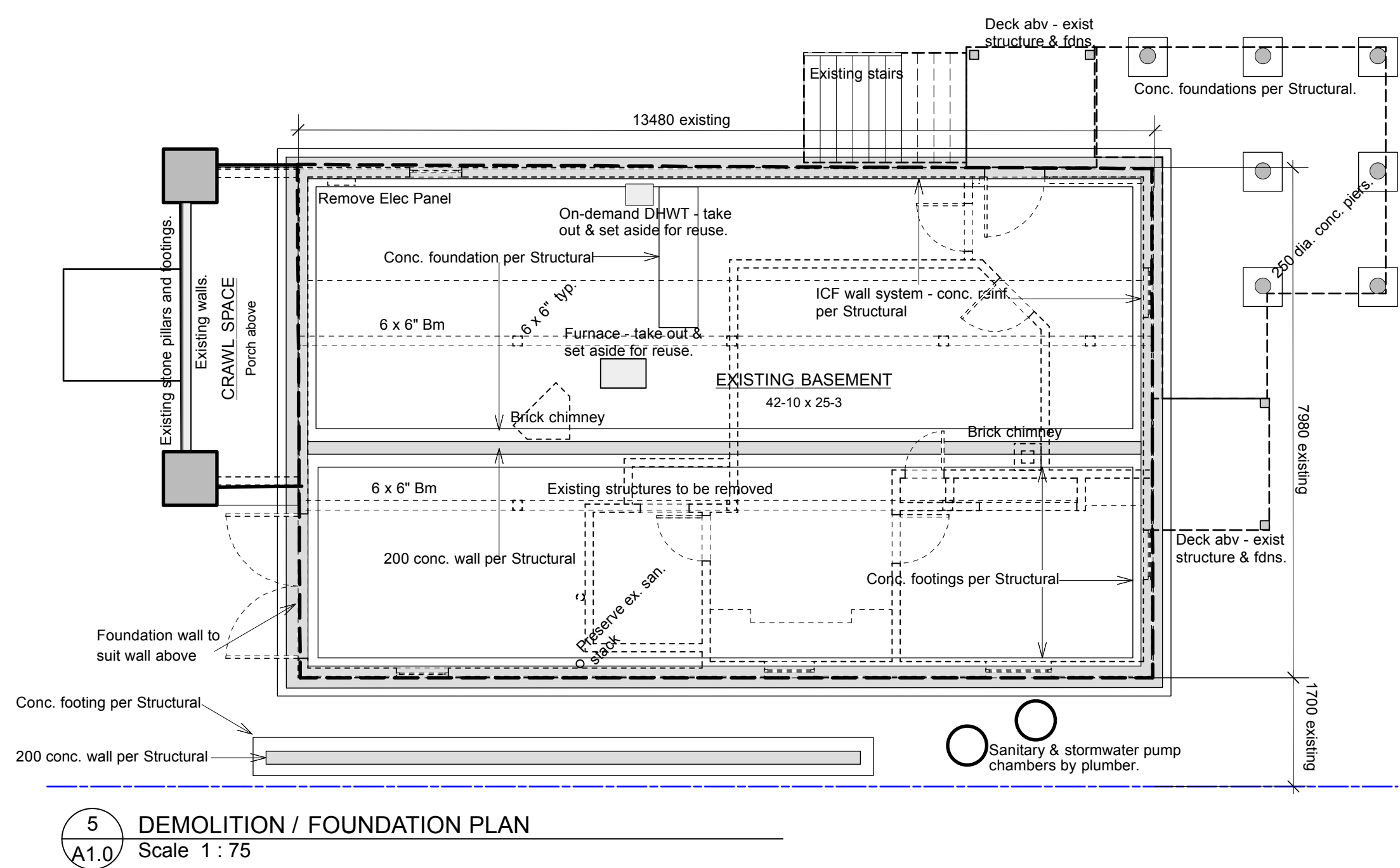
Floor Area, Secondary Suite:
- Bylaw: 200.55 x 40% = 80.22 sm or 90 sm
- New secondary suite: 37.63 sm

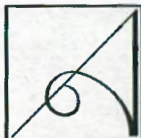
Fire Separations (Secondary Suite): 45 minutes, walls & ceiling.
Refer Elevations.

GENERAL NOTES.

1. All work to be carried out in accordance with 2018 BC Building Code, latest edition, governing legislation and Standards, and applicable local bylaws.
2. Firestop plumbing and other penetrations through fire separations. Limited penetrations for electrical boxes are permitted if tightly fitted. No interconnected ductwork or vacuum system.
3. Install Can/ULC-S531 smoke alarms hard-wired to Code, interconnected within each dwelling unit, but not connected between SFD and Secondary Suite.
4. All new windows, doors and skylights to conform to the thermal performance standard *AAMA WDMA/CSA 1011, S.2/A440-08 NAFS - North American Fenestration Standard/Specification for Windows, Doors and Skylights* together with Canadian Supplement *A440S1-09*.
5. Obtain engineered structural drawings for non-standard foundation, underpinning, retaining walls, shoring and framing details.
6. Mechanical ventilation to SFD portion to connect to existing gas-fired furnace with new ductwork to suit, all by licensed mechanical contractor.
7. Mechanical exhaust ventilation to SFD portion as follows:
Main bathroom - continuous, 110 cfm, Panasonic FV-11VQ5,
Kitchen - existing rangehood,
Ensuite bathroom- 110 cfm, Panasonic FV-11VQ5.
8. Secondary suite ventilation as follows:
Bathroom - continuous exhaust, 110 cfm, Panasonic FV-11VQ5,
Kitchen - rangehood to be determined, Make-up air inlet vents Panasonic FV-GKF32SI
9. Secondary suite heating - electric resistance baseboard heaters, to be sized by licensed electrical contractor.

GRADE CALCULATION				
POINTS	AVERAGE	X	DISTANCE	TOTALS
A + B:	(25.88 + 25.88) / 2	x	2.70	= 69.88
B + C:	(25.88 + 26.00) / 2	x	1.80	= 46.69
C + D:	(26.00 + 26.00) / 2	x	1.90	= 49.40
D + E:	(26.00 + 26.30) / 2	x	1.80	= 47.07
E + F:	(26.30 + 26.30) / 2	x	2.00	= 52.60
F + G:	(26.30 + 26.25) / 2	x	1.80	= 47.30
G + H:	(26.25 + 26.25) / 2	x	1.80	= 47.25
H + J:	(26.25 + 25.65) / 2	x	8.50	= 220.58
J + K:	(25.65 + 25.65) / 2	x	1.80	= 46.17
K + L:	(25.65 + 25.08) / 2	x	10.50	= 266.33
L + M:	(25.08 + 25.05) / 2	x	3.80	= 95.25
M + N:	(25.05 + 25.05) / 2	x	1.90	= 47.60
N + O:	(25.05 + 25.05) / 2	x	3.70	= 92.69
O + P:	(25.05 + 25.10) / 2	x	1.80	= 45.14
P + Q:	(25.10 + 25.10) / 2	x	2.30	= 57.73
Q + R:	(25.10 + 25.10) / 2	x	3.60	= 90.36
S + T:	(24.84 + 24.84) / 2	x	7.70	= 191.27
T + A:	(24.84 + 25.88) / 2	x	2.10	= 53.26
			61.50	= 1566.57
AVERAGE GRADE:				
1566.57 / 61.50m (perimeter)				= 25.47




ARMITAGE ARCHITECT

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

John H Armitage Architect AIBC, LEED-AP

250 - 884 - 2414

john_armitage@shaw.ca

January 18, 2021

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

To: The Mayor and Council,

Re. 2747 Asquith Street, Lot 22, Block 16, Section 48, Victoria District, Plan 835.

Request for Variance:

Front Yard Setback – Parking: 5.97m existing versus 6.1m bylaw

On behalf of the Owners of this property, we wish to outline the rationale for this variance request.

This Arts and Crafts cottage was built in about 1913 and is very representative of the form and character of its time. This includes a close and direct relationship to the street that contributes significantly to the pedestrian-friendly character of this inner suburb. It is the owners' intention to preserve the appearance and character of this house as much as possible.

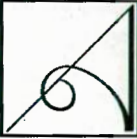
The new owners purchased the property in 2016 and are proposing to upgrade the below-standard basement to expand living space for their growing family and create a secondary suite. An earlier (2017) proposal to lift the house and rebuild the basement, with related variances, was abandoned due to cost and other factors.

A subsequent bylaw change now permits on-site parking to be located in the front yard only, rather than behind the line of the house front. This is a crucial innovation to encourage the development of secondary suites (and help address our housing crisis) and was a deciding factor in the choice of renovation strategy in this case.

The setback requirement (per Zoning Bylaw, Schedule C) is 6.1m total: 5.1m for the parking space plus an additional 1.0m to a street, commonly referred to as a "landscape strip". The existing setback for this house is 5.97m so it is non-conforming by 130mm (approximately 5") sometimes referred to as "less than a cellphone". On this and neighbouring streets, there is an additional 4.4m of municipal boulevard, between the property line and the back of the sidewalk, that provides a substantial buffer for residential parking. It seems a remote possibility that the City might one day choose to widen this street to such an extent that the length of this driveway would ever become an issue physically or practically. Also, the concept of the 1.0m "landscape strip" is more appropriately applied to "hammerhead" driveway configurations and large commercial parking lots, whereas it is somewhat moot in this case being an essential part of the driveway itself.

