

<u>UPDATED AMENDED AGENDA - VICTORIA CITY COUNCIL</u> <u>MEETING OF THURSDAY, FEBRUARY 9, 2017, AT 6:30 P.M.</u>

<u>Council Chambers, City Hall, 1 Centennial Square</u> Located on the traditional territory of the Esquimalt and Songhees People

Music Performance from the Victoria Conservatory of Music, Elijah Kim - Violin, Evan Kim - Violin, Luke Kim - Cello, accompanied by Dr. Yoomi Kim on Piano.

- A. APPROVAL OF AGENDA
- B. READING OF MINUTES
 - 1. Minutes from the meeting held January 26, 2017
 Addenda Deferred to the February 9, 2017 Council Meeting
- C. REQUESTS TO ADDRESS COUNCIL
 - 1. Kerri Milton: Downtown Buskers' Festival
 - 2. Rachel White: Emotional Support Animals
 - 3. Jordan Reichert: Rental Restrictions on Pets
 - 4. Michael Brown: Taxation on Unused Properties Withdrawn
 Addenda
 - 5. Paul Servos: Proposed Bike Lanes on 800 Block of Fort Street
 - 6. <u>Late Item</u>: Nathan Cartwright: DiverCity Project Addenda

D. PROCLAMATIONS

- 1. "Rare Disease Day" February 28, 2017
- 2. **Late Item:** "Chamber of Commerce Week" February 20 to 24, 2017 Addenda

E. PUBLIC AND STATUTORY HEARINGS

1. Rezoning Application No. 00511 and Development Permit with Variances Application No. 00020 for 90 and 92 Dallas Road

Council is considering a rezoning application proposing the construction of new duplex. The proposal requires a new zone and variances for setbacks and site coverage.

a. **Public Hearing**

Addenda Rezoning Application No. 00511

To rezone the land known as 90 and 92 Dallas Road from the R-2 Zone, Two Family Dwelling District, to the R2-54 Zone, Restricted Duplex (Dallas Road) District, to permit a duplex.

New Zone: R2-54 Zone, Restricted Duplex (Dallas Road) District

Legal description: Lot 3, Beckley Farm, Victoria City, Plan 224

Existing Zone: R-2 Zone, Two Family Dwelling District

<u>Late Item</u>: Correspondence

b. <u>Development Permit with Variances Application No. 00020</u>

Addenda

The Council of the City of Victoria will also consider issuing a development permit for the land known as 90 and 92 Dallas Road, in Development Permit Area 15D: Intensive Residential - Duplex for the purposes of approving the exterior design, finishes and landscaping, as well as associated variances with respect to setbacks and site coverage for the duplex.

The Development Permit will vary the following requirements of the Zoning Regulation Bylaw R2-54 Zone, Restricted Duplex (Dallas Road) District:

- Part 2.144.5 (a): Reduce the front setback from 4.7m to 2.44m;
- Part 2.144.5 (b): Reduce the rear setback from 12.93m to 11.9m;
- Part 2.144.5 (c): Reduce the side yard setback (north) from 2.1m to 1.54m;
- Part 2.144.5 (d): Reduce the side yard setback on a flanking street from 3.5m to 2.47m;
- Part 2.144.5 (e): Reduce the combined side yard setbacks from 4.5m to 4.01m; and
- Part 2.144.6 (a): Increase the site coverage from 40% to 40.5%

<u>Late Item</u>: Council Report providing an updated motion regarding the registration of the Statutory Right-of-Way.

Close of Hearing - Consideration of Approval

- c. <u>Bylaw Approval</u>: To consider approval of the application, a motion for Third Reading of the bylaw is in order:
 - 1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1082) No. 17-008
- d. **Bylaw Approval:** To consider final approval of the application, a motion to Adopt the bylaw is in order:
 - 1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1082) No. 17-008
- e. <u>Development Permit Approval</u>: To approve the development permit with Addenda variances, the following motion is in order:

That Council authorize the issuance of Development Permit Application No.00020 for 90-92 Dallas Road, **subject to confirmation of registration of the Statutory Right-of-Way Agreement No. CA5805077**, and in accordance with:

- 1. Plans date stamped October 19, 2016
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. reduce the front yard setback from 4.70m to 2.44m;
 - b. reduce the rear yard setback from 12.93m to 11.90m;
 - c. reduce the side yard setback (north) from 2.10m to 1.54m;
 - d. reduce the side yard on a flanking street from 3.50m to 2.47m;
 - e. reduce the combined side yard from 4.50m to 4.01 m; and
 - f. increase the site coverage from 40% to 40.5%
- 3. The Development Permit lapsing two years from the date of this resolution.

<u>Amended Item</u>: The motion has been amended as per the February 9, 2017 Council Report, bolded above.

2. Rezoning Application No. 00504 and Development Permit with Variance Application No. 000489 for 8 and 10 Philippa Place

Council is considering a rezoning application proposing to strata title the existing non-conforming duplex. The proposal requires variances for the existing non-conforming floor area and setbacks.

a. **Public Hearing**

Rezoning Application No. 00504

To rezone the land known as 8 and 10 Philippa Place from the R1-B Zone, Single Family Dwelling District, to the R-2 Zone, Two Family Dwelling District, to permit a duplex (two family dwelling).

New Zone: R-2 Zone, Two Family Dwelling District

Legal description: Lot 13, Section 68, Victoria District, Plan 10073

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

b. Develop Permit with Variance Application No. 000489

The Council of the City of Victoria will also consider issuing a development permit for the land known as 8 and 10 Philippa Place, in Development Permit Area 15D: Intensive Residential - Duplex for the purposes of approving the exterior design, finishes and landscaping, as well as, associated variances with respect to setbacks and floor area for the existing duplex.

The Development Permit will vary the following requirements of the Zoning Regulation Bylaw R-2 Zone, Two Family Dwelling District:

- Part 2.1.3 (c): increase the 1st and 2nd storey combined floor area from 280m2 to 310m2
- Part 2.1.5 (b): reduce the rear yard setback from 12.37m to 10.65m (to stairs)
- Part 2.1.5 (c): reduce the side yard setback (west) from 3.00m to 1.45m
- Part 2.1.5 (c): reduce the side yard setback (east) from 2.03m to 1.86m (to cantilever)
- Part 2.1.5 (d): reduce the combined side yards from 4.50m to 3.31m

Close of Hearing - Consideration of Approval

- c. **Bylaw Approval**: To consider approval of the application, a motion for Third Reading of the bylaw is in order:
 - 1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1084) No. 17-014
- d. **Bylaw Approval**: To consider final approval of the application, a motion to Adopt the bylaw is in order:
 - 1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1084) No. 17-014
- e. <u>Development Permit Approval</u>: To approve the development permit with variances, the following motion is in order:

That Council authorize the issuance of Development Permit with Variance Application No. 000489 for 8 and 10 Philippa Place in accordance with:

- 1. Plans date stamped November 18, 2016.
- 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - a. increase the 1st and 2nd storey combined floor area from 280m2 to 310m2
 - b. reduce the rear yard setback from 12.37m to 10.65m (to stairs)
 - c. reduce the side yard setback (west) from 3.00m to 1.45m
 - d. reduce the side yard setback (east) from 2.03m to 1.86m (to cantilever)
 - e. reduce the combined side yards from 4.50m to 3.31 m
- 3. The Development Permit lapsing two years from the date of this resolution.
- 3. Development Permit with Variance Application No. 00019 for 1040 Alston Street

Council is considering a Development Permit with Variance to rebuild and extend a second storey balcony at the rear and to construct new stairs from the balcony to grade. The proposal requires a relaxation for the rear yard (West) setback.

a. **Hearing**

Development Permit with Variance No. 00019

The Council of the City of Victoria will consider issuing a Development Permit with Variance for the land known as 1040 Alston Street, in Development Permit Area 15A, for the purposes to extend a rear deck and to allow for previous alterations that were completed without permits.

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

reduce the rear yard setback from 6.00m to 3.18 m.

Legal description of the land: Lot A, Section 31, Esquimalt District, VIP72542

Close of Hearing - Consideration of Approval

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

That Council authorize the issuance of Development Permit with Variance Application No. 00019 for 1040 Alston Street, in accordance with:

- 1. Plans date stamped December 20, 2016.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
 - a. reduce the rear yard setback from 6.00m to 3.18m (to deck stairs);
- 3. The Development Permit lapsing two years from the date of this resolution."

4. Development Permit with Variances Application No. 00018 for 1961 Douglas Street

Council is considering a Development Permit with Variances for the addition of one new transient suite.

a. **Hearing**

Development Permit with Variances No. 00018

The Council of the City of Victoria will consider issuing a Development Permit with Variances for the land known as 1961 Douglas Street, in Development Permit Area 7A, for the purpose of adding a single suite on the roof of the south side of the hotel building.

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

- reduce the off-street parking requirement from 50 stalls to 48 stalls
- reduce the minimum (south) setback requirement from 7.50m to 0.00m.

Legal description of the land:

Lot A of Lots 736, 747, 748, 749 and 751, Victoria City, Plan 24557

Close of Hearing - Consideration of Approval

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

That Council authorize the issuance of Development Permit Application No. 00018 for 1961 Douglas Street, in accordance with:

- 1. Plans date stamped October 26, 2016.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Section 5.1.11 setback from rear (south) lot boundary reduced from 7.50m to 0.00m;
 - b. Schedule C, Section 5 (1) Off-street parking requirement reduced from 50 stalls to 48 stalls (a reduction from 49 to 48 stalls was previously approved).
- 3. The Development Permit lapsing two years from the date of this resolution
- 4. Registration of a covenant securing an additional parking space across the street at 722/726/732 Discovery Street.

F. REQUESTS TO ADDRESS COUNCIL

- 1. <u>Late Item</u>: Garnett Rancier: Bi-Directional Bike Lane Proposal for Fort Street Addenda
- 2. <u>Late Item</u>: Albert Hamilton: Housing Addenda

3. <u>Late Item</u>: Melanie Sibbitt: Heron Cove Bridge

Addenda

G. UNFINISHED BUSINESS

1. Late Item: Rezoning Application No. 00430 for 1303 Dallas Road - Update Report
Addenda
An update report advising that the proposed Design Guidelines and Specifications for the Public Realm Improvements have been amended and that the Capital Regional District is willing to make an additional amenity contribution.

H. REPORTS OF COMMITTEES

1. Committee of the Whole

- a. <u>Late Item</u>: Report from the January 5, 2017 COTW Meeting, Missed Motion Addenda
- b. Report from the February 2, 2017 COTW Meeting
- c. Report from the February 9, 2017 COTW Meeting

Addenda

Late Item: COTW Report

I. NOTICE OF MOTIONS

1. Late Item: Notice of Motion

Addenda

Letter of Support for DiverCity Project

--Councillor Isitt

J. BYLAWS

1. First Reading

- a. Temporary Borrowing Bylaw, 2017 No. 17-013
 - 1. A report recommending first, second, and third reading of Bylaw No. 17-013
 - 2. A bylaw to provide for the borrowing of money that may be necessary to meet the current lawful expenditures of the City.
- b. Hotel Room Tax Bylaw, Repeal Bylaw No. 17-018
 - 1. A report recommending first, second, and third reading of Bylaw No. 17-018.
 - 2. A bylaw to repeal the Hotel Tax Bylaw No. 88-169.
- c. Zoning Regulation Bylaw, Amendment Bylaw (No. 1086) No. 17-019
 - 1. A report recommending first and second reading of Bylaw No. 17-019
 - 2. A bylaw to rezone 1303 Dallas Road.
 - 3. The January 26, 2017 Committee of the Whole, Rezoning Application No. 00430 report.
 - 4. The January 26, 2017 Council, Revised Design Guidelines report.

2. Second Reading

- a. Temporary Borrowing Bylaw, 2017 No. 17-013
- b. Hotel Room Tax Bylaw, Repeal Bylaw No. 17-018

c. Zoning Regulation Bylaw, Amendment Bylaw (No. 1086) No. 17-019

3. Third Reading

- a. Temporary Borrowing Bylaw, 2017 No. 17-013
- b. Hotel Room Tax Bylaw, Repeal Bylaw No. 17-018
- 4. Adoption
- a. Streets and Traffic Bylaw, Amendment Bylaw (No. 7) No. 16-089
 A bylaw to allow taxis to park at prescribed fire hydrant zones.

K. CORRESPONDENCE

Letter from J. Carlos Flores

Addenda

A letter dated January 6, 2017 congratulating Council for the declaration of 2017 as the Year of Reconciliation and advising that further justice for the victims is needed.

Late Item: Page 2 of Letter

2. Letter from the BC Association of Farmers' Markets

A letter dated January 20, 2017 sharing the positive results of the BC Farmers' Market Nutrition Coupon Program (FMNCP) in Victoria during 2016.

3. Letter from the Order of British Columbia

A letter dated January 24, 2017 advising that that the call for nominations for the Order of British Columbia is now open for 2017.

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



To Whom It May Concern,

B.C. has one of the lowest rental vacancy rates in Canada at 1.8%, with Vancouver and Victoria representing the largest metropolitan areas with the lowest vacancy rates. Victoria's vacancy rate sits below 1%. Meanwhile, affordable housing has become increasingly scarce in Victoria, with both rental and sale property prices increasing from the previous two years. Each year in B.C., approximately 1500 animals are surrendered to the BCSPCA due to housing related issues that include lack of affordable pet-friendly housing in the region. Without affordable housing options, pet care-takers are often forced to decide between giving up a loved family member or maintaining inadequate housing.

Current tenancy legislation in B.C. allows landlords to discriminate against pet care-takers by prohibiting the presence of animals in residential complexes at their discretion. This places an undue barrier on renters with pets, as the already minimal affordable housing available in various regions is significantly reduced further by this policy.

Those with physical and psychological disabilities are at a further disadvantage when it comes to securing housing as animal guardians. For many, their animal companions provide meaning and fulfilment, and in many cases help alleviate distressing symptoms of their diagnosis. Being denied permission to take their companion animal with them, amidst efforts to improve their housing, can not only be devastating emotionally, but can be a major barrier to quality of life.

It is essential, that individuals with certified emotional support animals provided under the direction of a physician and care team, be allowed to maintain the integrity of their relationships with their animal companions. Forcing people to decide between supportive and safe housing, or an animal who is comparable to a family member is not only unreasonable, it is unconscionable.

The Animal Protection Party of Canada advocates for the interests of animals and their guardians, and encourages government to take corrective action to oppose housing discrimination based on the occupancy of pets. Ontario has had effective non-discriminatory legislation on this issue for over 20 years and we encourage the province of British Columbia to amend their own laws to reflect this progressive policy.

Sincerely,
Jordan Reichert
West Coast Campaign Officer
Animal Protection Party of Canada

"RARE DISEASE DAY"

- WHEREAS, the Rare Disease Foundation and its Victoria Parent-2-Parent Network provides a forum for families in our community for mutual support, mentoring and knowledge sharing regardless of a child's diagnosis; and
- WHEREAS, the last day of February is recognized as Rare Disease Day internationally, with the purpose to bring about awareness of rare diseases and their impact on patients' lives amongst the general public and decision-makers; and
- WHEREAS, on February 28th the Victoria Parent-2-Parent Network will collectively recognize and promote awareness of Rare Disease Day throughout the Greater Victoria region.
- NOW, THEREFORE I do hereby proclaim February 28th, 2017 as "RARE DISEASE DAY" in the CITY OF VICTORIA, CAPITAL CITY of the PROVINCE of BRITISH COLUMBIA, the TRADITIONAL TERRITORIES of the ESQUIMALT AND SONGHEES FIRST NATIONS.

IN WITNESS WHEREOF, I hereunto set my hand this 9th day of February, Two Thousand and Seventeen.

LISA HELPS MAYOR CITY OF VICTORIA BRITISH COLUMBIA Sponsored by:
Jocelyn Carter-Sim
Coordinator
Rare Disease Foundation

"CHAMBER OF COMMERCE WEEK"

- **WHEREAS** a strong local business community is a key driver of our local economic prosperity; and
- **WHEREAS** a strong local business community creates jobs and opportunities for residents of Victoria and supports community growth; and
- WHEREAS the Greater Victoria Chamber of Commerce is a business organization dedicated to strengthening Victoria's business community and helping our community to thrive; and
- **WHEREAS** every year, members of the Greater Victoria Chamber of Commerce dedicate countless volunteer hours in service to our region's businesses and community.
- NOW, THEREFORE I do hereby proclaim the week of February 20th to 24th, 2017 as "CHAMBER OF COMMERCE WEEK" on the TRADITIONAL TERRITORIES of the ESQUIMALT AND SONGHEES FIRST NATIONS in the CITY OF VICTORIA, CAPITAL CITY of the PROVINCE of BRITISH COLUMBIA.

IN WITNESS WHEREOF, I hereunto set my hand this 9th day of February, Two Thousand and Seventeen.

LISA HELPS MAYOR CITY OF VICTORIA BRITISH COLUMBIA Sponsored By:
Peggy Kulmala
Manager
Policy and Public Affairs
Victoria Chamber of Commerce

REPORTS OF COMMITTEES

2. Committee of the Whole - December 1, 2016

7. Rezoning Application No. 00511 and Development Permit with Variances Application No. 00020 for 90-92 Dallas Road

Motion:

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

Rezoning Application No. 00511

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00511 for 90 - 92 Dallas Road, 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. Registration of a 2.41m Statutory Right-of-Way on the Dallas Road frontage; and
- 2. Registration of a 2.47m Statutory Right-of-Way on the St. Lawrence Street frontage.

Development Permit with Variances Application No. 00020

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.00020, if it is approved, consider the following motion: "That Council authorize the issuance of Development Permit Application No.00020 for 90-92 Dallas Road, in accordance with:

- 1. Plans date stamped October 19, 2016
- Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - reduce the front yard setback from 4.70m to 2.44m;
 - reduce the rear yard setback from 12.93m to 11.90m;
 - iii. reduce the side yard setback (north) from 2.10m to 1.54m;
 - iv. reduce the side yard on a flanking street from 3.50m to 2.47m;
 - reduce the combined side yard from 4.50m to 4.01 m; and
 - vi. increase the site coverage from 40% to 40.5%
- 3. The Development Permit lapsing two years from the date of this resolution."

Carried

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

Councillors Isitt and Madoff Opposed:

5. LAND USE MATTERS

5.1 a. Rezoning Application No. 00511 for 90-92 Dallas Road

Committee received a report dated November 16 2016, from the Director of Sustainable Planning and Community Development regarding an application to rezone to permit construction of a duplex.

Committee discussed:

Keeping the heritage nature of the area.

Motion:

It was moved by Councillor Madoff, seconded by Councillor Coleman, that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00511 for 9092 Dallas Road, 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:

- Registration of a 2.41 m Statutory Right-of-Way on the Dallas Road frontage; and
- Registration of a 2.47m Statutory Right-of-Way on the St. Lawrence Street frontage.

For:

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

and Young

Against:

Councillors Isitt and Madoff

CARRIED 16/COTW



Committee of the Whole Report For the Meeting of December 1, 2016

To:

Committee of the Whole

Date:

November 16, 2016

From:

Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject:

Rezoning Application No.00511 for 90-92 Dallas Road

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00511 for 90-92 Dallas Road, 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. Registration of a 2.41m Statutory Right-of-Way on the Dallas Road frontage; and
- 2. Registration of a 2.47m Statutory Right-of-Way on the St. Lawrence Street frontage

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 90-92 Dallas Road. The proposal is to rezone from the R-2 Zone, Two Family Dwelling District to a new site-specific zone in order to permit the construction of a duplex. The existing building, which is currently developed as a legal non-conforming duplex, would be demolished to accommodate the new duplex.

The following points were considered in assessing this application:

- the application is generally consistent with the Urban Residential Place Designation, the objectives for Development Permit Area 15D: Intensive Residential – Duplex, and the James Bay Neighbourhood Directions – in the Official Community Plan, 2012 (OCP)
- the application is generally consistent with the goals and objectives of the James Bay Neighbourhood Plan regarding sensitive infill; however, it is not consistent with the Plan's housing policy for existing undersized R-2 Zone lots, which recommends single-

- family use
- the application is consistent with the building design objectives in the *Neighbourliness Guidelines for Duplexes*; however, the lot area is smaller than the minimum size in the *Neighbourliness Guidelines for Duplexes*, and the standard duplex zone
- the application does not meet the requirements of the R-2 Zone, Two Family Dwelling District with respect to density, setbacks and site coverage, therefore, a new site-specific zone is required to facilitate development of a duplex
- the applicant is providing Statutory Rights-of-Way on Dallas Road and St. Lawrence Street to achieve a standard collector roadway width and to facilitate the development of an All Ages and Abilities bicycle network
- the current use of the existing building is a legal non-conforming duplex. The proposal is generally consistent with the existing development in terms of use and total floor area
- the property is triangular in shape and there are no further opportunities for lot consolidation

BACKGROUND

Description of Proposal

The proposal is to rezone the property from the R-2 Zone, Two Family Dwelling District, to a new site-specific zone to permit the construction of a duplex dwelling. The proposal does not meet the R-2 Zone regulations in the following areas:

- increase in permitted floor space ratio from 0.50:1 to 0.53:1
- reduction in proposed lot size from 555m² to 443.26m²
- reduction in front yard setback from 4.70m to 2.44m
- reduction in rear yard setback from 12.93m to 11.90m
- reduction in side yard setback (north) from 2.10m to 1.54m
- reduction in side yard setback on a flanking street from 3.50m to 2.47m
- reduction in combined side yard setbacks from 4.50m to 4.01m
- increase in site coverage from 40% to 40.5%

Sustainability Features

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

Active Transportation Impacts

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

Public Realm Improvements

The following public realm improvements are proposed in association with this Rezoning Application:

- 2.47m Statutory Right-of-Way along the St. Lawrence Street frontage
- 2.41m Statutory Right-of-Way along the Dallas Road frontage

These would be secured with a legal agreement, registered on the property's title, prior to Council giving final consideration of the proposed Zoning Regulation Bylaw Amendment.

Existing Site Development and Development Potential

The site is presently developed as a legal non-conforming duplex. City records indicate the existing building was constructed in approximately 1907. The existing building would be demolished to accommodate the proposed duplex. Under the current R-2 Zone, the property could be redeveloped as a single-family dwelling or a single-family dwelling with a secondary suite.

Data Table

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

Zoning Criteria	Existing	Proposal	Zone Standard: R-2 Two Family Dwelling District
Site area (m²) - minimum	443.26*	443.26*	555.00
Density (Floor Space Ratio) - maximum	0.55:1*	0.53:1*	0.50:1
Total floor area (m²) - maximum	243.54	234.90	280.00
Lot width (m) - minimum	20.98	20.98	15.00
Height (m) - maximum	7.00	7.59	7.60
Storeys - maximum	2	2	2
Site coverage % - maximum	27.47	40.5*	40
Open site space % - minimum	72.53	56.26	30.00
Setbacks (m) - minimum Front (Dallas Road) Rear (northeast) Side (north) Side (Flanking Street) Combined side yard	4.1* 2.6 1.0* 3.6*	2.44* 11.90* 1.54* 2.47* 4.01*	4.70 12.93 2.10 3.50 4.50
Parking - minimum	0*	2	2

Community Consultation

Consistent with the Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications, the applicant has consulted the James Bay CALUC at a Community Meeting held on February 10, 2016. A letter dated February 13, 2016 is attached to this report.

ANALYSIS

Official Community Plan

The subject lands are designated as Urban Residential within the OCP. This designation supports a range of land uses including attached dwellings. In accordance with the OCP, duplexes are subject to Development Permit Area 15D: Intensive Residential - Duplexes. The proposal is consistent with the objectives of DPA 15D to integrate more intensive residential development in the form of duplexes in a manner that respects the established character of a neighbourhood with respect to architecture, privacy, landscaping and parking.

James Bay Neighbourhood Plan

The James Bay Neighbourhood Plan includes the subject lands in the "Residential" sub area. In this area the Plan recommends that existing duplex zoned lots that do not meet the minimum lot size be rezoned to a single-family dwelling zone. In this case, the subject lands do not meet the minimum site area required to achieve a duplex dwelling on the property; however, it should be noted that the property is surrounded by higher density uses.

Neighbourliness Guidelines for Duplexes

The purpose of the *Neighbourliness Guidelines for Duplexes* is to foster and encourage a sense of neighbourliness by considering the character of buildings and properties that are adjacent to the subject property as well as those on the same block and street. The policy direction is to consider duplexes on lots that are at least 555m² with a lot width of 15m. The proposed lot area is below the recommended site area at 443.26m²; however, the lot width is 20.98m. Given that the subject property is a corner lot, is already developed as a legal non-conforming duplex, and the area is characterized by a mix of higher density developments, a reduced site area for a duplex at this location is supportable.

Regulatory Considerations: Zoning Regulation Bylaw

To facilitate this development, a new site-specific zone would be required. The new zone would allow a minimum site area of 443.26m² and a maximum floor space ratio of 0.53:1. Other zoning regulations pertaining to height, setbacks, lot coverage, open space and parking would be consistent with the R-2 Zone. Due to the smaller lot size and irregular configuration of the lot, several variances related to site coverage and setbacks would be required to facilitate this proposal. The proposed front and flanking yard setbacks are consistent with the setback for the adjacent existing buildings on Dallas Road and St. Lawrence Street.

Statutory Right-of-Way

Dallas Road

Dallas Road is designated as a secondary arterial road. The standard Right-of-Way for a secondary arterial road is 25.0m. To achieve this minimum, a Statutory Right-of-Way of 2.41m may be required by Council as a condition of rezoning. The applicant is agreeable to this request. If the application is forwarded for consideration at a Public Hearing, as a condition of rezoning, staff recommend for Council's consideration that a legal agreement be registered on title to secure the 2.41m SRW.

St. Lawrence Street

St. Lawrence Street has been approved by Council as part of the 2016 long term All Ages and Abilities (AAA) bicycle network and currently does not have boulevards or other features typical to a local road. This additional width has been achieved on nearby properties on this block of St. Lawrence through previous developments.

The existing Right-of-Way width on this portion of St. Lawrence Street is 10.06m. The standard Right-of-Way for a local street is 18.0m; however, future transportation-related needs on the corridor can be met in a minimum Right-of-Way width of 15.0m. To achieve this minimum on this portion of St. Lawrence a 2.47m Statutory Right-of-Way (SRW) is required.

The applicant has agreed to provide the SRW; however, the eaves of the proposed building will encroach into the SRW by approximately 0.8m. Staff are supportive of this encroachment as the minor encroachment will not limit the City's ability to develop the SRW in the future. If the application is forwarded for consideration at a Public Hearing, as a condition of rezoning, staff recommend for Council's consideration that a legal agreement be registered on title to secure the 2.47m SRW.

CONCLUSIONS

This proposal to rezone the subject property to a new site-specific zone, demolish the existing legal non-conforming duplex and construct a new duplex is consistent with the objectives of the OCP and the Neighbourliness Guidelines for Duplexes. Staff recommend that Council consider supporting this application.

ALTERNATE MOTIONS

That Council decline Rezoning Application No. 00511 for the property located at 90-92 Dallas Road

Respectfully submitted,

Alec Johnston

Planner

Development Services Division

Jonathan Tinney, Director

Sustainable Planning and Community

Development Department

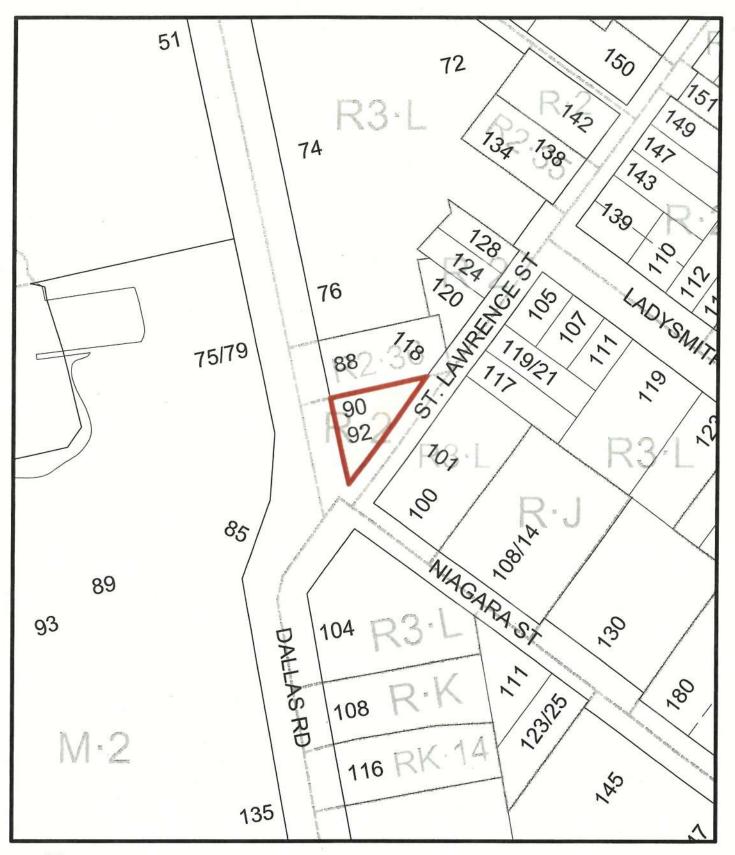
Report accepted and recommended by the City Manager:

Date:

November 22, 2016

List of Attachments

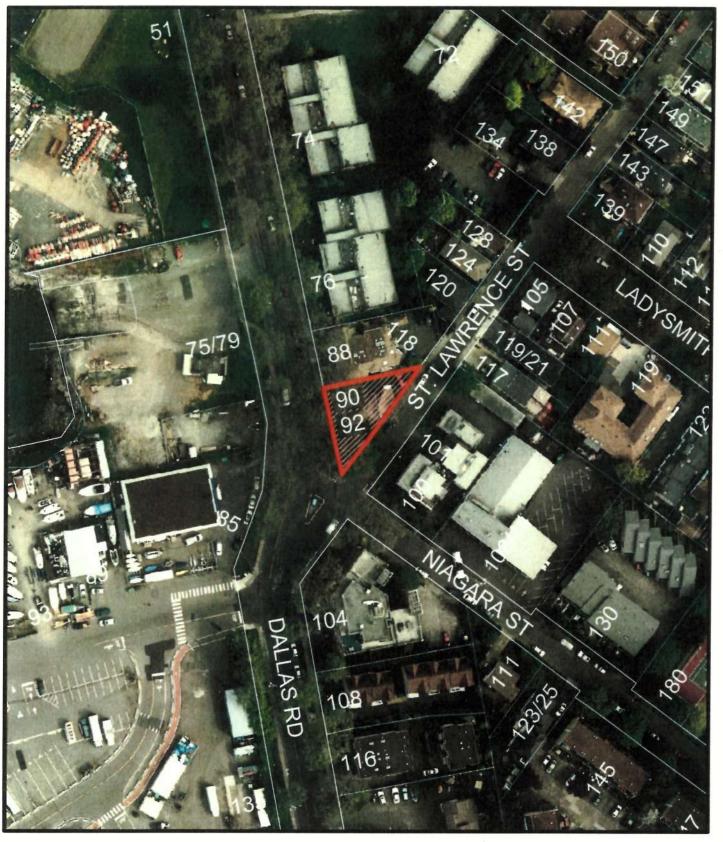
- Zoning Map
- Aerial Map
- Applicant's Letters to Mayor and Council dated February 15, 2016 and November 16, 2016
- Letter from the James Bay Community Association CALUC dated February 13, 2016
- Neighbourhood Correspondence
- Plans date stamped October 19, 2016





90 / 92 Dallas Road Rezoning No.00511







90 / 92 Dallas Road Rezoning No.00511





November 16, 2016

City of Victoria #1 Centennial Square Victoria, British Columbia V8W 1P6

Attention:

Mayor Helps and Council

Re:

Rezoning proposal at 90/92 Dallas Road, Victoria, British Columbia

Your Worship Mayor Helps and Councillors;

We are pleased to finally submit this site specific rezoning application for your consideration. Over the past 4 years, we have been working on this application to rezone this property at 90/92 Dallas Road to allow for a legal duplex to be built on this site.

The site in question is zone R-2 and has a legal non-conforming duplex on the property. The existing house is in disrepair and our client would like to build a new duplex on this property that they would reside in with their elderly mother in her 90s. Our first proposal submitted to the James Bay Neighbourhood Association CALUC meeting on October 10, 2012 consisted of a two storey duplex with a basement. During that time, the BC Archeological Branch had contacted us advising us that this property was within an area that has been flagged by the Province as having potential archeological remains. During the past two years, we have been working with our Archeological team to produce a report to alleviate some of the Province's concerns. One of our mitigating factors was to delete the proposed basement from the proposal so that there would be less impact from excavation.

We attended a JBNA CALUC meeting on December 9, 2015 to shared our proposed changes with the neighbourhood association. We were subsequently advised by the City that since 6 months had passed since our official CALUC meeting, that we had to go through a second official CALUC meeting prior to submitting our application. The second official CALUC meeting occurred on February 10, 2016 and the comments from the JBNA have been sent to the City for your information.

As noted, he property is presently zoned R-2 – Two Family Dwelling but the actual lot area is less than what the R-2 zone requires. The present structure on the site was built as a single family dwelling and was converted to a legal duplex. The present duplex and the structure on the site are legal non-conforming. We have been informed by the city that we must therefore apply for a rezoning in order for us to be allowed to erect a new duplex on this property as the R-2 zone specifically states that each dwelling unit requires 277.5 square metres of lot area.

The duplex that we are proposing will not increase the number of units on this site nor will it increase traffic in the neighbourhood. The proposed height of the building is within the allowable height limits under the R-2 zone.

We are requesting that the zone allow for a R-2 – Two Family Dwelling be allowed to be built on a reduced site area of 443 square metres instead of the normal 555 square metres required. We are also requesting variances to the front yard, side yard and rear yard setbacks. The setbacks that we are requesting are in keeping with the context of the other building fronting Dallas Road and along St. Lawrence Street. The existing structure on the site also extends out past the requested setback along St. Lawrence Street.

We are requesting that we be allowed to have a FSR of 0.53:1 instead of the 0.5:1 normally allowed under the R-2 zone. Due to the fact that we have deleted the basement, we can only use the floor area on the first and second floors. Normally, a R-2 zone would allow up to 380 square metres of floor area, with space in the basement not counted within the FSR. With the site conditions, we do not have the option of using allowable area in the basement.

Due to the fact that we need to spread the duplex out on the first two levels, a minor variance for our site coverage is also required. We are requesting that the site coverage be increased from 40% to 40.5%. We have areas of our duplex that are only one storey in height and we feel that this creates a better footprint for the usable spaces as well as a better massing on the property. We trust that this is variance is minor.

Through this rezoning, we have dedicated statutory rights of ways along both Dallas Road (2.41 metres) and St. Lawrence Street (2.47 metres) as requested by the City.

The exterior materials being proposed for this project are cedar siding, stucco, and stone veneer. We trust that this proposed rezoning meets the intent of the neighbourhood plan and the official community plan. If you have questions or concerns, please contact our office at 250-360-2888.

Thank you for your time and consideration.

Yours truly,

Alan Lowe, MAIBC

Howkere

Alan Lowe Architect Inc.



February 15, 2016

City of Victoria #1 Centennial Square Victoria, British Columbia V8W 1P6

Attention:

Mayor Helps and Council

Re:

Rezoning proposal at 90/92 Dallas Road, Victoria, British Columbia

Your Worship Mayor Helps and Councillors;

We are pleased to finally submit this site specific rezoning application for your consideration. Over the past 4 years, we have been working on this application to rezone this property at 90/92 Dallas Road to allow for a legal duplex to be built on this site.

The site in question is zone R-2 and has a legal non-conforming duplex on the property. The existing house is in disrepair and our client would like to build a new duplex on this property that they could possibly reside in the future. Our first proposal submitted to the James Bay Neighbourhood Association CALUC meeting on October 10, 2012 consisted of a two storey duplex with a basement. During that time, the BC Archeological Branch has contacted us advising us that this property was within an area that has been flagged by the Province as having potential archeological remains. During the past two years, we have been working with our Archeological team to produce a report to alleviate some of the Province's concerns. One of our mitigating factors was to delete the proposed basement from the proposal so that there would be less impact from excavation.

We attended a JBNA CALUC meeting on December 9, 2015 to shared our proposed changes with the neighbourhood association. We were subsequently advised by the City that since 6 months had passed since our official CALUC meeting, that we had to go through a second official CALUC meeting prior to submitting our application. The second official CALUC meeting occurred on February 10, 2016 and the comments from the JBNA have been sent to the City for your information.

#203-1110 Government Street, Victoria, B.C. tel. 250.360.2888 As noted, he property is presently zoned R-2 – Two Family Dwelling but the actual lot area is less than what the R-2 zone requires. The present structure on the site was built as a single family dwelling and was converted to a legal duplex. The present duplex and the structure on the site are legal non-conforming. We have been informed by the city that we must therefore apply for a rezoning in order for us to be allowed to erect a new duplex on this property.

The duplex that we are proposing will not increase the number of units on this site nor will it increase traffic in the neighbourhood. The proposed height of the building is within the allowable height limits under the R-2 zone.

We are requesting that the zone allow for a R-2 – Two Family Dwelling be allowed to be built on a reduced site area of 443 sqaure metres instead of the normal 555 square metres required. We are also requesting variances to the front yard, side yard and rear yard setbacks. The setbacks that we are requesting are in keeping with the context of the other building fronting Dallas Road and along St. Lawrence Street. The existing structure on the site also extends out to the requested setback along St. Lawrence Street.

The exterior materials being proposed for this project are cedar siding, stucco, and stone veneer. We trust that this proposed rezoning meets the intent of the neighbourhood plan and the official community plan. If you have questions or concerns, please contact our office at 250-360-2888.

Thank you for your time and consideration.

Yours truly,

Alan Lowe, MAIBC
Alan Lowe Architect Inc.



James Bay Neighbourhood Association

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

www.jbna.org

February 13th, 2016

Mayor & Council, City of Victoria,

Re: CALUC Community Meeting - 90-92 Dallas Rd - duplex

The third community meeting, and second CALUC meeting, to consider revisions to the 90-92 Dallas Rd duplex proposal first considered at CALUC meeting on October 10, 2012, was held February 10th, 2016 (63 present).

Resident objections to the proposal raised at the meeting were focused on the tenants being forced to relocate and the missed opportunity to regenerate an old house, which may be of heritage value.

There were two letters submitted by nearby residents, one objecting to the "variances" while the second contains a request to ensure that BC Transit bus service continues during any construction and that access to St Lawrence from Dallas remain during demolition and construction if the proposal is approved.

Following please find;

- excerpt from the draft minutes of the February 10th, 2016;
- two e-mails dated February 3rd and 6th from residents who did not attend the meeting;
- o letter to Mayor and council, dated December 14th, 2015 reporting on the December 9th, 2015 meeting, also containing the minute from the October 10, 2012 CALUC; and
- correspondence from resident, attached to minute from the October, 2012 CALUC meeting.

Submitted for your consideration,

Marg Gardiner, Co-Chair CALUC & President, IBNA

Cc: Alan Lowe

Excerpt of minutes of February 10th, 2016: 90-92 Dallas Rd proposal

5. 90-92 Dallas: Architect. John Williams for Alan Lowe

Tim and Marg Gardiner met with Alan Lowe to discuss the changes of the proposal from the proposal reviewed on October 10, 2012; this was the JBNA Development Review Committee meeting (DRC). Major change is that, due to archeological issues, no basement will be built. Adjustments to the plans were made to reflect a slab foundation. Alan Lowe also presented the proposal in December, 2015. The City subsequently notified Alan Lowe and JBNA that since more than 6 months had lapsed between the original CALUC meeting and the submission of the application to the City that the proposal must repeat the CALUC process. The minutes from the 2012 and December 2015 meetings will be appended to the excerpt minute from this meeting and forwarded to the City. Two letters have been received from nearby neighbours and will be appended to the minutes.

John Williams, architect with Alan Lowe Architects, described the development which replaces an older duplex with a new duplex. Rezoning was required because the lot size was irregular and smaller than R2. Mr. Williams showed the original site plan and explained the differences from the original. The property is zoned R2 but is too small to permit development of a duplex which resulted in the need for changes. Non-conforming site. Need to make it a legal zoning. Archeology Branch identified some significant archeological interest so there will not be a basement on this site. Some footprint change and room shape changes. Without a basement, the front entrance is a foot lower but the roof higher at the peak than the previous design. Existing landscaping will remain intact; no trees removed. The proposed duplex will be compatible with neighbourhood buildings.

 ${f Q}-90$ Dallas Road resident: Recently moved into 90 Dallas Road and unaware of development. Will he be evicted? Will he have opportunity to move into property? ${f A}-{f N}{f O}$ imminent eviction but cannot answer questions about tenancy. (Note: Chair enquired as to whether the tenant had a lease – response was month to month)

Q – 92 Dallas Rd resident: Was not notified about 2012 meeting but did receive notice about this one. Will you remove cherry tree? In addition this is a beautiful house. Another developer just moved 2 old houses in disrepair onto Dallas Road. 92 Dallas was neglected but why not restore it as existing duplex. It is one of the last original houses on Dallas Road. Objects to proposal, and to tearing down heritage houses for cookie-cutter replacements.

A - No intent on removing the large tree or the cherry tree, will try to keep the trees.

Q – Ladysmith resident: How does height compare to previous design? Is it strata?
 A – Eaves are at same height. No it going to be a 2 story duplex.

(Note: there was discussion a to the final division, or not, of the property. Advice sought from Tim VanAlstine who suggested that the approach would ultimately lie with the developer. The outside space could be either common-use property or divided)

Q - Heather resident: Does Victoria have design bylaws? What is facing of building? It looks like concrete and glass building which will not be compatible with neighbouring properties.

A - Cladding is cedar, chimney is stone veneer, and there are small portions of stucco, and wood doors.

(Note: Chair commented that Council, at committee) sometimes sends projects to the design Committee. That decision would be made by Council)

Q - Berwick resident: Will there be a public hearing? Do we know when? And is the plan to sell these units.

A – Yes there will be a hearing – date not yet known. Believes intent will be to sell the units.

Q – do you have a picture of existing residence?

A - Yes (brought photo up on the screen)

Q - Lewis resident: current design appears to be higher than original? Also request that you convey to developer that this house is absolutely restorable. I have been involved restoring houses that neighbours would be pleased to see demolished because of the disrepair and won awards for the restoration.

A - Yes, allowable height is 25 feet. Original was 23+ and this is 24. Will convey message to the owner/developer.

Q -Dallas resident: This is an existing rental accommodation, which is in short supply. This demolishes existing rental to replace with a non-rental property. JBNA supports rental housing and needs to take direct steps to retain rental properties in the community. A – JBNA will report to Council about concerns raised about the demolition of this property.

Attachment to minutes of February 10th, 2016: 90-92 Dallas Rd proposal

From:

M Ellis

Subject: development proposal notice 90-92 Dallas Road

Date:

February 3, 2016 5:09:04 PM PST

To:

JBNA Marg Gardiner

I received the notice of this development and am not able to come to the community meeting.

One concern I have is that there is a bus stop right in front of that property and I ask that the bus stop not be closed but moved across the street to the corner of Niagara and Dallas during the demolition and construction phases. I also would ask that St Lawrence St be kept accessible from Dallas Road at the same time.

Will the new property then be a strata?

thank you, Mary Ellis XXXXXXXX Ladysmith St. From:

John Fry

Subject:

Re: Letter to JBCA regarding meeting concerning 90-92 Dallas

Road

Date:

February 6, 2016 3:27:14 PM PST

Hi;

We are unable to attend the community meeting on this proposal Scheduled for 10/02/2016 @ 7pm. Being immediate neighbours to this property, we do however have serious objections to the variances requested, and have expressed some of those in writing on the occasion of a community meeting regarding this same property (re: September 10, 2012). This letter is simply to inform you of our continued concerns and opposition and of the fact that we shall in due course be submitting those concerns to the City of Victoria and others concerned at the appropriate time.

Sincerely, John A Fry & Ulla Ressner



James Bay Neighbourhood Association

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

www.ibna.org

December 14th, 2015

Mayor & Council, City of Victoria,

Re: CALUC Community Meeting - 90-92 Dallas Rd - duplex

The community meeting to consider revisions to the 90-92 Dallas Dr duplex proposal first considered at CALUC meeting on October 10, 2012, was held December 9th (62 present).

Following please find an excerpt from the draft minutes of the December 9th, 2015; attached is the minute from the October 10, 2012 CALUC meeting:

5. 90-92 Dallas Development: Project Update: Alan Lowe, architect

Tim Van Alstine reported on the JBNA Development Review Committee meeting (DRC).

Tim and Marg Gardiner met with Alan Lowe to discuss the changes of the proposal from the proposal reviewed on October 10, 2012. Major change is that, due to archeological issues, no basement will be built. Adjustments to the plans were made to reflect a slab foundation. The comments of the 2012 meeting were summarized. Since there was uncertainty with level of consultation required, Alan Lowe committee to delivering a notice to nearby residents alerting them to tonight's meeting. The minute from the 2012 meeting will be appended to the minute from this meeting and forwarded to the City.

Alan Lowe, Architect described the development which replaces a derelict duplex with a new duplex. Rezoning was required because the lot size was irregular and smaller than R2. Non-conforming site. Need to make it a legal zoning. Alan explained the differences from the original. Some footprint change and room shape changes. Modernised the building in design.

Staff delivered notice to the property and neighbours. Couldn't deliver/access The Dolphins.

- Q Niagara St resident: Not notified feels should have been. Would rather see house retained.
- A house is in great disrepair. To have a house that would last some years, couldn't do.
- Q Dallas Rd resident: Is the property right on Dallas? What zone being sought and what variance? And what is across the street? Scared about building in that location
- A Ogden Point opposite. Front yard variance sought to line up with next door set-backs. R2 zone from R1B is zoned as single but has a duplex a legal non-conforming building.
- Q Simcoe St is there a precedent for letting things decline so far that heritage houses can't be saved?
- A Doesn't know why/how this house has deteriorated so badly
- Q Montreal St Resident in sympathy with previous speaker, term is "demolition by neglect" But this house is very deteriorated. Some argument could be made to save it. Set-backs are important, have to be careful of alignment on street.
- Q when can Public Hearing be expected?
- A probably in about 4 months till public hearing

Marg Gardiner, Co-Chair CALUC & President, JBNA

IAMES BAY NEIGHBOURHOOD ASSOCIATION

MINUTES - General Meeting October 10th, 2012

6. Development proposal: 90-92 Dallas - Architect Alan Lowe

The proposed rezoning is to demolish the existing legal duplex and replace it with a new duplex. The rezoning is required because the site area is less than the minimum site area required in the R2 zone.

Comments:

Note: E-mails from residents that will be appended to the JBNA submission to the City.

- Q: 92 Dallas Rd tenant: will she be evicted has 6 months on lease
- A: Will take 6-9 months to go through process will advise owner of lack of notification.
- Q: Menzies resident: environmental safeguards (asbestos?)
- A: Worksafe BC requires an environmental assessment if hazardous materials found disposed of properly.
- Q: St Andrews Resident: Is there heritage value to the existing house
- A: Tenant replied (and so did A. Lowe) that it was in severe disrepair and needed to come down. Alan also stated the additions and changes etc would take away heritage value. Tenant thought house was too far gone to be saved.
- C: Same resident: Opinion that the house should be saved if possible and if we lose any heritage potential the community loses - would like to see something special there on the unusual triangular lot.
- Q: Fisherman's Wharf resident: How long has it been owned by this owner
- A: In the family for 50 years.
- Q: Same resident: If in the family then it shouldn't be so run down.
- C: Tenant commented that the house is the only remaining old house near the docks as others have been converted and cruise-ship tourists take photos of it all the time.
- C: Niagara resident: This location is important. Prefer heritage but if need rebuild then something special
- C: St Andrews resident: Will views be lost for residents to the N.
- A: Due to window locations, the back portion will be lower than existing structure and 2storey portion will be at same elevation as neighbour and views of N neighbour not impacted.
- Q: Dallas neighbour: Is it closer to Dallas?
- Q: Niagara St neighbour: Are trees going to remain? (A: yes.) Then my view will be better because building will be better but neighbour will be affected
- C: St Lawrence neighbour: Will be affected. Were neighbour's views taken into account?
- A: Yes, the lower levels would be negatively affected but not the upper residents.
- Q: Same resident: Did you research parking now no surplus parking residents of new place will not be able to park on their lawns which is currently done.
- A: Yes, parking requirements for 2 spots will be met.

October 2012 - Letter from resident re 90/92 Dallas Road Rezoning Application

Dear Sir;

We have in short order received both information regarding a proposal to seek re-zoning of 90/92 Dallas Road from Mr Alan lowe, and a notice of a community meeting on October 10, 2012 regarding the proposal, from your organization. We are unable because of the shortness of notice and previous commitments to attend this meeting. As immediate neighbours of the subject property, we do however have a keen interest and personal stake in the outcome of this rezoning application. Consequently, we have written down our thoughts regarding this application in the appended letter.

Sincerely,

Ulla Ressner and John Fry # 6 - 118 St. Lawrence Street

Good letter John, I can support your letter, Jack Unit 2

October 9, 2012

To: Mr. Tom Coyne
Land Use Committee Chair
James Bay Neighbourhood Association
234 Menzies Street
Victoria, BC

Email:

And, when timely, also to:

The City of Victoria
Planning and Development Department
1 Centennial Square
Victoria, B.C.

With copies to: Our fellow strata neighbours, GVHA, and the Songhees First Nation, for their information and eventual interest

Re: Information regarding intent to apply for residential rezoning from Mr. Allan Lowe:
Rezoning proposal at 90/92 Dallas Road, Victoria, British Columbia

Our Strata home (Strata Plan VIS 5549), is a designated Victoria Heritage property which fronts onto both Dallas Road (88-86) and St. Lawrence Street (118), and shares a south facing property line with the subject property above. Further, our specific townhouse (#6 – 118 St Lawrence), faces the subject property through a long side with two high floors of tall light-filled bay windows. The subject property, the St. Lawrence street scene, the high enveloping Dallas Road tree scape above and around the subject property, as well a scene of the Dallas Road walkway with its grand trees and shimmering ocean through that greenery, constitute the present lovely city view from our home, porch and balcony. It was a major factor in our decision to purchase our home. And consequently, we carried out our proper due diligence regarding the possible changes that could occur on the subject property in terms of height, street and property set-backs, and allowable building foot print in the eventuality of

future new construction. After visiting the Victoria City planning department and discussing our queries and concerns at length with their helpful staff, we received answers which informed and reassured us in our decision to purchase our home facing the neighbouring subject property. Over the past five years of permanent residency, we have also taken the opportunity revisit the Victoria City planning department staff, to be certain of the correctness of the response we initially received. It was, and those assessments have been further reinforced by the comments of various city inspectors who have visited our own and the subject property over the past five years. In short, their view has consistently and uniformly been that due to the historical development of this old neighbouring heritage subject property, its small size, its irregular triangular shape and frontage onto two roads, and despite its grandfathered R-2 zoning, any new construction would be required to fit onto a foundation foot print and to a height defined by current height and road and neighbouring property line set-back by-laws.

Not surprisingly, Mr. Lowe's sole argumentation for seeking this rezoning request for reduced property set-backs on behalf of his clients, the owners of this property, is that: "We have been reviewing options (to build a duplex) ... that would best suit this property and still allow this project to be economically viable."

In the above context, let us say first, and as one of the neighbours most immediately affected by the sight and condition of this property, how pleased we are that the owners are finally showing an interest in improving the grounds and structure of this sadly long dilapidated James Bay heritage building - such a shame because of its style and unique welcoming location to visitors leaving the cruise ship docks for a walk to town, and such a shame because apart from our own, it is the last heritage residence left along this entire stretch of Dallas Road.

While we certainly understand as nothing new under the sun, the owner's desire to enhance the utility and thereby increase the value of their property - in this case, by finding an "economically viable" duplex plan for the property. And we also understand, that just as we carried out our own due diligence regarding what could and could not conceivably be built on the neighbouring subject property prior to our own home purchase, so too, must the owners of the subject property have carried out their own due diligence when deciding to purchase the property in question. And if they had done as they should have and most certainly did in this regard, they would have long known the precise building limitations of the property they purchased. In other words, they got what they bought. Consequently, we fail to see in either principle or persuasive rationale, why any of the requested deviations from current relevant height and set-back zoning by-laws should be granted in this case.

However, and to speak specifically of the current building proposal (the so-called 'option preferred by the city' - facing Dallas with a flat roof), and as presented in Mr. Lowe's 'information to neighbours': We have done a number of measurements in terms of the ground coverage, height and proximity of the existing building and the proposed new construction, in terms of sight-line and spatial relation to our own home (#6 - 118 St Lawrence), as well as to our strata building in general. It is both a fact and our 'view', that the requested reductions in setbacks from the shared property line between the subject property and our own Strata Corp VIS5549, would substantially diminish the open space between our homes and dramatically darken what is the entire adjacent southern sunny side of our home in specific, and of our beautiful heritage building in general. Further, and in addition to concealing the current Dallas and St Lawrence views from the street of the southern side of this lovely restored heritage building, it would also climinate the entire part of our own existing view, described above, as:

"... the high enveloping Dallas Road tree scape above and around the subject property, and a scene of the Dallas Road walkway with its grand trees and shimmering ocean through that greenery.

Considering the dramatic reduction in the open air space, light, view, liveability, and value of our home as a consequence of granting the requested reduction of shared property line set-backs, and further considering all our past cautious efforts at due diligence and the authoritative reassurances received on this matter, we fail to see any motivation, legitimacy or fairness in having the light, liveability, view, and value of our own property substantially reduced, all so that the utility and thereby value of the neighbours property may be enhanced to achieve what they have arbitrarily and for themselves chosen to deem as "economically viable". Again, they got what they bought.

Finally, and quite apart from the specific plan submitted to increase the value of the subject property, but rather at a more general neighbourhood historical and cultural level, perhaps there are other opportunities for the property owners to realize the 'economically viability' they seek. It is true that the existing heritage structure on the subject property is dilapidated through long neglect and overdue care - much as was our own property prior to its complete refurbishment as a designated heritage conversion building in 2004. Nevertheless, it remains a culturally and historically significant part of the original James Bay working harbour and community, as well as being one of only two remaining original working harbour waterfront homes along this entire stretch of Dallas Road. And of course long prior to the rich history of that original Victoria working class community, it was the sight of settlement for millennium of Songhees people. The extensive pre-construction archaeological excavation of our own adjacent property as required by the Archaeological Branch of the BC Department of Forests, Lands and Natural Resources, revealed a wealth of objects and information regarding the Songhees peoples long residency on these specific lands. There is no reason to believe that anything other would be the result of the necessary pre-construction archaeological excavation that would invariably be required of the subject property under the proposed plan. Furthermore, this juncture of Dallas Road, the exit from the GVHA working docks for cruise ship passengers, and St. Lawrence and Niagara Streets, make it a funnel for both cruise ship tourists walking to and from the docks to town, as well as a much travelled recreational path for James Bay residents walking, running, cycling and skate-boarding their way to and from the Dallas Walkway and the ocean. We have also been made aware from informed sources, that the Victoria City already has plans and funds set aside for the enhancement and beautification of city land at this specific juncture.

So why not, rather than build one more over-extended duplex at this quiet and much used pedestrian juncture, why not a small green space under the grand old trees of the Dallas Road walkway as a pedestrian respite and memorial to the history and cultures of past peoples who once made this waterfront land their home. Perhaps between the City, the Songhees Nation, and the Greater Victoria Harbour Authority, there is room and resource to realize and develop the past multi-cultural history and current pedestrian value of such a rare green oasis on this long stretch of lovely Dallas Road. And perhaps doing so would be an alternate way for the property owners to realize an "economically viable" outcome. Finally, and in this latter context, we must of course admit that such an alternate land use suggestion to the one proposed in this application, would enhance both the living experience and value of our own home. However, that fact does not in any way diminish the value of our suggestion.

Sincerely,

Ulla Ressner and John Fry # 6 - 118 St. Lawrence Street, Victoria, B.C. V8V 1X8 From: Jim Sproule

Sent: Friday, Mar 11, 2016 3:00 PM

To: Engineering Email inquiry < eng@victoria.ca>

Subject: 90-92 Dallas Rd zoning

Attention Land Development Division of the Engineering Department

hello,

I'm a resident of Niagara St. living within a block of Dallas Rd. I'm not in favour of the development proposal to demolish the existing house at 90-92 Dallas Rd.

>>> At a JBNA meeting in December, the architect, Alan Lowe, said the reason that option hadn't been chosen, was because of the poor condition of the house. A Past-President of JBNA, Tim Van Alstine, noted that that was also the case for the house next door, yet it was nicely redeveloped retaining the character of the original house, a few years ago.

>>> In this edition of the James Bay Beacon, the JBNA notes "with regret" the "projected loss by demolition of one of the original houses on Dallas Road"

>>> If a variance to give legal status for duplex units is given for this project, I suggest in the strongest possible terms, that it be conditional on retaining the exterior of the existing house, the yard, and the cherry tree.

>>> Our neighbourhood suffered the accidental loss of a lovely mature tree recently when the sidewalk was put in along Montreal St. We also gained by the addition of two original homes that were moved to the corner of Dock and Dallas. The City must be alert to only mandating change that retains the character of James Bay. Residents obviously enjoy this unique area, and so do quite a few cruise ship visitors, who walk to town through an area that still exudes some of the charm of earlier days.

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Page 39 of 357

D

SITE PLAN (EXISTING)

3,9

OMMO

(a)

LOT 3 LOT AREA 443.21m² (4771.21 skft.)

42

Setback

Sidewalk Gutter

Civic #90 & #92

EXISITNG BLDG. AREA 121.77 m² (1310.8 sq.ft.)

4.5 Dropcurb 4.6

42.25

ST. LAWRENCE STREET

PROJECT INFORMATION (Existing)

LEGAL ADDRESS: LOT 3, BECKLEY FARM WICTORIA CITY, PLAN 224 90 / 92 DALLAS ROAD VICTORIA, BRITISH COLUMBIA

ZONING DATA

SITE AREA:

R-2 (TWO FAMILY DWELLING) 443.26 m² [4771.21 s.l.] 555m² TYPICAL of R-2

BUILDING HEIGHT: FLOOR AREAS: GROUND FLOOR AREA: SECOND FLOOR AREA: GROSS FLOOR AREA:

EXISTING: 7.0 approx. 121.77 m² 121.77 m² 243.54 m²

LOT COVERAGE LOT WIDTH:
LOT DEPTH:
NUMBER OF STOREYS:
SETBACKS:
FRONT YARD:
REAR YARD:

27.47% 20.98 m 42.25 m 3.5 m (Average of Actual) 4.1 m 4.1 m 10.7 OR 35% of lot depth(=4.2m) - m 3.5 OR 10% of lot wath (=2.1m) 2.6 m 3.5 OR 10% of lot wath (=2.1m) 1.0 m

SIDE YARD FLANKING (NORTH): SIDE YARD (SOUTH):

RE-ISSUED FOR REZONING

90 - 92 DALLAS ROAD VICTORIA, BRITISH COLUMBIA PROJECT NUMBER: 13-394 21 SEPTEMBER 2016

ARCHIT	ECTURAL
A1.0	EXISTING SITE PLAN / COVER SHEET
A1.1	SITE PLAN PROPOSED / PROJECT DATA
L1	LANDSCAPE PLAN
A2.0	GROUND FLOOR PLAN
A2.1	SECOND FLOOR PLAN
A3.0	ELEVATIONS
A3.1	ELEVATIONS
A3.2	STREETSCAPE
A4.0	SECTION

	INDEX OF DRAWINGS
RCHIT	ECTURAL
1.0	EXISTING SITE PLAN / COVER SHEET
1.1	SITE PLAN PROPOSED / PROJECT DATA
1	LANDSCAPE PLAN
2.0	GROUND FLOOR PLAN
2.1	SECOND FLOOR PLAN
3.0	ELEVATIONS
3.1	ELEVATIONS
3.2	STREETSCAPE
4.0	SECTION

lowe architect inc.

3 REZUNDIGAPPUCATION 2 REZUNNIG APPLICATION

NEW DUPLEX RESIDENCE

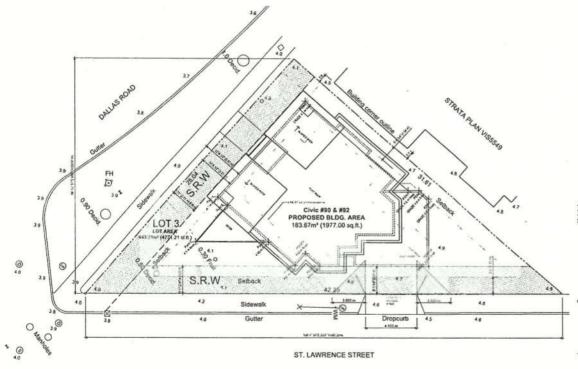
EXISTING SITE PLAN

project no.:		15
6A 24 AUGUST 2016	*(**	-
streets LOW		

A1.0

PROJECT DATA TABLE ZONING DATA, EXISTING, PROPOSED & VARIANCE

SUBJECT	R-2 ZONE (typical)	EXISTING BUILDING	PROPOSED	VARIANCE
ZONING:	R-2	R-2	R-2 Reduced Area	_
LAND USE:	Two Family Residential	Residential / Duplex	Two Family Dwelling	
LOT AREA:	555 m²	443 26 m²	443.26 m²	111.74 m²
LOT WIDTH:	15 m min. Average	20.99 m	20.99 m ³	
LOT DEPTH:	r/a	40.25 m	40.25 m²	
SITE COVERAGE:	40%	27.4%	40.5%	.5%
F.S.R.:	.50:1	.54:1 m	.53:1	.03:1
SETBACKS:			-	-
FRONT	3.5 m	4.1 m	3.2 m	.3 m
SIDE FLANKING	3.5 m	1 m	2.47 m	1.03 m
SIDE INTERIOR	1.5 m	2.6 m	1.5 m	
BLDG. HEIGHT:	7.6 m	7.0 approx.	7.57 m	
No. OF FLOORS:	2	2	2	
No. OF UNITS:	2	2	2	
UNIT TYPE:	Two Family Dwelling	dupliex	duplex	
PARKING	2	2	2 (Off Street / Garage)	+



1 SITE PLAN (PROPOSED)

PROJECT INFORMATION (Proposed)

LOT COVERAGE

LEGAL ADDRESS: LOT 3, BECKLEY FARM VICTORIA CITY, PLAN 224
90/92 DALLAS ROAD VICTORIA, BRITISH COLUMBIA

ZONING DATA

R-2 Reduced Area - See Project Data Table this sheet. 443.26 m² * [4771.21 s.l.] (555m² TVPICAL of R-2)

PRCPOSED: 7.57m (24'-10')

40.32 m² (434 s.1) 1186 m² (1276 s.1) 116.3 m² (1252 s.1) 234 9 m² (2528 s.1) 0.531* 176 46 m² (1921 s.1) 40.5 %² 20.97 m 42.25 m

PERMITTED: 7.6 m BUILDING HEIGHT: FLOOR AREAS: GARAGE: MAIN FLOOR AREA: UPPER FLOOR AREA: GROSS FLOOR AREA: BUILDING AREA (structure

LOT COVERAGE:
LOT WIDTH:
LOT DEPTH:
NUMBER OF STOREYS:
SETBACKS:
FRONT YARD:
REAR YARD: 3.5 m (Average of Actual) 3.2 m*
10.7 OR 35% of lot depth(=4.2m) - m
3.5 OR 10% of lot width (=2.1m) 2.47 m*
3.5 OR 10% of lot width (=2.1m) 1.5 m SIDE YARD FLANKING (NORTH): SIDE YARD (SOUTH):

> * (VARIANCE, SEE PROJECT DATA THIS SHEET) AVERAGE GRADE CALCULATION:



POINTS A & B (4.1+4.1)/2 = 4.1 x 1.11m = POINTS A & B $(4.1+4.1)^2 = 4.1 \times 1.11m =$ POINTS B & C $(4.1+4.1)^2 = 4.1 \times 3.65 m =$ POINTS C & D $(4.1+4.1)^2 = 4.27 \times 6.44 m =$ POINTS C & D $(4.1+4.65)^2 = 4.27 \times 6.44 m =$ POINTS C & B $(4.5+6.85)^2 = 4.51 \times 1.17m =$ POINTS E & F $(4.63+6.85)^2 = 4.51 \times 1.17m =$ POINTS C & H $(4.63+6.8)^2 = 4.51 \times 1.17m =$ POINTS C & H $(4.63+6.8)^2 = 4.51 \times 1.55 m =$ POINTS D & H $(4.63+6.8)^2 = 4.51 \times 1.55 m =$ POINTS D & H $(4.64+6.8)^2 = 4.81 \times 1.55 m =$ POINTS C & H $(4.64+6.8)^2 = 4.81 \times 1.55 m =$ POINTS C & H $(4.64+6.8)^2 = 4.81 \times 1.55 m =$ POINTS C & H $(4.64+6.8)^2 = 4.81 \times 1.55 m =$ POINTS & L $(4.64+6.8)^2 = 4.81 \times 1.55 m =$ POINTS & L $(4.64+6.8)^2 = 4.81 \times 1.55 m =$ 265.34

BUILDING PERIMETER = 48.78m 265.34/ 58.78 = 4.51m



2 SITE PLAN (Partial)

NEW DUPLEX RESIDENCE - IIZ DALLAS ROAD

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project no.	1		15-434
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alternative.	LOWE		44

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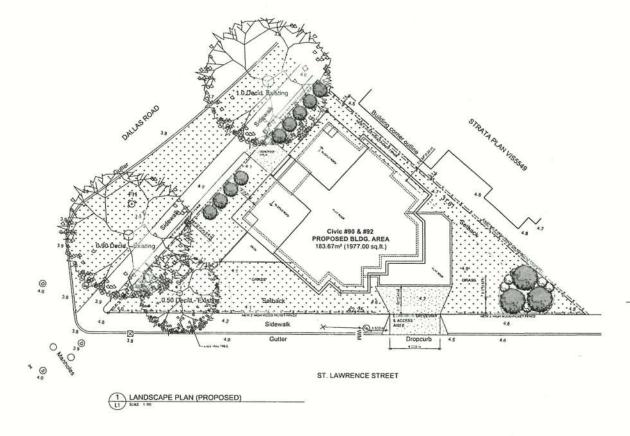
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Feb 2017

- Park

LEGAL ADDRESS: LOT 3, BECKLEY FARM VICTORIA CITY, PLAN 224
CIVIC ADDRESS: 90,92 DALLAS ROAD VICTORIA, BRITISH COLUMBIA

SITE AREA: 443.26 m² * [4771.21 s.l.] (555m² TYPICAL of R-2)



Page 41 of 357



LEGEND

GROUND COVER TO BE A SELECTION OF PERMANUE KINNKINGER A WATERGO

MULTI-STEM TO BE A SELECTION OF STASHORN SUMM

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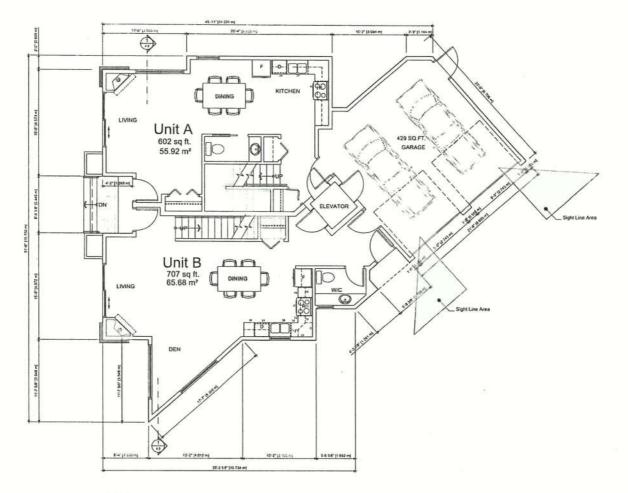




MAIN FLOOR PLAN

project no.:		1
are 24 AUGUST 2016	1000	
Manager 100%	want to	

A2.0 Feb 2017





3 REZORNIG APPLICATION 24 AUG.
2 REZORNIG APPLICATION 12 MAY.
1 REZORNIG APPLICATION 15 DEC.
No manus: Resource Date

alan lowe architect inc

203 - 1110 Government St Victoria, British Colorrone

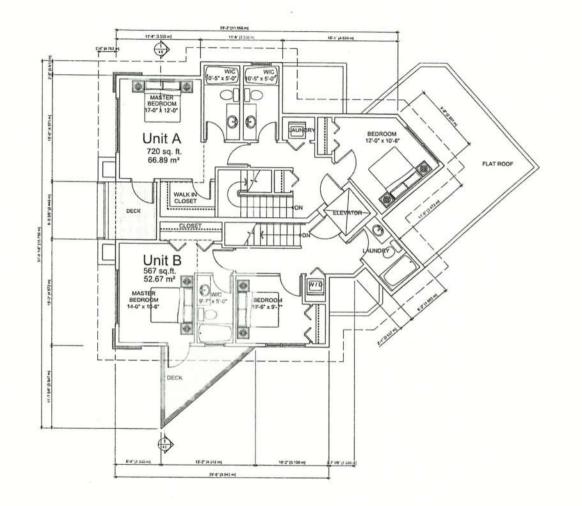
NEW DUPLEX RESIDENCE

UPPER FLOOR PLAN

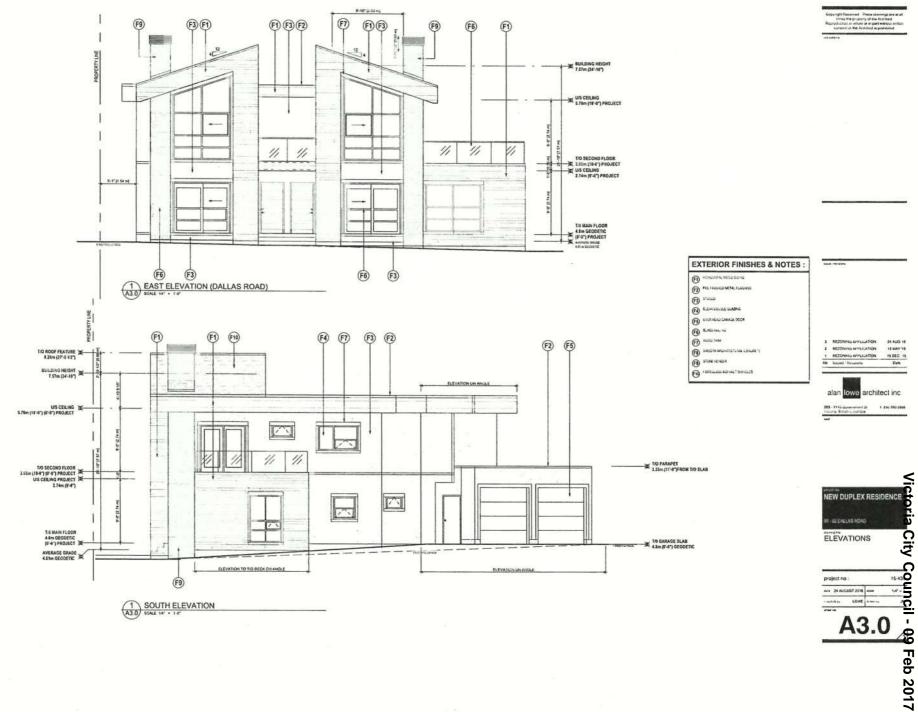
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- 09 Feb 2017

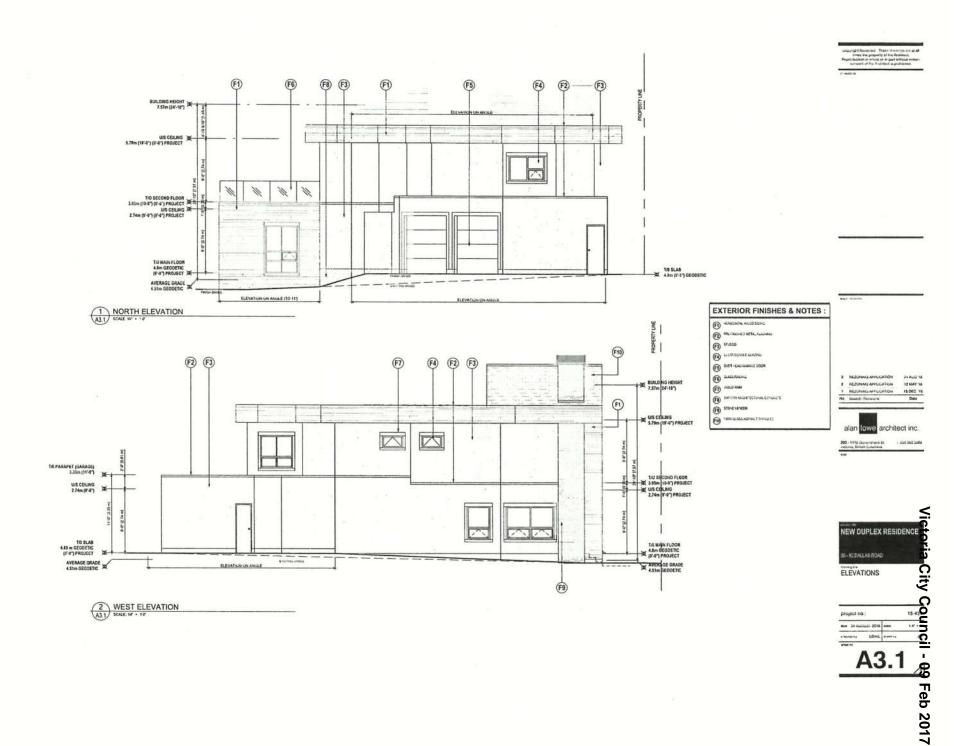


UPPER FLOOR PLAN



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A3.0



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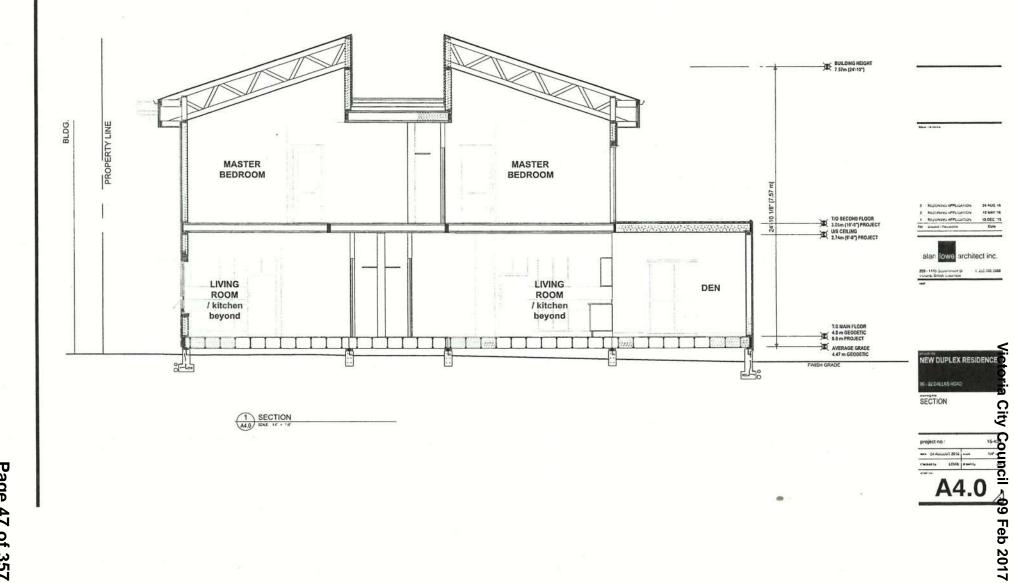


NEW DUPLEX RESIDENCE 95-92 DALLAS ROAD

streetscape

Victoria City Council - 09 Feb 2017 project no.:

A4.0



From: JT

Sent: Thursday, January 19, 2017 11:12 AM

To: Planning

Subject: rezoning application/ 90-92 Dallas Road

To City Planning: re a rezoning application to permit construction of a new duplex at the triple intersection of Dallas Road, Niagara Street and St.Lawrence Street in James Bay.

Kudos to the foresight of those putting this together. The existing property is an eyesore. A clean new duplex here is most welcome.

Respectfully, John

Tregurtha 21 Dallas Road.

ı

From: webforms@victoria.ca

Sent: Thursday, January 12, 2017 5:35 PM
To: Victoria Mayor and Council

Subject: Mayor and Council email Re: Property at 90, 92 Dallas Rd

From: Bonnie Dale

Email:

Reference:

Daytime Phone :

Mayor and City of Victoria Council Members,

My concern is the proposed design for the property at 90,92 Dallas Road.

There has recently been a great deal of planning and effort to retain and highlight the heritage housing in the James Bay neighbourhood...

- (1) the restoration of the three historic houses which are now situated at 580, 584 and 588 Michigan Street as part of the Capital Park Heritage Homes project
- (2) the amazing land and sea voyage from Michigan Street which relocated two heritage houses to the corner of Dock Street and Dallas Road (222, 226 Dallas Rd).

Council should recall the renovation of the cottage at 152 Dallas Road (the corner of Dallas and Montreal Street which is directly across the road from where the cruise ship passengers enter our city). This property, unlike the proposal for 90, 92 Dallas, adds interest to the Dallas Rd walkway.

If two heritage homes built in the early 1900's can be successfully moved to Dallas Rd and restored for new owners, why can not the property at 90, 92 Dallas be restored? and if not restored then at least designed to "reflect" the heritage nature of the neighbourhood.

My concern is that with each new proposal planning to replace a home of some historic note with a modern design, we are steadily eroding the very heart and charm of our city.

Respectfully,

Bonnie Dale #6 - 144 Dallas Rd

IMPORTANT NOTICE: This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify The City of Victoria immediately by email at publicservice@victoria.ca. Thank you.

From: John Fry

Sent: Wednesday, January 04, 2017 7:01 PM

To: Victoria Mayor and Council

Subject: RE: Folder Number REZ00511 - Regarding Applications for: Rezoning, Setbacks and Site Coverage Variances for 90/92

Dallas Road - Response to Call for Public Comments

We, (Ulla Ressner and John Fry), had on December 30, 2016, submitted our comments (as neighbours to the subject property at 90 Dallas Road) regarding:

RE: <u>Folder Number REZ00511 - Regarding Applications for: Rezoning, Setbacks and Site Coverage Variances for 90/92 Dallas Road - Response to Call for Public Comments</u>

We write now to make one minor correction to that submission. On page 1 and under the heading 'Introduction', in the first paragraph and on second line: The word '**Registered**' should be corrected to read, '**Designated**'.

Please excuse our error.