To bring the house into conformance would not be impossible but would require cutting back half of the front face of the house. This would require some structural contortions and would compromise the integrity of its appearance and structure. Similarly, a conforming "hammerhead" driveway configuration is theoretically possible but would result in paving almost the entire front yard. This would be out of step with the form and character of the streetscape and would potentially compromise a municipal street tree. Either solution would impose a degree of hardship without achieving any community benefit.

In summary, the variance condition represents a trivial historical anomaly, a "paper" discrepancy between an arbitrary bylaw requirement and an existing physical condition that is neither functionally deficient nor materially improved by bringing into literal conformance.

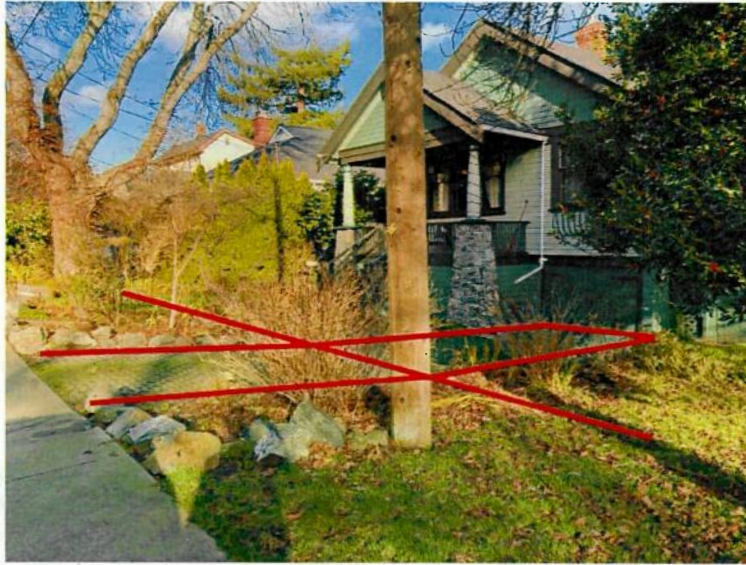


ARMITAGE ARCHITECT

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

250 - 884 - 2414

john_armitage@shaw.ca



Subject property with driveway and front property line marked.

We trust you will find the proposed variance request to be modest in scope and entirely due to pre-existing conditions, and to be consistent with the form and character of this house within its established neighbourhood.

Respectfully submitted,

John Armitage, Architect AIBC.

1

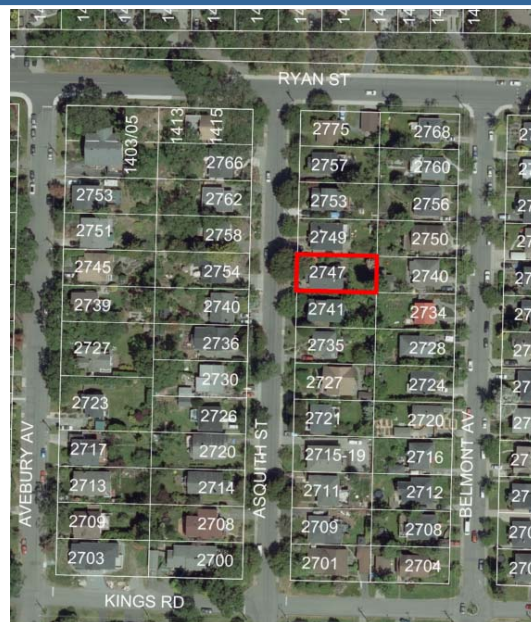
Development Variance Permit No. 00258 for 2747 Asquith Street



1

Aerial View

2



2

Subject Site

3



3

Context

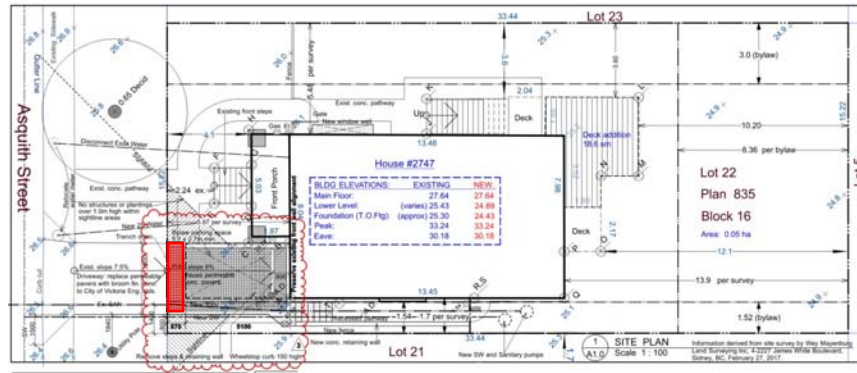
4



4

Site Plan

5



5

[REDACTED]

From: Neil Williams [REDACTED]
Sent: Sunday, May 9, 2021 5:15 PM
To: Public Hearings
Subject: Development Variance Application # 00258

2747 Asquith St

Development Variance Permit

My name is Neil Williams and I live at 2741 Asquith St, next door to 2747 Asquith and immediately adjacent to the parking space in question. This would, I suppose, make us the residents most affected by the proposed change. We have lived here for 35 years.

I fully and strongly support Jason and Karla's application for a variance. Our houses were built at about the same time – during the great pre-War Victoria real estate boom and bust in 1913. Ever since then their house has been a vital part of the Asquith Street heritage and its variegated streetscape. The arts and crafts design and the attention to detail, along with a history of responsible and excellent upkeep has made it one of the most attractive houses on the block. These older houses are always in danger from unfortunate renovations and even demolition.

I greatly admire the lengths to which they are willing to go to protect and enhance their house and the street itself and they should be commended for their plans and efforts. They are basically making sure that the house will remain viable for another century and will remain an asset to Asquith, the neighbourhood and the City of Victoria

--
Neil Williams
[REDACTED]

COMMITTEE OF THE WHOLE REPORT
FROM THE MEETING HELD MAY 6, 2021

For the Council meeting of May 13, 2021, the Committee recommends the following:

E.4 819-823 and 825/827 Fort Street: Development Permit with Variance No. 00169 (Fairfield)

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

“That Council authorize the issuance of Development Permit with Variance Application No. 00169 for 819-823 and 825/827 Fort Street, in accordance with:

1. Plans date stamped March 9, 2021.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
 - i. reduce the vehicle parking from 80 stalls to 57 stalls.
3. The Development Permit lapsing two years from the date of this resolution.”

F.3 First Nations Participation in Climate Change Adaptation Planning

That Council:

1. Approve the Community Chapter of the Climate Change Adaption Plan, and the associated Climate Action Working Group as a designated project that would benefit from First Nations input and participation.
2. Confirm that First Nations participation in this project be eligible for remuneration per the City’s Committee Remuneration Policy.
3. Waive the requirement in Section D of the City’s Committee Remuneration Policy for specific individuals to be appointed by Council and authorize staff to work with both the Songhees and Esquimalt First Nations to select suitable participants for the City’s Climate Action Working Group.

H.3 Council Member Motion: Adjustment for Honouraria for Seniors' Task Force

That Council authorize a one-time allocation of \$1380 from the 2021 contingency to the Seniors’ Task Force budget, to provide honouraria in recognition of the contribution of Indigenous elders to the work of the City of Victoria Seniors’ Task Force, consistent with the City of Victoria’s Committee Remuneration Policy.

E.1 1120-1128 Burdett Avenue: Rezoning Application No. 00734 and Development Permit with Variances Application No. 00146 (Fairfield)

Rezoning Application No. 00734

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendments that would authorize the proposed development outlined in Rezoning Application No. 00734 for 1120, 1124 and 1128 Burdett Avenue, that first and second reading of the Zoning Regulation Bylaw Amendments be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Plan revisions to include three new boulevard trees to the satisfaction of the Director of Parks, Recreation and Facilities.
2. Preparation and execution of legal agreements, in a form satisfactory to the City Solicitor, for the following:
 - a) to secure all of the dwelling units in the building as rental in perpetuity, to the satisfaction of the Director of Sustainable Planning and Community Development

- b) to secure a minimum of thirteen two-bedroom and three three-bedroom units within the building, to the satisfaction of the Director of Sustainable Planning and Community Development
- c) to restrict strata titling of the building, to the satisfaction of the Director of Sustainable Planning and Community Development.
- 3. Discharge of all legal documents from past development proposals not attributable to the current proposal to the satisfaction of City staff.

Development Permit with Variances Application No. 00146

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. 00734, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit with Variances Application No. 00146 for 1120, 1124 and 1128 Burdett Avenue, in accordance with:

- 1. Plans date stamped October 8, 2020.
- 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. increase the site coverage from 40% to 53%
 - ii. reduce open site space from 50% to 44%
 - iii. reduce the rear yard setback from 10m to 5.87m (to building) and 5m (to balconies)
 - iv. reduce the west side yard setback from 6.0m to 3.5m (to building) and 2.5 (to balconies)
 - v. reduce the east side yard setback from 6.0m to 3.75m (to building) and 2.9m (to balconies)
 - vi. reduce the parking requirement from 47 stalls to 40 stalls.
- 3. The Development Permit with Variances lapsing two years from the date of this resolution.”