Respectfully,

Ulla Ressner and John Fry

From: John Fry

Sent: Friday, December 30, 2016 1:08 PM
To: Victoria Mayor and Council; Planning

Cc: jbna@vcn.bc.ca

Subject: Folder Number REZ00511 Rezoning, Setbacks and Site Coverage Variances for 90/92 Dallas Road - Response to Call for

Public Comments

Attachments: 1.JPG; 2.jpg; 3.JPG; 4.jpg; 5.jpg; 6.jpg; 7.jpg; 8.jpg; 9.JPG; 10.jpg; 11.JPG; 12.jpg

Mayor and Council December 30, 2016

City of Victoria 1 Centennial Square

Victoria, British Columbia V8W 1P6

Email: mayorandcouncil@victoria.ca, planning@victoria.ca

RE: <u>Folder Number REZ00511 - Regarding Applications for: Rezoning, Setbacks and Site</u> Coverage Variances for 90/92 Dallas Road - Response to Call for Public Comments

To: The Mayor and Councillors; (Submitted via email and post)

Table of contents:

- 1. Introduction
- 2. The Proposal, Rationale and Due Diligence
- 3. Consequences for the Pleasure, Livability and Financial Value of our Home
- 4. Summary of our position on this application

Introduction:

We (Ulla Ressner and John Fry) have owned and lived in our bright south facing townhouse within a registered Victoria Heritage property (strata VIS 5549) since 2007. Abutting and with two floors of large windows, a porch and a balcony directly facing the subject property, we are immediately and profoundly affected by this proposal. The properties themselves (our own and the subject property) are the last two heritage buildings standing along this stretch of Dallas Road. Their fronting onto both St Lawrence and Dallas directly across from the Ogden Point Cruise Ship exit makes them the welcoming face of historic James Bay neighbourhood to hundreds of thousands of tourists each year.

We had naively hoped due to that special location, the buildings heritage nature, the planned city green space at that now closed three street juncture, the likelihood of that juncture being the departure point for a cross harbour sewage pipeline to the proposed treatment plant at Mcloughlin Point, and the heavily used tourist and local recreational pedestrian walks along that strip of both Dallas and St Lawrence: That a more historically authentic and aesthetically attractive residence or thoughtful public purposed use might be have been found for the subject property.

However, while it is always sad to see yet another James Bay Heritage building fall, we are delighted that after decades of neglect, unsightliness and decline, this owner is finally intending to do something to improve the state of their property. No more rats running to and from the crawl spaces, no more raccoons scurrying across the rooftops, no more thick weeds and grasses and trees and mosses growing from the roofs and gutters, no more smells of raw sewage, no more piles of debris and garbage against the house, no more fire hazards, and no more recurring need for attendance by city officials to address accumulated problems of neglect, deterioration or hazard on the property. All these conditions existed when we became neighbours in 2007; and all have

continued in aggravated manner since this application was initially proposed in 2012 by the owner's facilitator. It is and has been a constant affront and disregard to both tenants and neighbours alike.

The Proposal, Rationale and Due Diligence

The development facilitator engaged by the long-time owners of this property, has, in a letter to neighbouring property owners on September 10, 2012 and with the subject line: "Re: Rezoning proposal at 90/92 Dallas Road, Victoria, British Columbia", stated:

"We have been retained by the owners of the property to design a new duplex on this site. We have been reviewing options with the owners and the City to determine what would best suit this property and still *allow this project to be economically viable*." (Italics added)

We view as nothing new under the sun, the property owner's desire to enhance the utilitarian and thereby the financial value of their own property through seeking re-zoning and set-back variances to allow increases to the property's allowable site coverage and building placement. We also understand, that just as we had carried out our own due diligence research regarding what could and could not conceivably be built on that neighbouring property prior to our own home purchase in 2007, so too, must the owners of that property have carried out their own due diligence when deciding to purchase the property in question.

The existing limitations on development of that subject property, the St. Lawrence Street scene, the high enveloping Dallas Road tree canopy and sky views above and around the subject property, as well the scene of the Dallas Road walkway with its grand trees and ocean view through that greenery, constitute the present lovely neighbourhood views from our home. They were the determining factors in our decision to purchase the home. Consequently, as stated above, we carried out our proper due diligence research regarding any allowable future changes that could occur on the subject property in terms of building height, street and property-line setbacks, and building siting and site coverage. After visiting the Victoria City planning department and discussing our queries and concerns at length with their helpful staff; we received answers which informed and reassured us in our decision to purchase our home facing the neighbouring subject property. Over our years of permanent residence, we have also taken the opportunity to revisit the matter with Victoria City planning department staff as well as through comments solicited from various city inspectors and officers who have attended our own and the subject property through the years, and to be absolutely certain of the correctness of the response we had first received. Consistently and uniformly, the current building constraints of the subject property were restated to be the case due to the historical development of this neighbouring heritage property, its size, location and irregular triangular shape.

If the owners of the subject property had carried out their own due diligence prior to purchase, as they should have and most likely did, they would have long known the precise building limitations of the property they purchased: In the simplest of terms, they, as we, got what they bought.

Consequences for the Pleasure, Livability and Financial Value of our Home

Despite all, we will in certain respects miss that old house. When all the trees were at their spring and summer fullest green, when the roof tops and eves were overflowing with hanging flowers and weeds and trees and mosses, the old heritage home and grounds were shrouded in green and its charm shone through. We recall that, as we imagine what this proposed project will now bring to the views, spaces and light enveloping our cherished home.

We have therefor taken a number of measurements based on the eventual proximity, siting, site coverage and heights of the proposed construction, and in terms of sight-lines and spatial relations to our adjacent home. It is both a fact and our day-to-day view, that the consequences for our property's pleasure, livability and financial

value from the proposed project would be a substantial diminishment of the open space around our home, the obliteration of our views from dining room and porch and balcony of the Dallas walkway with its shimmering ocean view through the greenery and high tree canopies and western skies, a dramatic shrinkage of our views of southern skies and high green canopy from balcony and dining room and bedroom and front porch and study, as well as significant blockage of downstairs study and front porch views of St Lawrence. At a more general level, this proposal would substantially darken the entire adjacent sunny southern face of our home in specific and of our entire strata building in general, while at the same time restricting Dallas and St Lawrence sidewalk views of this beautiful well cared for heritage building.

See attached below: Estimated 'before and after' home sight-line photos with this proposal

Summary of our Position on this Application

Considering the dramatic reduction in the enveloping space, light, view, pleasure and financial value of our home as a consequence of granting the requested application, and further considering all our past cautious efforts at due diligence and the authoritative reassurances received on this matter: We fail to see in either principle or persuasive rationale, any reasonable logic, legitimacy or fairness in having the liveability and financial value of our own property substantially reduced, simply so that the utilitarian and financial value of a neighbour's property may be enhanced to achieve what they have arbitrarily, by and for themselves, chosen to deem as 'economically viable'i[1]. Again, they got what they bought.

Further, if we were to consider the issue of property owner 'hardship' as a basis for such by-law variance decision making, as does at times the Victoria Board of Variance, let us then speak of the hardship that the subject property owner has year in and out, decade in and out, inflicted on both their tenants and neighbours alike by their utter lack of care and repair of this building and its grounds. But this of course is neither a matter of property owner nor of public hardship.

It is rather a straight forward request by one property owner to greatly enhance the utilitarian and thereby financial value of a property whose existing building constraints have long been known to both the owners of that property and of its neighbouring properties. It is a request that seeks a specific and undue increase of financial value of a property, while in the very process imposing further property livability and financial value depreciation and deprivation on neighbouring property.

It seems to us that a failure to perform due diligence research prior to property purchase, or to refuse to accept the facts of that property, or to leave a property in decades of decline and disrepair: Is no basis for a subsequent request for public assistance in enhancing the 'economic viability'ii[2] of a private project, and at the expense of the livability and financial value of neighbouring property

For these reasons, we are completely opposed to the granting of these applications for zoning change and bylaw variances at 90 and 92 Dallas Road.

Respectfully,

Ulla Ressner and John Fry

Owners and permanent residents of:

Townhouse 6 - 118 Saint Lawrence St.,

Victoria, B.C. V8V 1X8

1[1] See page 2 above with quotation from a letter to neighbouring property owners on September 10, 2012 with the subject line: "Re: Rezoning proposal at 90/92 Dallas Road, Victoria, British Columbia",

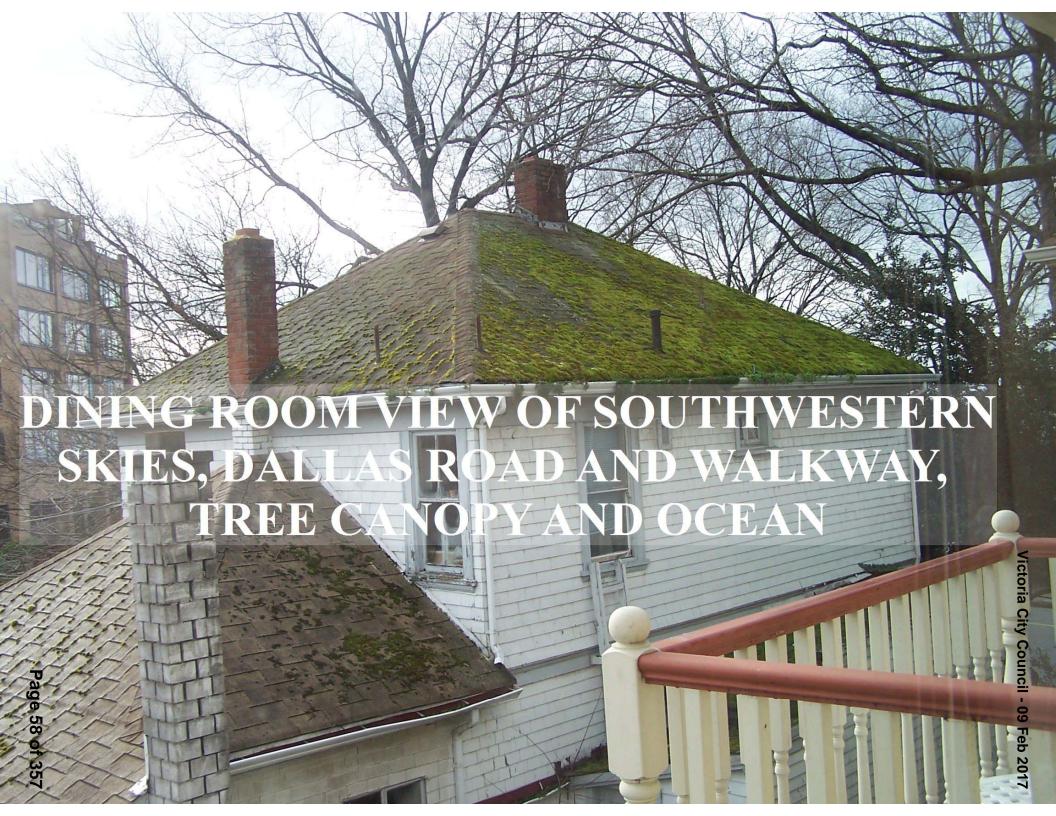
iii[2] See same reference as footnote 1 above



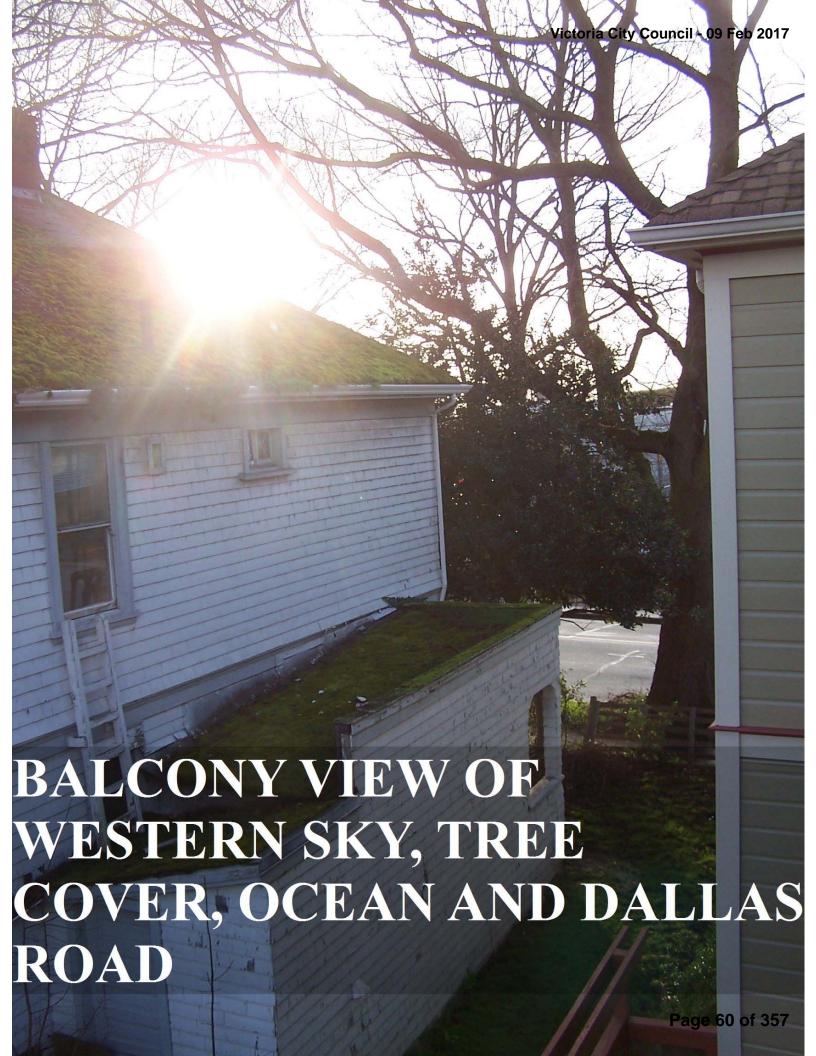


SAME LIVING ROOM VIEW AFTER

STUCCO



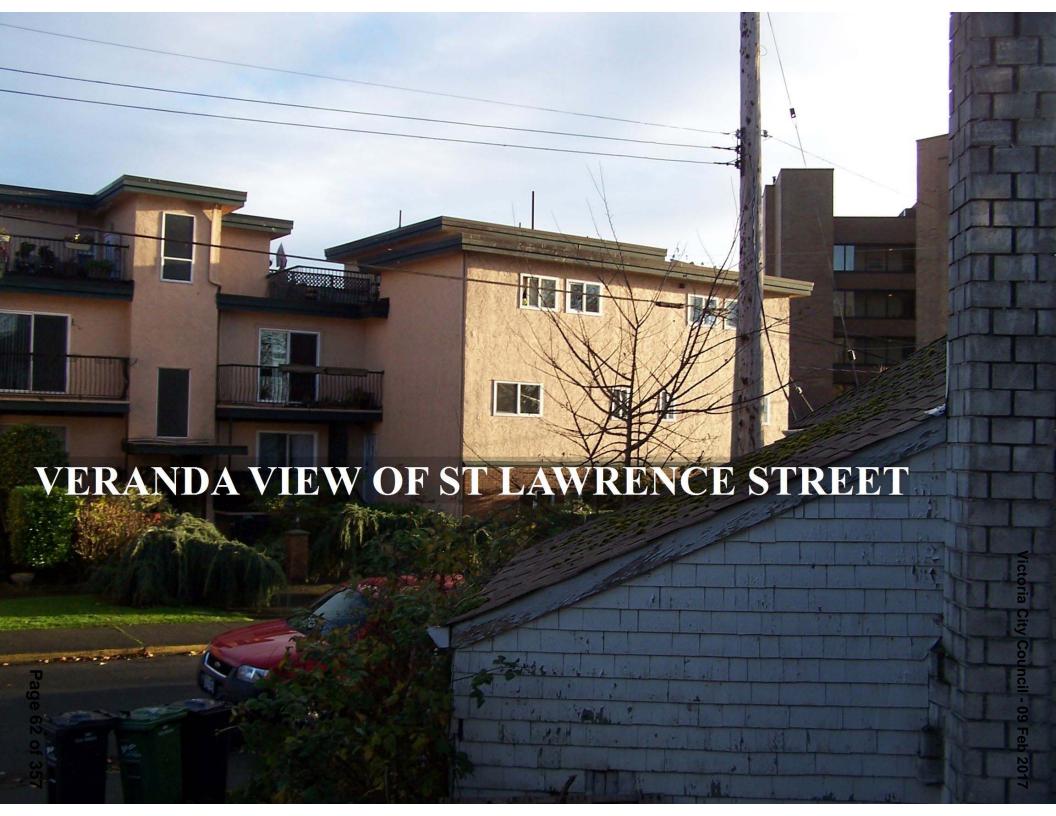


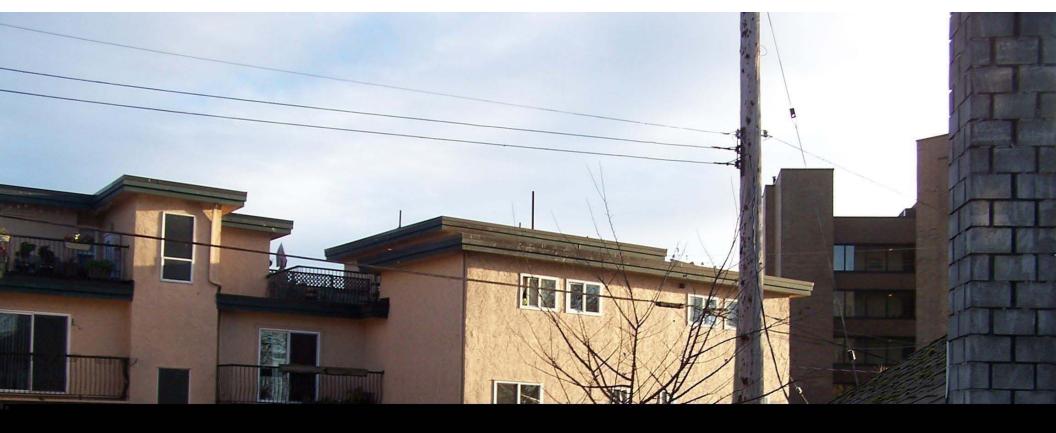


SAME BALCONY VIEW AFTER

STUCCO

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SAME VERANDAH VIEWAFTER

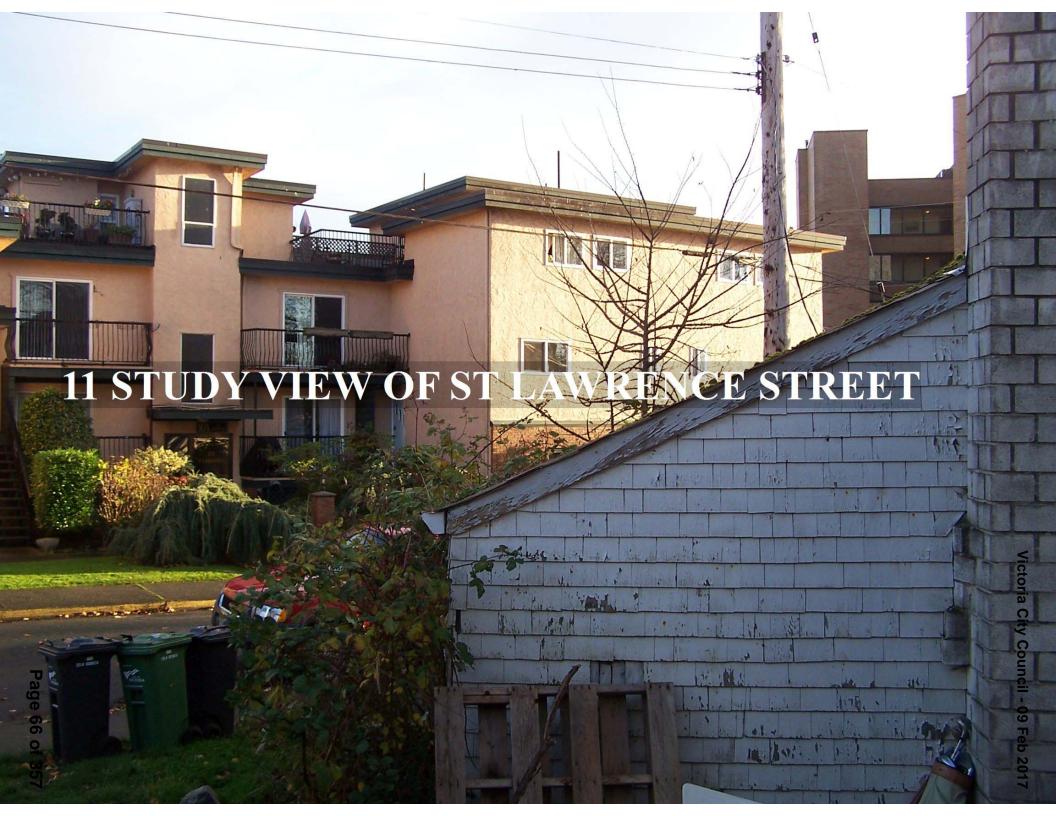
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SAME VERANDAH VIEWAFTER

STUCCO

Victoria City Council - 09 Feb 2





From: elizabeth johnson

Sent: Saturday, December 31, 2016 1:31 AM

To:Lisa Helps (Mayor)Subject:90-92 Dallas Road

Dear Mayor and Councillors of the City of Victoria.

I am writing to you about the proposed development proposal for 90-92 Dallas Road, and the proposed demolition of the 1906 building currently on the site.

There are very few houses of this age left on Dallas Road, and to lose one of the last of these old beauties would truly be a tragedy.

I would strongly encourage Council to preserve this unique older home.

Sincerely, Elizabeth Johnson

To: Alec Johnston

Subject: RE: 90 and 92 Dallas Rd.

From: jim [mailto:

Sent: Monday, January 30, 2017 10:33 PM **To:** Alec Johnston <a h

Subject: 90 and 92 Dallas Rd.

Hi Alec,

I sent the email below earlier in the process, and wanted to make sure you had it.

At the risk of being a bit repetitive, the City needs to retain as many of its stock of old houses as possible, but too often has no effective way to do it. This rezoning application should only be considered if the plan preserves "one of the original houses on Dallas Road" and its yard.

The granting of rezoning should be contingent on the retention of the original house and setting, as viewed from Dallas road. Perhaps some flexibility could be considered on the St Laurence side, as long as any changes stayed in character, to enable slightly larger units, and a more favourable financial case to proceed with.

Thanks, Jim Sproule

On 11/03/2016 3:00 PM, Jim Sproule wrote:

Attention Land Development Division of the Engineering Department

hello,

I'm a resident of Niagara St. living within a block of Dallas Rd. I'm not in favour of the development proposal to demolish the existing house at 90-92 Dallas Rd.

- >>> At a JBNA meeting in December, the architect, Alan Lowe, said the reason that option hadn't been chosen, was because of the poor condition of the house. A Past-President of JBNA, Tim Van Alstine, noted that that was also the case for the house next door, yet it was nicely redeveloped retaining the character of the original house, a few years ago.
- >>> In this edition of the James Bay Beacon, the JBNA notes "with regret" the "projected loss by demolition of one of the original houses on Dallas Road"
- >>> If a variance to give legal status for duplex units is given for this project, I suggest in the strongest possible terms, that it be conditional on retaining the exterior of the existing house, the yard, and the cherry tree.
- >>> Our neighbourhood suffered the accidental loss of a lovely mature tree recently when the sidewalk was put in along Montreal St. We also gained by the addition of two original homes that were moved to the corner of Dock and Dallas. The City must be alert to only mandating change that retains the character of James Bay. Residents obviously enjoy this unique area, and so do quite a few cruise ship visitors, who walk to town through an area that still exudes some of the charm of earlier days.

Sincerely, Jim Sproule

From: SEAN CURRY

Sent: Wednesday, February 08, 2017 10:06 AM

To: Public Hearings

Subject: Proposed changes to 90 and 92 Dallas Road

Diane and I live at 119 St Lawrence Street, just up the road from 90 and 92 Dallas Road. We support the proposed changes as described in the January 27th letter from the City of Victoria.

Sean Curry

Diane Nicholls

From: Outpost

Sent: Thursday, February 09, 2017 8:42 AM

To: Public Hearings

Subject: Fwd: Rezoning: R2-54 Dallas Road

From: Outpost

To: <ppublichearings@victoria.ca>

Sent: 2/9/2017 1:10 AM

Subject: Rezoning: R2-54 Dallas Road

Hello to Council.

I live in #4 - 118 St. Lawrence Street. A proposal will be discussed before Council tonight, to rezone Lot 3, Beckley Farm from an R-2 zone to an R2-54 property allowance.

As a resident of the neighbourhood in close proximity to the property in question, I state my opposition to the planned change. If development of a heritage home is possible, redeveloping the structure, my support would be forthcoming. But not with the proposed variances, setbacks, etc. Maintaining the same general footprint reinforces a community emblem.

Sincerely,

Alan Segal

REPORTS OF COMMITTEES

2. Committee of the Whole - December 1, 2016

7. Rezoning Application No. 00511 and Development Permit with Variances Application No. 00020 for 90-92 Dallas Road

Motion:

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

Rezoning Application No. 00511

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00511 for 90 - 92 Dallas Road, 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. Registration of a 2.41m Statutory Right-of-Way on the Dallas Road frontage; and
- 2. Registration of a 2.47m Statutory Right-of-Way on the St. Lawrence Street frontage.

Development Permit with Variances Application No. 00020

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.00020, if it is approved, consider the following motion: "That Council authorize the issuance of Development Permit Application No.00020 for 90-92 Dallas Road, in accordance with:

- 1. Plans date stamped October 19, 2016
- Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - reduce the front yard setback from 4.70m to 2.44m;
 - reduce the rear yard setback from 12.93m to 11.90m;
 - iii. reduce the side yard setback (north) from 2.10m to 1.54m;
 - iv. reduce the side yard on a flanking street from 3.50m to 2.47m;
 - reduce the combined side yard from 4.50m to 4.01 m; and
 - vi. increase the site coverage from 40% to 40.5%
- 3. The Development Permit lapsing two years from the date of this resolution."

Carried

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

Councillors Isitt and Madoff Opposed:

5.1 b. Development Permit with Variances Application No. 00020 for 90-92 Dallas Road

Motion:

It was moved by Councillor Madoff, seconded by Councillor Coleman, 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.00020, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit Application No.00020 for 90-92 Dallas Road, in accordance with:

- 1. Plans date stamped October 19, 2016
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the front yard setback from 4.70m to 2.44m;
 - ii. reduce the rear yard setback from 12.93m to 11,90m;
 - iii. reduce the side yard setback (north) from 2.10m to 1.54m;
 - iv. reduce the side yard on a flanking street from 3.50m to 2.47m;
 - v. reduce the combined side yard from 4.50m to 4.01 m; and
 - vi. increase the site coverage from 40% to 40.5% '
- 3. The Development Permit lapsing two years from the date of this resolution."

For:

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

and Young

Against:

Councillors Isitt and Madoff

CARRIED 16/COTW



Committee of the Whole Report For the Meeting of December 1, 2016

To:

Committee of the Whole

Date:

November 16, 2016

From:

Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject:

Development Permit with Variances Application No. 00020 for 90-92 Dallas

Road

RECOMMENDATION

That Council after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No.00020, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit Application No.00020 for 90-92 Dallas Road, in accordance with:

- 1. Plans date stamped October 19, 2016
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the front yard setback from 4.70m to 2.44m;
 - ii. reduce the rear yard setback from 12.93m to 11.90m;
 - iii. reduce the side yard setback (north) from 2.10m to 1.54m;
 - iv. reduce the side yard on a flanking street from 3.50m to 2.47m;
 - v. reduce the combined side yard from 4.50m to 4.01m; and
 - vi. increase the site coverage from 40% to 40.5%
- 3. The Development Permit lapsing two years from the date of this resolution."

LEGISLATIVE AUTHORITY

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Community Plan*. A Development Permit may vary or supplement the *Zoning Regulation Bylaw* but may not vary the use or density of the land from that specified in the Bylaw.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit Application for the property located at 90-92 Dallas Road. The proposal is to demolish the existing legal, non-conforming duplex and construct a new side-by-side duplex. The variances are related to increased site coverage of the new building and a

reduction in the front, rear and side yard setbacks.

The following points were considered in assessing this application:

- the proposal is generally consistent with the building design objectives for sensitive infill contained in Development Permit Area 15D: Intensive Residential - Duplex of the Official Community Plan, 2012 (OCP)
- · the proposal is generally consistent with the design guidelines contained in the Neighbourliness Guidelines for Duplexes, 1996
- · the proposal is generally consistent with the goals and objectives for infill housing contained in the James Bay Neighbourhood Plan
- · the proposal is a form of infill development that is compatible with the existing Urban Residential character of the area
- the variances are related to increasing the site coverage and reducing the front, rear and side yard setbacks. Privacy concerns are mitigated through the consideration of window placement and the siting of private outdoor amenity space.

BACKGROUND

Description of Proposal

The proposal is for a duplex. Specific details include:

- · two-storey, side-by-side duplex on a corner lot incorporating a contemporary design and high quality materials
- the primary orientation of the large windows is south-facing to maximize natural light and capitalize on the view along Dallas Road
- exterior materials include: cedar siding, stucco and stone veneer
- · each unit is provided with an enclosed parking space with access from St. Lawrence Street
- wood decks and at-grade outdoor space are provided for each unit
- each unit has direct pedestrian access to the street.

The proposed variances are related to reducing the front, rear and side yard setbacks, and increasing the allowable site coverage.

Sustainability Features

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

Active Transportation Impacts

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

Public Realm Improvements

Proposed public realm improvements are discussed in association with the concurrent Rezoning Application associated with this property.

Existing Site Development and Development Potential

According to City records, the house that currently occupies the site was constructed in 1907. It was later converted to an up-down duplex and is considered legal non-conforming. The house is not registered or designated heritage and is in disrepair.

Under the current R-2 Zone, Two Family Dwelling District, the property could be developed as a single family dwelling with a secondary suite. The existing lot area is less than the 555m² and therefor a new duplex would not be permitted under the existing R-2 Zone.

Community Consultation

Consistent with the Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications, the applicant has consulted the James Bay CALUC regarding the rezoning proposal at a Community Meeting held on February 10, 2016. A letter dated February 13, 2016 is attached to this report.

ANALYSIS

Development Permit Area and Design Guidelines

The Official Community Plan (OCP) identifies this property within Development Permit Area 15D: Intensive Residential – Duplex and the property is subject to the Neighbourliness Guidelines for Duplexes. DPA 15D encourages new duplex development to be integrated in a manner that respects the established character of the area and achieves a high quality of architecture, landscape and urban design. The design guidelines also emphasize the importance of new development fitting in with the established streetscape and complimenting the existing building patterns and architectural rhythms.

The subject property is adjacent to higher density development with a mix of architectural styles. Drawing on design cues from the surrounding neighbourhood, the applicant is proposing a contemporary building with architectural elements and exterior finishes, such as a pitched roofline, cedar siding and stucco to ensure the building fits in with the established character of the neighbourhood. In addition, the orientation of the windows, doors, decks and outdoor amenity spaces towards Dallas Road and St. Lawrence Street ensures the building has a positive street presence.

Regulatory Considerations

The applicant is requesting six variances with this proposal (see table below). The irregular lot shape, smaller lot size and limitations on basement construction necessitate these variances.

Zoning Criteria	Proposed Variances	Zone Standard R-2
Site Coverage (%) - maximum	40.5	40.0
Setbacks (m) - minimum Front (Dallas Road)	2.44m	4.70m
Rear (northeast)	11.90m	12.93m
Side (north)	1.54m	2.10m
Side (Flanking Street)	2.47m	3.50m
Combined Side Yard	4.01m	4.5m

The proposed front and flanking yard setbacks are consistent with the setback for the adjacent existing buildings on Dallas Road and St. Lawrence Street. To mitigate privacy concerns with

respect to window placement, the windows are maximized on the south elevation and the window openings on the west side elevation are placed so that they do not directly align with those of the adjacent dwelling units to the west. Siting the private open space on the south, east and north sides of the property facing Dallas Road and St. Lawrence Street, respectively, also helps mitigate privacy concerns.

CONCLUSIONS

The Application to permit a duplex is consistent with the *Neighbourliness Guidelines for Duplexes* as prescribed in DPA 15D. The proposed building design, exterior finishes and landscaping are sensitive to the established character of the area. The proposed variances for front, rear and side yard setbacks, and site coverage are supportable as they would not alter the character of the streetscape or adversely impact adjacent residential properties. Staff recommend that Council consider supporting this Application.

ALTERNATE MOTION

That Council decline DPV Application No. 00020 for the property located at 90-92 Dallas Road.

Respectfully submitted,

Alec Johnston

Planner

Development Services Division

Jonathan Tinney, Director

Sustainable Planning and Community

Development Department

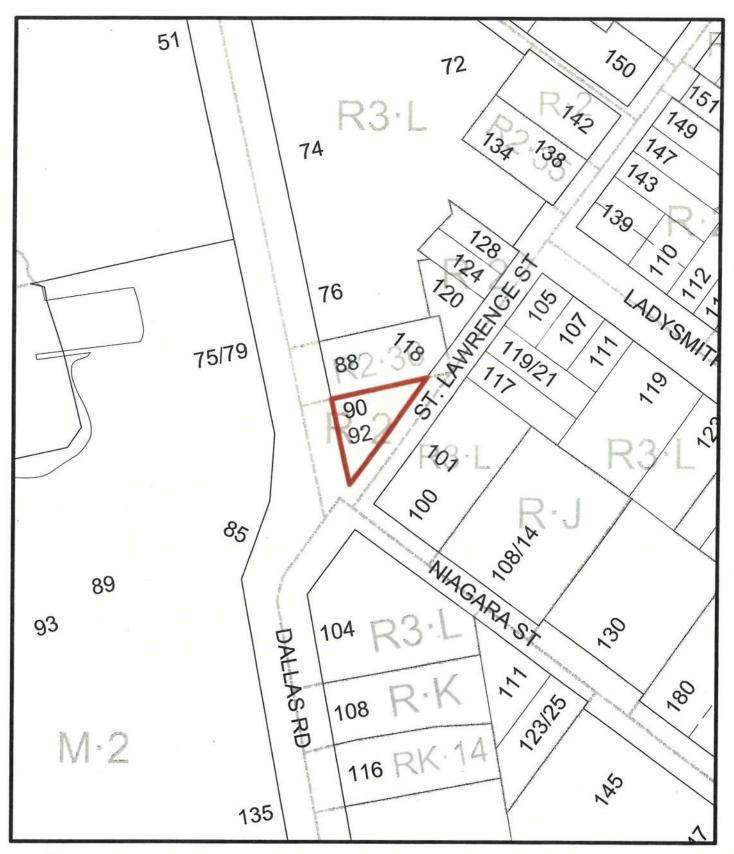
Report accepted and recommended by the City Manager:

Date:

November 22,206

List of Attachments

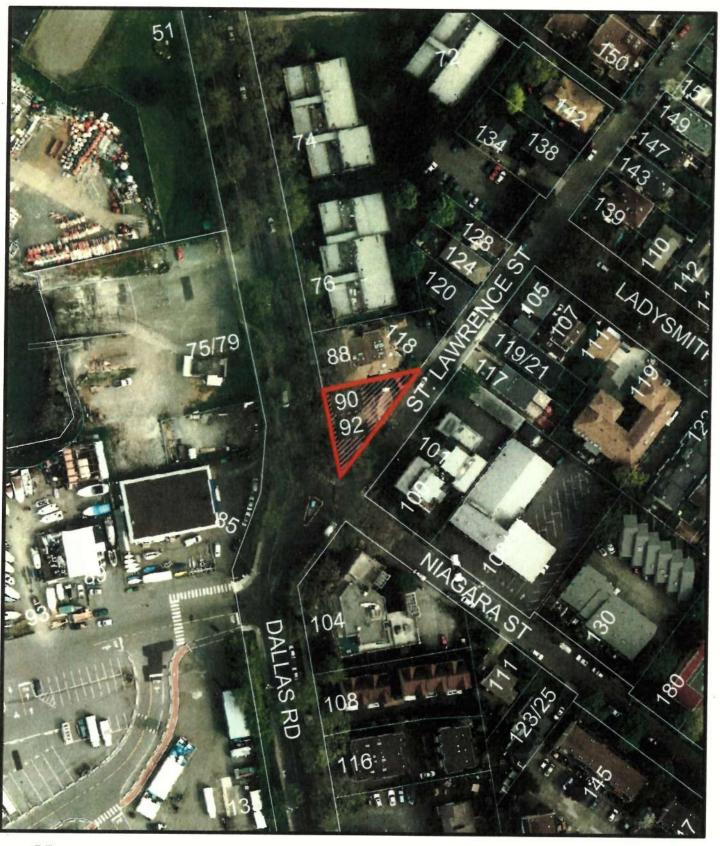
- Zoning Map
- Aerial Map
- Applicant's Letters to Mayor and Council dated, February 15, 2016 and November 16, 2016
- Letter from the James Bay Community Association CALUC dated February 13, 2016
- Neighbourhood Correspondence
- Plans date stamped October 19, 2016





90 / 92 Dallas Road Rezoning No.00511







90 / 92 Dallas Road Rezoning No.00511



November 16, 2016

City of Victoria #1 Centennial Square Victoria, British Columbia V8W 1P6

Attention:

Mayor Helps and Council

Re:

Rezoning proposal at 90/92 Dallas Road, Victoria, British Columbia

Your Worship Mayor Helps and Councillors;

We are pleased to finally submit this site specific rezoning application for your consideration. Over the past 4 years, we have been working on this application to rezone this property at 90/92 Dallas Road to allow for a legal duplex to be built on this site.

The site in question is zone R-2 and has a legal non-conforming duplex on the property. The existing house is in disrepair and our client would like to build a new duplex on this property that they would reside in with their elderly mother in her 90s. Our first proposal submitted to the James Bay Neighbourhood Association CALUC meeting on October 10, 2012 consisted of a two storey duplex with a basement. During that time, the BC Archeological Branch had contacted us advising us that this property was within an area that has been flagged by the Province as having potential archeological remains. During the past two years, we have been working with our Archeological team to produce a report to alleviate some of the Province's concerns. One of our mitigating factors was to delete the proposed basement from the proposal so that there would be less impact from excavation.

We attended a JBNA CALUC meeting on December 9, 2015 to shared our proposed changes with the neighbourhood association. We were subsequently advised by the City that since 6 months had passed since our official CALUC meeting, that we had to go through a second official CALUC meeting prior to submitting our application. The second official CALUC meeting occurred on February 10, 2016 and the comments from the JBNA have been sent to the City for your information.

As noted, he property is presently zoned R-2 – Two Family Dwelling but the actual lot area is less than what the R-2 zone requires. The present structure on the site was built as a single family dwelling and was converted to a legal duplex. The present duplex and the structure on the site are legal non-conforming. We have been informed by the city that we must therefore apply for a rezoning in order for us to be allowed to erect a new duplex on this property as the R-2 zone specifically states that each dwelling unit requires 277.5 square metres of lot area.

The duplex that we are proposing will not increase the number of units on this site nor will it increase traffic in the neighbourhood. The proposed height of the building is within the allowable height limits under the R-2 zone.

We are requesting that the zone allow for a R-2 – Two Family Dwelling be allowed to be built on a reduced site area of 443 square metres instead of the normal 555 square metres required. We are also requesting variances to the front yard, side yard and rear yard setbacks. The setbacks that we are requesting are in keeping with the context of the other building fronting Dallas Road and along St. Lawrence Street. The existing structure on the site also extends out past the requested setback along St. Lawrence Street.

We are requesting that we be allowed to have a FSR of 0.53:1 instead of the 0.5:1 normally allowed under the R-2 zone. Due to the fact that we have deleted the basement, we can only use the floor area on the first and second floors. Normally, a R-2 zone would allow up to 380 square metres of floor area, with space in the basement not counted within the FSR. With the site conditions, we do not have the option of using allowable area in the basement.

Due to the fact that we need to spread the duplex out on the first two levels, a minor variance for our site coverage is also required. We are requesting that the site coverage be increased from 40% to 40.5%. We have areas of our duplex that are only one storey in height and we feel that this creates a better footprint for the usable spaces as well as a better massing on the property. We trust that this is variance is minor.

Through this rezoning, we have dedicated statutory rights of ways along both Dallas Road (2.41 metres) and St. Lawrence Street (2.47 metres) as requested by the City.

The exterior materials being proposed for this project are cedar siding, stucco, and stone veneer. We trust that this proposed rezoning meets the intent of the neighbourhood plan and the official community plan. If you have questions or concerns, please contact our office at 250-360-2888.

Thank you for your time and consideration.

Yours truly,

Alan Lowe, MAIBC Alan Lowe Architect Inc.

Howkere



February 15, 2016

City of Victoria #1 Centennial Square Victoria, British Columbia V8W 1P6

Attention:

Mayor Helps and Council

Re:

Rezoning proposal at 90/92 Dallas Road, Victoria, British Columbia

Your Worship Mayor Helps and Councillors;

We are pleased to finally submit this site specific rezoning application for your consideration. Over the past 4 years, we have been working on this application to rezone this property at 90/92 Dallas Road to allow for a legal duplex to be built on this site.

The site in question is zone R-2 and has a legal non-conforming duplex on the property. The existing house is in disrepair and our client would like to build a new duplex on this property that they could possibly reside in the future. Our first proposal submitted to the James Bay Neighbourhood Association CALUC meeting on October 10, 2012 consisted of a two storey duplex with a basement. During that time, the BC Archeological Branch has contacted us advising us that this property was within an area that has been flagged by the Province as having potential archeological remains. During the past two years, we have been working with our Archeological team to produce a report to alleviate some of the Province's concerns. One of our mitigating factors was to delete the proposed basement from the proposal so that there would be less impact from excavation.

We attended a JBNA CALUC meeting on December 9, 2015 to shared our proposed changes with the neighbourhood association. We were subsequently advised by the City that since 6 months had passed since our official CALUC meeting, that we had to go through a second official CALUC meeting prior to submitting our application. The second official CALUC meeting occurred on February 10, 2016 and the comments from the JBNA have been sent to the City for your information.

As noted, he property is presently zoned R-2 – Two Family Dwelling but the actual lot area is less than what the R-2 zone requires. The present structure on the site was built as a single family dwelling and was converted to a legal duplex. The present duplex and the structure on the site are legal non-conforming. We have been informed by the city that we must therefore apply for a rezoning in order for us to be allowed to erect a new duplex on this property.

The duplex that we are proposing will not increase the number of units on this site nor will it increase traffic in the neighbourhood. The proposed height of the building is within the allowable height limits under the R-2 zone.

We are requesting that the zone allow for a R-2 – Two Family Dwelling be allowed to be built on a reduced site area of 443 sqaure metres instead of the normal 555 square metres required. We are also requesting variances to the front yard, side yard and rear yard setbacks. The setbacks that we are requesting are in keeping with the context of the other building fronting Dallas Road and along St. Lawrence Street. The existing structure on the site also extends out to the requested setback along St. Lawrence Street.

The exterior materials being proposed for this project are cedar siding, stucco, and stone veneer. We trust that this proposed rezoning meets the intent of the neighbourhood plan and the official community plan. If you have questions or concerns, please contact our office at 250-360-2888.

Thank you for your time and consideration.

Yours truly,

Alan Lowe, MAIBC
Alan Lowe Architect Inc.



James Bay Neighbourhood Association

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

February 13th, 2016

Mayor & Council, City of Victoria,

Re: CALUC Community Meeting - 90-92 Dallas Rd - duplex

The third community meeting, and second CALUC meeting, to consider revisions to the 90-92 Dallas Rd duplex proposal first considered at CALUC meeting on October 10, 2012, was held February 10th, 2016 (63 present).

Resident objections to the proposal raised at the meeting were focused on the tenants being forced to relocate and the missed opportunity to regenerate an old house, which may be of heritage value.

There were two letters submitted by nearby residents, one objecting to the "variances" while the second contains a request to ensure that BC Transit bus service continues during any construction and that access to St Lawrence from Dallas remain during demolition and construction if the proposal is approved.

Following please find;

- excerpt from the draft minutes of the February 10th, 2016;
- two e-mails dated February 3rd and 6th from residents who did not attend the meeting;
- o letter to Mayor and council, dated December 14th, 2015 reporting on the December 9th, 2015 meeting, also containing the minute from the October 10, 2012 CALUC; and
- correspondence from resident, attached to minute from the October, 2012 CALUC meeting.

Submitted for your consideration,

Marg Gardiner, Co-Chair CALUC & President, JBNA

Cc: Alan Lowe

Excerpt of minutes of February 10th, 2016: 90-92 Dallas Rd proposal

5. 90-92 Dallas: Architect, John Williams for Alan Lowe

Tim and Marg Gardiner met with Alan Lowe to discuss the changes of the proposal from the proposal reviewed on October 10, 2012; this was the JBNA Development Review Committee meeting (DRC). Major change is that, due to archeological issues, no basement will be built. Adjustments to the plans were made to reflect a slab foundation. Alan Lowe also presented the proposal in December, 2015. The City subsequently notified Alan Lowe and JBNA that since more than 6 months had lapsed between the original CALUC meeting and the submission of the application to the City that the proposal must repeat the CALUC process. The minutes from the 2012 and December 2015 meetings will be appended to the excerpt minute from this meeting and forwarded to the City. Two letters have been received from nearby neighbours and will be appended to the minutes.

John Williams, architect with Alan Lowe Architects, described the development which replaces an older duplex with a new duplex. Rezoning was required because the lot size was irregular and smaller than R2. Mr. Williams showed the original site plan and explained the differences from the original. The property is zoned R2 but is too small to permit development of a duplex which resulted in the need for changes. Non-conforming site. Need to make it a legal zoning. Archeology Branch identified some significant archeological interest so there will not be a basement on this site. Some footprint change and room shape changes. Without a basement, the front entrance is a foot lower but the roof higher at the peak than the previous design. Existing landscaping will remain intact; no trees removed. The proposed duplex will be compatible with neighbourhood buildings.

Q – 90 Dallas Road resident: Recently moved into 90 Dallas Road and unaware of development. Will he be evicted? Will he have opportunity to move into property?
 A – No imminent eviction but cannot answer questions about tenancy.
 (Note: Chair enquired as to whether the tenant had a lease – response was month to month)

Q – 92 Dallas Rd resident: Was not notified about 2012 meeting but did receive notice about this one. Will you remove cherry tree? In addition this is a beautiful house. Another developer just moved 2 old houses in disrepair onto Dallas Road. 92 Dallas was neglected but why not restore it as existing duplex. It is one of the last original houses on Dallas Road. Objects to proposal, and to tearing down heritage houses for cookie-cutter replacements.

A – No intent on removing the large tree or the cherry tree, will try to keep the trees.

Q - Ladysmith resident: How does height compare to previous design? Is it strata?

A – Eaves are at same height. No it going to be a 2 story duplex.
(Note: there was discussion a to the final division, or not, of the property. Advice sought from Tim VanAlstine who suggested that the approach would ultimately lie with the developer. The outside space could be either common-use property or divided)

Q - Heather resident: Does Victoria have design bylaws? What is facing of building? It looks like concrete and glass building which will not be compatible with neighbouring properties.

A - Cladding is cedar, chimney is stone veneer, and there are small portions of stucco, and wood doors.

(Note: Chair commented that Council, at committee) sometimes sends projects to the design Committee. That decision would be made by Council)

Q - Berwick resident: Will there be a public hearing? Do we know when? And is the plan to sell these units.

A - Yes there will be a hearing - date not yet known. Believes intent will be to sell the units.

Q – do you have a picture of existing residence?

A - Yes (brought photo up on the screen)

Q - Lewis resident: current design appears to be higher than original? Also request that you convey to developer that this house is absolutely restorable. I have been involved restoring houses that neighbours would be pleased to see demolished because of the disrepair and won awards for the restoration.

A - Yes, allowable height is 25 feet. Original was 23+ and this is 24. Will convey message to the owner/developer.

Q-Dallas resident: This is an existing rental accommodation, which is in short supply. This demolishes existing rental to replace with a non-rental property. JBNA supports rental housing and needs to take direct steps to retain rental properties in the community.

A - JBNA will report to Council about concerns raised about the demolition of this property.

Attachment to minutes of February 10th, 2016: 90-92 Dallas Rd proposal

From:

Subject: development proposal notice 90-92 Dallas Road

Date:

February 3, 2016 5:09:04 PM PST

To:

JBNA Marg Gardiner

I received the notice of this development and am not able to come to the community meeting.

One concern I have is that there is a bus stop right in front of that property and I ask that the bus stop not be closed but moved across the street to the corner of Niagara and Dallas during the demolition and construction phases. I also would ask that St Lawrence St be kept accessible from Dallas Road at the same time.

Will the new property then be a strata?

thank you, Mary Ellis XXXXXXXX Ladysmith St. From:

John Fry

Subject:

Re: Letter to JBCA regarding meeting concerning 90-92 Dallas

Road

Date:

February 6, 2016 3:27:14 PM PST

Hi;

We are unable to attend the community meeting on this proposal Scheduled for 10/02/2016 @ 7pm. Being immediate neighbours to this property, we do however have serious objections to the variances requested, and have expressed some of those in writing on the occasion of a community meeting regarding this same property (re: September 10, 2012). This letter is simply to inform you of our continued concerns and opposition and of the fact that we shall in due course be submitting those concerns to the City of Victoria and others concerned at the appropriate time.

Sincerely, John A Fry & Ulla Ressner



James Bay Neighbourhood Association

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

December 14th, 2015

Mayor & Council, City of Victoria,

Re: CALUC Community Meeting - 90-92 Dallas Rd - duplex

The community meeting to consider revisions to the 90-92 Dallas Dr duplex proposal first considered at CALUC meeting on October 10, 2012, was held December 9th (62 present).

Following please find an excerpt from the draft minutes of the December 9th, 2015; attached is the minute from the October 10, 2012 CALUC meeting:

5. 90-92 Dallas Development: Project Update: Alan Lowe, architect

Tim Van Alstine reported on the JBNA Development Review Committee meeting (DRC).

Tim and Marg Gardiner met with Alan Lowe to discuss the changes of the proposal from the proposal reviewed on October 10, 2012. Major change is that, due to archeological issues, no basement will be built. Adjustments to the plans were made to reflect a slab foundation. The comments of the 2012 meeting were summarized. Since there was uncertainty with level of consultation required, Alan Lowe committee to delivering a notice to nearby residents alerting them to tonight's meeting. The minute from the 2012 meeting will be appended to the minute from this meeting and forwarded to the City.

Alan Lowe, Architect described the development which replaces a derelict duplex with a new duplex. Rezoning was required because the lot size was irregular and smaller than R2. Non-conforming site. Need to make it a legal zoning. Alan explained the differences from the original. Some footprint change and room shape changes. Modernised the building in design.

Staff delivered notice to the property and neighbours. Couldn't deliver/access The Dolphins.

- Q Niagara St resident: Not notified feels should have been. Would rather see house retained.
- A house is in great disrepair. To have a house that would last some years, couldn't do.
- Q Dallas Rd resident: Is the property right on Dallas? What zone being sought and what variance? And what is across the street? Scared about building in that location
- A Ogden Point opposite. Front yard variance sought to line up with next door set-backs. R2 zone from R1B is zoned as single but has a duplex a legal non-conforming building.
- Q Simcoe St is there a precedent for letting things decline so far that heritage houses can't be saved?
- A Doesn't know why/how this house has deteriorated so badly
- Q Montreal St Resident In sympathy with previous speaker, term is "demolition by neglect" But this house is very deteriorated. Some argument could be made to save it. Set-backs are important, have to be careful of alignment on street.
- Q when can Public Hearing be expected?
- A probably in about 4 months till public hearing

Marg Gardiner, Co-Chair CALUC & President, JBNA

JAMES BAY NEIGHBOURHOOD ASSOCIATION

MINUTES - General Meeting October 10th, 2012

6. Development proposal: 90-92 Dallas - Architect Alan Lowe

The proposed rezoning is to demolish the existing legal duplex and replace it with a new duplex. The rezoning is required because the site area is less than the minimum site area required in the R2 zone.

Comments:

Note: E-mails from residents that will be appended to the JBNA submission to the City.

- Q: 92 Dallas Rd tenant: will she be evicted has 6 months on lease
- A: Will take 6-9 months to go through process will advise owner of lack of notification.
- Q: Menzies resident: environmental safeguards (asbestos?)
- A: Worksafe BC requires an environmental assessment if hazardous materials found disposed of properly.
- Q: St Andrews Resident: Is there heritage value to the existing house
- A: Tenant replied (and so did A. Lowe) that it was in severe disrepair and needed to come down. Alan also stated the additions and changes etc would take away heritage value. Tenant thought house was too far gone to be saved.
- C: Same resident: Opinion that the house should be saved if possible and if we lose any heritage potential the community loses would like to see something special there on the unusual triangular lot.
- Q: Fisherman's Wharf resident: How long has it been owned by this owner
- A: In the family for 50 years.
- Q: Same resident: If in the family then it shouldn't be so run down.
- C: Tenant commented that the house is the only remaining old house near the docks as others have been converted and cruise-ship tourists take photos of it all the time.
- C: Niagara resident: This location is important. Prefer heritage but if need rebuild then something special
- C: St Andrews resident: Will views be lost for residents to the N.
- A: Due to window locations, the back portion will be lower than existing structure and 2storey portion will be at same elevation as neighbour and views of N neighbour not impacted.
- Q: Dallas neighbour: Is it closer to Dallas?
- Q: Niagara St neighbour: Are trees going to remain? (A: yes.) Then my view will be better because building will be better but neighbour will be affected
- C: St Lawrence neighbour: Will be affected. Were neighbour's views taken into account?
- A: Yes, the lower levels would be negatively affected but not the upper residents.
- Q: Same resident: Did you research parking now no surplus parking residents of new place will not be able to park on their lawns which is currently done.
- A: Yes, parking requirements for 2 spots will be met.

October 2012 - Letter from resident re 90/92 Dallas Road Rezoning Application

Dear Sir;

We have in short order received both information regarding a proposal to seek re-zoning of 90/92 Dallas Road from Mr Alan lowe, and a notice of a community meeting on October 10, 2012 regarding the proposal, from your organization. We are unable because of the shortness of notice and previous commitments to attend this meeting. As immediate neighbours of the subject property, we do however have a keen interest and personal stake in the outcome of this rezoning application. Consequently, we have written down our thoughts regarding this application in the appended letter.

Sincerely,

Ulla Ressner and John Fry # 6 - 118 St. Lawrence Street

Good letter John, I can support your letter, Jack Unit 2

October 9, 2012

To: Mr. Tom Coyne
Land Use Committee Chair
James Bay Neighbourhood Association
234 Menzies Street
Victoria, BC

Email:

And, when timely, also to:

The City of Victoria
Planning and Development Department
1 Centennial Square
Victoria, B.C.

With copies to: Our fellow strata neighbours, GVHA, and the Songhees First Nation, for their information and eventual interest

Re: Information regarding intent to apply for residential rezoning from Mr. Allan Lowe:

Rezoning proposal at 90/92 Dallas Road, Victoria, British Columbia

Our Strata home (Strata Plan VIS 5549), is a designated Victoria Heritage property which fronts onto both Dallas Road (88-86) and St. Lawrence Street (118), and shares a south facing property line with the subject property above. Further, our specific townhouse (#6 – 118 St Lawrence), faces the subject property through a long side with two high floors of tall light-filled bay windows. The subject property, the St. Lawrence street scene, the high enveloping Dallas Road tree scape above and around the subject property, as well a scene of the Dallas Road walkway with its grand trees and shimmering ocean through that greenery, constitute the present lovely city view from our home, porch and balcony. It was a major factor in our decision to purchase our home. And consequently, we carried out our proper due diligence regarding the possible changes that could occur on the subject property in terms of height, street and property set-backs, and allowable building foot print in the eventuality of

future new construction. After visiting the Victoria City planning department and discussing our queries and concerns at length with their helpful staff, we received answers which informed and reassured us in our decision to purchase our home facing the neighbouring subject property. Over the past five years of permanent residency, we have also taken the opportunity revisit the Victoria City planning department staff, to be certain of the correctness of the response we initially received. It was, and those assessments have been further reinforced by the comments of various city inspectors who have visited our own and the subject property over the past five years. In short, their view has consistently and uniformly been that due to the historical development of this old neighbouring heritage subject property, its small size, its irregular triangular shape and frontage onto two roads, and despite its grandfathered R-2 zoning, any new construction would be required to fit onto a foundation foot print and to a height defined by current height and road and neighbouring property line set-back by-laws.

Not surprisingly, Mr. Lowe's sole argumentation for seeking this rezoning request for reduced property set-backs on behalf of his clients, the owners of this property, is that: "We have been reviewing options (to build a duplex) ... that would best suit this property and still allow this project to be economically viable."

In the above context, let us say first, and as one of the neighbours most immediately affected by the sight and condition of this property, how pleased we are that the owners are finally showing an interest in improving the grounds and structure of this sadly long dilapidated James Bay heritage building - such a shame because of its style and unique welcoming location to visitors leaving the cruise ship docks for a walk to town, and such a shame because apart from our own, it is the last heritage residence left along this entire stretch of Dallas Road.

While we certainly understand as nothing new under the sun, the owner's desire to enhance the utility and thereby increase the value of their property - in this case, by finding an "economically viable" duplex plan for the property. And we also understand, that just as we carried out our own due diligence regarding what could and could not conceivably be built on the neighbouring subject property prior to our own home purchase, so too, must the owners of the subject property have carried out their own due diligence when deciding to purchase the property in question. And if they had done as they should have and most certainly did in this regard, they would have long known the precise building limitations of the property they purchased. In other words, they got what they bought. Consequently, we fail to see in either principle or persuasive rationale, why any of the requested deviations from current relevant height and set-back zoning by-laws should be granted in this case.

However, and to speak specifically of the current building proposal (the so-called 'option preferred by the city' - facing Dallas with a flat roof), and as presented in Mr. Lowe's 'information to neighbours': We have done a number of measurements in terms of the ground coverage, height and proximity of the existing building and the proposed new construction, in terms of sight-line and spatial relation to our own home (#6 - 118 St Lawrence), as well as to our strata building in general. It is both a fact and our 'view', that the requested reductions in setbacks from the shared property line between the subject property and our own Strata Corp VIS5549, would substantially diminish the open space between our homes and dramatically darken what is the entire adjacent southern sunny side of our home in specific, and of our beautiful heritage building in general. Further, and in addition to concealing the current Dallas and St Lawrence views from the street of the southern side of this lovely restored heritage building, it would also climinate the entire part of our own existing view, described above, as:

"... the high enveloping Dallas Road tree scape above and around the subject property, and a scene of the Dallas Road walkway with its grand trees and shimmering ocean through that greenery.

Considering the dramatic reduction in the open air space, light, view, liveability, and value of our home as a consequence of granting the requested reduction of shared property line set-backs, and further considering all our past cautious efforts at due diligence and the authoritative reassurances received on this matter, we fail to see any motivation, legitimacy or fairness in having the light, liveability, view, and value of our own property substantially reduced, all so that the utility and thereby value of the neighbours property may be enhanced to achieve what they have arbitrarily and for themselves chosen to deem as "economically viable". Again, they got what they bought.

Finally, and quite apart from the specific plan submitted to increase the value of the subject property, but rather at a more general neighbourhood historical and cultural level, perhaps there are other opportunities for the property owners to realize the 'economically viability' they seek. It is true that the existing heritage structure on the subject property is dilapidated through long neglect and overdue care - much as was our own property prior to its complete refurbishment as a designated heritage conversion building in 2004. Nevertheless, it remains a culturally and historically significant part of the original James Bay working harbour and community, as well as being one of only two remaining original working harbour waterfront homes along this entire stretch of Dallas Road. And of course long prior to the rich history of that original Victoria working class community, it was the sight of settlement for millennium of Songhees people. The extensive pre-construction archaeological excavation of our own adjacent property as required by the Archaeological Branch of the BC Department of Forests, Lands and Natural Resources, revealed a wealth of objects and information regarding the Songhees peoples long residency on these specific lands. There is no reason to believe that anything other would be the result of the necessary pre-construction archaeological excavation that would invariably be required of the subject property under the proposed plan. Furthermore, this juncture of Dallas Road, the exit from the GVHA working docks for cruise ship passengers, and St. Lawrence and Niagara Streets, make it a funnel for both cruise ship tourists walking to and from the docks to town, as well as a much travelled recreational path for James Bay residents walking, running, cycling and skate-boarding their way to and from the Dallas Walkway and the ocean. We have also been made aware from informed sources, that the Victoria City already has plans and funds set aside for the enhancement and beautification of city land at this specific juncture.

So why not, rather than build one more over-extended duplex at this quiet and much used pedestrian juncture, why not a small green space under the grand old trees of the Dallas Road walkway as a pedestrian respite and memorial to the history and cultures of past peoples who once made this waterfront land their home. Perhaps between the City, the Songhees Nation, and the Greater Victoria Harbour Authority, there is room and resource to realize and develop the past multi-cultural history and current pedestrian value of such a rare green oasis on this long stretch of lovely Dallas Road. And perhaps doing so would be an alternate way for the property owners to realize an "economically viable" outcome. Finally, and in this latter context, we must of course admit that such an alternate land use suggestion to the one proposed in this application, would enhance both the living experience and value of our own home. However, that fact does not in any way diminish the value of our suggestion. Sincerely,

Ulla Ressner and John Fry # 6 - 118 St. Lawrence Street, Victoria, B.C. V8V 1X8 From: Jim Sproule

Sent: Friday, Mar 11, 2016 3:00 PM

To: Engineering Email inquiry < eng@victoria.ca>

Subject: 90-92 Dallas Rd zoning

Attention Land Development Division of the Engineering Department

hello,

I'm a resident of Niagara St. living within a block of Dallas Rd. I'm not in favour of the development proposal to demolish the existing house at 90-92 Dallas Rd.

>>> At a JBNA meeting in December, the architect, Alan Lowe, said the reason that option hadn't been chosen, was because of the poor condition of the house. A Past-President of JBNA, Tim Van Alstine, noted that that was also the case for the house next door, yet it was nicely redeveloped retaining the character of the original house, a few years ago.

>>> In this edition of the James Bay Beacon, the JBNA notes "with regret" the "projected loss by demolition of one of the original houses on Dallas Road"

>>> If a variance to give legal status for duplex units is given for this project, I suggest in the strongest possible terms, that it be conditional on retaining the exterior of the existing house, the yard, and the cherry tree.

>>> Our neighbourhood suffered the accidental loss of a lovely mature tree recently when the sidewalk was put in along Montreal St. We also gained by the addition of two original homes that were moved to the corner of Dock and Dallas. The City must be alert to only mandating change that retains the character of James Bay. Residents obviously enjoy this unique area, and so do quite a few cruise ship visitors, who walk to town through an area that still exudes some of the charm of earlier days.

Sincerely, Jim Sproule

This email has been sent from a virus-free computer protected by Avast.

www.avast.com

Page 95 of 357

PROJECT INFORMATION (Existing)

LEGAL ADDRESS: LOT 3, BECKLEY FARM WICTORIA CITY, PLAN 224 90 / 92 DALLAS ROAD VICTORIA, BRITISH COLUMBIA

ZONING DATA

R-2 (TWO FAMILY DWELLING) SITE AREA: 443.28 m² [4771.21 s.l.] 555m² TYPICAL of R-2

BUILDING HEIGHT: FLOOR AREAS: GROUND FLOOR AREA: SECOND FLOOR AREA: GROSS FLOOR AREA: 121.77 m² 121.77 m² 240.54 m² 27.47% 20.98 m 42.25 m

LOT COVERAGE
LOT WIDTH:
LOT GOVERAGE
LOT GOV

RE-ISSUED FOR REZONING

90 - 92 DALLAS ROAD VICTORIA, BRITISH COLUMBIA PROJECT NUMBER: 13-394 21 SEPTEMBER 2016

INDEX OF DRAWINGS

ARCHIT	ECTURAL
A1.0	EXISTING SITE PLAN/COVER SHEET
A1.1	SITE PLAN PROPOSED / PROJECT DATA
L1	LANDSCAPE PLAN
A2.0	GROUND FLOOR PLAN
A2.1	SECOND FLOOR PLAN
A3.0	ELEVATIONS
A3.1	ELEVATIONS
A3.2	STREETSCAPE
A4.0	SECTION

No	Neural i Repuire	Date
,	REZUNING APPLICATION	15 DEC.
2	REZUNNIG APPLICATION	12 MAY.
3	REZONDIG APPLICATION	24 AUG 1
	REJUNING APPLICATION	SI SEPT





EXISTING SITE PLAN

project no.:		15-434
*** 24 AUGUST 1016	***	1.10
sistered by LOWE	words.	N

A1.0

SITE PLAN (EXISTING)

LOT 3 LOT AREA 443.21m² (4771.21 sk/t.)

42

4.0

Gutter

Civic #90 & #92

EXISITNG BLDG, AREA 121.77 m² (1310.8 sq.ft.)

ST. LAWRENCE STREET

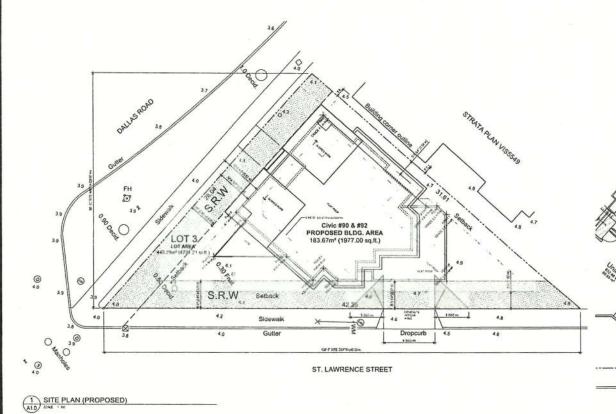
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PROJECT DATA TABLE ZONING DATA, EXISTING, PROPOSED & VARIANCE

SUBJECT	R-2 ZONE (typical)	EXISTING BUILDING	PROPOSED	VARIANCE
ZONING:	R-2	H-2	R-2 Reduced Area	
LAND USE:	Two Family Residential	Residential / Duplex	Two Family Dwelling	
LOT AREA:	555 m*	443.26 m²	443.26 m²	111.74 m²
LOT WIDTH:	15 m min. Average	20 99 m	20.99 m²	
LOT DEPTH:	rva	40.25 m	40.25 m²	
SITE COVERAGE	40%	27.4%	40.5%	.5%
F.S.R.:	.50.1	.54:1 m	.53:1	.03:1
SETBACKS:				_
FRONT	3.5 m	4.1 m	3.2 m	.3 m
SIDE FLANKING	3.5 m	1 m	2.47 m	1.03 m
SIDE INTERIOR	1.5 m	2.6 m	1.5 m	
BLDG. HEIGHT:	7.6 m	7.0 approx.	7.57 m	
No. OF FLOORS:	2	12	2	
No. OF UNITS:	2	2	2	
UNIT TYPE:	Two Family Dwelling	duplex	duplex	
PARKING	2	2	2 (Off Street / Garage)	



PROJECT INFORMATION (Proposed)

LEGAL ADDRESS: LOT 3, BECKLEY FARM VICTORIA CITY, PLAN 224

CIVIC ADDRESS: 90/92 DALLAS ROAD VICTORIA, BRITISH COLUMBIA

ZONING DATA

R-2 Reduced Area - See Project Data Table this sheet. 443.26 m² * [4771.21 s.f.] (555m² TYPICAL of R-2)

PROPOSED: 7.57m (24'-10") BUILDING HEIGHT: FLOOR AREAS: GARAGE: MAIN FLOOR AREA: 40 32 m² (434 s 1) 118.6 m² (1276 s.1) 116.3 m² (1252 s.1) 234.9 m² (2528 s.1) 0.53.1° 178.46 m² (1921 s.1) 40.5 %° 20.97 m 42.25 m FSR:
AREA (structure, cantilevern, electronic processing and proce

3.5 m (Average of Actual) 10.7 OR 35% of lot depth(=4.2m) — m 3.5 OR 10% of lot width (=2.1m) 2.47 m* 3.5 OR 10% of lot width (=2.1m) 1.5 m

PARKING: 2 STALLS (VARIANCE, SEE PROJECT DATA THIS SHEET)

AVERAGE GRADE CALCULATION:

POINTS A & B (4.1+4.1)/2 = 4.1 x 1.11m =	4.55	
POINTS B & C (4.1+4.1)/2 = 4.1 x 3.66 m =	15.0	
POINTS C & D (4.1 + 4.45)/2 = 4.27 x 6.44 m =	27.5	
POINTS D & E (4.45 + 4.63)/2 = 4.54 x 3.11m =	14,12	
POINTS E & F (4.63 + 4.63)/2 = 4.63 x 1.37m =	6.34	
POINTS F & G (4.63 + 4.8)/2 = 4.71 x 1.68m =	7.90	
POINTS G & H (4.8 + 4.8)/2 = 4.8 x 9.63 m =	46.22	
POINTS H & 1 (4.8 + 4.8)/2 = 4.8 x 5.95 m =	28.56	
POINTS I &J (4.8 + 4.8)/2 = 4.8 x 1.14 m =	5.47	
POINTS J & K (4.8 + 4.8)/2 = 4.8 x .94 m =	4.5	
POINTS K & L (4.4 + 4.8)/2 = 4.6 x 12.16 m =	55.93	
POINTS L & A (4.4 + 4.1)/2 = 4.25 x 11.59 m =	49.25	

BUILDING PERIMETER = 48.78m 265.34/ 58.78 = 4.51m

Adjacent Bldg alan lowe architect inc.

NEW DUPLEX RESIDENCE SITE PLAN PROPOSED

SITE PLAN (Partial)

Victoria

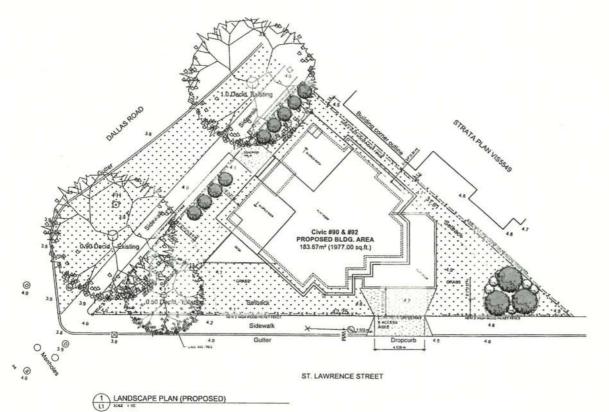
City

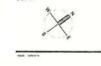
Council

09 Feb 2017

LEGAL ADDRESS: LOT 3, BECKLEY FARM VICTORIA CITY, PLAN 224 99/92 DALLAS FOAD VICTORIA, BRITISH COLUMBIA

SITE AREA: 443 26 m² * [4771 21 s.f.] (555m² TYPICAL of R-2)





LEGEND

GROUND COVER TO BE A SELECTION OF PERMANNEL KINDWIGHER, & WINTEPORCE





Victoria NEW DUPLEX RESIDENCE

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	REZUMENO APPLICATION	12 MAY 16
3	REZUNING APPLICATION	24 AUG '16

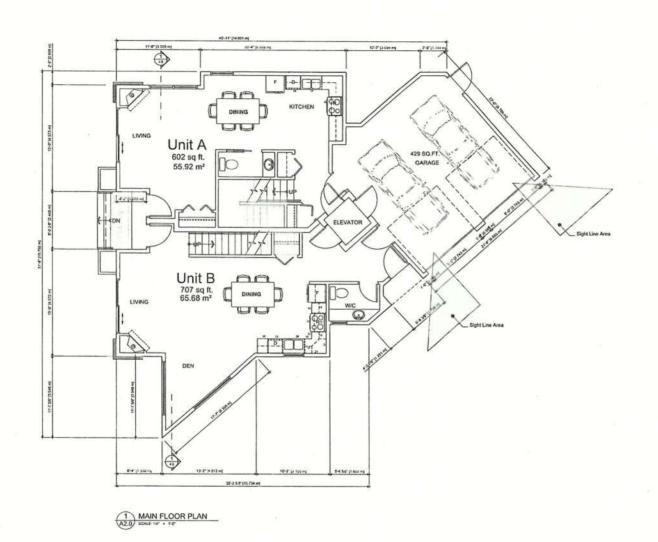




MAIN FLOOR PLAN

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	REZUMING APPLICATION	12 MAY 16
3	REZUNING APPLICATION	24 AUG 18

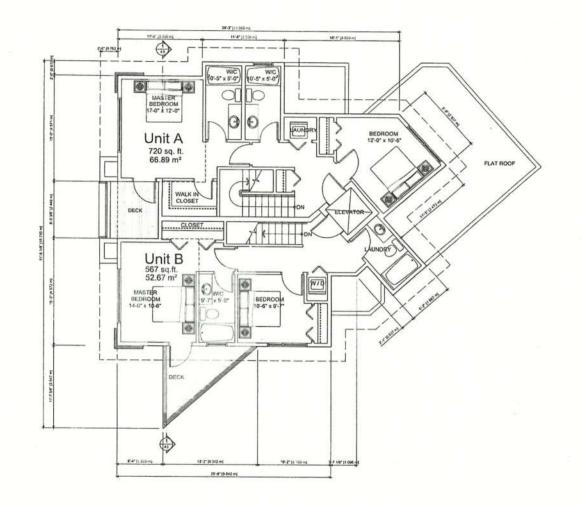


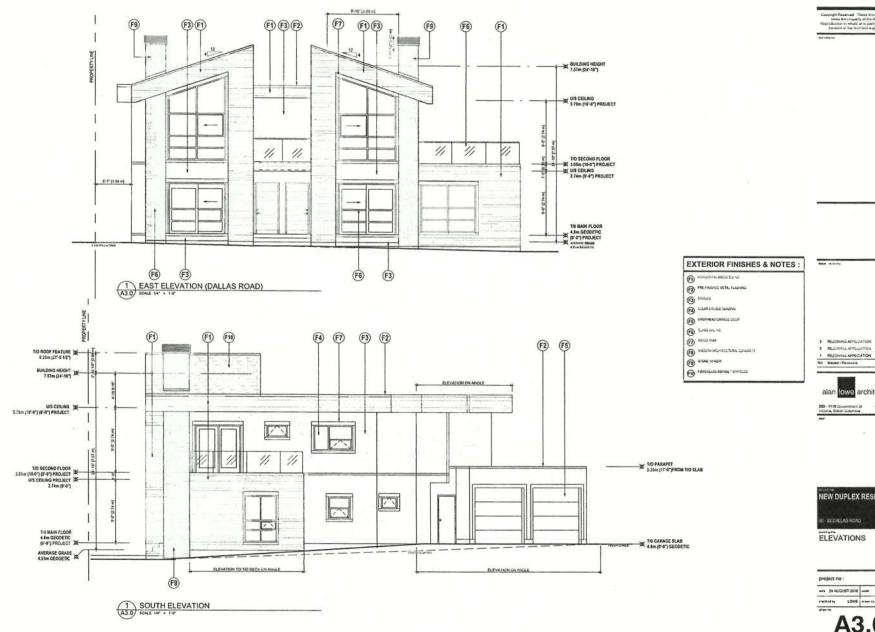


UPPER FLOOR PLAN

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alan lowe architect inc.

12 MAY 16

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Victoria City

Council -

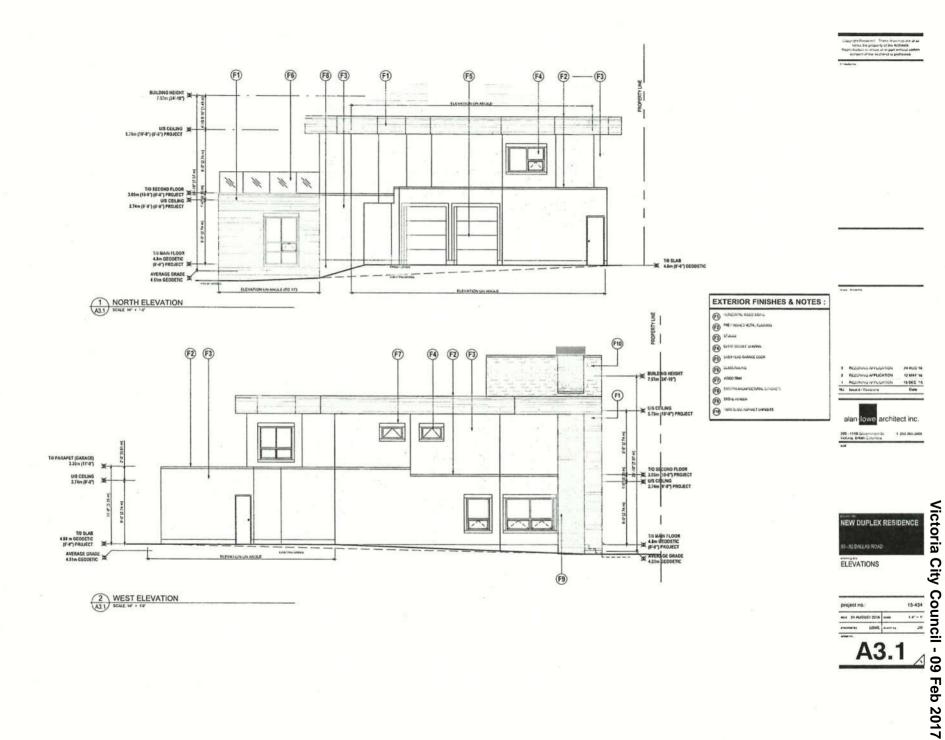
09 Feb 2017

NEW DUPLEX RESIDENCE 8-92 DALLAS ROAD

ELEVATIONS

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A3.0



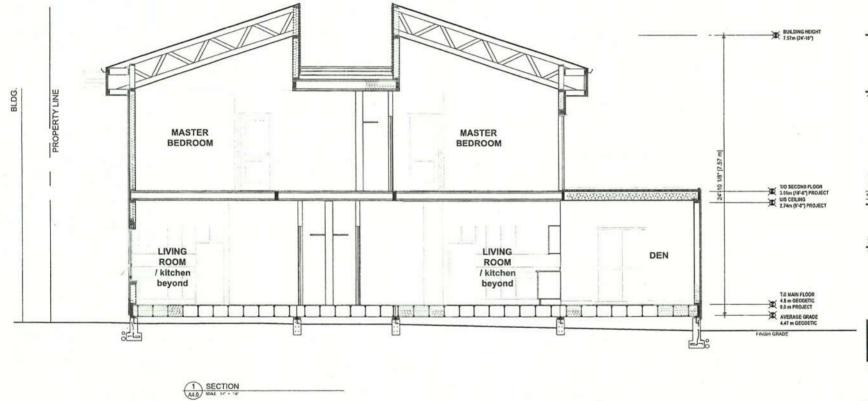


Victoria City Council - 09 Feb 2017 NEW DUPLEX RESIDENCE streetscape

project no.:		15-434
EPR 24 AUGUST 2016	some.	10-7
CHARLE LOWE	-	30

A3.2

SOUTH ELEVATION STREETSCAPE (DALLAS ROAD)
A32 SCALE IST - FC



Victoria City Council - 09 Feb 2017 NEW DUPLEX RESIDENCE SECTION

24 AUG 18 12 MAY 16 15 DEC 15 Date

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A4.0



Council Report For the Meeting of February 9, 2017

To:

Council

Date:

February 7, 2017

From:

Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject:

Rezoning Application No. 00511 and Development Permit with Variances

Application No. 00020 for 90-92 Dallas Road

RECOMMENDATION

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No.00020, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 00020 for 90-92 Dallas Road, subject to confirmation of registration of the Statutory Right-of-Way Agreement No. CA5805077, and in accordance with:

- 1. Plans date stamped October 19, 2016
- 2. Development meeting all Zoning regulation Bylaw requirements, except fo the following variances:
 - i. reduce the front yard setback from 4.70m to 2.44m;
 - ii. reduce the rear yard setback from 12.93m to 11.90m;
 - iii. reduce the side yard setback (north) from 2.10m to 1.54m;
 - iv. reduce the side yard on a flanking street from 3.50m to 2.47m;
 - v. reduce the combined side yard from 4.50m to 4.01m; and
 - vi. increase the site coverage from 40% to 40.5%
- 3. The Development Permit lapsing two years from the date of this resolution."