E.2 1314 and 1318 Wharf Street: Update Report for Rezoning Application No. 00701 and Heritage Alteration Permit with Variances Application No. 00236 (Downtown)

Rezoning Application No. 00701

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00701 for 1314 and 1318 Wharf Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

- 1. Preparation of the following agreements, registered on title by the applicant, to the satisfaction of City staff:
 - a) Statutory right-of-way for public access over the area dedicated to the Harbour Pathway and the internal alley between the two heritage buildings, to the satisfaction of City staff;
 - b) Housing Agreement to secure 47 residential rental units as rental in perpetuity, to the satisfaction of the City Solicitor;
 - c) A legal agreement to secure public realm improvements as indicated on Plans dated April 19, 2021; and
 - d) A legal agreement to ensure that building amendments would be made along the north property line to comply with building code requirements should a building be proposed for the property located at 1324 Wharf Street.
- 2. That Council authorize the following encroachment agreements, to be executed at the time of the building permit approval, if the other necessary approvals are granted:

- a) building encroachments in the City property at 1324 Wharf Street, with form and contents satisfactory to the City Solicitor and the Director of Engineering and Public Works;
- b) excavation encroachments in the City property at 1324 Wharf Street during construction at the fee of \$150/month per parking stall;
- c) excavation encroachments in Reeson Park (1300 Wharf Street) during construction at the fee of \$15/day for each 13 square meters of encroachment, with form and contents satisfactory to the City Solicitor, the Director of Engineering and Public Works, and the Director of Parks, Recreation and Facilities or \$750 plus \$25 for each square metre of excavation face supported with anchor rods, with form and contents satisfactory to the City Solicitor and the Director of Engineering and Public Works;
- d) anchor-pinning in the City right-of-way, with form and contents satisfactory to the City Solicitor and the Director of Engineering and Public Works.

Heritage Alteration Permit with Variances No. 00236

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. 00701, if it is approved, consider the following motion:

“That Council authorize the issuance of Heritage Alteration Permit with Variances Application No. 00236 for 1314 and 1318 Wharf Street, in accordance with:

- 1. Plans date stamped August 10, 2020.
- 2. The Conservation Plan for the Caire and Grancini Warehouse at 1314 Wharf Street, date stamped October 22, 2019.
- 3. The Conservation Plan for the Fraser Warehouse at 1316-1318 Wharf Street, date stamped October 22, 2019.
- 4. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - a. Reduce the required short term bicycle parking spaces from 10 to 0; and
 - b. Increase the maximum permitted height from 8 metres to 21 metres.
- 5. Final plans to be generally in accordance with the plans identified above, to the satisfaction of the Director of Sustainable Planning and Community Development.
- 6. The applicant provide details regarding their intended process for commissioning a story wall for the north elevation of the building, including an artist selection process, scope and content, and an explanation for how their project will consider the Indigenous cultural heritage of the waterfront public realm, to the satisfaction of the Director of Sustainable Planning and Community Development.
- 7. The applicant providing a lighting plan for the heritage buildings, to the satisfaction of the Director of Sustainable Planning and Community Development.
- 8. Heritage Alteration Permit lapsing two years from the date of this resolution.”

E.3 324/328 Cook Street and 1044, 1048 and 1052/1054 Pendergast Street: Rezoning Application No. 00634 and Development Permit with Variances Application No. 000527 (Fairfield)

Rezoning Application No. 00634

That Council receive this report for information and a Public Hearing date be set.

Development Permit with Variance No. 000527

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. 00634, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variance Application No. 000527 for 324/328 Cook Street and 1044, 1048, 1052/1054 Pendergast Street, in accordance with:

1. Receipt of final plans, generally in accordance with the plans date stamped October 9, 2019, with refinement of the artwork panels, to the satisfaction of the Director of Sustainable Planning and Community Development.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
 - i. increase the building height from 13.5m to 16.2m (to the projecting portions of the roof).
3. The Development Permit lapsing two years from the date of this resolution."

E.5 714 Cormorant Street: Application for a New Liquor Primary Licence for Tora Tiki (Downtown)

That Council direct staff to provide the following response to the Liquor and Cannabis Regulation Branch:

1. That Council, after conducting a review with respect to noise and community impacts, does support the application of Tora Tiki located at 714 Cormorant Street having hours of operation from 12:00 pm to 1:00 am daily with a total occupant load of 60 people.

Providing the following comments on the prescribed considerations:

- a) The impact of noise on the community near the establishment was considered in relation to the request, and approval of the licence as recommended is not expected to result in unacceptable levels of noise.
- b) If the application is approved, it is anticipated to have a positive economic impact on the community as support for the liquor licence, a component of the business model, will support the viability of the business.
- c) The views of residents were solicited through a mailout that was sent to neighbouring property owners and occupants within 100 metres of the licensed location (a total of 778 notices) and through a notice posted at the property. In response to the notification, the City received 27 letters of which 14 letters stated opposition including one from the Downtown Residents Association and 13 letters expressed support.
- d) Council recommends the license be approved.

F.1 Permissive Tax Exemption Policy - Ethno-Cultural Groups Community Centres

That Council receive this report for information.

F.4 Sheltering Update

That the report be received for information.

H.4 Council Member Motion: Advocating for Startups Impacted by Covid19

Whereas COVID-19 has resulted in a crisis in the Small Business sector;

AND WHEREAS During the pandemic revenues were catastrophically impacted as a result of closures, capacity limits & social restrictions;

AND WHEREAS Operating costs have spiked during the pandemic;

AND WHEREAS government programs have provided support for businesses including CEWS, CERS, CEBA & HASCAP playing a critical role in saving jobs and bolstering local economies, but these programs have left some businesses behind and deemed them ineligible due only to the timing of their projects;

THEREFORE BE IT RESOLVED THAT the City of Victoria endorse the Save Startups campaign;

AND THAT Council request the Mayor write to the Prime Minister of Canada, the Minister of National Revenue, Minister of Economic Development and Official Languages, and the Minister of Finance advocating for support for businesses that have fallen through the cracks of government support programs including:

- a. Adjusting eligibility for these programs to include both New and Newly-Expanded Businesses, that can demonstrate their project was non-reversible at the outset of the pandemic
- b. Implementing an alternate method for determining CEWS and CERS rates for these businesses
- c. Back pay to March 15th, 2020 both CEWS & CERS to these businesses based on the alternate rate

COMMITTEE OF THE WHOLE REPORT
FROM THE MEETING HELD MAY 13, 2021

For the Council meeting of May 13, 2021, the Committee recommends the following:

G.4 Proposed Capital Regional District Liquid Waste Management Core Area and Western Communities Service Loan Authorization Bylaw No. 4375

That Council:

1. Consent to the adoption of Capital Regional District Bylaw 4375, "Liquid Waste Management Core Area and Western Communities Service Loan Authorization Bylaw No. 2, 2020."
2. Forward this motion to the daytime Council meeting of May 13, 2021



Council Report

For the Meeting of May 13, 2021

To: Council **Date:** May 6, 2021
From: C Kingsley, City Clerk
Subject: 580-582 Niagara Street: Rezoning Application No. 00721

RECOMMENDATION

That the following bylaw be given first and second readings:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1251) No. 21-028

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

2. Housing Agreement (580-582 Niagara Street) Bylaw (2021)” 21-029

BACKGROUND

Attached for Council's initial consideration is a copy of the proposed Bylaw No. 21-028 and No. 21-029. The issue came before Council on November 28, 2020 where the following resolution was approved:

580-582 Niagara Street:Update to Rezoning Application No. 00721 (James Bay)

That Council amend condition 'b' in the June 18, 2020 Council resolution for the Rezoning Application No. 00721 for 580-582 Niagara Street, as follows:

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No.00721 for 580- 582 Niagara Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Preparation and Execution on the property's title to secure:
 - a. a statutory right-of-way, to the satisfaction of the Director of Engineering;
 - b. a Housing Agreement to secure two of the four units as rental for a period of 10 years and to ensure that strata bylaws cannot prevent rental of the units.

That Council request the applicant consider a period of at least 20 years of rental tenure in the housing agreement.

Respectfully submitted,

Curt Kingsley
City Clerk

Report accepted and recommended by the City Manager

List of Attachments:

- Bylaw No. 21-028
- Bylaw No. 21-029

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:

ROBERTA ANN HILL
2888 Leigh Road
Victoria, B.C. V9B 4G3

AND:

ALFRED HERBERT HASS
2888 Leigh Road
Victoria, B.C. V9B 4G3

(collectively the "Owner")

WHEREAS:

- A. Capitalized terms used herein will have the respective meanings ascribed to them in section 1.1 of this Agreement, unless the context otherwise clearly requires or they are elsewhere defined herein.
- B. Under section 483 of the *Local Government Act* the City may, by bylaw, enter into a housing agreement with an owner regarding the occupancy of the housing units identified in the agreement, including but not limited to terms and conditions referred to in section 483(2) of the *Local Government Act*.
- C. The Owner is the registered owner in fee simple of lands in the City of Victoria, British Columbia, with a civic address of 580-582 Niagara Street, Victoria, B.C. and legally described as:

PID: 000-003-671
LOT 16, BECKLEY FARM, VICTORIA CITY, PLAN 227

(collectively, the "Lands").
- D. The Owner has applied to the City to rezone the Lands to permit four (4) housing units within the Development in accordance with this Agreement.

{00070348:2}

- E. The City and the Owner wish to enter into this Agreement, as a housing agreement pursuant to section 483 of the *Local Government Act*, to secure the agreement of the Owner that two of the Dwelling Units within the Development on the Lands will be used and held only as rental housing.

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

1.0 DEFINITIONS

1.1 In this Agreement:

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

"**Development**" means the four (4) unit building consisting of residential housing and related facilities on the Lands;

"**Dwelling Units**" means any or all, as the context may require, of the four (4) self-contained residential dwelling units within the Development and includes any dwelling unit that is developed on the Lands in future, whether as part of the Development or otherwise, and "**Dwelling Unit**" means any of such residential dwelling units located on the Lands;

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

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

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

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

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

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

subsequently the individual strata lot owners collectively acting as the strata corporation.

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

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

- 2.1** The Owner covenants and agrees that two of the Dwelling Units shall only be used as rental housing for a period of twenty years, starting on the day the City issues an occupancy permit for the Development, and for that purpose shall only be occupied by a Non-owner under the terms of a Tenancy Agreement between the Owner and the Non-owner who occupies the Dwelling Unit.

3.0 NO RESTRICTIONS ON RENTALS

- 3.1** The Owner covenants and agrees that the Owner shall not take any steps, or enter into any agreements, or impose any rules or regulations whatsoever, the effect of which would be to prevent or restrict the Owner of a Dwelling Unit from renting that Dwelling Unit to a Non-owner under the terms of a Tenancy Agreement.
- 3.2** Without limiting the generality of section 3.1, the Owner covenants and agrees that it will not make application to deposit a strata plan for or in respect of the Lands or a building on the Lands unless the strata bylaws in no way restrict rental of any Dwelling Unit to a Non-owner under the terms of a Tenancy Agreement.

4.0 REPORTING

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

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

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

- 4.2** The Owner hereby authorizes the City to make such inquiries as it considers necessary in order to confirm that the Owner is complying with this Agreement.

- 4.3** The Owner acknowledges that it is within the City's sole discretion to consent or not to consent to modifications of this Agreement and that such consent may be withheld for any reason.

5.0 NOTICE TO BE REGISTERED IN LAND TITLE OFFICE

- 5.1** Notice of this Agreement (the "Notice") will be registered in the Land Title Office by the City at the cost of the Owner in accordance with section 483 of the *Local Government*

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

7.0 GENERAL PROVISIONS

- 7.1 NOTICE.** If sent as follows, notice under this Agreement is considered to be received:

- (a) upon confirmation of delivery by Canada Post if sent by registered mail,
- (b) on the next Business Day if sent by facsimile or email with no notice of failure to deliver being received back by the sender, and
- (c) on the date of delivery if hand-delivered, and

in the case of the City, addressed to:

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

Attention: Director of Sustainable Planning and
Community Development
Fax: 250-361-0386
Email: khoese@victoria.ca

and in the case of the Owner, addressed to:

963 Lobo Vale
Victoria, B.C.
V9C 0H8

Attention: Roberta Ann Hill
Email: bobbi.victoria@hotmail.com

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

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

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

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

7.2 TIME. Time is of 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 division of this Agreement into articles and sections and the insertion of headings are for the convenience of reference only and will not affect the construction or interpretation of this Agreement.

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

7.7 LEGISLATION. Reference to any enactment includes any regulations, orders or directives made under the authority of that enactment, and is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided.

7.8 EQUITABLE REMEDIES. The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement and that the public interest strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement.

7.9 CUMULATIVE REMEDIES. No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.

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- 7.10 ENTIRE AGREEMENT.** This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.
- 7.11 FURTHER ASSURANCES.** Each of the parties will do, execute, and deliver, or cause to be done, executed, and delivered all such further acts, documents and things as may be reasonably required from time to time to give effect to this Agreement.
- 7.12 AMENDMENT.** This Agreement may be amended from time to time, by consent of the Owner and a bylaw duly passed by the Council of the City and thereafter if it is signed by the City and the Owner.
- 7.13 LAW APPLICABLE.** This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.
- 7.14 NO DEROGATION FROM STATUTORY AUTHORITY.** Nothing in this Agreement shall:
- (a) limit, impair, fetter or derogate from the statutory powers of the City all of which powers may be exercised by the City from time to time and at any time to the fullest extent that the City is enabled and no permissive bylaw enacted by the City, or permit, licence or approval, granted, made or issued thereunder, or pursuant to statute, by the City shall estop, limit or impair the City from relying upon and enforcing this Agreement; or
 - (b) relieve the Owner from complying with any enactment, including the City's bylaws, or any obligation of the Owner under any other agreement with the City.
- 7.15 SEVERABILITY.** If any section, term or provision of this Agreement is found to be partially or wholly illegal or unenforceable, then such sections or parts will be considered to be separate and severable from this Agreement and the remaining sections or parts of this Agreement, as the case may be, will be unaffected thereby and will remain and be enforceable to the fullest extent permitted by law as though the illegal or unenforceable parts or sections had never been included in this Agreement.
- 7.16 JOINT AND SEVERAL.** The Owner, if more than one, are jointly and severally obligated to perform and observe each and every of the covenants, warranties and agreements herein contained by the Owner to be observed and performed.
- 7.17 COUNTERPARTS.** This Agreement may be executed in counterparts and delivered by emailed PDF file, each of which will have the same effect as if all parties had signed the same document. Each counterpart shall be deemed to be an original. All counterparts shall be construed together and shall constitute one and the same Agreement.

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

IN WITNESS WHEREOF the parties hereto have set their hands and seals as of the day and year last below written.

THE CORPORATION OF THE CITY OF VICTORIA by its authorized signatory:

Karen Hoese, Director of Sustainable Planning and Community Development

Date signed: _____

SIGNED, SEALED AND DELIVERED in the presence of:

Witness

Address **TODD R. FERGUSON**
Barrister and Solicitor
7th Floor, 1175 Douglas Street
Victoria BC V8W 2E1

Lawyer

Occupation

Date signed: _____


ROBERTA ANN HILL

SIGNED, SEALED AND DELIVERED
in the presence of:

Witness

Address

Notary Public
Occupation

Date signed: 15/2/2021

Alfred Hass
ALFRED HERBERT HASS



A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by creating the R-101 Zone, Niagara Street Multiple Dwelling District, and to rezone land known as 580-582 Niagara from the R-2 Zone, Two Family Dwelling District, to the R-101 Zone, Niagara Street Multiple Dwelling District.

The Council of The Corporation of the City of Victoria enacts the following provisions:

- 1 This Bylaw may be cited as the “ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1251)”.
- 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:

“3.135 R-101 Zone, Niagara Street Multiple Dwelling District”
- 3 The Zoning Regulation Bylaw is also amended by adding to Schedule B after Part 3.134 the provisions contained in Schedule 1 of this Bylaw.
- 4 The land known as 580-582 Niagara Street, legally described as PID: 000-003-671, Lot 16, Beckley Farm, Victoria City, Plan 227, and shown hatched on the attached map, is removed from the R-2 Zone, Two Family Dwelling District, and placed in the R-101 Zone, Niagara Street Multiple Dwelling District.

READ A FIRST TIME the	day of	2021
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READ A SECOND TIME the	day of	2021
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Public hearing held on the	day of	2021
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READ A THIRD TIME the	day of	2021
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ADOPTED on the	day of	2021
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CITY CLERK

MAYOR

PART 3.135 – R-101 ZONE, NIAGARA STREET DISTRICT**3.135.1 Permitted Uses in this Zone**

The following uses are the only uses permitted in this Zone:

- a. Uses permitted in the R-2 Zone, Two Family Dwelling District, subject to the regulations set out in Part 2.1 of the Zoning Regulation Bylaw
- b. Multiple dwelling, subject to the regulations set out in this Part
- c. Public Building
- d. Home occupation subject to the regulations in Schedule “D”
- e. Accessory Buildings subject to the regulations in Schedule “F”

3.135.2 Lot Area, Site Area Per Unit, Lot Width

- a. Lot area (minimum) 679m²
- b. Site area for each dwelling unit (minimum) 169m²
- c. Lot width (minimum) 17m average lot width

3.135.3 Floor Area, Floor Space Ratio

- a. Total floor area (maximum) 318.52m²
- b. Floor space ratio (maximum) 0.47:1

3.135.4 Height, Storeys, Roof Decks

- a. Principal building height (maximum) 7.6m
- b. Storeys (maximum) 2
- c. Roof deck Not permitted

PART 3.135 – R-101 ZONE, NIAGARA STREET DISTRICT**3.135.5 Setbacks, Projections**

- | | |
|--|---|
| a. <u>Front yard setback</u> (minimum) | 7.5m |
| Except for the following maximum projections into the setback: | |
| • Steps less than 1.7m in <u>height</u> | 2.5m |
| • porch | 1.5m |
| b. <u>Rear yard setback</u> (minimum) | 13.0m |
| c. <u>Side yard setback</u> from interior <u>lot lines</u> (minimum) | 1.5m or 10% of the lot width
whichever is greater