EXECUTIVE SUMMARY

The purpose of this report is to amend the Council motion for Development Permit with Variances Application No. 00020 for 90-92 Dallas Road to require confirmation of registration of the legal agreement to secure the Statutory Right-of-Way along Dallas Road and St. Lawrence Street prior to issuance of the Development Permit. The requirement is shown in bold text in the amended motion above.

BACKGROUND

At the Committee of the Whole meeting on November 16, 2016, Council supported the following recommendation:

"That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00511 for 90-92 Dallas Road, 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. Registration of a 2.41m Statutory Right-of-Way on the Dallas Road frontage; and
- 2. Registration of a 2.47m Statutory Right-of-Way on the St. Lawrence Street frontage"

In accordance with the recommendation, a legal agreement to secure the Statutory Right-of-Way on both Dallas Road and St. Lawrence Street has been prepared, executed and deposited at the Land Titles office. At the time of writing this report the agreement was pending registration.

CONCLUSION

Staff recommend that the proposal is ready to proceed to Public Hearing with an amended motion for Development Permit with Variance Application No. 00020 to ensure the legal agreement is registered prior to the issuance of a Development Permit.

Respectfully submitted,

Afec Johnston, Senior Planner

Development Services

Jonathan Tinney, Director

Sustainable Planning and Community

Development Department

Report accepted and recommended by the City Manager:

List of Attachments:

Legal agreement to secure Statutory Right of Way along Dallas Road and St. Lawrence Street frontages

LAND TITLE ACT FORM C (Section 233) CHARGE GENERAL INSTRUMENT - PART 1 Province of British Columbia

Feb-03-2017 14:01:48.001

Victoria City Couloch 508 8 50 2017

PAGE 1 OF 10 PAGES

Your electronic signature is a representation that you are a subscriber as defined by the

Larry Wong Digitally signed by

	Land Title Act, RSBC 1996 c.250, and that you have applie in accordance with Section 168.3, and a true copy, or a coyour possession.					Date: 2017.02 12:54:06 -08'0	2.03
1.	APPLICATION: (Name, address, phone number of application)	nt, applic	ant's sol	icitor or ag	gent)		
	Larry Wong, Barrister & Solicitor						
	Wong & Doerksen			PI	h. 250-381-7799		
	1618 Government Street			Fi	le: 24887		
		8W 12	Z 3				_
)	Document Fees: \$71.58 PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF 1	I AND:				Deduct LTSA Fees?	Yes 🗸
***	[PID] [LEGAL DESCRIPTION OF THE PROPERTY OF TH						
	009-218-327 LOT 3, BECKLEY FARM	I, VIC	TORI	A CITY	, PLAN 224		
	STC? YES						
3.	NATURE OF INTEREST	CH	ARGE 1	VO	ADDITIONAL INFORM	ATION	
	SEE SCHEDULE						
1.	TERMS: Part 2 of this instrument consists of (select one onl) (a) Filed Standard Charge Terms D.F. No. A selection of (a) includes any additional or modified terms	et et e			s Charge Terms Annexed schedule annexed to this		
5.	TRANSFEROR(S):					301 1001 1000 1000 1000 1000	
	EKATERINA HERCULES GEORGIADE	SAND	ATH	AN HE	RCULES GEOR	GIADES	
		·				SII 12 _ C	
5 .	TRANSFEREE(S): (including postal address(es) and postal	code(s))					
	CORPORATION OF THE CITY OF VICT	ORIA					
	1 CENTENNIAL SQUARE						
	VICTORIA	В	RITIS	H COL	UMBIA		
	V8W 1P6	С	ANAE	Α			
7	ADDITIONAL OR MODIFIED TERMS:						
	ADDITIONAL OR MODII ILD TERMO.						
3.	EXECUTION(S): This instrument creates, assigns, modifies	enlarge	s discha	rges or go	overns the priority of the i	nterest(s) described in It	em 3 and
	the Transferor(s) and every other signatory agree to be bound						
	charge terms, if any. Officer Signature(s)	Exc	cution	Date	Transferor(s) Signatu	re(s)	
	-5	Y	M	D	(-) 6	(-)	
	DENISE E. LITTERINI						
		17	02	02			
	Notary Public		02	02	EKATERINA HI	ERCULES	
	Monroeville Boro, Allegheny County				GEORGIADES		
	My Commission Expires Dec. 28, 2020						
	Member, Penn. Assoc. of Notaries						
	UPMC East Hospital, 2775 Mosside Blvd, Monroeville, PA 15146						
FFI	CER CERTIFICATION:						

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this Page 107 of 357

PAGE 2 of 10 PAGES

Officer Signature(s)	Exc	cution I	Date D	Transferor / Borrower / Party Signature(s)
	1			
DENISE E. LITTERINI	17	02	02	ATHAN HERCULES GEORGIADES
Notary Public				
Monroeville Boro, Allegheny County My Commission Expires Dec. 28, 2020 Member, Penn. Assoc. of Notaries UPMC East Hospital, 2775 Mosside Blvd, Monroeville, PA 15146				
				s:
			3	

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

Page 108 of 357

PAGE 3 of 10 PAGES

Officer Signature(s)	Ex	ecution l	Date	Transferor / Borrower / Party Signature(s)
	Y	M	D	W 935 - 1000 - 1014
CHRISTOPHER D. COATES	17	02	01	CORPORATION OF THE CITY OF VICTORIA by its authorized signatories:
Commissioner for Taking Affidavits For British Columbia				
#1 Centennial Square Victoria BC V8W 1P6				Name: MAYOR LISA HELPS #1 Centennial Square Victoria BC V8W 1P6
				Name:
(as to all signatures)				

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

Page 109 of 357

NATURE OF INTEREST

SCHEDULE PAGE 4 OF 10 PAGES NATURE OF INTEREST CHARGE NO. ADDITIONAL INFORMATION Statutory Right of Way See Attached Schedule NATURE OF INTEREST CHARGE NO. ADDITIONAL INFORMATION NATURE OF INTEREST CHARGE NO. ADDITIONAL INFORMATION NATURE OF INTEREST CHARGE NO. ADDITIONAL INFORMATION NATURE OF INTEREST CHARGE NO. ADDITIONAL INFORMATION

CHARGE NO.

ADDITIONAL INFORMATION

SCHEDULE

PAGE 5 OF 10 PAGES

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM, OR GENERAL INSTRUMENT FORM.

ITEM 3.

NATURE OF INTEREST Statutory Right of Way

ADDITIONAL INFORMATION

All that part of Lot 3, Section 29, Beckley Farm, Victoria City, Plan 224 more particularly described as follows:

Firstly: all that part of the said Lot 3 lying to the southwest of a straight line and its productions drawn parallel to and perpendicularly distant 2.41 metres from the southwesterly boundary of the said lot; and

Secondly: all that part of the said Lot 3 lying to the southeast of a straight line and its productions drawn parallel to and perpendicularly distant 2.47 metres from the southeasterly boundary of the said lot save and except that part of the said lot firstly described.

Statutory Right of Way - Highway

TERMS OF INSTRUMENT - PART 2

WHEREAS:

A. The Transferor is the registered owner in fee simple of the following land in the Province of British Columbia:

PID 009-218-327 Lot 3, Beckley Farm, Victoria City, Plan 224

(the "Lands")

- B. The Transferee is the Corporation of the City of Victoria;
- C. This Right of Way is necessary for the operation and maintenance of the Transferee's undertaking as described in Recital D;
- D. The Transferee wishes to be able to construct, operate and maintain a public highway and other works including but not limited to a system of roadways, sidewalks and utility services in perpetuity over a portion of the Lands; and
- E. To facilitate the construction and use by the Transferee and the public of a public highway, and to facilitate the installation and use of works that may be placed by the Transferee on, under or over the highway including pavements, sidewalks, boulevards, curbs, gutters, drains, sewers, utility poles, wires, fences, overhead and underground cables, traffic signals, transit shelters, and landscaping including but not limited to trees, shrubs, flowers and grass, and irrigation works required for the maintenance of that landscaping, and any other works, facilities or appurtenants necessary for the use of the Right of Way as a public highway (collectively the "Works"), the Transferor has agreed to grant the Right of Way in this Agreement.

NOW THEREFORE, in consideration of the sum of One (\$1.00) Dollar of lawful money of Canada, now paid by the Transferee to the Transferor (the receipt and sufficiency of which is now acknowledged by the Transferor), and in consideration of the covenants and conditions agreed to be observed and performed by the parties and for other valuable consideration:

1.0 THE TRANSFEROR:

1.1 Pursuant to Section 218 of the *Land Title Act*, hereby grants, conveys, confirms and transfers, in perpetuity, to the Transferee, its officers, employees, contractors, licensees and invitees, including without limitation the general public, the full, free and uninterrupted right, licence, liberty, privilege, permission and right of way to use as a

public highway, including but not limited to the right to enter onto, use, go, return, pass over and across for highway purposes, that portion of the Lands more particularly described as follows:

Firstly: all that part of the said Lot 3 lying to the southwest of a straight line and its productions drawn parallel to and perpendicularly distant 2.41 metres from the southwesterly boundary of the said lot; and

Secondly: all that part of the said Lot 3 lying to the southeast of a straight line and its productions drawn parallel to and perpendicularly distant 2.47 metres from the southeasterly boundary of the said lot save and except that part of the said lot firstly described.

(the "Right of Way");

- 1.2 Covenants and agrees to and with the Transferee that in connection with the grant under Section 1.1 of this Agreement, the Transferee and its officers, employees, contractors, licensees and invitees shall have the full, free and uninterrupted right, licence, liberty, privilege, permission and right of way to lay down, install, construct, entrench, operate, maintain, inspect, alter, repair, remove, replace, bury, cleanse, string, and otherwise establish one or more system of Works upon the Right of Way;
- 1.3 Covenants and agrees to and with the Transferee that the Transferee shall:
 - for itself and its agents, workers, contractors and all other licensees of the Transferee;
 - (b) together with machinery, vehicles, equipment, and materials;
 - (c) upon, over, under and across the Right of Way;
 - (d) as may be necessary, useful, or convenient for the purposes in Section 1.1 and Section 1.2; and
 - (e) in connection with the operations of the Transferee in relation to the Works;

be entitled at all times to enter, use, pass and repass, labour, construct, erect, install, dig, carry away soil or other surface or subsurface materials, and clear of all trees, growth, buildings or obstructions now or hereafter in existence upon, over, under and across the Right of Way;

1.4 Grants, conveys, confirms and transfers unto the Transferee for itself, and its employees, agents, workers, contractors and all other licensees of the Transferee together with machinery, vehicles, equipment and materials, the right at all times to enter upon and to pass and repass over such of the Lands of the Transferor as may reasonably be required for the purpose of ingress to and egress from the Right of Way;

Page 8 of 10

1.5 Transfers, assigns and conveys to the Transferee all right, title and interest in and to any Works that the Transferee, or the Transferor have prior to this Agreement established or constructed or maintained or operated within the Right of Way or in relation to any similar Works previously constructed by any party whatsoever within the Right of Way.

2.0 THE TRANSFEROR COVENANTS:

- 2.1 Not, and not to permit or allow any other person, to erect, place, install or maintain any building, structure, addition to a building or structure, mobile home, paved driveway or patio, pipe, wire or other conduit on, over or under any portion of the Right of Way;
- 2.2 Not to do anything or to permit any act or thing which in the opinion of the Transferee in any way interferes with or damages or prevents access to or use of the Right of Way or is likely to cause harm to the Works installed in or upon the Right of Way;
- 2.3 To trim or, if the Transferee determines it is necessary, cut down any tree or other growth on the Lands which in the opinion of the Transferee, constitutes or may constitute a danger or obstruction to the Right of Way or the Works or those using same;
- 2.4 From time to time and at all times at the reasonable request and at the cost of the Transferee to do and execute or cause to be made, done or executed any further and other lawful acts, deeds, things, devices, conveyances and assurances in law required to ensure the Transferee of its rights under this Agreement; and
- 2.5 To permit the Transferee to peaceably hold and enjoy the rights hereby granted.

3.0 THE TRANSFEREE COVENANTS:

- 3.1 As far as reasonably possible, to carry out all work in a proper and workmanlike manner so as to do as little injury to the Lands as possible; and
- 3.2 To make good at its own expense damage or disturbance which may be caused to the Lands in the exercise by the Transferee of its rights under this Agreement except as permitted under this Agreement.

4.0 THE PARTIES COVENANT TO AND AGREE WITH EACH OTHER, as follows:

- 4.1 The Transferor shall not diminish or increase the soil cover over any pipe installed in the Right of Way without the Transferee's prior written consent;
- 4.2 No right herein granted to or reserved by the Transferee shall require the Transferee to clear, repair or maintain the Works or the Right of Way unless the Transferee is expressly required herein to perform such cleaning, repairing or maintenance;

Page 9 of 10

- 4.3 If the Transferor defaults in observance or performance of its obligations hereunder, the Transferee, after 10 days prior written notice to the Transferor specifying the default and at any time in case of emergency, may (but is not obligated to) rectify the default, and the Transferor shall pay to the Transferee, on demand, its reasonable costs in connection with so rectifying;
- 4.4 The Transferor shall, after execution hereof by it at the expense of the Transferor, do or cause to be done all acts necessary to grant priority to this Agreement over all financial charges and encumbrances which are registered, or pending registration, against the Title to the Lands in the Land Title Office save and except those as have been specifically approved in writing by the Transferee or have been granted in favour of the Transferee;
- 4.5 Waiver of any default by either party shall not be deemed to be a waiver of any subsequent default by that party;
- 4.6 Whenever this Agreement creates a power or obligation of the Transferee to make a decision or to exercise any contractual right or remedy, the Transferee may do so in accordance with the provisions of this Agreement and no public law duty, whether arising from the principals of fairness or the rules of natural justice, shall have any application;
- 4.7 Notwithstanding anything herein contained, the Transferee reserves all rights and powers of expropriation otherwise enjoyed by the Transferee;
- 4.8 Without limiting Section 4.7, nothing contained or implied in this Agreement will derogate from the obligations of the Transferor under any other agreement with the Transferee or prejudice or affect the Transferee's rights, powers, duties or obligations in the exercise of its functions under all public and private statutes, by-laws, orders and regulations, which may be as fully and effectively exercised in relation to the Lands as if this Agreement had not been executed and delivered by Transferor and the Transferee;
- 4.9 In spite of any rule of law or equity to the contrary, the Works brought on to, set, constructed, laid, erected in, upon or under the Right of Way by the Transferee shall at all times remain the property of the Transferee, even if the Works are annexed or affixed to the freehold, and the Works shall at any time and from time to time be removable in whole or in part by the Transferee;
- 4.10 No part of the title in fee simple to the Lands of the Transferor shall pass to or be vested in the Transferee under or by virtue of this Agreement, and the Transferor may fully use and enjoy all of the Lands of the Transferor subject only to the rights and restrictions in this Agreement;
- 4.11 If any section, subsection, sentence, clause or phrase in this Agreement is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of the Agreement;
- 4.12 This Agreement shall attach to and run with the Lands and each and every part
 Page 10 of 10

to which the Lands may be divided or subdivided whether by subdivision plan, strata plan or otherwise howsoever;

- 4.13 The Transferor acknowledges that (a) these Covenants are enforceable against the Transferor and his successors in title, but (b) the Transferor is not personally liable for breach of these Covenants where such liability arises by reason of an act or omission occurring after the Transferor named herein or any future owner ceases to have a further interest in the Lands;
- 4.14 If at the date hereof the Transferor is not the sole registered owner of the Lands of the Transferor, this Agreement shall nevertheless bind the Transferor to the full extent of his interest therein, and if he acquires a greater or the entire interest in fee simple, this Agreement shall likewise extend to such after-acquired interests;
- 4.15 Where the expression "Transferor" includes more than one person, all covenants made by the Transferor shall be construed as being several as well as joint with respect to all persons constituting the Transferor;
- 4.16 This Agreement shall continue to benefit and be binding upon the Transferor and Transferee, and their respective heirs, administrators, executors, successors and permitted assigns, as the case may be;
- 4.17 Gender specific terms include both genders and corporations, and the singular and plural forms are interchangeable, according to the context; and
- 4.18 This Agreement will be governed and construed according to the laws of the Province of British Columbia.
- 4.19 Nothing contained or implied in this Agreement shall prejudice or affect the rights and powers of the Transferee in the exercise of its functions under any public or private statutes, bylaws, order and regulations, all of which may be fully and effectively exercised in relation to the Land as if this Agreement had not been executed and delivered by the parties.

The parties hereto acknowledge that this Agreement has been duly executed and delivered by the parties executing Forms C and D attached hereto.

NO. 17-008

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by creating the R2-54 Zone, Restricted Duplex (Dallas Road) District, and to rezone land known as 90 and 92 Dallas Road from the R-2 Zone, Two Family Dwelling District to the R2-54 Zone, Restricted Duplex (Dallas Road) 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. 1082)".
- 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:

"2.144 R2-54, Restricted Duplex (Dallas Road) District"

- The Zoning Regulation Bylaw is also amended by adding to Schedule B after Part 2.143 the provisions contained in Schedule 1 of this Bylaw.
- The land known as 90 and 92 Dallas Road, legally described as Lot 3, Beckley Farm, Victoria City, Plan 224 and shown hatched on the attached map, is removed from the R-2 Zone, Two Family Dwelling District, and placed in the R2-54 Zone, Restricted Duplex (Dallas Road) District.

READ A FIRST TIME the	12 th	day of	January	2017
READ A SECOND TIME the	12 th	day of	January	2017
Public hearing held on the		day of		2017
READ A THIRD TIME the		day of		2017
ADOPTED on the		day of		2017

CITY CLERK

MAYOR

PART 2.144 – R2-54 ZONE, RESTRICTED DUPLEX (DALLAS ROAD) DISTRICT

2.144.1 Permitted Uses in this Zone

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

- a. Two family dwelling subject to the regulations in this Part
- b. Uses permitted in the R1-B Zone, Single Family Dwelling District, subject to the regulations set out in Part 1.2 of the Zoning Regulation Bylaw
- c. Public Building

b. Storeys (maximum)

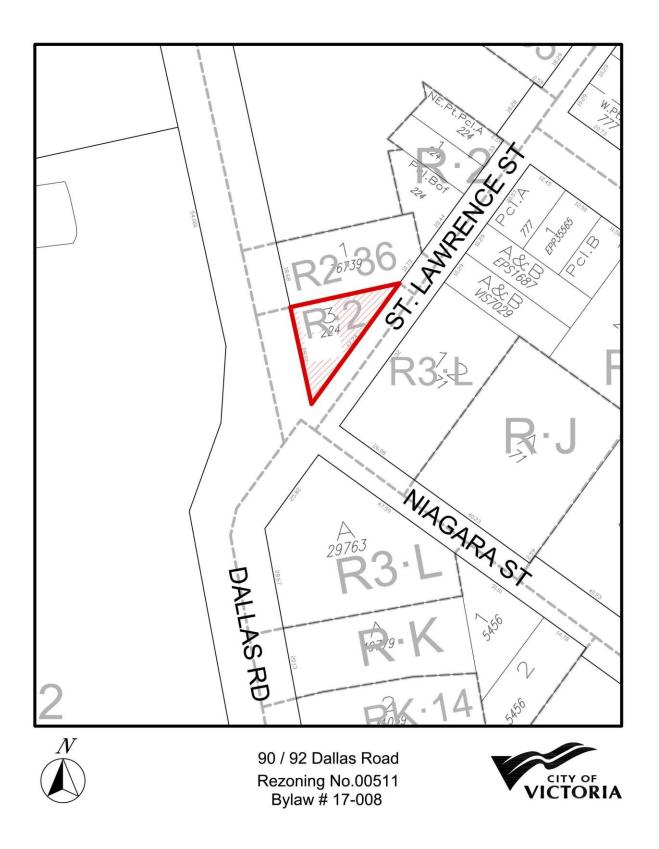
- d. Home occupation subject to the regulations in Schedule "D"
- e. Accessory Buildings subject to the regulations in Schedule "F"

2.144.2 Lot Area	
a. Lot area (minimum)	443m ²
b. <u>Lot</u> width (minimum)	15m
2.144.3 Floor Area, Floor Space Ratio	
a. Total floor area (maximum)	235m ²
b. Floor space ratio (maximum)	0.53:1
2.144.4 Height, Storeys	
a. Principal <u>building</u> <u>height</u> (maximum)	7.6m

2

PART 2.144 – R2-54 ZONE, RESTRICTED DUPLEX (DALLAS ROAD) DISTRICT

2.144.5 Setbacks, Projections					
Except for the following maximum project setback:	4.7m ctions into the				
steps and <u>porch</u>	3.5m				
bay windows	0.6m				
b. Rear yard setback (minimum)	12.93m				
c. Side yard setbacks from interior lot lines	(minimum) 2.1m				
d. Side yard setback St. Lawrence Street (minimum) 3.5m				
e. Combined side yard setbacks (minimum) 4.5m				
f. Eave projections into setbacks (maximu	m) 0.75m				
2.144.6 Site Coverage, Open Site Space					
a. Site Coverage (maximum)	40%				
b. Open site space (minimum)	30% of the <u>area</u> of the <u>lot</u> and 33% of the <u>rear yard</u>				
2.144.7 Vehicle and Bicycle Parking					
a. <u>Vehicle parking</u> (minimum)	Subject to the regulations in Schedule "C"				



4. Committee of the Whole – January 12, 2017

8. Rezoning Application No. 00504 and Development Permit with Variances Application No. 000489 for 8 & 10 Philippa Place (Fairfield)

Motion:

It was moved by Councillor Madoff, seconded by Councillor Coleman, that Council instruct staff to prepare the necessary Zoning Regulation Amendment Bylaw that would authorize the proposed development outlined in Rezoning Application No.00504 for 8 and 10 Philippa Place, that first and second reading of the Zoning Regulation Amendment bylaw be considered by Council and a Public Hearing date be set by staff.

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. 00504, if it is approved, consider the following motion: "That Council authorize the issuance of Development Permit with Variance Application No. 000489 for 8 and 10 Philippa Place in accordance with:

- 1. Plans date stamped November 18, 2016.
- 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. increase the 1st and 2nd storey combined floor area from 280m² to 310m²
 - ii. reduce the rear yard setback from 12.37m to 10.65m (to stairs)
 - iii. reduce the side yard setback (west) from 3.00m to 1.45m
 - iv. reduce the side yard setback (east) from 2.03m to 1.86m (to cantilever)
 - v. reduce the combined side yards from 4.50m to 3.31 m
- 3. The Development Permit lapsing two years from the date of this resolution."

Carried Unanimously

3.5 Rezoning Application No. 00504 for 8 & 10 Philippa Place (Fairfield)

Committee received a report dated December 23, 2016, from the Director of Sustainable Planning and Community Development, providing information and recommendations regarding a Rezoning Application to rezone from the Single Family Dwelling District to the Two Family Dwelling District for the property located at 8 & 10 Philippa Place.

Motion:

It was moved by Councillor Alto, seconded by Councillor Coleman, that Council instruct staff to prepare the necessary Zoning Regulation Amendment Bylaw that would authorize the proposed development outlined in Rezoning Application No.00504 for 8 and 10 Philippa Place, that first and second reading of the Zoning Regulation Amendment bylaw be considered by Council and a Public Hearing date be set by staff.

CARRIED UNANIMOUSLY 16/COTW



Committee of the Whole Report For the Meeting of January 12, 2016

To:

Committee of the Whole

Date:

December 23, 2016

From:

Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject: Rezoning Application No.00504 for 8 & 10 Philippa Place

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Amendment Bylaw that would authorize the proposed development outlined in Rezoning Application No.00504 for 8 and 10 Philippa Place, that first and second reading of the Zoning Regulation Amendment Bylaw be considered by Council and a Public Hearing date be set by staff.

LEGISLATIVE AUTHORITY

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

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application for the property located at 8 and 10 Philippa Place. The proposal is to rezone from the R1-B Zone, Single Family Dwelling District to the R-2 Zone, Two Family Dwelling District in order to permit the existing legal non-conforming duplex to be strata titled.

The following points were considered in assessing this application:

- the proposal is consistent with the Traditional Residential Urban Place Designation and the objectives for sensitive infill in Development Permit Area 15D: Intensive Residential -Duplex of the Official Community Plan (OCP) 2012
- · the proposal meets the Neighbourliness Guidelines for Duplexes, 1996, minimum site area and lot width criteria for interior lots
- the property has an existing duplex on it that is considered a legal non-conforming use
- the applicant has registered a Clean Hands Covenant for work that was completed without permits.

BACKGROUND

Description of Proposal

The proposal is to rezone the property from the R1-B Zone, Single Family Dwelling District, to the R-2 Zone, Two Family Dwelling District, in order to permit the existing legal non-conforming duplex to be strata titled and to allow for minor alterations to the building.

Five variances would be required to accommodate the non-conforming setbacks of the existing building and to allow for additional floor area within one of the dwelling units. The proposed variances will be discussed in relation to the concurrent Development Permit Application.

Affordable Housing Impacts

The applicant is not proposing to create new residential units. The rezoning would permit the applicant to strata title the two existing residential units.

Sustainability Features

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

Active Transportation Impacts

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

Public Realm Improvements

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

Land Use Context

The area is predominantly characterized by single-family dwellings and duplexes. Hollywood Park and the Ross Bay Urban Village are located approximately two blocks to the south. Immediately adjacent land uses within the Philippa Place cul-de-sac include several similarly non-conforming duplexes and single-family dwellings.

Existing Site Development and Development Potential

The site is presently a legal non-conforming duplex. Under the current R1-B Zone, the property could be developed as a single-family dwelling with a secondary suite.

Data Table

The following data table compares the proposal with the standard R-2 Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone and a variance is required. A double asterisk is used to identify existing legal non-conformities.

Zoning Criteria	Proposal	Zone Standard R-2	
Site area (m²) - minimum	747.60	555	
Density (Floor Space Ratio) - maximum	0.41:1	0.50:1	
1 st and 2 nd storey floor area (m²) - maximum	309.22*	280.00	
Combined floor area (m²) - maximum	309.22	380.00	
Lot width (m) - minimum	20.32	15	
Height (m) - maximum	5.00	7.60	
Storeys - maximum	2	2	
Site coverage % - maximum	23.50	40.00	
Open site space % - minimum	60.00	30.00	
Setbacks (m) - minimum Front Rear Side (west) Side (east)	7.82 13.00 (to building), 10.65 (to stairs)* 1.45* 2.43 (to building), 1.86 (to cantilever)**	7.50 12.37 3.00 2.03	
Combined Side Yards	3.31*	4.50	
Parking - minimum	2	2	
Location of Parking	Side yard and internal	Behind front of building	

Community Consultation

Consistent with the Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications, the applicant has consulted the Fairfield Gonzales Community Association Land Use Committee at a Community Meeting held on September 21st, 2015. The minutes of this meeting are attached to this report.

ANALYSIS

Official Community Plan

The OCP Urban Place Designation for the subject property is Traditional Residential. In accordance with the OCP, duplexes are subject to DPA 15D: Intensive Residential – Duplex. The proposal is consistent with the objectives of DPA 15D to foster and encourage a sense of neighbourliness that is compatible with the form of housing in the neighbourhood.

Neighbourliness Guidelines for Duplexes

The proposal is consistent with the *Neighbourliness Guidelines for Duplexes*, which states that an interior lot must have a width greater than 15m and a site area in excess of 670m². In

addition, the differences between the existing non-conforming duplex and the standard R-2 Zone are proposed to be handled through the variance process. This would require any future development to meet the standard two-family dwelling siting requirements.

Other Considerations

Clean Hands Policy Compliance

The Clean Hands Policy for Planning Approvals is in place to deal with situations on properties where there is a development application which requires Council's approval and where there is evidence of illegal construction. In this case, rear decks and stairs were added to each unit, the interior parking area for 10 Philippa Place was converted to living space, and an enclosed storage area and entryway were all added without permits. The applicant has registered a Clean Hands Covenant on title to address the illegal construction pending the outcome of this rezoning and concurrent development permit with variances application.

CONCLUSIONS

This proposal to rezone the property to allow the legal non-conforming duplex to be strata titled is consistent with OCP policy and the *Neighbourliness Guidelines for Duplexes*. The existing duplex use would continue; however, a strata conversion would allow the tenure to change from one owner to strata ownership for each of the two dwelling units. Staff recommend that Council consider supporting this application.

ALTERNATE MOTION

That Council decline Application No.00504 for the property located at 8 and 10 Philippa Place.

Respectfully submitted,

Alec Johnston

Planner

Development Services Division

Jonathan Tinney, Director

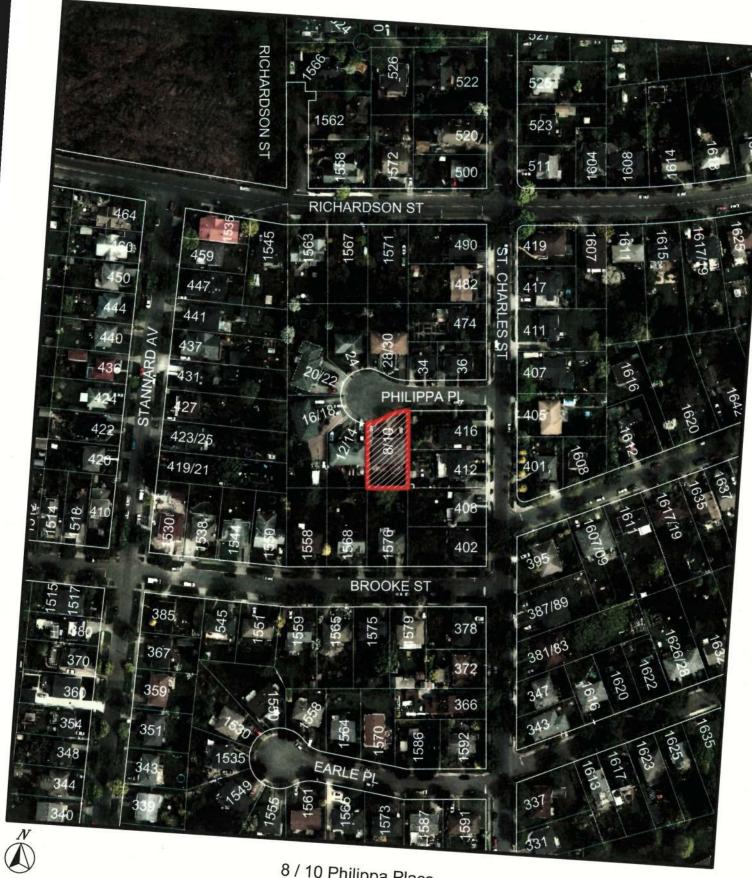
Sustainable Planning and Community

Development Department

Report accepted and recommended by the City Manager:

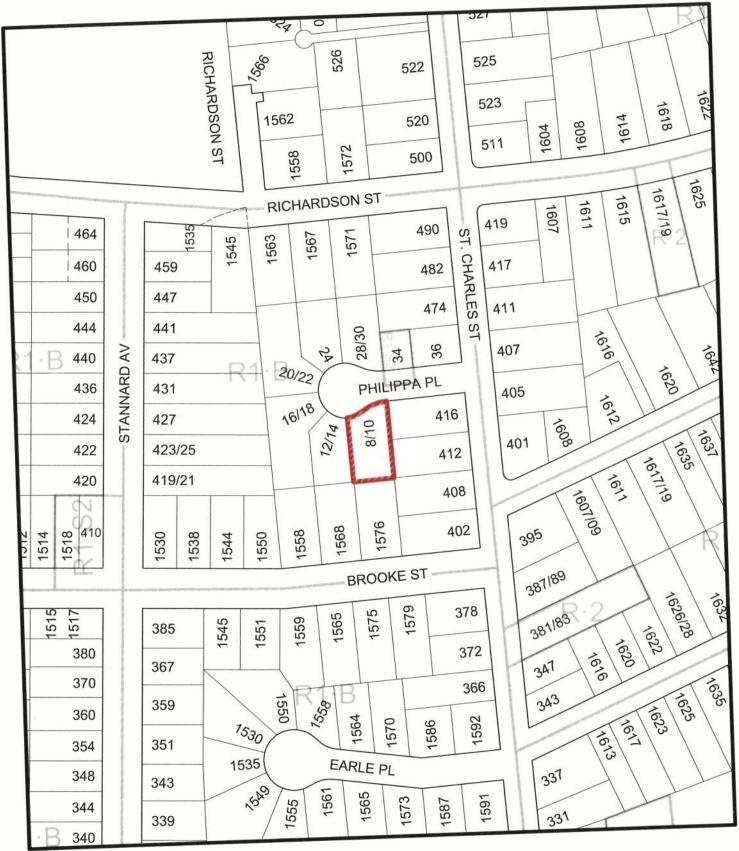
List of Attachments:

- Aerial Map
- Zoning Map
- Applicant's Letters to Mayor and Council dated October 17, 2016 and November 30, 2015
- Minutes of Community Meeting for the Fairfield-Gonzales Community Association dated September 21, 2015
- Plans date stamped November 18, 2016



8 / 10 Philippa Place Rezoning No.00504







8 / 10 Philippa Place Rezoning No.00504



Received

NOV 1 8 2016

Planning & Development Department Development Services Division

RICK KINNERSLEY dba DOLICARI HOME IMPROVEMENTS

16 Philippa Place Victoria, BC V8S 1S6 250-217-6651

October 17, 2016

To the Mayor and Council 1 Centennial Square Victoria, BC

Dear Sirs/Mesdames:

RE: 8 &

8 & 10 Philippa Place, Victoria, BC

PID: 004-520-319, Lot 13, Section 68, Victoria District, Plan 10073

I am acting as agent for John Haveron, owner of the above noted purpose built duplex. I completed a strata conversion of my own purpose built duplex at 16-18 Philippa Place approximately five years ago and did not require the necessity of going through the rezoning process. I understand from the Zoning Administrator that after my own strata conversion the City solicitors instructed them that any future applications would require a rezoning as the use is non-conforming.

Accordingly, I write to request that the above noted duplex be rezoned from an R1B single family dwelling to an R2 two family dwelling so that it can be strata titled.

Philippa Place is a small cul-de-sac off of St. Charles Street between Richardson Street and Fairfield Road. There are currently four single family dwellings and five duplexes in the cul-de-sac. The duplex at 20-22 Philippa was strata titled in the 1990s and as previously mentioned mine at 16-18 Philippa was strata titled in 2011. The single family dwelling at 36 Philippa was re-zoned in 2008 from a R1B Zone into a R1-S2 Zone, Restricted Small Lot (Two Storey) District and a new house was built at 34 Philippa on the lot that was created.

By way of background regarding the duplex in question, John Haveron lives in 8 Philippa and had rented out 10 Philippa when initially planning the strata titling. The tenants were offered an opportunity to purchase the unit if they were so inclined. They however moved away and the unit has remained unoccupied. In anticipation of what I had previously done for my strata conversion, work began on the duplex in approximately November 2013 with a new roof installed, upgrade of main floor party wall and attic to meet the building code (STC and fire) as per architect's specifications, arrangements for sound test, and site surveyor. There are no proposed changes to the existing building.

Prior to John Haveron purchasing 8 & 10 Philippa Place, a door with a roof was put over the side stairwell of 10 Philippa Place which provides cover in the rain for entry into the basement. It does not obstruct any neighbours' views. There was also a conversation of the indoor garage into a storage/TV room with new electrical work at 10 Philippa Place prior to Mr. Haveron's purchase for which an electrician has now applied for a permit and certified to be up to required standards. After purchasing the duplex he had two decks built in the back yard on each side of the duplex - at 8 Philippa Place there are three steps leading up to the deck and at 10 Philippa Place the deck is on ground level. They do not intrude on any neighbours' privacy however they are closer to the back fence than the setbacks allow. The front of the duplex has not been altered and conforms with the other duplexes on the cul-de-sac. A Section 215 Clean Hands Covenant has been registered in the Victoria Land Title Office against the title to 8 and 10 Philippa Place with respect to these alterations.

The proposal does conform to the *Official Community Plan*. The building does not have heritage status.

The economic benefits to the City will be that they will receive further property tax revenues. It also provides for affordable housing in the Fairfield neighbourhood, a sought after area in the City as it is close to the ocean and downtown making a commute to work by bicycle an environmental benefit. The location is very walkable so most errands can be accomplished on foot.

The rezoning would have no effect on the immediate neighbours as it will be sold and the noise and activity levels should remain the same as when tenants lived in it previously.

There are adequate public infrastructure and no trees were removed.

There is ample parking space both on and off the property for both sides of this duplex. The only issue of parking that has come up is as set out in the Minutes of the Community Meeting held September 21, 2015. The tenant residing in the duplex at 12 Philippa complains about parking because he does not have enough room to park his vehicle in his own driveway as he has a defunct vehicle (which has now been removed) and boat parked in it. There is ample room for friends and family to park on the cul-de-sac entrance near St. Charles Street.

Thank you for your consideration.

Rick Kinnersley, Applicant

John James Mayeron, Registered Owner

RICK KINNERSLEY dba DOLICARI HOME IMPROVEMENTS

16 Philippa Place Victoria, BC V8S 1S6 250-217-6651

November 30, 2015

To the Mayor and Council 1 Centennial Square Victoria, BC

Dear Sirs/Mesdames:

RE: 8 & 10 Philippa Place, Victoria, BC

PID: 004-520-319, Lot 13, Section 68, Victoria District, Plan 10073

I am acting as agent for John Haveron, owner of the above noted purpose built duplex. I completed a strata conversion of my own purpose built duplex at 16-18 Philippa Place approximately four years ago and did not require the necessity of going through the rezoning process. I understand from the Zoning Administrator that after my own strata conversion the City solicitors instructed them that any future applications would require a rezoning as the use is non-conforming.

Accordingly, I write to request that the above noted duplex be rezoned from an R1B single family dwelling to an R2 two family dwelling so that it can be strata titled.

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By way of background regarding the duplex in question, John Haveron lives in 8 Philippa and had rented out 10 Philippa when initially planning the strata titling. The tenants were offered an opportunity to purchase the unit if they were so inclined. They however moved away and the unit has remained unoccupied. In anticipation of what I had previously done for my strata conversion, work began on the duplex in approximately November 2013 with a new roof installed, upgrade of main floor party wall and attic to meet the building code (STC and fire) as per architect's specifications, arrangements for sound test, and site surveyor. There are no proposed changes to the existing building.

The proposal does conform to the *Official Community Plan*. The building does not have heritage status.

The economic benefits to the City will be that they will receive further property tax revenues. It also provides for affordable housing in the Fairfield neighbourhood, a sought after area in the City as it is close to the ocean and downtown making a commute to work by bicycle an environmental benefit. The location is very walkable so most errands can be accomplished on foot.

The rezoning would have no effect on the immediate neighbours as it will be sold and the noise and activity levels should remain the same as when tenants lived in it previously.

There are adequate public infrastructure and no trees were removed.