3.0m for one side yard when the
lot is not serviced by a rear lane |
| d. Combined <u>side yard setbacks</u> (minimum) | 4.5m |

3.135.6 Site Coverage

- | | |
|-----------------------------------|-----|
| a. <u>Site Coverage</u> (maximum) | 40% |
|-----------------------------------|-----|

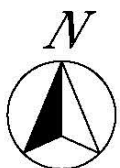
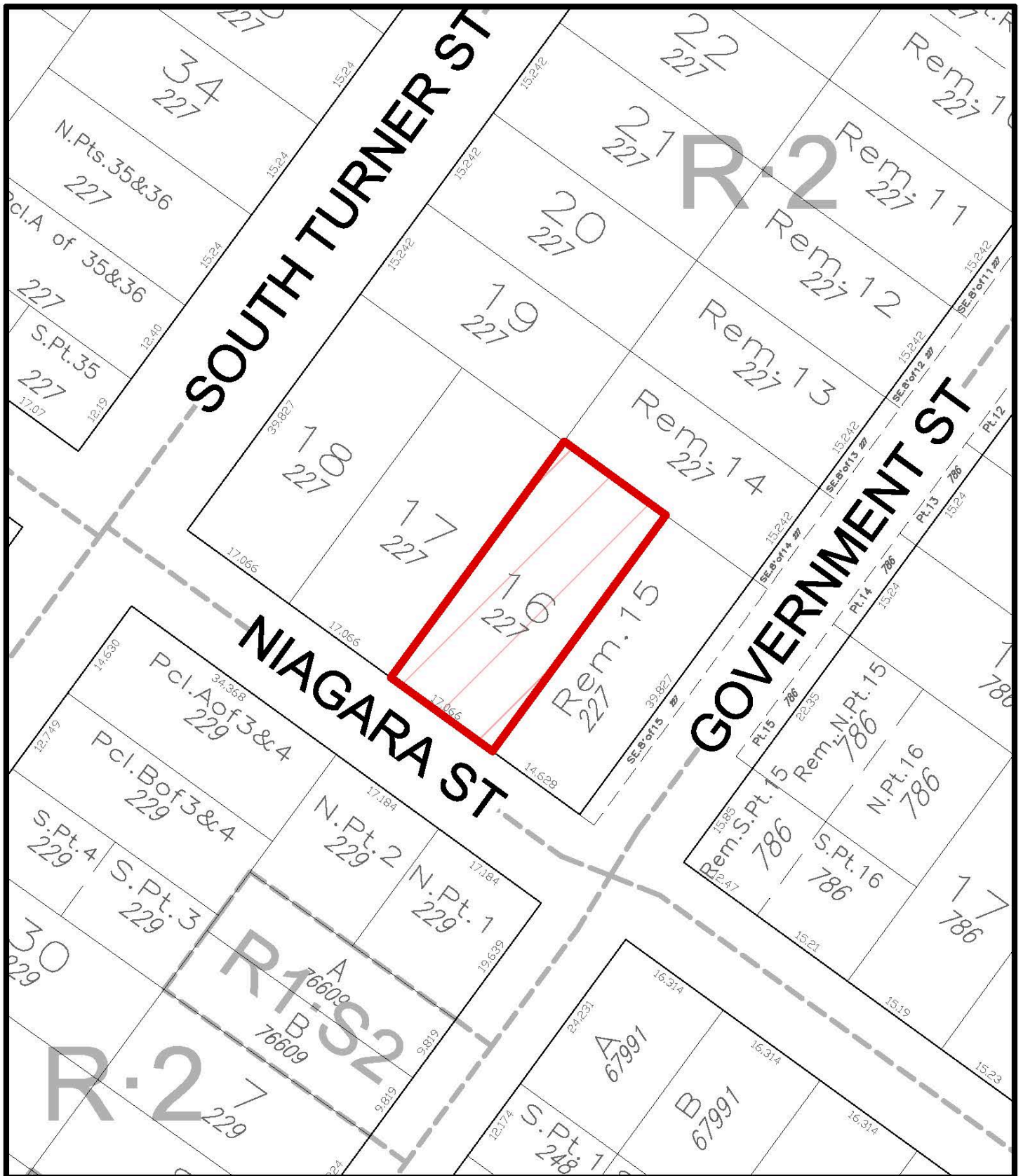
3.135.7 Outdoor Features

The setbacks set out in Section 3.132.5 apply to outdoor features as though they are buildings.

Outdoor features shall not exceed a height of 3.5m from natural grade or finished grade, whichever is lower.

3.135.8 Vehicle and Bicycle Parking

- | | |
|-------------------------------------|---|
| a. <u>Vehicle parking</u> (minimum) | Subject to the regulations in
Schedule "C" |
|-------------------------------------|---|



580/82 Niagara Street
Rezoning No.00721





Council Report

For the Meeting of May 13, 2021

To: Council **Date:** May 4, 2021
From: C Kingsley, City Clerk
Subject: 1244 Wharf Street: Rezoning Application No. 00739

RECOMMENDATION

That the following bylaw be given first and second readings:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1243) No. 21-012

BACKGROUND

Attached for Council's initial consideration is a copy of the proposed Bylaw No. 21-012.

The issue came before Council on October 8, 2020 where the following resolution was approved:

1244 Wharf Street: Rezoning Application No. 00739 (Downtown)

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw amendments that would authorize the proposed development outlined in Rezoning Application No.00739 for 1244 Wharf Street, that first and second reading of the Zoning Regulation Bylaw amendments be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Council authorizing the existing street-level projecting building ornamentation over the City right-of-way, provided that the applicant enters into an Encroachment Agreement in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works.

Respectfully submitted,

Curt Kingsley
City Clerk

Report accepted and recommended by the City Manager

List of Attachments:

- Bylaw No. 21-012

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw for land known as 1244, 1250 and 1252 Wharf Street in the IHMc Zone, Inner Harbour McQuades District, to add a new hotel use as a permitted use, and to remove the location restriction for residential uses.

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. 1243)”.
- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in PART 8.20 as follows:
 - i. in subsection 1(j), by removing the wording “located at least one floor above the grade at Wharf Street” and replacing with “not located on the first storey”;
 - ii. in section 1, by adding “(m) hotel” after subsection (l); and
 - iii. by adding the following new section 6 immediately after section 5:

“Definitions 6. Hotel means facilities offering transient lodging accommodation to the general public and may provide accessory uses such as restaurant, meeting rooms and recreational facilities, and includes motels and hostels.”
- 3 The zoning for the land known as 1244, 1250 and 1252 Wharf Street, legally described as PID: 027-882-853 Lot A, Lot 201, Victoria City Plan VIP86556 and shown hatched on the attached map, is amended accordingly.

READ A FIRST TIME the	day of	2021
READ A SECOND TIME the	day of	2021
Public hearing held on the	day of	2021
READ A THIRD TIME the	day of	2021
ADOPTED on the	day of	2021

CITY CLERK

MAYOR



Committee of the Whole Report

For the Meeting of May 13, 2021

To: Council **Date:** April 30, 2021

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

Subject: **Correction to Zoning Regulation Bylaw pertaining to Rezoning Application No. 00726 for 1628 Edgeware Road**

RECOMMENDATION

That the following bylaw be given third reading and final adoption:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1255) No. 21-050.

BACKGROUND

Attached for Council's final consideration is a copy of the proposed Bylaw No. 21-050.

This item initially came before Council on April 22, 2021 where Council waived the requirement for a Public Hearing pursuant to section 464(2) of the *Local Government Act* for Zoning Regulation Bylaw, Amendment Bylaw (No. 1255) No. 21-050.

In accordance with Section 467 of the *Local Government Act*, notices were mailed out on April 30 and published in two consecutive issues of a newspaper. Correspondence received is included at Attachment B.

Respectfully submitted,

Charlotte Wain
Senior Planner – Urban Design
Development Services Division

Karen Hoes, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Rezoning Amendment Bylaw (No. 1255) No. 21-050.
- Attachment B: Correspondence.

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw to add restrictions with respect to floor area to the R1-50 Zone, Edgeware Road Rest Home District, in order to correct an error in Zoning Regulation Bylaw, Amendment Bylaw (No. 1250).

The public hearing requirement has been waived pursuant to s. 464(2) of the *Local Government Act*.

The Council of The Corporation of the City of Victoria enacts the following provisions:

Title

- 1 This Bylaw may be cited as the “Zoning Regulation Bylaw, Amendment Bylaw (No. 1255)”.

Amendments

- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended as follows:

- a) by renumbering current sections 1.151.2 and 1.151.3 as new sections 1.151.3 and 1.151.4, respectively; and
- b) by inserting the following new section 1.151.2 immediately after section 1.151.1:

1.151.2 Floor Area

- a. Floor area, for the first and second storeys combined (maximum) 350m²
- b. Floor area, of all floor levels combined for lots less than 669m² in area (maximum) 453m²

READ A FIRST TIME the day of 2021

READ A SECOND TIME the day of 2021

READ A THIRD TIME the day of 2021

ADOPTED on the day of 2021

CITY CLERK

MAYOR

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw to add restrictions with respect to floor area to the R1-50 Zone, Edgeware Road Rest Home District, in order to correct an error in Zoning Regulation Bylaw, Amendment Bylaw (No. 1250).