There is ample parking space both on and off the property for both sides of this duplex. The only issue of parking that has come up is as set out in the Minutes of the Community Meeting held September 21, 2015. The tenant residing in the duplex at 12 Philippa complains about parking because he does not have enough room to park his vehicle in his own driveway as he has a defunct vehicle and boat parked in it. There is ample room for friends and family to park on the cul-de-sac entrance near St. Charles Street.

Thank you for your consideration.

Rick Kinnersley, Applicant

John James Haveron, Registered Owner

Minutes of Community Meeting Planning and Zoning Committee Fairfield-Gonzales Community Association (FGCA) Sept. 21, 2015

Facilitators for the FGCA: George Zador, (Chair)

Susan Snell Ken Roueche

Subject property: 8 – 10 Philippa Place, application for strata conversion

Proponent/owner: Rick Kinnersley

89 notices sent

No construction, except a new driveway entrance to be cut in.

Existing non-conforming duplex, to be strata titled.

Attendance: 2 people.

Attendee Questions and Comments:

Question if similar conversions exist in Philippa Place....answer: yes, two others

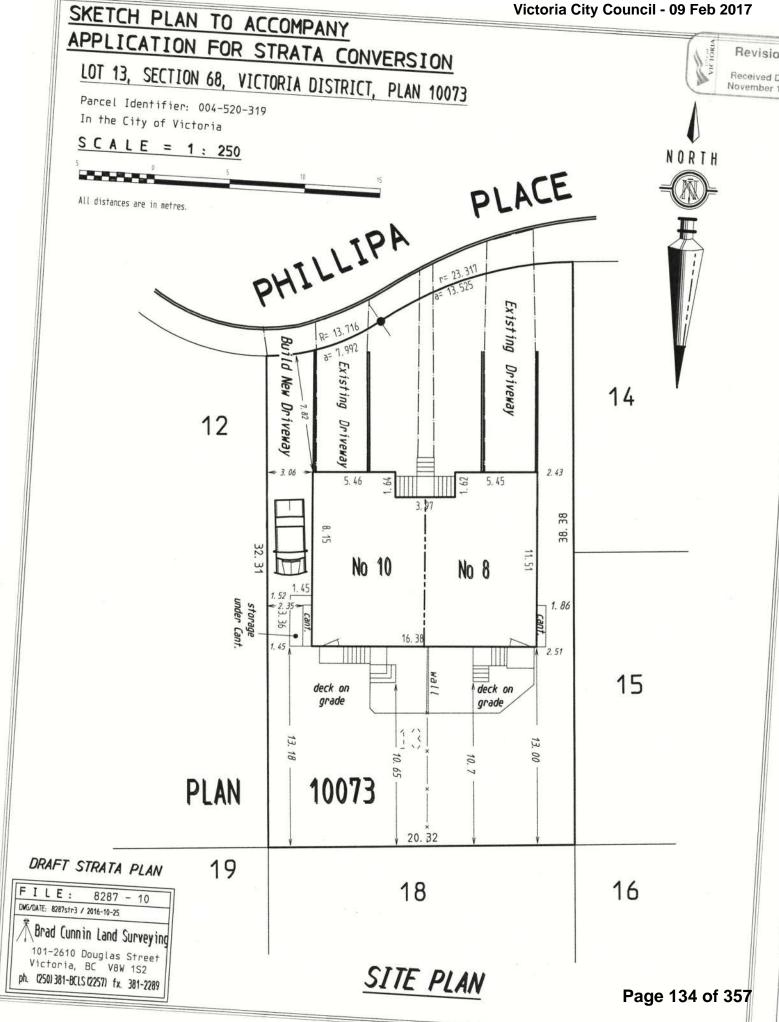
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Proponent had no drawings or other visual presentation to offer, assuming that since no construction is undertaken, such would not be required. Upon questioning, plans were made available. It should be mandated by the City that plans are presented for all applications in order to provide clarity to community members.

George Zador

Planning and Zoning Chair Fairfield Gonzales Community Association 1330 Fairfield Rd. Victoria, BC V8S 5J1 planandzone@fairfieldcommunity.ca www.fairfieldcommunity.ca Facebook



LOWER LEVEL

LEVEL ONE OF TWO LEVELS

SCALE = 1: 250

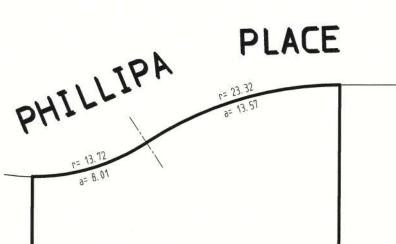
All distances are in metres.

LEGEND

SL - denotes - Strata Lot

PT - denotes - Part

m² - denotes - square metres



PT SL 2

Garage 22.5 m²

PT SL 2

58. 2 m²

7.40

20.32

5. 34

PT SL 1

80.7 m²



NORTH

Victoria City Council - 09 Feb 2017

Received Date: November 18/16

PT SL 1 Storage— 4.7 m²

DRAFT STRATA PLAN

DWG/DATE: 8287STR3/ 2016-10-25

FILE: 8287 - 10

Brad Cunnin Land Surveying

101-2610 Douglas Street Victoria, BC V8W 1S2

ph. 381-BCLS (2257) fx. 381-2289 brad@bcsurveyor. ca

UPPER LEVEL

LEVEL TWO OF TWO LEVELS

SCALE = 1: 250

All distances are in metres.

LEGEND

SL - denotes - Strata Lot

PT - denotes - Part

m² - denotes - square metres

OTB (s) - denotes - Open To Below (Stairs)

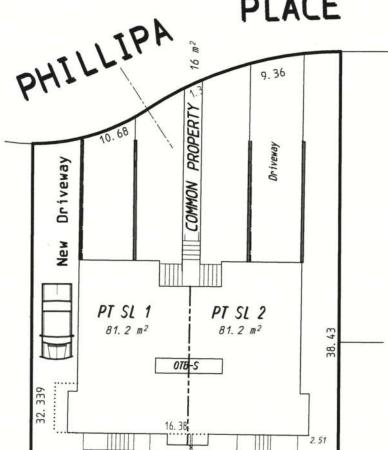
..... - denotes - perimeter of floor below

PLACE

Victoria City Council - 09 Feb 2017

Received Date: November 18/16

NORTH



DRAFT STRATA PLAN

FILE: 8287 - 10

DWG/DATE: 8287STR3/ 2016-10-25

Brad Cunnin Land Surveying

101-2610 Douglas Street Victoria, BC V8T 4M1 ph. 381-BCLS (2257) fx. 381-2289 brad@bcsurveyor. ca

Total Area SL 1 Total Area SL 2

430 m²

deck on

grade

PT SL 1

PYA

260 m²

10.5

440 m²

deck on

PT SL 2

PYA

280 m²

9.8

grade

Page 136 of 357

SITE DATA

Zone = R1-B

Lot Area = 747.6 Sq. M. (8,047 Sq. Ft.) Site Coverage (existing) = 23.5%

Setbacks/Variances

Front = 7.62 M

Side Yard (East) = 1.97 M

Side Yard (West) = 1.45 M

Rear Yard (East) = 10.7 M

Rear Yard (West) = 10.65 M

Parking (East)

Covered = 1

Uncovered = 1

Parking (West)

Uncovered = 2

Floor area - Unit #8

Lower Floor = 55.36 Sq. M. (595.9 Sq. Ft.)

Main Floor = 80.6 Sq. M. (867.75 Sq. Ft.)

Garage Area = 22 Sq. M. (238 Sq. Ft.)

Floor area - Unit #10

Lower Floor = 75 Sq. M. (806.85 Sq. Ft.)

Main Floor = 80.6 Sq. M. (867.75 Sq. Ft.)

Garage Area = 7.37 Sq. M. (79.3 Sq. Ft.)

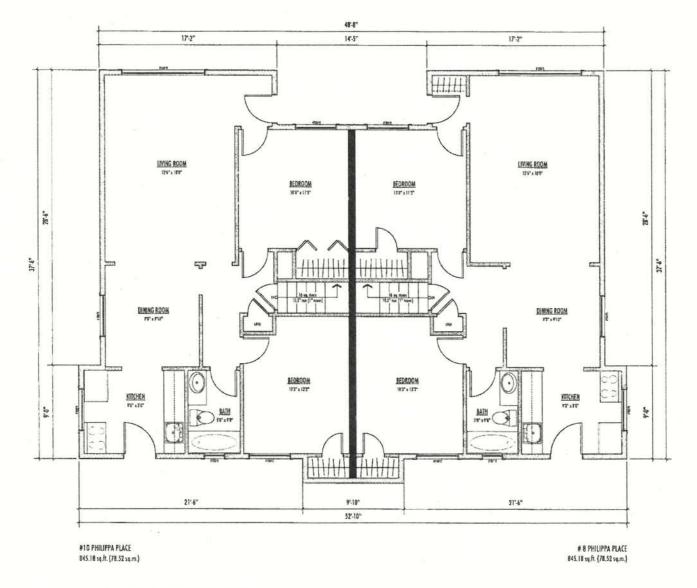
Total Building Floor Area

(With Garages) = 320 sq. M. (3,443.6 Sq. Ft.)

Total Building Floor Area

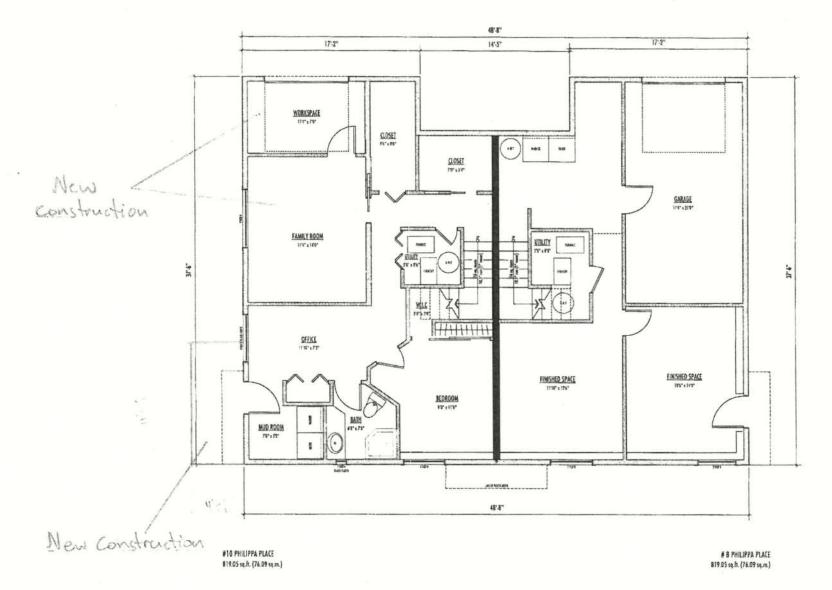
(Without Garages) = 290.4 sq. M. (3,126.25 Sq. Ft.)

Received Date: November 18:16

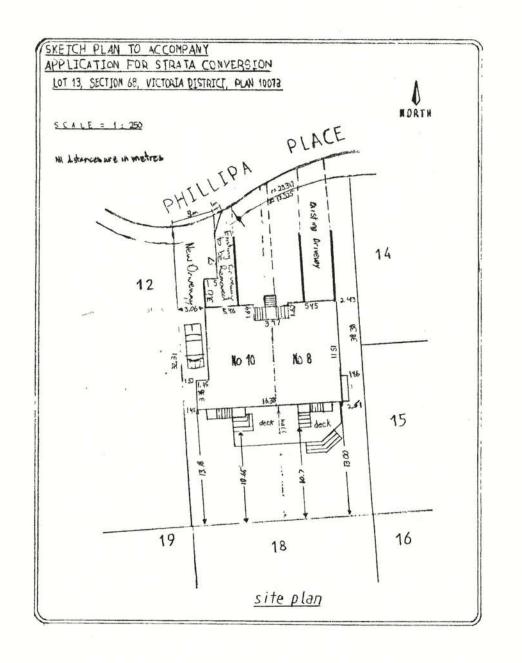


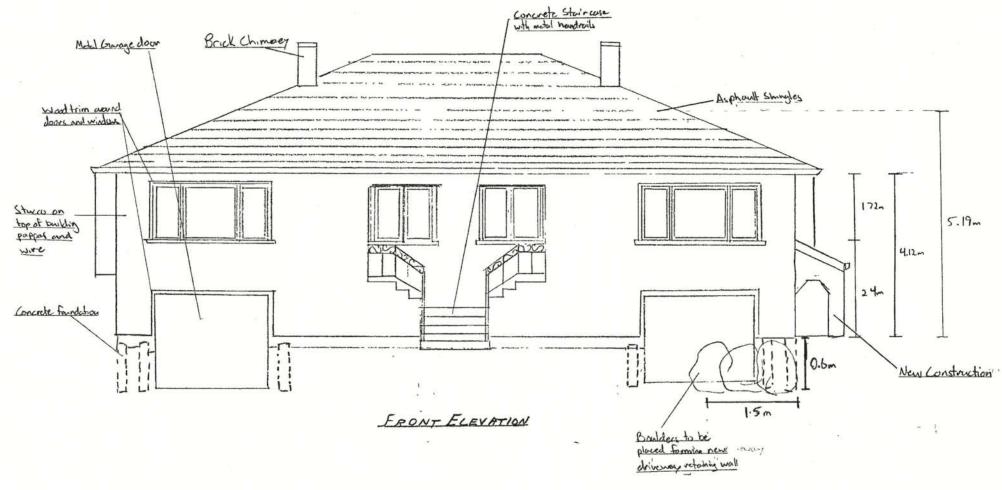


Received Date: November 18:16

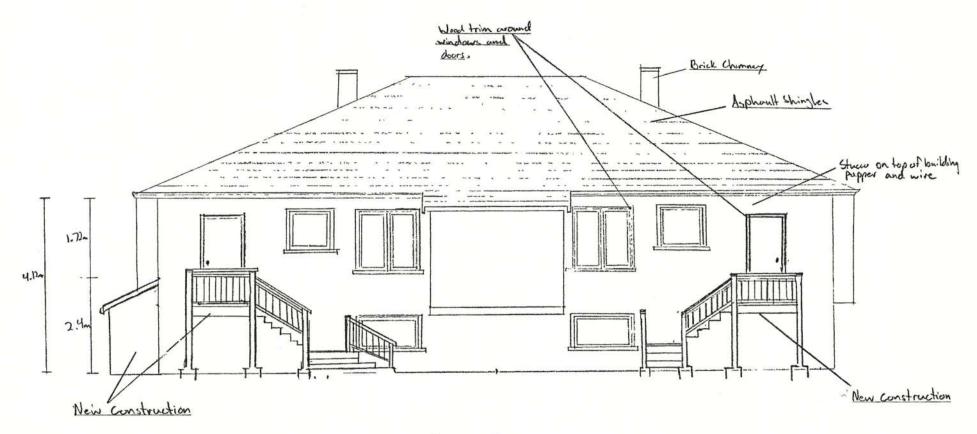


BASEMENT FLOOR PALN 1638.10 sq.ft. (152.18 sq.m.)



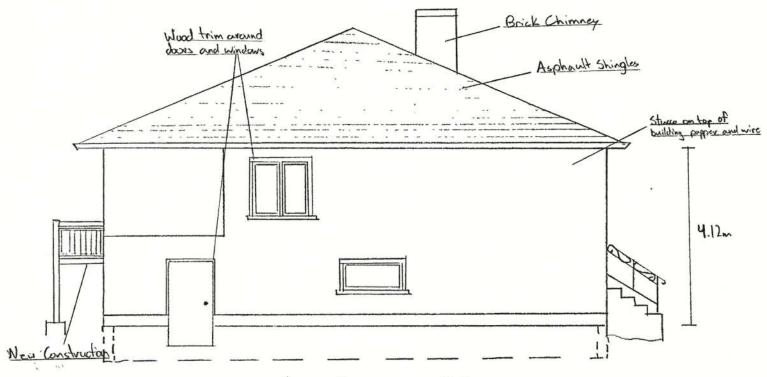




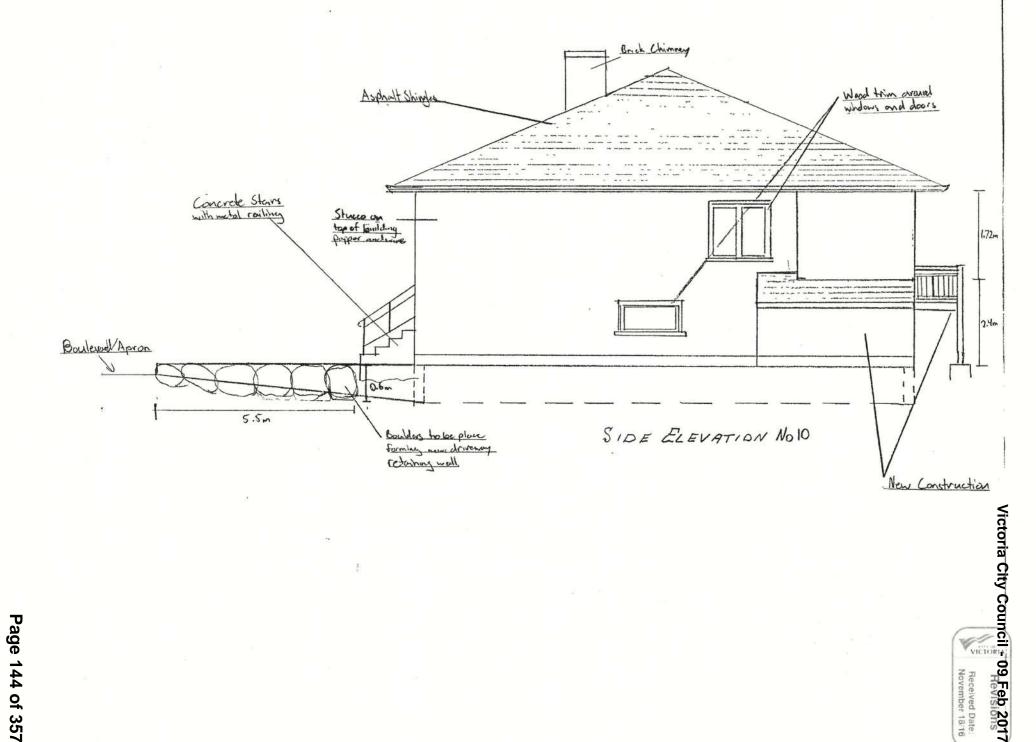


REAR ELEVATION





SIDE ELEVATION NOS



Received Date: November 18/16

Victoria City Councils 09 Feb 2017
Revisions
Received Date:
November 18:16

Received Date: November 18/16

4. Committee of the Whole – January 12, 2017

8. Rezoning Application No. 00504 and Development Permit with Variances Application No. 000489 for 8 & 10 Philippa Place (Fairfield)

Motion:

It was moved by Councillor Madoff, seconded by Councillor Coleman, that Council instruct staff to prepare the necessary Zoning Regulation Amendment Bylaw that would authorize the proposed development outlined in Rezoning Application No.00504 for 8 and 10 Philippa Place, that first and second reading of the Zoning Regulation Amendment bylaw be considered by Council and a Public Hearing date be set by staff.

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. 00504, if it is approved, consider the following motion: "That Council authorize the issuance of Development Permit with Variance Application No. 000489 for 8 and 10 Philippa Place in accordance with:

- 1. Plans date stamped November 18, 2016.
- 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. increase the 1st and 2nd storey combined floor area from 280m² to 310m²
 - ii. reduce the rear yard setback from 12.37m to 10.65m (to stairs)
 - iii. reduce the side yard setback (west) from 3.00m to 1.45m
 - iv. reduce the side yard setback (east) from 2.03m to 1.86m (to cantilever)
 - v. reduce the combined side yards from 4.50m to 3.31 m
- 3. The Development Permit lapsing two years from the date of this resolution."

Carried Unanimously

3.6 Development Permit with Variances Application No. 000489 for 8 & 10 Philippa Place (Fairfield)

Committee received a report dated December 23, 2016, from the Director of Sustainable Planning and Community Development, providing information and recommendations regarding a Development Variance Application to complete work previously done without permit for the property located at 8 and 10 Philippa Place.

Motion:

It was moved by Councillor Alto, seconded by Councillor Coleman, that Council after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00504, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variance Application No. 000489 for 8 and 10 Philippa Place in accordance with:

- 1. Plans date stamped November 18, 2016.
- 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. increase the 1st and 2nd storey combined floor area from 280m2 to 310m2
 - ii. reduce the rear yard setback from 12.37m to 10.65m (to stairs)
 - iii. reduce the side yard setback (west) from 3.00m to 1,45m
 - iv. reduce the side yard setback (east) from 2.03m to 1,86m (to cantilever)
 - v. reduce the combined side yards from 4.50m to 3.31 m
- 3. The Development Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY 16/COTW



Committee of the Whole Report For the Meeting of January 12, 2016

To:

Committee of the Whole

Date:

December 23, 2016

From:

Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject:

Development Permit with Variance Application No. 000489 for 8 & 10

Philippa Place

RECOMMENDATION

That Council after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00504, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variance Application No. 000489 for 8 and 10 Philippa Place in accordance with:

- 1. Plans date stamped November 18, 2016.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. increase the 1st and 2nd storey combined floor area from 280m² to 310m²
 - ii. reduce the rear yard setback from 12.37m to 10.65m (to stairs)
 - iii. reduce the side yard setback (west) from 3.00m to 1.45m
 - iv. reduce the side yard setback (east) from 2.03m to 1.86m (to cantilever)
 - v. reduce the combined side yards from 4.50m to 3.31m
- 3. The Development Permit lapsing two years from the date of this resolution.

LEGISLATIVE AUTHORITY

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *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 Variance Application for the property located at 8 and 10 Philippa Place. The proposal is to retain the existing building and to allow for previous alterations that were completed without permits.

The following points were considered in assessing this application:

- the proposal is consistent with the objectives for sensitive infill in Development Permit Area 15D: Intensive Residential Duplex of the Official Community Plan (OCP) 2012
- the proposal is consistent with policies and design specifications of the *Neighbourliness Guidelines for Duplexes* 1996
- the applicant has registered a Clean Hands Covenant on title to address a number of alterations that have been made to the building without the required permits
- the proposed variances relate to the illegal construction and are required to facilitate the retention of the existing building and to reflect the current conditions. No new construction is proposed with this application.

BACKGROUND

Description of Proposal

The proposal is to retain the existing building and to allow for previous alterations that were completed without permits. The building will remain unchanged and previous alterations done without permit will be legalized as part of this development permit. Specific details include:

- the exterior stucco and wood trim windows are proposed to remain unchanged
- the interior parking stall at 10 Philippa Place was converted to living space and the additional floor area will be legalized with this development permit and subsequent building permit
- a new driveway on the west side of the property will provide the required parking for 10 Philippa Place
- the existing driveway will be partially removed and replaced with a boulder retaining wall and permeable grasscrete surface
- wood decks and exterior stairs have been added to both units and will be legalized with this development permit and subsequent building permit
- a partially enclosed storage area and entryway that matches the existing exterior has been added to the west side of the building and will be legalized with this development permit and subsequent building permit.

Sustainability Features

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

Active Transportation Impacts

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

Public Realm Improvements

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

Existing Site Development and Development Potential

The site is presently a legal non-conforming duplex.

Community Consultation

Consistent with the Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications, the applicant has consulted the Fairfield Gonzales Community Association Land Use Committee at a Community Meeting held on September 21st, 2015. The minutes of this meeting are attached to this report.

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

ANALYSIS

Development Permit Area and Design Guidelines

The Official Community Plan (OCP) identifies this property within Development Permit Area 15D: Intensive Residential – Duplex. The proposal to alter an existing non-conforming duplex, is consistent with the Neighbourliness Guidelines for Duplexes. The proposed improvements are in keeping with the existing building in terms of exterior materials and colour and would contribute to a positive streetscape appearance. Both units are oriented towards the street with covered entrances and windows facing it.

The applicant is proposing a mix of hard and soft landscaping, including brushed concrete and permeable grasscrete surface treatments and a new boulder retaining wall.

Regulatory Considerations

To facilitate the Rezoning Application from the R1-B Zone to the R-2 Zone, five variances are required. The variances are a result of the siting and size of the existing legal non-conforming duplex and reflect the current conditions. The following table summarizes the proposed variances.

Zoning Criteria	Proposed Variance	Zone Standard R-2	
1 st and 2 nd storey floor area (m ²) - maximum	309.22	280.00	
Setbacks (m) - minimum	40.05 (+	40.07	
Rear	10.65 (to stairs)	12.37	
Side (west)	1.45	3.00	
Side (east)	1.86 (to cantilever)	2.03	
Combined Side Yards	3.31	4.50	

CONCLUSIONS

This proposal to alter an existing legal non-conforming duplex is consistent with Development Permit 15D: Intensive Residential – Duplex. The proposed variances would not have a substantial impact on the adjacent properties. Staff recommend that Council consider supporting this application.

ALTERNATE MOTION

That Council decline Development Permit with Variances Application No. 000489 for the property located at 8 and 10 Philippa Place.

Respectfully submitted,

Alec Johnston

Planner

Development Services Division

Jonathan Tinney, Director

Sustainable Planning and Community

Development Department

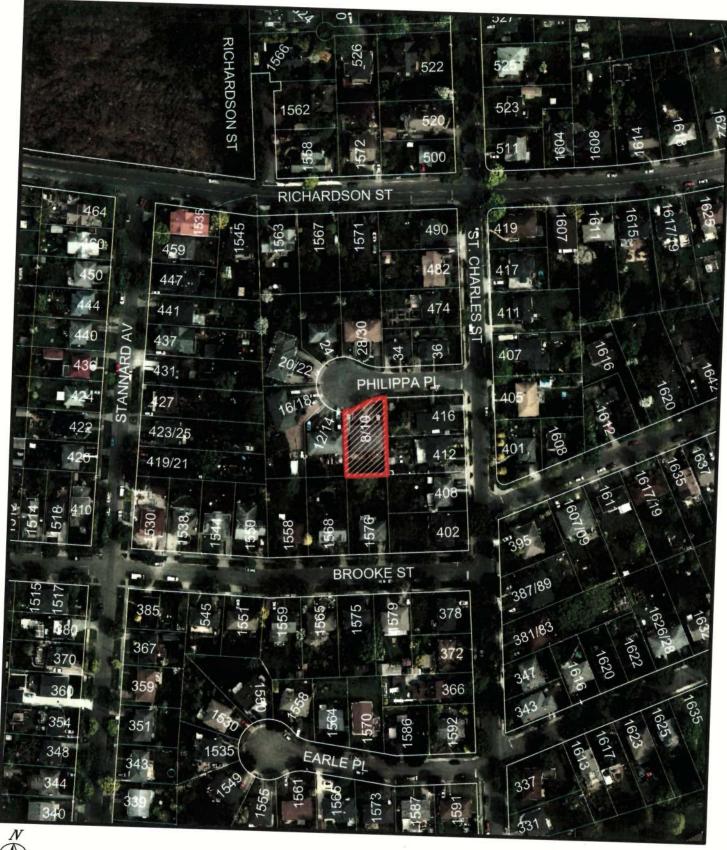
Report accepted and recommended by the City Manager:

Date:

December 30,2016

List of Attachments

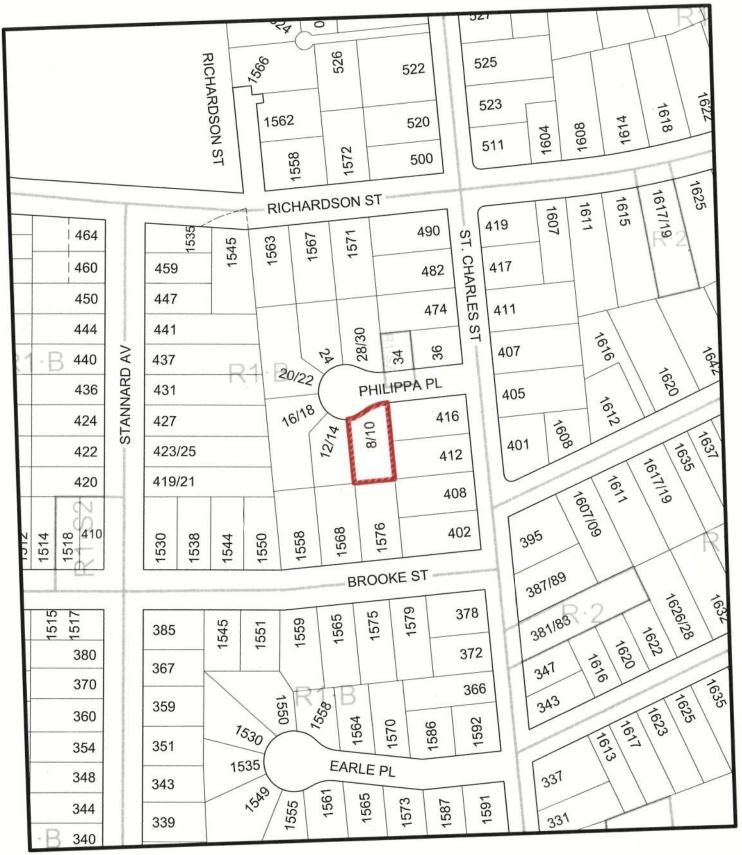
- Aerial Map
- Zoning Map
- Applicant's Letters to Mayor and Council dated October 17, 2016 and November 30, 2015
- Minutes of Community Meeting for the Fairfield-Gonzales Community Association dated September 21, 2015
- Plans date stamped November 18, 2016





8 / 10 Philippa Place Rezoning No.00504







8 / 10 Philippa Place Rezoning No.00504



Received City of Victoria

NOV 1 8 2016

Planning & Development Department Development Services Division

RICK KINNERSLEY dba DOLICARI HOME IMPROVEMENTS

16 Philippa Place Victoria, BC V8S 1S6 250-217-6651

October 17, 2016

To the Mayor and Council 1 Centennial Square Victoria, BC

Dear Sirs/Mesdames:

RE:

8 & 10 Philippa Place, Victoria, BC

(.

PID: 004-520-319, Lot 13, Section 68, Victoria District, Plan 10073

I am acting as agent for John Haveron, owner of the above noted purpose built duplex. I completed a strata conversion of my own purpose built duplex at 16-18 Philippa Place approximately five years ago and did not require the necessity of going through the rezoning process. I understand from the Zoning Administrator that after my own strata conversion the City solicitors instructed them that any future applications would require a rezoning as the use is non-conforming.

Accordingly, I write to request that the above noted duplex be rezoned from an R1B single family dwelling to an R2 two family dwelling so that it can be strata titled.

Philippa Place is a small cul-de-sac off of St. Charles Street between Richardson Street and Fairfield Road. There are currently four single family dwellings and five duplexes in the cul-de-sac. The duplex at 20-22 Philippa was strata titled in the 1990s and as previously mentioned mine at 16-18 Philippa was strata titled in 2011. The single family dwelling at 36 Philippa was re-zoned in 2008 from a R1B Zone into a R1-S2 Zone, Restricted Small Lot (Two Storey) District and a new house was built at 34 Philippa on the lot that was created.

By way of background regarding the duplex in question, John Haveron lives in 8 Philippa and had rented out 10 Philippa when initially planning the strata titling. The tenants were offered an opportunity to purchase the unit if they were so inclined. They however moved away and the unit has remained unoccupied. In anticipation of what I had previously done for my strata conversion, work began on the duplex in approximately November 2013 with a new roof installed, upgrade of main floor party wall and attic to meet the building code (STC and fire) as per architect's specifications, arrangements for sound test, and site surveyor. There are no proposed changes to the existing building.

Prior to John Haveron purchasing 8 & 10 Philippa Place, a door with a roof was put over the side stairwell of 10 Philippa Place which provides cover in the rain for entry into the basement. It does not obstruct any neighbours' views. There was also a conversation of the indoor garage into a storage/TV room with new electrical work at 10 Philippa Place prior to Mr. Haveron's purchase for which an electrician has now applied for a permit and certified to be up to required standards. After purchasing the duplex he had two decks built in the back yard on each side of the duplex - at 8 Philippa Place there are three steps leading up to the deck and at 10 Philippa Place the deck is on ground level. They do not intrude on any neighbours' privacy however they are closer to the back fence than the setbacks allow. The front of the duplex has not been altered and conforms with the other duplexes on the cul-de-sac. A Section 215 Clean Hands Covenant has been registered in the Victoria Land Title Office against the title to 8 and 10 Philippa Place with respect to these alterations.

The proposal does conform to the Official Community Plan. The building does not have heritage status.

The economic benefits to the City will be that they will receive further property tax revenues. It also provides for affordable housing in the Fairfield neighbourhood, a sought after area in the City as it is close to the ocean and downtown making a commute to work by bicycle an environmental benefit. The location is very walkable so most errands can be accomplished on foot.

The rezoning would have no effect on the immediate neighbours as it will be sold and the noise and activity levels should remain the same as when tenants lived in it previously.

There are adequate public infrastructure and no trees were removed.

There is ample parking space both on and off the property for both sides of this duplex. The only issue of parking that has come up is as set out in the Minutes of the Community Meeting held September 21, 2015. The tenant residing in the duplex at 12 Philippa complains about parking because he does not have enough room to park his vehicle in his own driveway as he has a defunct vehicle (which has now been removed) and boat parked in it. There is ample room for friends and family to park on the cul-de-sac entrance near St. Charles Street.

Thank you for your consideration.

Rick Kinnersley, Applicant

John James Haveron, Registered Owner

RICK KINNERSLEY dba DOLICARI HOME IMPROVEMENTS

16 Philippa Place Victoria, BC V8S 1S6 250-217-6651

November 30, 2015

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Thank you for your consideration.

Rick Kinnersley, Applicant

John James Haveron, Régistered Owner

Minutes of Community Meeting Planning and Zoning Committee Fairfield-Gonzales Community Association (FGCA) Sept. 21, 2015

Facilitators for the FGCA: George Zador, (Chair)

Susan Snell Ken Roueche

Subject property: 8 – 10 Philippa Place, application for strata conversion

Proponent/owner: Rick Kinnersley

89 notices sent

No construction, except a new driveway entrance to be cut in.

Existing non-conforming duplex, to be strata titled.

Attendance: 2 people.

Attendee Questions and Comments:

· Question if similar conversions exist in Philippa Place....answer: yes, two others

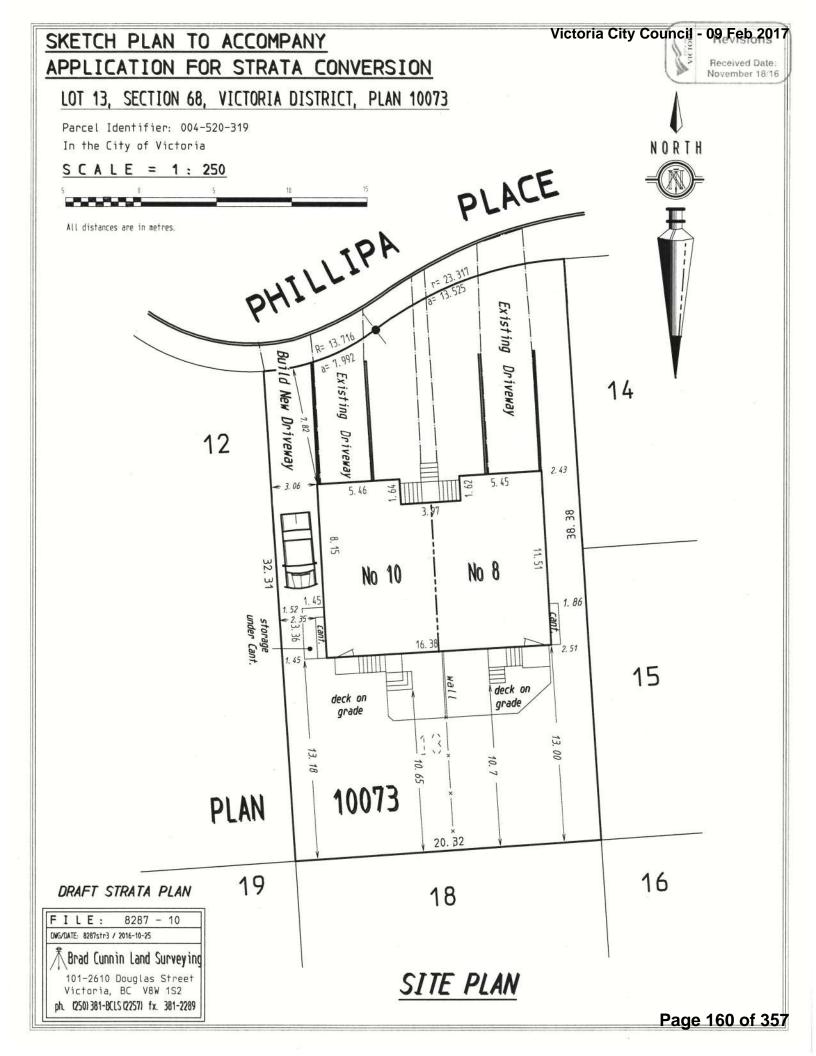
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George Zador

Planning and Zoning Chair
Fairfield Gonzales Community Association
1330 Fairfield Rd. Victoria, BC V8S 5J1
planandzone@fairfieldcommunity.ca
www.fairfieldcommunity.ca
Facebook



LOWER LEVEL

LEVEL ONE OF TWO LEVELS

SCALE = 1: 250

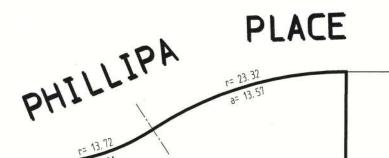
All distances are in metres.

LEGEND

SL - denotes - Strata Lot

PT - denotes - Part

m² - denotes - square metres



PT SL 2

Garage 22.5 m²

PT SL 2

58.2 m²

7.40

38.



NORTH

Victoria City Council - 09 Feb 2017

Received Date:

November 18/16

PT SL 1
Storage
4.7 m²

F PT SL 1

80.7 m²

7.36

20.32

DRAFT STRATA PLAN

F I L E: 8287 - 10

₹Brad Cunnin Land Surveying

101-2610 Douglas Street Victoria, BC V8W 1S2 ph. 381-BCLS(2257) fx. 381-2289 brad@bcsurveyor.ca

Received Date:

November 18/16

NORTH

UPPER LEVEL

LEVEL TWO OF TWO LEVELS

SCALE = 1: 250

All distances are in metres.

LEGEND

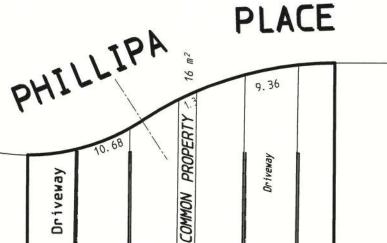
SL - denotes - Strata Lot

PT - denotes - Part

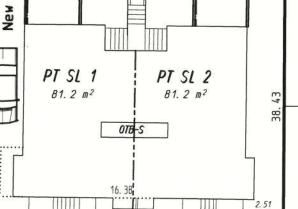
m' - denotes - square metres

OTB (s) - denotes - Open To Below (Stairs)

..... - denotes - perimeter of floor below







grade PT SL 1 PYA

260 m²

10.5

deck on

32.

PT SL 2

deck on

grade

PYA 280 m²

9.8

DRAFT STRATA PLAN

FILE: 8287 - 10 DWG/DATE: 8287STR3/ 2016-10-25

Brad Cunnin Land Surveying

101-2610 Douglas Street Victoria, BC V8T 4M1 ph. 381-BCLS (2257) fx. 381-2289 brad@bcsurveyor. ca

Total Area SL 1 Total Area SL 2

430 m²

440 m²

SITE DATA

Zone = R1-B

Lot Area = 747.6 Sq. M. (8,047 Sq. Ft.) Site Coverage (existing) = 23.5%

Setbacks/Variances

Front = 7.62 M

Side Yard (East) = 1.97 M

Side Yard (West) = 1.45 M

Rear Yard (East) = 10.7 M

Rear Yard (West) = 10.65 M

Parking (East)

Covered = 1

Uncovered = 1

Parking (West)

Uncovered = 2

Floor area – Unit #8

Lower Floor = 55.36 Sq. M. (595.9 Sq. Ft.)

Main Floor = 80.6 Sq. M. (867.75 Sq. Ft.)

Garage Area = 22 Sq. M. (238 Sq. Ft.)

Floor area - Unit #10

Lower Floor = 75 Sq. M. (806.85 Sq. Ft.)

Main Floor = 80.6 Sq. M. (867.75 Sq. Ft.)

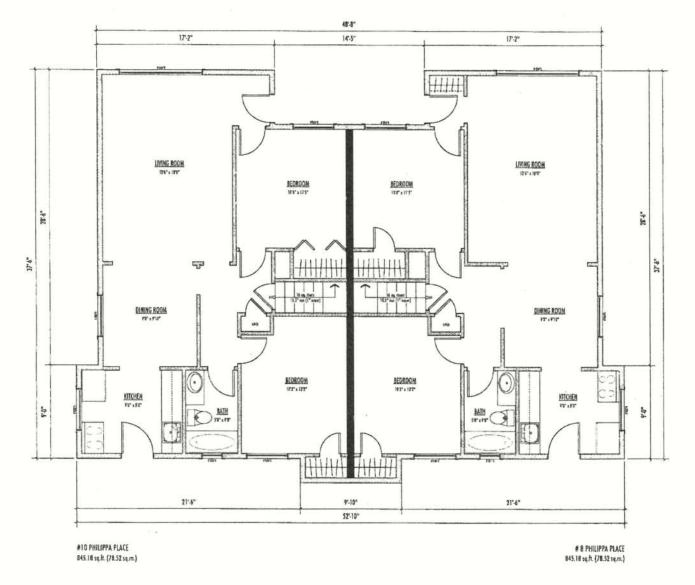
Garage Area = 7.37 Sq. M. (79.3 Sq. Ft.)

Total Building Floor Area

(With Garages) = 320 sq. M. (3,443.6 Sq. Ft.)

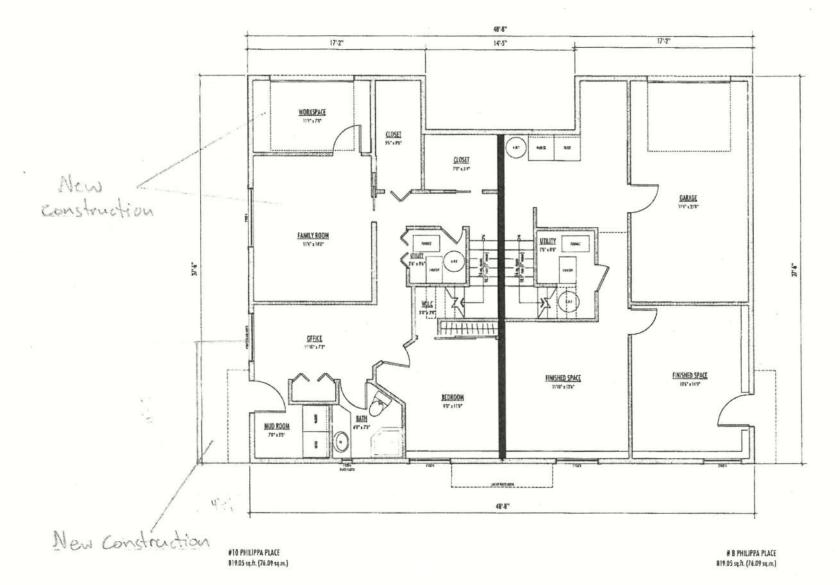
Total Building Floor Area

(Without Garages) = 290.4 sq. M. (3,126.25 Sq. Ft.)



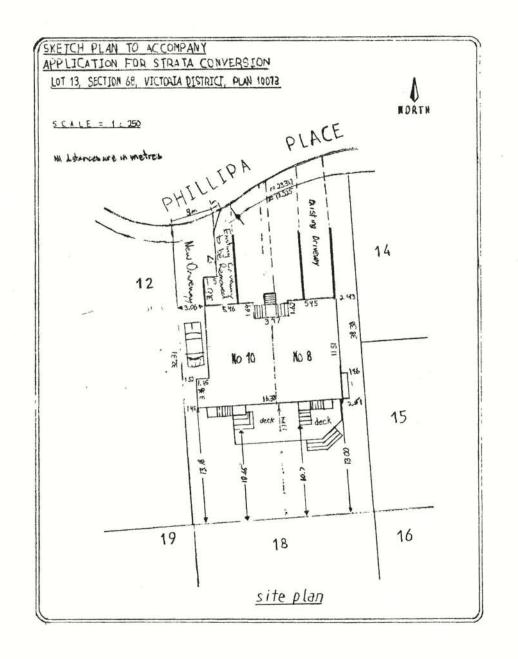


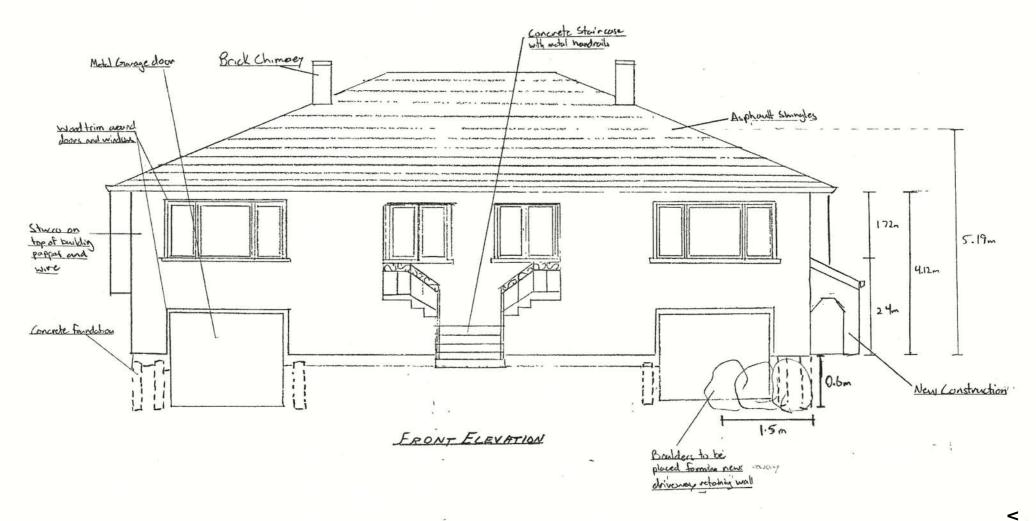
Received Date: November 18/16



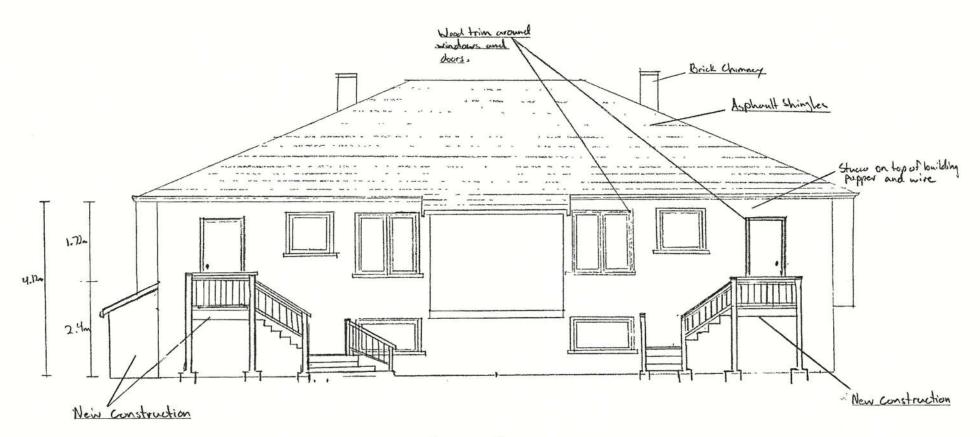
BASEMENT FLOOR PALN

1638.10 sq.ft. (152.18 sq.m.)



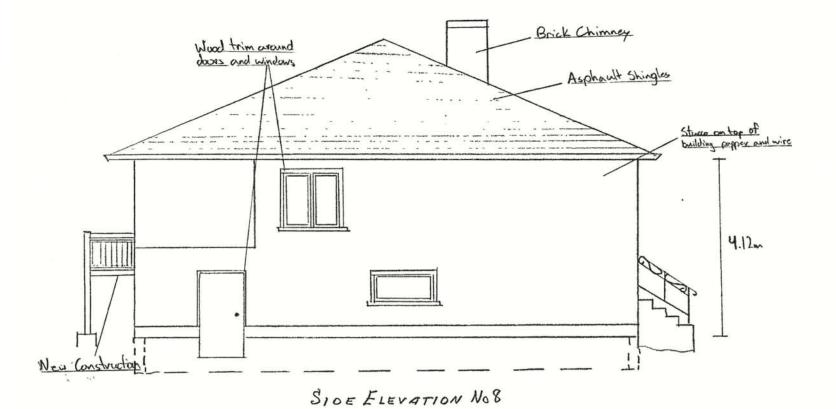


Victoria City Councik - 09 Feb 2017
Received Date:
November 18:16

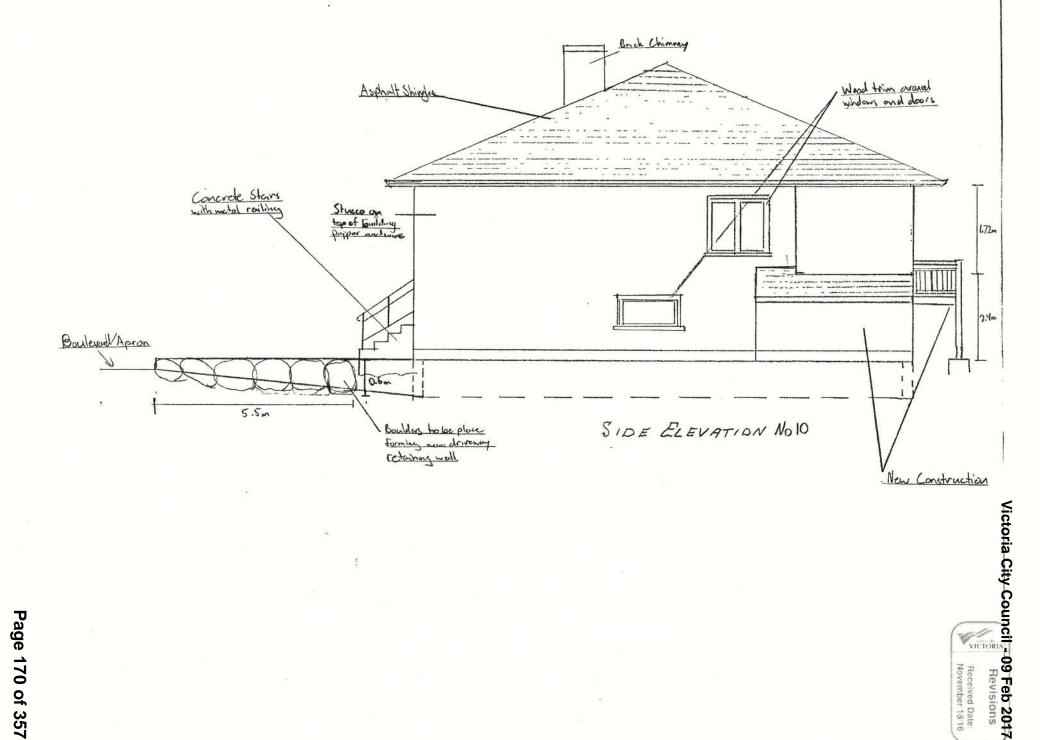


REAR ELEVATION





Victoria City Council 7 09 Feb 2017
Revisions
Received Date:
November 18/16



Received Date: November 18/16

NO. 17-014

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw to rezone land known as 8 and 10 Philippa Place from the R1-B Zone, Single Family Dwelling District to the R-2 Zone, Two Family Dwelling District.

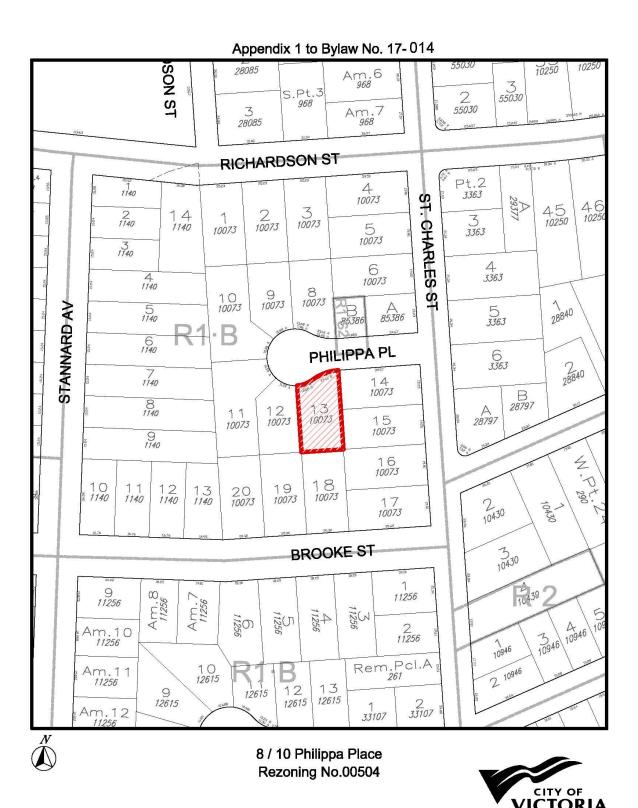
The Council of The Corporation of the City of Victoria enacts the following provisions:

- 1 This Bylaw may be cited as the "ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1084)".
- The land known as 8 and 10 Philippa Place, legally described as Lot 13, Section 68, Victoria District, Plan 10073 and shown hatched on the attached map, is removed from the R1-B Zone, Single Family Dwelling District, and placed in the R-2 Zone, Two Family Dwelling District.

READ A FIRST TIME the	26 th	day of	January	2017
READ A SECOND TIME the	26 th	day of	January	2017
Public hearing held on the		day of		2017
READ A THIRD TIME the		day of		2017
ADOPTED on the		day of		2017

CITY CLERK

MAYOR



4. Committee of the Whole – January 12, 2017

9. Development Permit with Variance No. 00019 for 1040 Alston Street (Vic West)

<u> Motion:</u>

It was moved by Councillor Coleman, seconded by Councillor Alto, that Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion: "That Council authorize the issuance of Development Permit with Variance Application No. 00019 for 1040 Alston Street, in accordance with:

- 1. Plans date stamped December 20, 2016.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance: i. reduce the rear yard setback from 6.00m to 3.18m (to deck stairs);
- 3. The Development Permit lapsing two years from the date of this resolution."

Carried Unanimously

3.7 Development Permit with Variances No. 00019 for 1040 Alston Street (Vic West)

Committee received a report dated December 30, 2016, from the Director of Sustainable Planning and Community Development, providing information and recommendations regarding a Development Permit with Variances Application to extend a rear deck and to allow for previous alterations that were completed without permit at the property located at 1040 Alston Street.

Motion:

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

"That Council authorize the issuance of Development Permit with Variance Application No. 00019 for 1040 Alston Street, in accordance with:

- 1. Plans date stamped December 20, 2016.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the rear yard setback from 6.00m to 3.18m (to deck stairs);
- 3. The Development Permit lapsing two years from the date of this resolution.

CARRIED UNANIMOUSLY 16/COTW



Committee of the Whole Report For the Meeting of January 12, 2016

To:

Committee of the Whole

Date:

December 30, 2016

From:

Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject:

Development Permit with Variance Application No. 00019 for 1040 Alston

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 Permit with Variance Application No. 00019 for 1040 Alston Street, in accordance with:

- 1. Plans date stamped December 20, 2016.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the rear yard setback from 6.00m to 3.18m (to deck stairs);
- 3. The Development Permit lapsing two years from the date of this resolution.

LEGISLATIVE AUTHORITY

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *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 Variance Application for the property located at 1040 Alston Street. The proposal is to extend a rear deck and to allow for previous alterations that were completed without permits. The variance is related to reducing the rear yard setback.

The following points were considered in assessing this application:

- the proposal is consistent with the objectives of Development Permit Area 15A: Intensive Residential – Small Lot of the Official Community Plan (OCP) 2012
- the proposal is consistent with the Small Lot House Design Guidelines 2002
- the applicant has registered a Clean Hands Covenant on title to address the alterations that have been made to the building without the required permits
- the proposed variance relates to the illegal construction of rear yard exterior stairs and is required to facilitate the retention of these stairs. The extension of the rear deck is the only new construction proposed with this application.

BACKGROUND

Description of Proposal

The proposal is to extend a rear deck and to allow for previous alterations that were completed without permits to be retained. Specific details include:

- a variance was granted on July 12, 2001 reducing the rear yard setback from 6.00m to 4.70m to accommodate a deck, which is now being proposed to be expanded slightly, but not within the rear yard setback
- wood stairs and landing to access the rear yard have been added to the deck without permits and will be legalized with this development permit and subsequent building permit
- there are no proposed changes to the exterior of the building other than the replacement and minor extension of the rear yard deck.

The proposed variances are related to reducing the rear yard setback from 6.00m to 3.18m (to accommodate existing stairs)

Sustainability Features

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

Active Transportation Impacts

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

Public Realm Improvements

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

Existing Site Development and Development Potential

The site is presently a small lot single-family dwelling.

Data Table

The following data table compares the proposal with the existing R1-S2 Zone, Restricted Small Lot (Two Storey) District. An asterisk is used to identify where the proposal is less stringent than the existing zone. A double asterisk is used to identify existing legal non-conformities.

Zoning Criteria	Proposal	Zone Standard R1-S2	
Site area (m²) - minimum	271.66	260.00	
Lot width (m) - minimum	13.07	10.00	
Site coverage % - maximum	35.60	40.00	
Setbacks (m) - minimum			
Front	6.00	6.00	
Rear	3.18* (to deck stairs) 4.78**(to deck)	6.00	
Side (north)	1.50	1.50	
Side (south)	1.50 (to cantilever), 2.02 (to deck)	1.50	
Parking - minimum	1	1	

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on December 29, 2016 the application was referred for a 30-day comment period to the Victoria West 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

Development Permit Area and Design Guidelines

The Official Community Plan (OCP) identifies this property within Development Permit Area 15A: Intensive Residential – Small Lot, which encourages infill development that is compatible with the surrounding neighbourhood. The proposal will have no impact on the existing streetscape character and will not adversely impact adjacent properties. The Small Lot House Design Guidelines encourage the use of landscaping to increase the visual separation between residences. Existing mature landscaping along the perimeter of the subject property ensures the proposed deck expansion and existing stairs do not negatively impact the adjacent properties' privacy.

Other Considerations

Clean Hands Policy Compliance

The Clean Hands Policy for Planning Approvals is in place to deal with situations on properties where there is a development application which requires Council's approval and where there is evidence of illegal construction. In this case, exterior stairs were added to the rear deck of the house without permits. The applicant has registered a Clean Hands Covenant on title to address the illegal construction pending the outcome of this Development Permit with Variance Application.

CONCLUSIONS

This proposal to extend the rear yard deck and reduce the rear yard setback is consistent with Development Permit 15A: Intensive Residential – Small Lot. The proposed variance will not have a substantial impact on the adjacent properties. Staff recommend that Council consider supporting this application.

ALTERNATE MOTION

That Council decline Development Permit with Variance Application No. 00019 for the property located at 1040 Alston Street.

Respectfully submitted,

Alec Johnston

Planner

Development Services Division

Jonathan Tinney, Director

Sustainable Planning and Community

Development Department

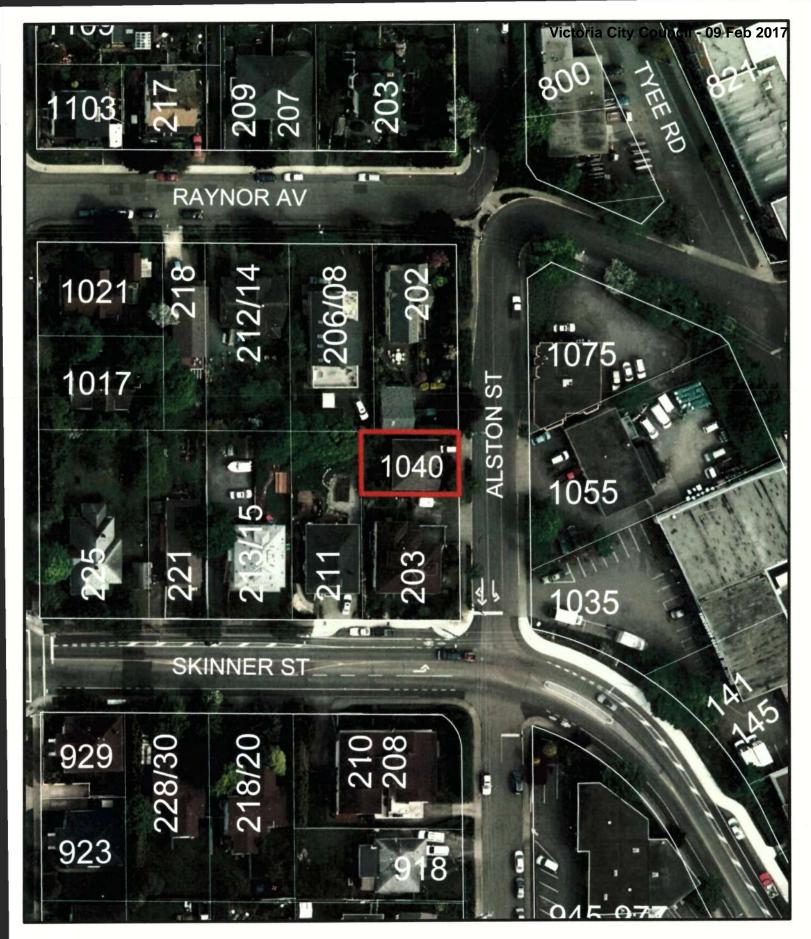
Report accepted and recommended by the City Manager:

Date:

te: January 4, 2

List of Attachments

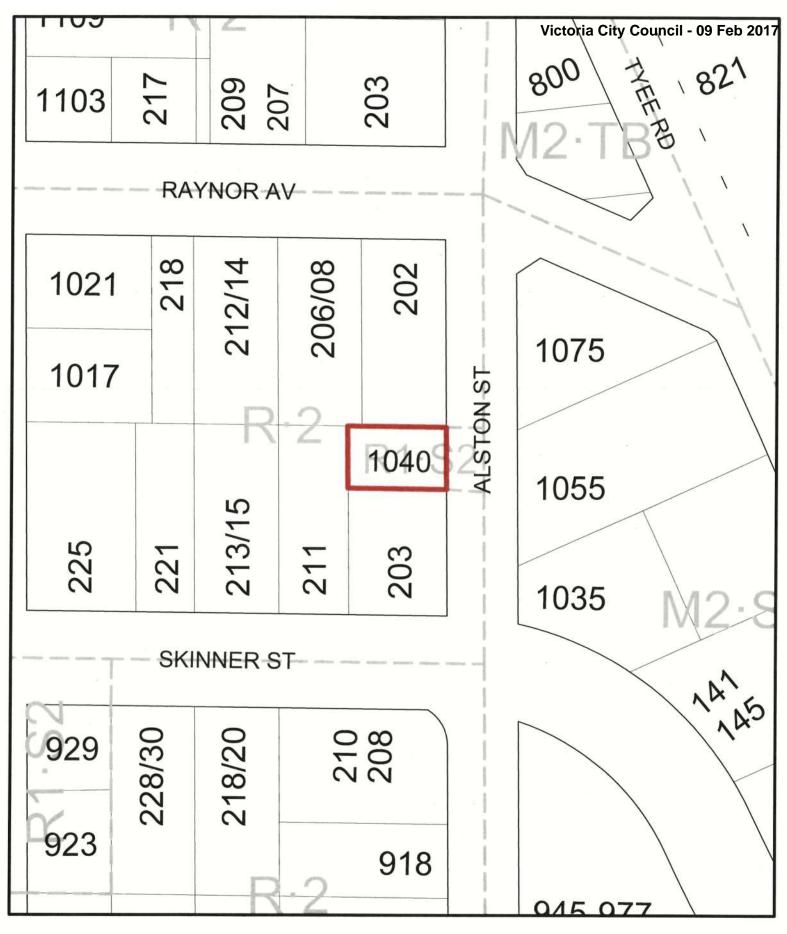
- Aerial Map
- Zoning Map
- Applicant's letter to Mayor and Council dated November 8, 2016
- Neighbourhood Correspondence
- Site Plan date stamped December 21, 2016





1040 Alston Street
Development Permit with Variance #00019

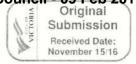






1040 Alston Street
Development Permit with Variance #00019





City of Victoria 1 Centennial Square Victoria, BC, V8W 1P6 November 8, 2016

To: Mayor and Council

Re: Clarification of Recital C in Restrictive Covenant on 1040 Alston Street

I have signed and registered a restrictive covenant on my property as required by City Planners. Recital C states I constructed unlawful improvements (a staircase) without obtaining a development permit, but that does not accurately reflect the situation.

In 2002 I purchased the property at 1040 Alston Street. When I bought this house, a staircase was attached to the rear balcony/deck. This is confirmed in a physical inspection report.

The house was new and the builder signed a Property Disclosure Statement that a final building inspection had been approved, final occupancy permit obtained and that no additions or alterations had been made without a required permit.

Since buying the house I have modified the existing stairs by changing the direction of the lower half of the staircase to better access the garden. I did this in good faith, assuming there were no outstanding issues.

Last year it became evident that the balcony/deck joists were rotting because of poor construction and no water guarding. It was during a conversation with City Planners about my application for a minor development permit to replace those joists, that I learned the City had no record of a permit for the staircase. (The balcony/deck is legal non-conforming.)

In summary, to clarify the information in Recital C, I did not create this situation, I inherited it, and I am now trying to correct it.

Jane Baigent

1040 Alston Street

Victoria, BC V9A 7P6 25 September 2016

LETTER OF SUPPORT

Re

1040 Alston Street

To the Planning Department of the City of Victoria, And to Mayor and Council:

Please accept this letter as support of the proposed construction and repair of the back deck/stairway at 1040 Alston Street.

We own the property west of (to the rear of) 1040 Alston Street. We understand Jane is applying to the City for permits necessary to repair the deck in her back garden. We understand the existing staircase and the two new supporting posts for the existing deck would be in the rear setback of her property. There are trees, landscaping, and a fence between our properties, which obscure the deck and staircase. We have no objections to this project.

I can be reached directly a for any additional information.

Sincerely.

Megan Parrish Homeowner 211 Skinner Street Victoria, BC V9A 3B2 To the Planning Department of the City of Victoria, and to Mayor and Council.

We own the property north of 1040 Alston Street. We understand Jane Baigent is applying to the City for pe mits necessary to repair the deck in the back garden of her property. We understand the existing staircase and the two new supporting posts for the existing deck would be in the rear setback of the property. There are trees, landscaping, and a workshop between our properties which obscure most of the deck and staircase. We have no objections to this project.

Signad

Lars Forss

Rosemary Mueller

Date: 2016 09 26

September 26, 2016

To the Planning Department of the City of Victoria, and to Mayor and Council:

We own the property south of 1040 Alston Street. We understand Jane is applying to the City for permits necessary to repair the rear deck. We understand the existing staircase and the two new supporting posts for the existing deck would be in the rear setback of the property. There are trees, landscaping and a fence between our properties which obscure the deck and staircase. We have no concerns with the existing structure or any objections to this project.

Sincerely.

Maggie and Jessica Cross

September 30, 2016

To the Planning Department of the City of Victoria, and to Mayor and Council:

We own the property northwest of 1040 Aiston Street.

We understand Jane Baigent is applying to the City for permits necessary to repair the deck in the back garden of her property. We understand the existing staircase and the two new supporting posts for the existing deck would be in the rear setback of her property. In regards to the sight-lines, there are trees, landscaping, and a neighbour's workshop which obscure our view of the deck and staircase.

We have no objections to this project.

Sincerely,

Chris and Margaret Emslie

208 Raynor Ave Victoria, BC

V9A3A2

To the Permits and Inspections Department, and to the Mayor and City Council of Victoria BC.

We own the property at 206 Raynor Ave. Jane Baigent of 1040 Alston Street has informed us that she is applying to the City for permits necessary to repair the deck in her back yard, and that the existing staircase and the two new supporting posts for the existing deck would be in the rear setback of the property. The area being worked on is not visible from our property, but regardless of whether it would be visible, we have no objections to this project.

Signed:

Daled: Sept-inher 26, 2016

for Julie Dery and Fred Kohler

206 Raynor Ave

Victoria, BC V9A 3A2

4. Committee of the Whole – January 12, 2017

10. <u>Development Permit with Variances No. 00018 for 1961 Douglas Street (Downtown)</u>

<u> Motion:</u>

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

"That Council authorize the issuance of Development Permit Application No. 00018 for 1961 Douglas Street, in accordance with:

- 1. Plans date stamped October 26, 2016.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - Section 5.1.11 setback from rear (south) lot boundary reduced from 7.50m to 0.00m;
 - ii. Schedule C, Section 5 (1) Off-street parking requirement reduced from 50 stalls to 48 stalls (a reduction from 49 to 48 stalls was previously approved).
- 3. The Development Permit lapsing two years from the date of this resolution
- 4. Registration of a covenant securing an additional parking space across the street at 722/726/732 Discovery Street."

Carried Unanimously

3.8 Development Permit with Variances No. 00018 for 1961 Douglas Street (Downtown)

Committee received a report dated December 30, 2016, from the Director of Sustainable Planning and Community Development, providing information and recommendations regarding a Development Permit Application to add a single suite on the roof of the hotel located at 1961 Douglas Street.

Motion:

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

"That Council authorize the issuance of Development Permit Application No. 00018 for 1961 Douglas Street, in accordance with:

- 1. Plans date stamped October 26, 2016.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - Section 5.1.11 setback from rear (south) lot boundary reduced from 7.50m to 0.00m;
 - Schedule C, Section 5 (1) Off-street parking requirement reduced from 50 stalls to 48 stalls (a reduction from 49 to 48 stalls was previously approved).
- The Development Permit lapsing two years from the date of this resolution
- 4. Registration of a covenant securing an additional parking space across the street at 722/726/732 Discovery Street."

CARRIED UNANIMOUSLY 16/COTW



Committee of the Whole Report For the Meeting of January 12, 2016

To:

Committee of the Whole

Date:

December 30, 2016

From:

Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject:

Development Permit with Variances Application # 00018 for 1961 Douglas

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 Permit Application No. 00018 for 1961 Douglas Street, in accordance with:

- 1. Plans date stamped October 26, 2016.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - Section 5.1.11 setback from rear (south) lot boundary reduced from 7.50m to 0.00m:
 - ii. Schedule C, Section 5 (1) Off-street parking requirement reduced from 50 stalls to 48 stalls (a reduction from 49 to 48 stalls was previously approved).
- 3. The Development Permit lapsing two years from the date of this resolution
- 4. Registration of a covenant securing an additional parking space across the street at 722/726/732 Discovery Street."

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 revitalization of an area in which a commercial use is permitted, 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 Application for the property located at 1961 Douglas Street. The proposal is to add a single suite on the roof of the south side of the hotel building.

The following points were considered in assessing these applications:

- the proposal is consistent with the Official Community Plan, 2012 objective of revitalizing commercial uses along corridors and the Downtown Core Area Plan, 2011, policy encouraging high architectural quality
- the requested variances related to the rear building setback and a reduction the offstreet parking requirement of one space are acceptable in this location.

BACKGROUND

Description of Proposal

The proposal is for an addition of a single suite to the roof top of the hotel building. Specific details include:

- adding 136.4m² of floor space on the roof top of the building
- suite includes two bedrooms and a private patio
- materials include composite panels, glass block, metal flashing and aluminium window system.

The proposed variances are related to:

- the addition triggers a variance for south (rear) setback which is at the lot line and is non-conforming under the existing T-1 Zone, Limited Transient Accommodation District
- the addition of one hotel room triggers the requirement for one additional on-site parking space.

Sustainability Features

As indicated in the applicant's letter dated October 24, 2016, the proposed addition is too small to qualify for LEED accreditation; however, the proposed addition supports building retention and reuse, and minimizes the impact on existing resources taking advantage of existing infrastructure.

Active Transportation Impacts

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

Public Realm Improvements

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

Existing Site Development and Development Potential

The site is presently occupied by the hotel with associated parking accessed from Caledonia Avenue as well as spaces under the building.

The property is in the T-1 Zone, Limited Transient Accommodation District, which permits hotels and associated uses. The building is legal but non-conforming with respect to its site coverage, open site space, as well as, north and west setbacks.

Relevant History

On June 12, 2014, Council approved a Development Permit with Variances application for the replacement of a nightclub on the main floor at the east end of the building with 10 hotel rooms. The variance relaxed the off-street parking requirement from 49 stalls (legal non-conforming) to 48 stalls.

On May 15, 2015, Council approved a Development Permit with Variances application for the construction of a small addition to the hotel to create new office space and convert an existing office to a hotel room. The variances approved were related to site coverage, landscaping, front yard setbacks and parking.

Community Consultation

Consistent with the Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications, on November 3, 2016, the Application was referred for a 30-day comment period to the Burnside-Gorge 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

Development Permit Area and Design Guidelines

The Official Community Plan (OCP) identifies this property within DPA 7A, Corridors.

The Development Permit Area enables Council to review and approve the character of commercial, industrial and multi-family residential developments. The objectives of the designation include revitalization of commercial uses along corridors. The proposed exterior change will add visual interest and colour to the appearance of the building on its west and south elevations.

The requested variance for rear yard setback are due to the siting of the existing hotel. The requested off-street parking reduction of one space is acceptable in this location.

Local Area Plans

The proposal is within the Core Employment Place Designation of the Official Community Plan, 2012 and is consistent with this Urban Place Guidelines, as well as, the Downtown Core Area Plan, 2011 place character features including: "Encourage the use of high quality finishing materials with detailed architectural quality".

Regulatory Considerations

The impact of the proposed variances will be minimal and to mitigate the parking reduction the

applicant has offered to register a covenant on the neighbouring property to secure and additional parking space for use of the hotel.

CONCLUSIONS

The proposal is consistent with the *Official Community Plan, 2012* objective of revitalizing commercial uses along corridors and the *Downtown Core Area Plan, 2011* policy encouraging high architectural quality. The requested rear building setback and parking variances are acceptable in this area. Staff are able to recommend that Council give consideration to supporting this proposal and advancing the Development Permit with Variances Application to an opportunity for public comment.

ALTERNATE MOTION

That Council decline the DP Application with Variances No. 00018 for the property located at 1961 Douglas Street.

Respectfully submitted,

Brian Sikstrom Senior Planner

Development Services Division

Jonathan Tinney, Director

Sustainable Planning and Community

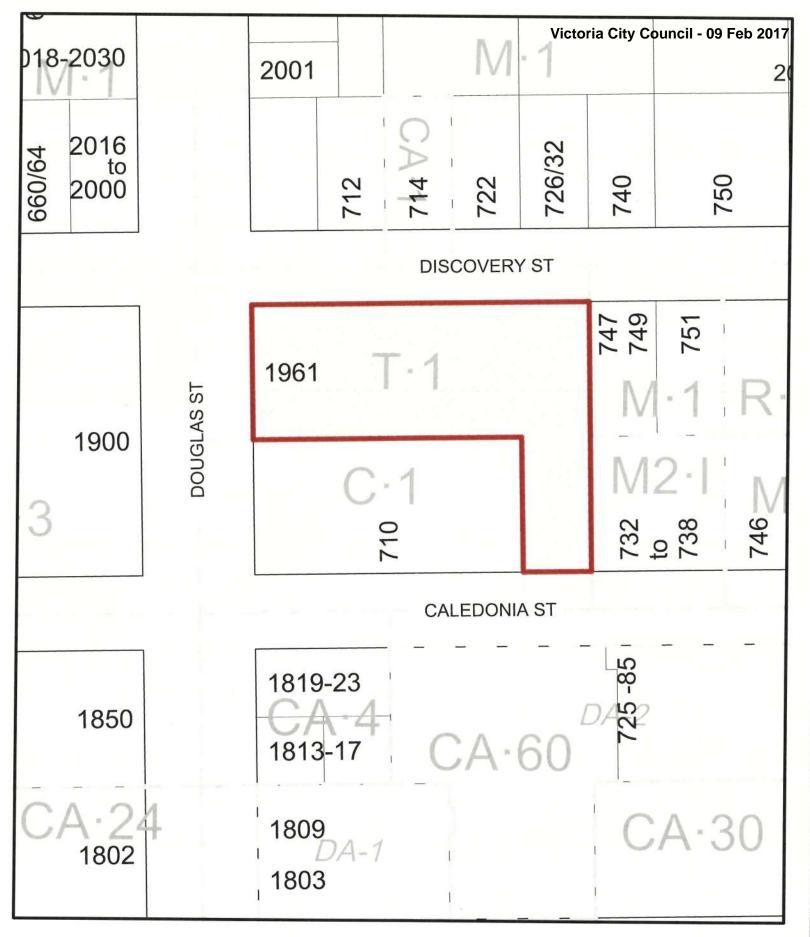
Development Department

Report accepted and recommended by the City Manager:

Date:

List of Attachments:

- Zoning map
- Aerial map
- Letters from applicant dated October 24, and November 30, 2016.
- Plans dated October 26, 2016.





1961 Douglas Street
Development Permit with Variance #00018







1961 Douglas Street
Development Permit with Variance #00018





Robert Rocheleau, Architect AIBC

401-1245 Esquimalt Road, Victoria, BC V9A 3P2
Tel: (250) 475-2702 • Fax: (250) 475-2701
robert.rocheleau@praxisarchitectsinc.com

October 24, 2016

Received City of Victoria

OCT 2 6 2016

Planning & Development Department Revelopment Services Division

City of Victoria

1 Centennial Square Victoria, BC V8W 1P6

Re. Capital City Centre Hotel – Development Permit with Variance Addition – one suite

Mayor and Council,
DESCRIPTION OF PROPOSAL

The owner of the Capital City Centre Hotel wishes to construct a single suite on the existing roof at the south side wing of the building, directly accessed off the existing hotel corridor.

This suite is to provide for those wanting something more elaborate than a regular hotel room, having two bedrooms, a kitchen, etc. with the opportunity for more extended stays in comfort, with hotel service available as required.

NEIGHBOURHOOD CONTEXT

The existing immediate neighbourhood is dominantly commercial and retail, with the hotel fronting Douglas St. and Discovery. There is no change of use proposed. The proposed addition is in alignment with the existing fourth floor of the building, with its south wall a vertical extension of the existing wall at the south property line, with higher grade materials.

No openings / windows are permitted adjacent to the property line, so the suite glazing is oriented to the west (overlooking the existing pool and deck area), with minimal openings to the east, as this overlooks existing roofs and mechanical equipment.

DESIGN GUIDELINES

The design of the proposed suite addition is intended to improve this exterior area of the hotel and provide a quality interior experience with higher sloped ceilings and generous glazing to the west. Proposed materials are above the existing in terms of finish.

It is intended that the new addition will add to the west elevation of the existing hotel as seen from the west and south west, with the deck area at the south west corner having planting and wood screening to provide some day and night visual interest at this upper corner.