The public hearing requirement has been waived pursuant to s. 464(2) of the *Local Government Act*.

The Council of The Corporation of the City of Victoria enacts the following provisions:

Title

- 1 This Bylaw may be cited as the “Zoning Regulation Bylaw, Amendment Bylaw (No. 1255)”.

Amendments

- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended as follows:
- a) by renumbering current sections 1.151.2 and 1.151.3 as new sections 1.151.3 and 1.151.4, respectively; and
 - b) by inserting the following new section 1.151.2 immediately after section 1.151.1:

1.151.2 Floor Area

- a. Floor area, for the first and second storeys combined (maximum) 350m²
- b. Floor area, of all floor levels combined for lots less than 669m² in area (maximum) 453m²

READ A FIRST TIME the day of 2021

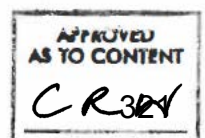
READ A SECOND TIME the day of 2021

READ A THIRD TIME the day of 2021

ADOPTED on the day of 2021

CITY CLERK

MAYOR



[REDACTED]

From: J Snead [REDACTED]
Sent: Wednesday, May 12, 2021 1:38 PM
To: Legislative Services email
Subject: 1628 Edgeware - Zoning Bylaw Correction

The fact that the floor space of the development at 1628 Edgeware is 1 1/2 times the allowable maximum for the neighbourhood zoning was not considered during the application process is both a convenient and unfortunate oversight.

It was convenient for the applicant, who repeatedly claimed in his presentations that the only variance was related to setbacks due to the window design, that this key indicator of building mass was misrepresented in the plans and seemingly not fact checked by the City.

It is unfortunate for the neighbors that opposed the extreme mass and institutional design of this development, and whose concerns were summarily dismissed by most council members, that this particular metric was not accurately disclosed.

Jennifer Snead

1612 Edgeware Road



CITY OF BURNABY
OFFICE OF THE MAYOR
MIKE HURLEY
MAYOR

2021 May 04

Mayor Lisa Helps
City of Victoria
1 Centennial Square
Victoria, BC V8W 1P6

Dear Mayor Helps:

Re: Support For Laid-off Hotel And Tourism Industry Workers

Thank you for your correspondence dated 2021 March 29 regarding support for laid-off hotel and tourism industry workers.

At the 2021 March 29 Open Council Meeting, Council approved a motion to send a letter to the Minister of Tourism, Arts, Culture and Sport, the Minister of Labour, and the British Columbia Union for Hotel and Hospitality Workers advising of the City of Burnaby's support to protect the livelihoods of laid-off hotel and tourism industry workers.

Thank you for taking the time to share this initiative with the City of Burnaby.

Yours truly,

Mike Hurley
MAYOR

Our Vision: A world-class city committed to creating and sustaining the best quality of life for our entire community.



April 15, 2021

Mayor Lisa Helps
City of Victoria
1 Centennial Square
Victoria, BC V8W 1P6

Dear Mayor Helps:

Re: Provincial Response to 2020 Resolutions

UBCM has received the Province's response to your Council resolution(s) from 2020. Please find the enclosed resolution(s) and their provincial response(s).

Responses from the Province have been posted to the UBCM web site under Resolutions & Policy.

Please feel free to contact Jamee Justason, Resolutions and Policy Analyst, if you have any questions about this process.

Tel: 604.270.8226 ext. 100 Email: jjustason@ubcm.ca

Yours truly,

Brian Frenkel
UBCM President

Enclosure

Whereas unaffordable housing generally reflects high land values that are driven up by speculation, which makes ownership very expensive to buy, but profitable for sellers and developers, and puts rental housing at a disadvantage when competing for buildable sites;

And whereas a lower property tax rate on improvements and a higher rate on land value could be made to keep taxes the same or lower for most properties, but would reduce the speculative gain from ownership and make rental housing developments more competitive:

Therefore be it resolved that UBCM request that the Province amend the *Community Charter* to grant municipalities the option of setting different property tax rates for land and improvements.

Convention Decision: **Endorsed**

Provincial Response

Ministry of Municipal Affairs

The municipal variable tax rate system does not allow for separate tax rates between land and improvements because such a system could be used to levy unfairly high rates on undeveloped or underdeveloped land. Different tax rates for land and improvements may provide an incentive to develop so that property taxes are reduced but will not improve the affordability of land. Land is assessed at its highest and best potential use based on zoning and market conditions.

The Province provides municipalities with other tax mechanisms to incentivize property development such as the revitalization tax exemption under S.226 of the Community Charter, which may be used to provide a tax reduction in order to encourage economic, social or environmental revitalization in targeted areas or properties, such as new development on vacant and under-utilized land.

A municipality may also reduce the costs of affordable rental housing development by waiving or reducing development cost charges using section 563 of the Local Government Act.

In addition, vacant land is often assigned to Class 6 (Business and Other) until the potential use of the property can be refined through the municipal planning and zoning process. The Class 6 tax rate is much higher than the residential tax rate, meaning there is already a significant tax burden on vacant land.

Whereas cost is a significant barrier to people accessing contraception, particularly to people with low incomes, youth, and people from marginalized communities;

And whereas providing free prescription contraception has been shown to improve health outcomes for parents and infants by reducing the risks associated with unintended pregnancy, and is likely to reduce direct medical costs on the provincial health system:

Therefore be it resolved that UBCM call on the provincial government to make all prescription contraception in BC available at no cost under the Medical Services Plan.

Convention Decision: Endorsed

Provincial Response

Ministry of Health

The Ministry of Health (the Ministry) recognizes the right of all BC residents to make and implement informed choices about their own sexual and reproductive health. In recognition of this right, the Ministry is committed to removing cost as a barrier to BC residents' timely, effective, and equitable access to contraception.

The Ministry is reviewing options to provide contraception at no cost through the BC Pharmacare program. During this review period, the Ministry and the Province of British Columbia (the Province) will continue to provide BC residents coverage for select contraceptives.

Many BC residents have pharmaceutical coverage under the universal, income based Fair PharmaCare plan. Fair PharmaCare provides families with coverage for eligible prescription drugs and designated medical supplies based on their net income. 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. Currently, the Province has several programs in place to provide access to no cost pharmaceuticals, including contraception for people living with low income.

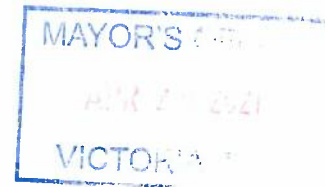
In January 2019, BC announced a \$105 million investment to reduce or eliminate deductibles or co-payments for 240,000 lower-income families in our province. This included access to contraceptives in the BC formulary, such as oral contraceptive pills, hormonal injectables and some intrauterine devices (IUDs) – either as a Regular Benefit (e.g., one type of hormonal IUD) or for other IUDs requested by physicians through the Special Authority Program.

In addition, select PharmaCare plans provide coverage for contraceptives without the need to meet a deductible. The Recipients of BC Income Assistance Plan (PharmaCare Plan C) provides 100 percent coverage of eligible prescription costs for women receiving medical benefits and income assistance through the Ministry of Social Development and Poverty Reduction. The First Nations Health Benefits Plan (Plan W) provides 100 percent coverage of eligible prescription costs and certain medical supplies and devices, including contraceptives, for clients of the First Nations Health Authority.

Additionally, Options for Sexual Health

<https://www.optionsforsexualhealth.org/>

is an organization with more than 60 clinics across BC staffed by nurses, doctors and trained volunteers. They offer birth control counselling, low-cost contraceptives and supplies, sexually transmitted infection and PAP testing, pregnancy testing and pro-choice options counselling, and general sexual health information (including comprehensive sexual health education workshops) and referrals. Some youth clinics in Fraser Health, Vancouver Coastal Health, and Vancouver Island Sexual Health Authority, provide access to free contraception; please note ages and contraceptives covered vary.



April 12, 2021

Mayor Lisa Helps
City of Victoria
1 Centennial Square
Victoria, BC V8W 1P6

Dear Mayor Helps,

Re: Request to Endorse the Help Cities Lead Campaign

Thank you for your letter dated March 10, 2021; it was received for information by Council at the Regular Meeting of Council held on Monday, April 12, 2021.

Yours truly,

Brenda Ginter
Corporate Officer
BG/js



May 6, 2021

Curt Kingsley
City Clerk
City of Victoria
1 Centennial Square
Victoria BC V8W 1P6

Via email: ckingsley@victoria.ca

Dear Curt Kingsley:

Re: Old-Growth Logging

At a meeting held May 3, 2021, Highlands Council considered a motion regarding old-growth logging and passed the following resolution:

That Council endorse the following resolution and direct staff to forward copies to the Premier of British Columbia, Members of the Legislative Assembly representing constituencies on Vancouver Island, the Capital Regional District Board, municipalities in the Capital Region, and the Association of Vancouver Island Coastal Communities, requesting favorable consideration:

WHEREAS ancient high productivity (big tree) old growth ecosystems are globally one of the most valuable climate mitigation and resiliency assets in terms of carbon storage, sequestration, protection against wildfire, storage of water and bank of biodiversity;

AND WHEREAS, of the miniscule amount (2.7%) of the original high productivity (big tree) old-growth forests that are left (less than 1% of BC's total current forested area), 75% are still slated to be eliminated through logging;

THEREFORE BE IT RESOLVED THAT the District of Highlands Council call on the provincial government to immediately defer logging in all high productivity, rare, oldest, and most intact old-growth forests as recommended by the Old-Growth Strategic Review, until all 14 of the panel's recommendations have been implemented; including deferrals in such at-risk old-growth forests as the head waters of Fairy Creek, the Upper Walbran Valley, Nahmint Valley, Eden Grove, Edinburgh Mountain, Upper Tsitika Valley, East Creek, Klaskish Valley, Nimpkish Lake and the Inland Old-Growth Temperate Rainforest.

AND THAT the District of Highlands formally oppose the logging of at-risk old-growth forests;

AND THAT the District of Highlands call on the Government of British Columbia to allocate funding to enact deferrals in an economically just manner, in the full spirit of reconciliation and to support the economic transition of affected First Nations and non-First Nation communities from unsustainable old-growth logging for the development of long-term sustainable local economies.



If you require any additional information, please contact me at dhopkins@highlands.ca or 250-474-1773.

Sincerely,



Deb Hopkins
Corporate Officer





Ref: 61247 / 42139

May 7, 2021

Her Worship Mayor Lisa Helps
City of Victoria
1 Centennial Square
Victoria, BC V8W 1P6
Email: LHelps@victoria.ca

Dear Mayor Helps:

Thank you for your recent letter regarding your support for British Columbia's (BC) hotel workers and tourism industry workers. We very much appreciate the time you have taken to write on this important matter.

The BC Government recognizes that it has been an incredibly difficult year for the tourism and hospitality industry. The pandemic has led to significant hardship for tourism workers, operators, and communities. The Ministry of Tourism, Arts, Culture and Sport continues to work closely with the tourism and hospitality sectors to address these challenges. As you may be aware, Gavin McGarrigle, Western Regional Director for Unifor, and Stephanie Smith, President of the BC Government and Service Employees' Union, brought the workers' perspective to deliberations and recommendations by our government-appointed Tourism Task Force last fall.

It may interest you to know that the Ministry of Tourism, Arts, Culture and Sport has implemented the first three of the Tourism Task Force's recommendations and is currently working on the remaining recommendations. The report is publicly available at: https://www2.gov.bc.ca/assets/gov/tourism-and-immigration/tourism-industry-resources/tourism_task_force_final_report_-_dec_9.pdf.

The BC Government also continues to advocate for strong supports from the Federal Government and as a result of some of this advocacy we were pleased to see the extension of the Canadian Emergency Wage Subsidy. We also recognize that the hospitality sector is largely represented by women and youth, and as a result these groups have been disproportionately impacted by the pandemic. That is why we have put in place targeted programs in support such as the StrongerBC Future Leaders Program and the hiring of 1,400 laid-off tourism workers to help run mass immunization clinics.

.../2

In addition, the Ministry of Labour is committed to a continued collaborative approach in working with representatives of workers and employers to address the impacts of the COVID-19 pandemic on people and businesses. This has included time-limited extensions of the minimum temporary lay-off period (which expired at the end of August 2020). In addition, a streamlined variance process was developed and implemented in the Employment Standards Branch (ESB) to allow employers and employees to jointly apply for further extensions of the temporary layoff period.

As you may be aware, given the unique circumstances and importance of this issue to so many workers in the hotel sector, in 2020, the Minister of Labour appointed Sandra Banister, a labour law and civil litigation lawyer, to conduct a review as follows:

- Determine what steps are being taken by employers and unions in the hotel sector to confront the issues raised by recall in the face of prolonged business impacts of COVID-19.
- Consult with unions and employers and the relevant sectoral organisations to gauge their reactions to a proposed regulation advanced by one union to respond to the impact of COVID-19 on recall rights.
- Summarize the findings in a report (without recommendations) to the Minister of Labour by August 20, 2020.

On Monday, August 31, 2020, Sandra Banister's report was publicly released. You may wish to view the report, and the Minister of Labour's accompanying statement at:
<https://news.gov.bc.ca/releases/2020LBR0029-001616>.

The BC Government continues to work closely with the sector to ensure that workers stay connected to the industry and are safe while working.

Thank you again for writing.

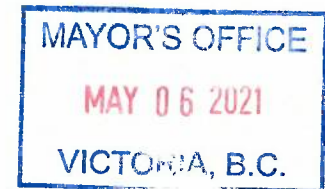
Sincerely,



Harry Bains
Minister of Labour



Melanie Mark
Hli Haykwhl Wíi Xsgaak
Minister of Tourism, Arts, Culture and Sport



April 26, 2021

Mayor Lisa Helps
City of Victoria
1 Centennial Square
Victoria, BC V8W 1P6

Dear Mayor Helps,

Re: City of Victoria Resolution to Ministers of Labour and Tourism

Thank you for circulating a copy of your letter dated March 21, 2021 to the Honourable Harry Bains, Minister of Labour; it was received by Council at the Regular Meeting of Council held on Monday, April 26, 2021.

As a member of the UBCM, Council appreciated being apprised of this resolution and resolved to receive this correspondence for information.

Yours truly,

Brenda Ginter
Corporate Officer
BG/jc



Council Member Motion

For the Committee of the Whole Meeting of May 13thth, 2021

To: Committee of the Whole **Date:** May 4th, 2021
From: Councillor Potts and Councillor Loveday
Subject: Preventing Sexualized Violence and Building a Culture of Consent in Victoria's Hospitality Industry

Background:

The City of Victoria's Strategic Plan includes the action "Explore ways to end sexual harassment and assault in Victoria, including using the Good Night Out international model to create a safe nightlife campaign for Victoria venues, bars, clubs and festivals". To move forward on this strategic priority, the following motion was adopted by Victoria City Council in 2019:

1. That Council includes sexualized violence prevention in the mandate of the Municipal Liquor Policy and the Late Night Program.
2. That Council directs staff to report back with options for mandating sexualized violence prevention training for bar and nightclub staff as part of either the liquor license or business license approval process.
3. That Council request that liquor license applicants submit a sexual harassment and sexual violence prevention plan alongside their liquor license application.

Recently, in response to the calls for change in the hospitality industry, a coalition of industry leaders and stakeholders have come together with the goal of creating a industry-led training and awareness program for staff, managers and owners in Victoria's hospitality sector. These efforts align with the City of Victoria's strategic plan and the intent behind the 2019 motion adopted by Council. While these efforts are in their early stages, there is support from key industry stakeholders and a stated desire to work collaboratively to begin to create awareness and cultural change. To continue to advance these issues the City of Victoria's participation and support has been requested.

It is recommended that as one of the actions the City of Victoria takes to prevent sexualized violence, Council appoints Councillor Potts and Councillor Loveday to participate in the working group of this project on behalf of the City and that Council

requests that the previously stated Councillors report back to Council as soon as practicable with recommended actions, advocacy, and next steps.

RECOMMENDATION

That the City of Victoria recommits to working to end rape culture and prevent sexualized violence;

And that the City of Victoria appoints Councillor Potts and Councillor Loveday to the industry-led working group on preventing sexualized violence and creating a culture of safety, awareness, and consent in Victoria's hospitality industry;

And that Council requests that Councillor Potts and Councillor Loveday report back to council with recommended next steps for action and advocacy, and further City of Victoria involvement in this project, as soon as the project plan is finalized.

Respectfully submitted,

A handwritten signature in grey ink, appearing to be 'Potts', written over a faint circular stamp.

Councillor Potts

A handwritten signature in grey ink, appearing to be 'Loveday', written over a faint circular stamp.

Councillor Loveday



Dear members of Victoria City Council,

The Collective Wine Bar (The Collective) is pleased to provide a letter of support for the development of specialized training programs for sexualized violence awareness and prevention for the Victoria hospitality industry.

Sexualized violence is a prominent societal issue and recent disclosures in the Victoria Hospitality industry have continued to highlight the urgent need for all communities to take steps to dismantle rape culture. To that end, The Collective is fully supportive of the creation of a dedicated, hospitality-focused, training program on sexualized violence awareness and prevention for staff, management, and owners of Victoria hospitality businesses.

The Collective Wine Bar is committed to helping assist the important work ahead of us required to address sexualized violence issues in hospitality through:

- helping form and participate on a steering committee to lead the creation of an online hospitality-focused training program for staff, managers, and owners;
- hosting a take-out fundraiser and silent auction in late May, 2021 to raise money to help establish this training; and
- providing dedicated training space within our restaurant for in-person training of Victoria hospitality staff.

We are also working on ways to simultaneously support The Victoria Sexual Assault Centre staff and volunteers.

We believe that hospitality businesses should take a leadership role in making necessary cultural changes to address the prevalence of sexualized violence in our industry and ensure all of our staff and guests are safe. We simultaneously believe that education is a key strategy in addressing these issues.

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We know the many challenges the City of Victoria is currently facing given the nature of the pandemic. However, we are hopeful that the City can find ways to support this important work moving forward. Please advise if there is any more information I can provide.

Respectfully submitted,

Jonathan Derry
Owner, The Collective Wine Bar & Kitchen
Cook Street Village

Grant Diamond

From: Morgan Blake <mo@hospitalityindustry.ca>
Sent: May 10, 2021 10:23 AM
To: Jeremy Loveday (Councillor); Sarah Potts (Councillor)

Victoria City Council
Attn: Councillor Loveday and Councillor Potts

Dear Council Members,

I am writing to you today as the Founder and Community Manager of the Victoria Hospitality Industry group.

In recent months, several social media stories have brought the issues surrounding sexual violence in our community to the forefront of our local industry discussion. There is a tremendous outpouring of support to begin to address these issues immediately, and work together towards a culture shift in our restaurants, bars and venues from our nearly 6000 staff, management, owner and industry supplier members in our group.

In April of this year as a direct response, we formed a steering committee with the support and participation of senior leadership at the BC Restaurant and Foodservices Association (BCRFA) and the Alliance of Beverage Licensees (ABLE BC). Our stated goal is to develop an industry led education and training program to raise awareness and prevent sexualized violence in the Victoria Hospitality industry. Presently, we are in the process of developing our specific mandate, and anticipate our first fundraising effort to begin at the end of May.

We are reaching out to the City of Victoria in support of the 2019 motion presented to council, and to request Council participation in our process as we develop this program. It is our position that an industry led initiative will achieve greater engagement and support from local hospitality businesses, while providing a safer experience for our guests and neighbors in the Victoria area. Participation from the Victoria City Council or staff would be welcomed and appreciated as we start a collaborative process and receive input from a range of stakeholders.

Thank you for considering this request,

--

Morgan 'Mo' Blake
Founder & Community Manager
Victoria Hospitality Industry Group

[HOSPITALITYINDUSTRY.CA](https://hospitalityindustry.ca)

T: (250) 920-8189 E: mo@hospitalityindustry.ca

Do you work in the Victoria Hospitality Industry?

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www.hospitalityindustry.ca

RobynStevenson

1320 Broad Street

Victoria, BC

(250)882-8131

Rocketisrobyn@gmail.com.

10th May 2021

Dear members of Victoria City Council,

The owners and operators of both Saint Franks and Tora Tiki are pleased to provide a letter of support towards a motion proposed by both Councillor Loveday and Councillor Potts. The motion which was first put forward in 2019 is part of an initiative to support a healthy and vibrant downtown in direct relation to sexual health and violence prevention.

As you are aware we have seen a dramatic series of events unfold within the hospitality community, many survivors of sexual violence have come forward in the past few months to share their stories with the public. It has been a wake-up call for all of us in hospitality.

Clearly, we are talking about incredibly sensitive territory. Taking on sexual violence is not an easy task. It is something that exists in all workplaces, this isn't just an alcohol-infused issue. This is an every day, in all walks of life issue for women in general. Rape culture is real, victim-blaming is real, sexual harassment is real and sexual violence is real.

A group of us in hospitality has come together to formulate a plan in order to begin dealing with these issues within the workplace. We have been meeting weekly for the past month to develop strategies that will move us in the right direction. A large part of that plan is to develop an industry-led initiative that will support staff, guests, management and owners in education towards sexual health and violence prevention. Our aim is to develop a manual that would provide training and resources for all hospitality members. Many restaurants and bars are small business owned and do not have the financial resources to outsource HR consultation. When issues arise it is very hard for staff and management to navigate them, simply because they don't have access to support or educational tools. We would very much like to change that.

In order for us to make these kinds of changes, we need support from many different people and organizations. It is very important that we also have the support of local and provincial governments. Both Councillor Loveday and Councillor Potts have been invited into our space in order to help us see this initiative come to life. We support the direction of the motion passed in 2019 in regards to sexualized violence within Victoria nightlife.

We would like to work together as a community to help tackle these issues and strongly believe that this initiative needs to be lead by our industry. We would like to work alongside the proper organizations and affiliations to develop a workable plan that is easily accessible to anyone who is interested in taking part.

In order for a business to submit sexual harassment and sexual violence prevention plan alongside any type of license application, they first need the tools and resources to understand what that plan looks like. This is a step in the right direction to help with that kind of process. Proper guidelines need to be in place before we can ask business owners to submit something they may have never even considered in the past.

We would like to see the current motion put forward alongside thoughtful and meaningful conversation about what it actually means for the people who will be taking part. Our steering community for our project is working hard on this and we would like to work with the council on this important subject matter.

Thank you for considering all the humans involved...this is a massive undertaking and we must work together as a community to educate each other and begin to change the culture around sexual violence.

Warm Regards,

Robyn Stevenson

Owner/Operator

Saint Franks/ Tora Tiki



February 12, 2021

Gender, Equity, and Solidarity

As Unifor333bc we are committed to the full and unconditional equality of all women, as well as people of all genders, orientations, and identities. We take a resolute stance against any and all forms of gendered discrimination and violence.

It is both important and crucial for us to make this statement in order to not only condemn gendered discrimination and violence but also to clearly establish where organized labour stands. Our solidarity must be demonstrated through willingness to listen, learn, and change. We stand united and unwavering beside our brothers, sisters, and friends in fighting back against judgment, discrimination, harassment, and acts of violence perpetrated against all women and people of the LGBTQ2S+ community. We also acknowledge the challenges and inequalities faced daily in the form of micro aggressions, and recognize that they are a contributing factor to this larger problem that cannot be ignored.

The dark reality is that 1 in 3 women experience domestic violence in their lifetimes. 20% of women have reported harassment/discrimination in the workplace with a vast majority of cases going unreported. Women continue to be paid 20% less than men, with Black, Indigenous and other Women of Colour being paid even less than that average. The Highway of Tears continues to show the stunning complacency with which murdered and missing Indigenous Women are not even counted.

Violence, harassment, discrimination, objectification, as well as the continued use of outdated and oppressive language, are all used against women and members of the LGBTQ2S+ community. These are tools used to maintain systems of power which perpetuate systemic racism, misogyny, homophobia, and transphobia. We must make the connections between the many forms of violence perpetrated against women and members of the LGBTQ2S+ community – in the workplace, at home, and in society - if we are to permanently break the cycles of violence and oppression.

The significant and meaningful contributions of women in the workplace, in society, and in the home, are consistently undervalued, underappreciated, and outright taken advantage of. This is a direct result of a larger, pre established, toxic gendered hierarchy. The same hierarchy that oppresses the rights, freedoms, and contributions of members of the LGBTQ2S+ community.

We acknowledge that these issues are deeply rooted into our society and know that it will take strength, unity, and devotion to undo. There is hard work still to be done. There are injustices still to be righted, and archaic preconceived notions that need to be dismantled. We are determined to do whatever is necessary to help bring about positive, meaningful and fundamental change.

These issues can no longer be written off or ignored. We cannot, and we will not, allow complicit behaviours and inaction to cause additional harm. No longer will the lived experiences of so many be discounted, discredited, or invalidated. **No one is free until all are free!**

In Solidarity,
Women's/Pride/Human Rights/Community Connections Committees
Unifor333bc
250-384-4423
CCC.Unifor333bc@gmail.com



unifor
theUnion | lesyndicat



Dear members of Victoria City Council,

The Collective Wine Bar (The Collective) is pleased to provide a letter of support for the development of specialized training programs for sexualized violence awareness and prevention for the Victoria hospitality industry.

Sexualized violence is a prominent societal issue and recent disclosures in the Victoria Hospitality industry have continued to highlight the urgent need for all communities to take steps to dismantle rape culture. To that end, The Collective is fully supportive of the creation of a dedicated, hospitality-focused, training program on sexualized violence awareness and prevention for staff, management, and owners of Victoria hospitality businesses.

The Collective Wine Bar is committed to helping assist the important work ahead of us required to address sexualized violence issues in hospitality through:

- helping form and participate on a steering committee to lead the creation of an online hospitality-focused training program for staff, managers, and owners;
- hosting a take-out fundraiser and silent auction in late May, 2021 to raise money to help establish this training; and
- providing dedicated training space within our restaurant for in-person training of Victoria hospitality staff.

We are also working on ways to simultaneously support The Victoria Sexual Assault Centre staff and volunteers.

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RobynStevenson

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Victoria, BC

[REDACTED]

[REDACTED]

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Council Member Motion
Committee of the Whole Meeting of April 01, 2021

Date: March 29th, 2021

From: Councillor Andrew

Subject: Task Force on Sexual Abuse

Background

Several high profile incidents of sexual abuse within the City of Victoria and Greater Victoria have been reported through media and social media.

A number of survivors have not found interactions with police to be safe or appropriate.

Perpetrators of sexual violence must be held to account and the culture of rape must be addressed by the community.

This action must include input from the community.

Recommendation

That Council establish a Task Force to include survivors, advocates, police, the justice system and other appropriate entities and individuals to seek recommendations that:

remove barriers to the reporting of sexual violence,
establish reporting systems other than policing as the front line of reporting of sexual violence

improve and increase capacity of investigations of sexual violence,
improve care and support for victims of sexual violence.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'S. Andrew'.

Councillor S. Andrew