The exterior wall of the addition adjacent to the south property line is proposed to pick up on the finish (composite panelling) and colour of accent areas proposed at the west wall of the addition, to provide visual interest and a foil to the muted finishes of the existing hotel.

DEVELOPMENT PERMIT GUIDELINES

The existing hotel is in DPA-7A: Douglas Street Corridor.

The proposed addition is part of the continuing improvement of the hotel by the owner, contributing to the revitalization of the area. It is intended to improve the overall appearance of the hotel, and add to its commercial viability.

TRANSPORTATION

An additional parking stall will be required for the new suite. It is proposed that similar to the additional parking (2 spaces) provided for the recent small office space addition on Discovery Street, this space would be provided for at the existing parking lot across the street from the hotel on Discovery (46 spaces), whereby a covenant is undertaken by the owner to maintain a space for the additional suite.

HERITAGE

The existing hotel is not a heritage building, but is a sound building of the era, well maintained, and recently improved by the new owner.

INFRASTRUCTURE

The proposed suite will have a nominal impact on existing infrastructure.

GREEN BUILDINGS

LEED

Re. V. Facility Alterations and Additions – as the proposed increase in floor area is 3% which is less than the 5% minimum change in area, this is considered a minor upgrade and is ineligible to earn points re. LEED.

Notwithstanding the above, the proposed addition supports building retention and reuse. In working within an existing building context the proposed addition minimizes impact on existing resources, taking advantage of existing infrastructure.

The proposed structure will be lightweight steel (recyclable).

By building on top of an existing roof, the energy performance of the existing building is improved, and following current ASHRAE 90.1 2010 will ensure that the addition itself performs significantly better than the existing building.

A heat pump system will be used in the proposed addition.

Rooftop areas on the east side are to be used for urban agriculture as a 'garden' for vegetables and herbs that are used in the hotel restaurant. This is currently being done in the area proposed for the addition as a test, and has proved to be successful.

Trust this to be of assistance,

PRAXIS ARCHITECTS INC

per:

Robert Rocheleau, Architect AIBC Director



Robert Rocheleau, Architect AIBC

401-1245 Esquimalt Road, Victoria, BC V9A 3P2 Tel: (250) 475-2702 • Fax: (250) 475-2701 robert.rocheleau@praxisarchitectsinc.com

November 30, 2016

City of Victoria

1 Centennial Square Victoria, BC V8W 1P6

Re. Capital City Centre Hotel – Development Permit with Variances (2) Addition – one suite

To Whom It May Concern:

Parking Variance:

Requested is a parking variance increasing the approved previous development permit DP000395 parking for 99 stalls to 100, by adding an additional stall by covenant from the lot across Discovery from the hotel.

Setback Variance:

As it is proposed that the new addition adheres to the same footprint of the existing building, which is at 0 lot line on the south property line, a variance is required related to the 7.5 m setback requirement of T-1 zoning.

Trust this to be of assistance,

PRAXIS ARCHITECTS INC

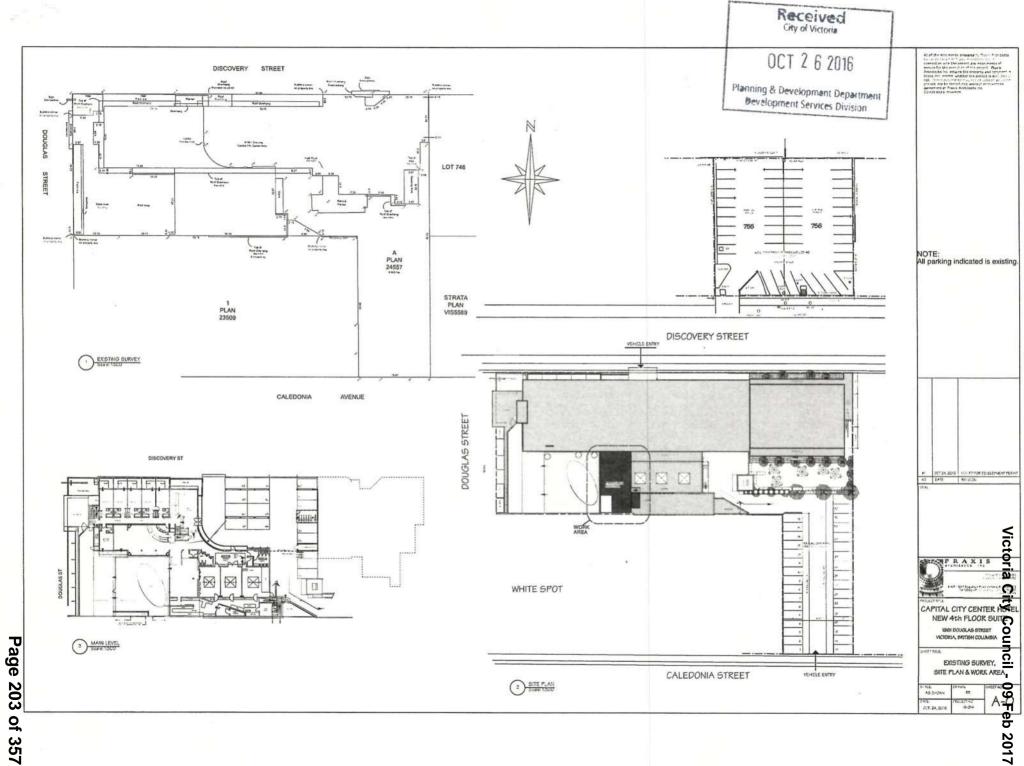
per:

Robert Rocheleau, Architect AIBC Director

Received City of tomore

DEC 0 1 2016

Planting & trevelopment izepartment Dezerment sei Services Division





February 2, 2017

By email to: publichearings@victoria.ca

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

Dear Sirs:

Re: Development Permit with Variances Application – 1961 Douglas Street, Victoria, BC - The Capital City Hotel (the "Hotel")

We are in receipt of a letter dated January 27, 2017 in regards to above mentioned permit application. We are the owners of 710 Caledonia Avenue which is adjacent to the Hotel. We own and operate a White Spot restaurant on our property.

Regarding the reduction of off-street parking from 50 stall to 48 stalls, we have a concern as the guests and other people having business with the Hotel frequently park in our parking lot.

We want to be (and are) good neighbours and realize that some if not all of the owners of these vehicles will also be our guest and so our practice has been not to tow anyone, however, we would like it put on record that we expect the Hotel staff to advise their guests and others where they are allowed to park and where they should not park (the White Spot parking lot, unless they are visiting our restaurant of course).

With respect to the reduction of the setback requirement, after a telephone call with Mr. Alec Johnston (City staff), we understand that this does not mean a change to what physically exists today.

Yours very truly,

Heather D. Grant

Director of Leasing

cc Shaun Golab, Restaurant Manager Warren Erhart, President, White Spot Restaurants

Heather W. Grant



Council Report For the Meeting of February 9, 2017

To:

Council

Date:

February 9, 2017

From:

Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject:

Rezoning Application No. 00430 for 1303 Dallas Road

RECOMMENDATION

That Council:

- Accept the following additional amenity contribution to be secured in the Licences of Occupation to occupy and expand the existing Clover Point Pump Station and install a conveyance pipe along Dallas Road:
 - a. a contribution of a one-time payment of \$100,000.00 to cover the following public realm improvements:
 - i. acquisition and installation of electric vehicle charging stations at Clover Point
 - ii. construction of capital road improvements to improve pedestrian safety within James Bay along the Dallas Road conveyancing alignment and adjacent to Ogden Point. Specific improvements to be determined following consultation with the community, with a report back to the Capital Regional District regarding the community consultation by the City and the final improvements, and the specific improvements brought forward to Council for final consideration and approval.
- Give first and second reading to Zoning Regulation Amendment Bylaw No. 17-001 and set a Public Hearing date of February 23, 2017 for Rezoning Application No. 00430 for 1303 Dallas Road.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with an update regarding the Rezoning Application for the property located at 1303 Dallas Road. With regard to the pre-conditions that Council set in relation to this Application, staff can report that the proposed Design Guidelines and Specifications for the Public Realm Improvements have been amended to include a design guideline that considers the inclusion of public art in consultation with the city's artist and aboriginal artist in residence (attached).

The CRD is also willing to make an additional amenity contribution of \$100,000.00 toward the acquisition and installation of electric vehicle charging stations at Clover Point and construction of capital road improvements to improve pedestrian safety within James Bay along the Dallas Road

conveyancing alignment and adjacent to Ogden Point. Specific improvements will be determined following consultation with the community and brought forward to Council for final consideration and approval.

Given that the above pre-conditions have been fulfilled, staff recommend for Council's consideration that a Public Hearing Date of February 23, 2017 be set for this rezoning application.

J∕eanne Taylor Senior Planner

Development Services Division

Jonathan Tinney, Director

Sustainable Planning and Community

Development Department

Report accepted and recommended by the City Manager:

Date

February 9,2017

List of Attachments

• Revised Design Guidelines and Specifications for the Public Realm Improvements.

Design Guidelines and Specifications for the Public Realm Improvements

Context

City of Victoria's vision is that:

Clover Point Park should be reimagined as a "special place" of arrival and gathering and should acknowledge and reflect that the location is:

- the proposed beginning/terminus of the Trans Canada Trail and will form part of a future network of nationally significant "special places"
- · a part of the Salish Sea Marine Trail
- a part of the federal Victoria Harbour Migratory Bird Sanctuary.

Public Realm Improvements

The public realm improvements will complement the City's vision by:

- functioning as a regional destination for multiple users to enjoy waterfront views, with a
 "rest area" linking to the proposed bikeway ("Cycle Track") and Ross Bay Greenway.
- encouraging architectural elements that contribute to creating a visual identity for the site, and include distinctive features, such as seating, or lighting.
- · considering low cost of maintenance and weather resistance as important factors.

Site Furnishings and Amenities

- Pavement will be concrete, brick or pavers.
- All landscaping will be low maintenance, with no or low long term irrigation requirements.
- The design of the public realm improvements will include at minimum:
 - o 4 benches
 - o 2 garbage cans (in-ground cans to be installed where feasible)
 - 1 interpretive sign
 - 2 bicycle racks
 - 1 bicycle kitchen (i.e. a maintenance stand similar to those along Capital Regional District's Regional Trails)
 - o 1 water fountain
- All site furnishings should be consistent in design, style and quality as the City's current Park's standard.

Public Art

 Consider the inclusion of public art in consultation with the city's artist and aboriginal artist in residence.

Bikeway and Pathway Connectivity

 The location is a key connecting point to bikeways and pathways, including the pathway along Clover Point Park towards Beacon Hill Park, and Ross Bay Greenway (combined bikeway and pathway).

- The final design will link these existing bikeways and pathways with the Cycle Track along Dallas Road, maintain pedestrian and cycling flows along Clover Point Road, and, minimize conflicts between existing park users and users of the Cycle Track and public realm improvements.
- A gathering/dismount area for the Cycle Track will be incorporated on the west side of Clover Point Road at Dallas Road.
- Bike amenities will be included on the east side of Clover Point Road, near the new washroom, and upgraded pump station facility.

Public Washroom

- The washroom facility will contain two gender neutral, universally accessible single use washrooms, each with a sink, toilet, urinal and electric hand dryer and a mechanical/janitors room. The total building will have an approximate footprint size of 3.5m x 8.5 m.
- In determining washroom location, existing view sheds will be a consideration. Building form and massing need to minimize impacts to the views from public vantage points along Dallas Road, Clover Point Road, and from the water.
- The washroom must be distinctive in appearance, yet the function is integrated into the site's topography and overall landscape design.
- Proposed location and building design must respond to public safety considerations and consider CPTED principles and the need for lighting.
- High-quality materials will be used for the exterior design, and interior finishes.
- Building will be constructed to LEED Silver at minimum and should strive for LEED Gold.

Universal Access

- Universal access (i.e. wheelchair access) will be provided to all plazas and washrooms.
- Pathways will be universally accessible wherever possible to City standards.

Construction Specifications

- To provide pedestrian priority over vehicle movements and reduce vehicle speeds, the Intersections improvements at Dallas and Clover Point Road is to be constructed as a standard driveway crossing, consistent with the Victoria Subdivision and Development Servicing Bylaw No. 12-042.
- Intersection improvements, roadways, sidewalks, landscaping and any other works or services must be designed and constructed in accordance with the requirements and specifications in the Victoria Subdivision and Development Servicing Bylaw No. 12-042.

COMMITTEE OF THE WHOLE REPORT FROM THE MEETING HELD JANUARY 5, 2017

For the Council Meeting of February 9, 2017, the Committee recommends the following:

1. 2015 – 2018 Strategic Plan Amendments

Objective 11: Steward Water Systems and Waste Streams Responsibly

Move to 2017 Actions (from 2016):

• Communicate to CRD desire to see collection of recyclables in closed wheeled totes. Make garbage disposal less convenient than recycling.

COMMITTEE OF THE WHOLE REPORT FROM THE MEETING HELD FEBRUARY 2, 2017

1. Project Update #2: Crystal Pool Changeroom Renovation

That Council direct staff to proceed with the Crystal Pool Changeroom Renovation project with additional funding reallocated from remaining funding from the 2016 capital projects allocation.

2. <u>David Foster Harbour Pathway Update</u>

- **1.** That Council direct staff to:
 - Complete 2 pedestrian bridges and the Heron Cove Special Place and report back with recommendations for implementation on the design of the Johnson Street Bridge Underpass and Reeson Park Pathway and that Council confirm the Johnson Street Bridge Underpass design be included in the 2017 Financial plan.
 - 2. Direct staff to develop a scope of work and cost estimate for the development of a long term harbour pathway plan between Ogden Point and Selkirk Waterfront, and report back to Council with considerations and recommendations as part of the 2018 financial planning process and provide cost estimates and potential revenue streams.
 - 3. Direct staff to develop the design and construction plan for the pathway at Reeson Park and to report to Council with the conceptual design and cost, resource and timing estimates and that consideration be given to minimize the impact on ecological features of the park to the greatest extent possible.
 - 4. Direct staff to report back at the 60% design stage with a project and design update, cost and timing estimates for the Belleville Street improvements
 - 5. Direct staff to report back on the proposed design direction and cost implications for the pathway segment of Ship Point, as part of sustainable planning and community development (SPCD) Department's master planning process
 - 6. Authorize the Mayor and City Clerk to execute future legal agreements necessary to secure access rights for the David Foster Harbour Pathway provided that the terms of the instrument are acceptable to the Director of Engineering and Public Works and the Director of finance, and the instruments are in a form acceptable to the City Solicitor.
- **2.** That Council refer the following motion to a closed council meeting, with a staff report on past decisions:

That Council authorize the David Foster Harbor Pathway to be defined as extending along the harbour from Belleville to Ship Point.

3. <u>Council Member Motion: Extension of Vacancy Taxation Authority to Local</u> Governments

THAT Council endorse the following resolution and direct staff to forward copies to the Premier of British Columbia, the Ministers responsible for Local Government, Finance and Housing, the Association of Vancouver Island and Coastal Communities (AVICC) Annual

Convention, the Union of British Columbia Municipalities (UBCM) Annual Convention, and member local governments and regional districts within the Capital Region, AVICC and UBCM, requesting favourable consideration and resolutions of support:

Resolution: Extension of Vacancy Taxation Authority to Local Governments

WHEREAS the Government of British Columbia and Legislative Assembly responded to a housing affordability crisis in July 2016 by proceeding with legislation that empowered the City of Vancouver to introduce a surtax on vacant residential properties:

AND WHEREAS communities across British Columbia face housing affordability pressures, while a portion of the housing supply in all communities remains vacant, including properties that have remained derelict for years or decades;

AND WHEREAS vacant and derelict buildings pose substantial risks in terms of public safety in communities, as well as liveability and desirability for nearby and adjoining neighbourhoods and properties;

THEREFORE BE IT RESOLVED THAT the Province of British Columbia extend the authority to introduce a surtax on vacant and derelict residential properties to local governments across British Columbia, and encourage the occupancy, maintenance, and improvement of buildings to address housing affordability and public safety.

4. Council Member Motion: Restoration of Land Value Tax

THAT Council endorse the following resolution and direct staff to forward copies to the Premier of British Columbia, the Ministers responsible for Local Government, Finance and Housing, the Association of Vancouver Island and Coastal Communities (AVICC) Annual Convention, the Union of British Columbia Municipalities (UBCM) Annual Convention, and member local governments and regional districts within the Capital Region, AVICC and UBCM, requesting favourable consideration and resolutions of support:

Resolution: Restoration of Land Value Tax

WHEREAS, concern around housing affordability is widespread in British Columbia communities;

AND WHEREAS the Land Value Tax provides a fiscal mechanism to incentivize improvements to property for housing and other purposes, and creates a disincentive to holding vacant property for speculative purposes;

AND WHEREAS local governments in British Columbia previously had the authority to introduce Land Value Taxes - taxing land at a higher rate than improvements;

THEREFORE BE IT RESOLVED THAT the Government of British Columbia restore the authority of local governments to introduce a Land Value Tax, to incentivize improvements to property for housing and other purposes, and create a disincentive to holding vacant property for speculative purposes.

5. Victoria Housing Strategy Implementation - Removing Minimum Unit Sizes

- 1. That Council direct staff to revise the draft bylaw to establish Minimum unit sizes of 33m² in all zones outlined in the report with the exception of R3-A-SC zone, Low Profile Multiple Dwelling (Senior Citizen).
- 2. That for a Development Variance Permit to authorize anything under the 33m2, staff should engage the applicant with regard to a housing agreement for the property

6. Rezoning Application No. 00458 for 149 Montreal Street – Application Ready to Proceed to Public Hearing

That Council instruct staff to prepare the necessary *Zoning Regulation Bylaw* amendment that would authorize the proposed development outlined in Rezoning Application #00458 for 149 Montreal Street, subject to:

- a. The submission of revised plans that demonstrate that the proposed accessory buildings comply with the regulations outlined in Schedule F of the *Zoning Regulation Bylaw*, to the satisfaction of the Director of Sustainable Planning and Community Development.
- b. A Section 219 Covenant to secure the proposed building design being registered on title, to the satisfaction of the Director of Sustainable Planning and Community Development and the City Solicitor.
- c. That staff be directed to explore with the applicant the possibility of Section 219 Covenant to restrict the hours and days of operation from Monday to Friday 7:00 a.m. to 6:00 p.m.

7. Rezoning Application No. 00519 for 71-75 Montreal Street

That Council direct staff to work with the applicant to get a greater mix of units including two and three bedrooms units in the building and that the developer be encouraged to meet again with the CALUC to identify and mitigate concerns of the public and that staff report back to Committee of the Whole.

8. Youth Strategy

That Council:

- 1. Approve the Youth Strategy and the Implementation Plan
- 2. Direct staff to bring forward funding options for years two and three of the implementation plan as part of the 2018 financial planning process.
- 3. That staff include updates on the Youth Strategy in conjunction with quarterly updates.

COMMITTEE OF THE WHOLE REPORT FROM THE MEETING HELD FEBRUARY 9, 2017

For the Council Meeting of February 9, 2017, the Committee recommends the following:

1. Development Permit with Variance No. 00027 for 1070 Joan Crescent (Rockland)

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. 00027 for 1070 Joan Crescent, in accordance with:

- 1. Plans date stamped December 28, 2016.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for Introduction and General Regulations, Section 19, to permit a portion of a building (roof overhang of 0.80m) to be erected partly on one lot and partly on another lot.
- 3. The Development Permit lapsing two years from the date of the original permit (DP No. 000448, expiry date January 14, 2018).
- 4. Prior to the issuance of a building permit the appropriate encroachment agreement be executed to the satisfaction of the Director of Sustainable Planning and Community Development."

2. Development Variance Permit No. 00183 for 2625 Shakespeare Street (Oaklands)

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council and subject to the applicant adhering to the Clean Hands Policy, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 00183 for 2625 Shakespeare Street, in accordance with:

- 1. Plans date stamped January 24, 2017.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the rear yard setback from 8.38 metres to 7.6 metres;
 - ii. reduce the side yard setback (east) from 1.52 metres to 1.5 metres;
 - iii. increase the allowable extension of enclosed floor area for secondary suites from 20 square metres to 67.8 square metres.
- 3. The Development Permit lapsing two years from the date of this resolution.

3. Presentation: School District 61

That Council:

- 1. Receive this report for information, and
- 2. That the Mayor write to the Ministry of Education supporting funding for the needed upgrades of Vic High School.

4. City Wide Seismic Vulnerabilities Assessment Study

That Council direct staff to:

- 1. Expand the scope of the Tax Incentive Program (TIP) beyond Downtown to include eligible heritage buildings city-wide; and
- 2. Examine the City's authority to expand incentives beyond heritage buildings and assess opportunities to include seismic considerations as part of the rental retention and revitalization study.

5. Cycling Network Implementation Program Update

That Council direct staff to report back in June 2017 with further Cycling Network updates and recommendations regarding sequencing, scheduling, resourcing and costs to get the network implemented by 2022.

6. <u>Association of Vancouver Island and Coastal Communities (AVICC) Motion Social / Community Benefit Procurement</u>

THAT COUNCIL endorse the following motion and send it to AVICC for consideration at the 2017 Convention.

WHEREAS at the 2016 AVICC AGM & Convention in Nanaimo, membership gave direction to the AVICC to "advance the use of social procurement policies";

AND WHEREAS the AVICC Executive has received presentations and proposals from an ad hoc Working Group of volunteer elected officials and subject matter experts (see attached backgrounder) about how to advance this membership direction so as to best assist interested local governments in implementing social procurement (AKA community benefit procurement) policies and practices;

THEREFORE BE IT RESOLVED that the AVICC Executive appoint a liaison to the Working Group; AND that the Working Group undertake a feasibility assessment of a "Community Benefit Procurement Hub" as per the information circulated at the AVICC 2017 Convention for the AVICC membership and report back to the AVICC at the 2018 AGM.



Council Member Motion For the Council Meeting of February 9, 2017

Date: February 8, 2017

From: Councillor Ben Isitt

Subject: Letter of Support for DiverCity Project

Background:

Council has received a request from Leadership Victoria's Team Bellatonia for a letter of support for the DiverCity project (see Attachment). The project aims to promote "practicing inclusivity, which will help facilitate social inclusion and ultimately empower members of the community."

This project is aligned with Council's Strategic Plan objective of supporting social inclusion.

The request has no monetary impact on the City, but rather is intended to leverage resources from external funding agencies.

It is therefore recommended that Council request that the Mayor provide a letter of support for the DiverCity project.

Recommendation:

THAT Council request that the Mayor, on behalf of Council, provide a letter of support for Team Bellatonia's DiverCity project.

Respectfully submitted,

Councillor Isitt

Attachment:

Letter re: DiverCity Project

Nathan Cartwright Team Bellatonia 3191 Somerset St Victoria, BC V8X 1C8

February 7, 2017

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

Dear Mayor Helps and members of council,

We write to request the support of the City of Victoria for Team Bellatonia's DiverCity project.

The City of Victoria is a friendly and welcoming place for its citizens and members of the community. As the city grows and expands it welcomes and recognizes people from increasingly diverse communities: immigrants and refugees from other countries and provinces, members of LGTBQ community and a greater acknowledgement of gender fluidity; an increasing respect for our first nations, homeless and people living with mental illness. This increasing diversity in population will require the citizens of Victoria to develop an increasing capacity for inclusion.

Team Bellatonia is a student group from Leadership Victoria and the DiverCity project is our Community Action Project. We plan on partnering with larger organizations within the Capital Region to create a video to be shared online to promote the practicing inclusivity, which will help facilitate social inclusion and ultimately empower members of the community.

We would like the Mayor and Council to provide us with a letter of support which we can share with our community partners and demonstrate the City of Victoria's shared value of inclusivity.

Kind Regards,

Team Bellatonia

Damineh Akhaven Nathan Cartwright Gina Dolinsky Ximena Londono Maria Soriano Carrion



Council

For the Meeting of February 9, 2017

To:

Council

Date:

January 16, 2017

From:

Susanne Thompson, Director of Finance

Subject:

Temporary Borrowing Bylaw, 2017

RECOMMENDATION

That Council approve the Temporary Borrowing Bylaw, 2017.

EXECUTIVE SUMMARY

Each year, the City adopts a temporary borrowing bylaw to allow the City to borrow money to meet cash flow demands before property taxes are collected in July. This is done as a proactive measure only and has rarely been used since the City has sufficient reserves in place to address cash flow needs. The proposed borrowing maximum under this bylaw is \$10 million.

Under Section 177 of the Community Charter, Council may, by bylaw, provide the authority to borrow money that may be necessary to meet the current year expenditures and to pay amounts required to meet the City's taxing obligations to other local governments or public bodies. If money is borrowed pursuant to this bylaw, revenue from property taxes must be used to repay the money borrowed. The maximum amount of borrowing allowed is the sum of the unpaid taxes for the current year plus the money remaining to be collected from other governments; or if the current year tax bylaw has yet to be adopted, the maximum is 75% of prior year taxes. For 2017, the maximum amount would be approximately \$100 million.

Respectfully submitted,

J&-Ann O'Connor

Manager, Financial Planning

Susanne Thompson

Director, Finance

Report accepted and recommended by the City Manager:

Date:

3,2017

February

List of Attachments

Appendix A: Temporary Borrowing Bylaw, 2017

NO. 17-013

TEMPORARY BORROWING BYLAW, 2017

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to provide for the borrowing of money that may be necessary to meet the current lawful expenditures of the City.

Contents

- 1 Title
- 2 Definition
- 3 Borrowing authorized
- 4 Form of borrowing
- 5 Time of repayment
- 6 Tax revenue to be used for repayment

Under its statutory powers, including section 177 of the *Community Charter*, the Council of the City of Victoria enacts the following provisions:

Title

1 This Bylaw may be cited as the "TEMPORARY BORROWING BYLAW, 2017".

Definition

2 In this Bylaw, "Director" means the City's Director of Finance.

Borrowing authorized

- 3 (1) The Director may borrow, on behalf of the City, on the credit and for the purposes of the City, from any bank, credit union, corporation, or other person, as the Director may from time to time consider appropriate, an amount of money not exceeding \$10 million.
 - (2) The Director must not borrow the money described in subsection (1) at a rate of interest that exceeds the prime rate of interest charged by the Royal Bank of Canada at the time when the lender imposes a rate of interest.

Form of borrowing

- 4 (1) The Director may borrow by means of bank overdrafts.
 - (2) Where the borrowing is other than by way of bank overdrafts, the form of an obligation to be given as an acknowledgement of the liability must be a promissory note, demand note, or a banker's acceptance, sealed with the seal of the City and signed by the Mayor and the Director.

Time of repayment

The money borrowed under this Bylaw and any interest on it must be repaid on or before December 31, 2017.

Tax revenue to be used for repayment

Revenue from all property value taxes must be used as necessary to repay the money borrowed under this Bylaw.

READ A FIRST TIME the	day of	2017.
READ A SECOND TIME the	day of	2017.
READ A THIRD TIME the	day of	2017.
ADOPTED on the	day of	2017.

CITY CLERK

MAYOR

NO. 17-013

TEMPORARY BORROWING BYLAW, 2017

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 - (2) The Director must not borrow the money described in subsection (1) at a rate of interest that exceeds the prime rate of interest charged by the Royal Bank of Canada at the time when the lender imposes a rate of interest.

Form of borrowing

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Time of repayment

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Tax revenue to be used for repayment

6 Revenue from all property value taxes must be used as necessary to repay the money borrowed under this Bylaw.

READ A FIRST TIME the	day of	2017.
READ A SECOND TIME the	day of	2017.
READ A THIRD TIME the	day of	2017.
ADOPTED on the	day of	2017.

CITY CLERK MAYOR



Council Report

For the Meeting of February 9, 2017

To:

Committee of the Whole

Date:

January 30, 2017

From:

Chris Coates, City Clerk

Subject:

Hotel Tax Repeal Bylaw

RECOMMENDATION

That Council consider giving three reading to Hotel Tax Repeal Bylaw No.17-018.

EXECUTIVE SUMMARY

At the November 19, 2015 Governance and Priorities Committee meeting, Council received a presentation from Tourism Victoria on a potential new arrangement involving the existing 2% Hotel Tax levied in the City under the authority of Hotel Room Tax Bylaw 88-169 which is attached as Appendix A.

At the November 26, 2015 Council meeting, the following motion was passed:

"That Council approve in principle the development of a renewed relationship with Tourism Victoria based on the additional principle:

1. Remove Grandfather Status and name Tourism Victoria the Eligible Entity for Destination Marketing".

The effect of the above motion was to request the Provincial Government to remove the "grandfathered" status of the existing 2% room tax and implement a 3% room tax through the Municipal and Regional District Tax (MRDT).

Subsequently the Provincial Government has approved Tourism Victoria as the Eligible Entity for the MRDT and approved the lift in the room tax from 2% to 3%. The City and Tourism Victoria have approved a new agreement outlined in their presentation to Council in November 2015. The effect of all of these actions is that the Hotel Room Tax Bylaw is now redundant.

The attached Bylaw for Council's consideration if adopted, repeals the existing hotel room tax levy as the new agreement will address the issues around the levy moving forward.

Respectfully submitted,

Chris Coates City Clerk Jocelyn Jenkyns

Deputy City Manager

Report accepted and recommended by the City Manager:

Date:

February 3,7017

List of Attachments

Appendix A: Hotel Room Tax Levy Bylaw 88-169

Appendix B: Hotel Room Tax Levy Repeal Bylaw No. 17-018

NO. 88-169

A BYLAW OF THE CITY OF VICTORIA

to request imposition of an additional accommodation tax under the provisions of the Hotel Room Tax Act.

WHEREAS City Council wishes to use additional revenue for the repayment of the Conference Centre debt and to finance marketing of the City of Victoria as a conference destination; and

WHEREAS pursuant to Section 34 of the <u>Hotel Room Tax</u> <u>Act</u>, R.S.B.C. 1979, c.185 the City may request, by bylaw, that the Lieutenant Governor-in-Council may make regulations providing for an additional tax levy, not exceeding 2%, on the sales of accommodation within the City;

NOW THEREFORE, the Council of The Corporation of the City of Victoria enacts as follows:

- This bylaw may be cited as the "HOTEL ROOM TAX REQUISITION BYLAW."
- 2. The Lieutenant Governor-in-Council is requested to make a regulation pursuant to Section 34(1)(d.1) of the <u>Hotel Room Tax Act</u>, declaring that effective February 1, 1989, Section 2.1 of the Act applies in respect of accommodation purchased within the City.
- 3. The tax to be imposed under the provisions of the regulation is requested to be 2% of the purchase of price of the accommodation.
- 4. The funds paid to the City under the provisions of the regulation shall be applied to marketing of the Conference Centre and marketing of the City of Victoria as a tourist destination.

Passed and received third reading by the Municipal Council the 29th day of September, 1988.

Reconsidered and adopted by the Municipal Council the 13th day of October, 1988.

"M. JOHNSTON"

"G.M. BREWIN"

NO. 17-018

HOTEL TAX BYLAW REPEAL BYLAW

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to repeal the Hotel Tax Bylaw No. 88-169.

Under its statutory powers of the *Community Charter*, the Municipal Council of The Corporation of the City of Victoria enacts the following provisions:

- 1 This Bylaw shall be cited as the "HOTEL ROOM TAX BYLAW REPEAL BYLAW NO. 17-018."
- 2 That Hotel Room Tax Bylaw No. 88-169 is hereby repealed.

READ A FIRST TIME the	day of	2017
READ A SECOND TIME the	day of	2017
READ A THIRD TIME the	day of	2017
ADOPTED on the	day of	2017

CITY CLERK

MAYOR

NO. 17-018

HOTEL TAX BYLAW REPEAL BYLAW

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to repeal the Hotel Tax Bylaw No. 88-169.

Under its statutory powers of the *Community Charter*, the Municipal Council of The Corporation of the City of Victoria enacts the following provisions:

- 1 This Bylaw shall be cited as the "HOTEL ROOM TAX BYLAW REPEAL BYLAW NO. 17-018."
- 2 That Hotel Room Tax Bylaw No. 88-169 is hereby repealed.

READ A FIRST TIME the	day of	2017
READ A SECOND TIME the	day of	2017
READ A THIRD TIME the	day of	2017
ADOPTED on the	day of	2017

CITY CLERK MAYOR



Council Report

For the Meeting of February 9, 2017

To: Council Date: February 3, 2017

From: C. Coates, City Clerk

Subject: Zoning Regulation Bylaw, Amendment Bylaw (No. 1086) No. 17-019

RECOMMENDATION

That Council consider first and second readings of Bylaw No. 17-019.

BACKGROUND

Attached for Council's initial consideration is a copy of the proposed Bylaw No. 17-019.

The issue came before Council on January 26, 2017 where the following resolution was approved:

Rezoning Application No. 00430 for 1303 Dallas Road - Clover Point Pump Station

- 1. That Council receive and file Bylaw No. 14-033.
- 2. That Council approve the Design Guidelines and Specifications for the Public Realm Improvements and Cycle Track for inclusion in the Clover Point Pump Station and Conveyance Pipe License of Occupation Agreements.
- 3. That Council accept the following public realm improvements and that these improvements be secured in the Licences of Occupation with the requirement that the final approval of the location and design of these improvements is made by Council to permit the Capital Regional District to occupy and expand the existing Clover Point Pump Station and install a conveyance pipe along Dallas Road:
 - i. public viewing plaza
 - ii. bike-pedestrian node to transition from the pedestrian path to the viewing plaza
 - iii. benches, bike kitchen (facilities for bicycle maintenance and repair), bike racks and water fountain
 - iv. public washrooms
 - v. two replanted grassed open spaces to the west and east of the plaza
 - vi. pedestrian paths connecting to the Ross Bay seawall
 - vii. separated bike path from the north edge of the zoned area to Dallas Road
 - viii. intersection improvements at Clover Point Road and Dallas Road
 - ix. cycle track along Dallas Road from Clover Point to Dock Street
 - x. interpretive signage and wayfinding signs at the Plaza and along the Cycle Track
 - xi. barrier-fencing between the cycle track and the off-leash dog areas along Dallas Road where potential conflicts may occur.
- 4. That Council accept the conceptual conveyance pipe alignment with the requirement that the final approval is by Council.

- 5. That Council authorize the Mayor and the City Clerk to execute Licences of Occupation consistent with the requirements of recommendation 3 and in a form satisfactory to the City Solicitor for the Clover Point Pump Station and the conveyancing along Dallas Road; such licences to be subject to adoption of the S-10-CP Zone, Services Clover Point District.
- 6. That Council instruct staff to prepare the necessary Zoning Regulation Amendment Bylaw that would authorize the proposed development outlined in Rezoning Application No.00430 for 1303 Dallas Road, that first and second reading of the Zoning Regulation Amendment bylaw be considered by Council and a Public Hearing date be set by staff subject to the execution of the Licences of Occupation and all documents associated with this transaction be submitted to the City.
- 7. That Council direct staff to explore the possibility of having electric vehicle charging stations at Clover Point.
- 8. That Council direct staff to hold a community workshop on the design elements of Clover Point and the bikeway within the approved design guidelines.
- 9. That Council direct staff to consult with the artist in residence and the aboriginal artist in residence for consideration of the inclusion of public art.
- 10. That Council approve the revised Design Guidelines in relation to the Dallas Road Cycle Track.

Respectfully submitted,

Chris Coates City Clerk Jocelyn Jenkyns Deputy City Clerk

beely Cenhage

port accepted and recommended by the City Manager:		
	Date:	February 3, 2017

List of Attachments:

Appendix A: Zoning Regulation Bylaw, Amendment Bylaw (No. 1086) No. 17-019

Appendix B: Rezoning Application No. 00430, January 26, 2017 Committee of the Whole Report

Appendix C: Revised Design Guidelines, January 26, 2017 Council Report

11-11

NO. 17-019

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by creating the S-10-CP Zone, Services Clover Point District, and to rezone a portion of public right-of-way known as 1303 Dallas Road from the R1-B Zone, Single Family Dwelling District, to the S-10-CP Zone, Services Clover Point 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. 1086)".
- Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in the Table of Contents of Schedule "B" under the caption PART 7 INDUSTRIAL AND SERVICE ZONES by adding the following words:
 - "7.55 S-10-CP, Services Clover Point District".
- The Zoning Regulation Bylaw is also amended by adding to Schedule B after Part 7.54 the provisions contained in Schedule 1 of this Bylaw.
- The portion of public right-of-way known as 1303 Dallas Road, and shown hatched on the attached map, is removed from the R1-B Zone, Single Family Dwelling District, and placed in the S-10-CP Zone, Services Clover Point District.

READ A FIRST TIME the	day of	2017
READ A SECOND TIME the	day of	2017
Public hearing held on the	day of	2017
READ A THIRD TIME the	day of	2017
ADOPTED on the	day of	2017

CORPORATE ADMINISTRATOR

MAYOR

Schedule 1

PART 7.55 – S-10-CP ZONE, SERVICES CLOVER POINT DISTRICT

7.55.1 Definitions

In this Part 7.55,

"open space" means that portion of the zoned area which is landscaped and not occupied or obstructed by any building or portion of building, driveway or parking lot.

"wastewater pump station" means a <u>building</u> or structure used to collect, screen and pump wastewater effluent, but does not include wastewater treatment.

"zoned area" means all public right-of-way shown on the map attached as Appendix A.

7.55.2 Permitted Uses in this Zone

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

- a. Wastewater pump station
- b. Public building subject to the regulations in Part 1.2
- c. Accessory buildings subject to the regulations in Schedule "F"

7.55.3 Floor Area, Floor Space Ratio

Floor area of a wastewater pump station (maximum) 1800m²

7.55.4 Height, Storeys

a. Building height (maximum) 12.60m above Geodetic

b. Storeys (maximum) 0

7.55.5 Setbacks

Setback of <u>building</u> from the high water mark (minimum) 4m

7.55.6 Zoned Area Open Space

Open space (minimum) 60%

PART 7.55 – S-10-CP ZONE, SERVICES CLOVER POINT DISTRICT

7.55.7 Vehicle and Bicycle Parking

a. <u>Vehicle parking</u> (minimum)

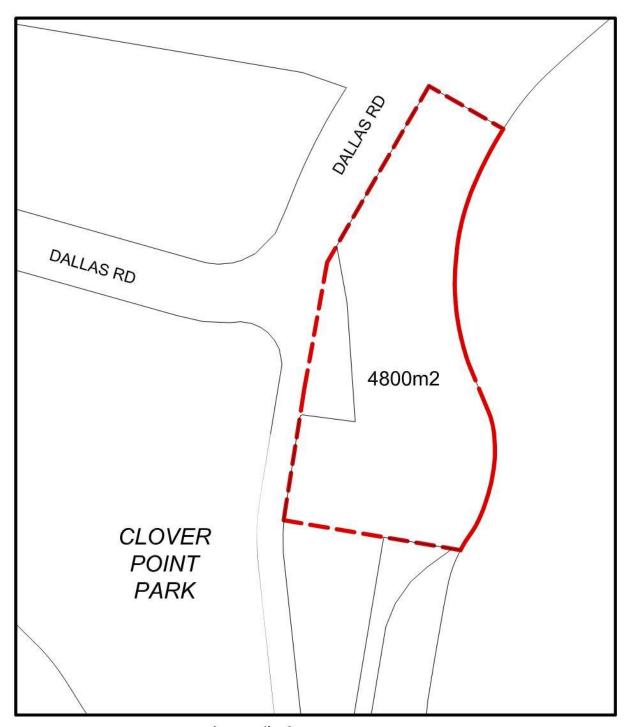
Subject to the regulations in Schedule "C" except as

otherwise specified by the regulations in this Part

b. Wastewater pump station (minimum) Nil

PART 7.55 – S-10-CP ZONE, SERVICES CLOVER POINT DISTRICT

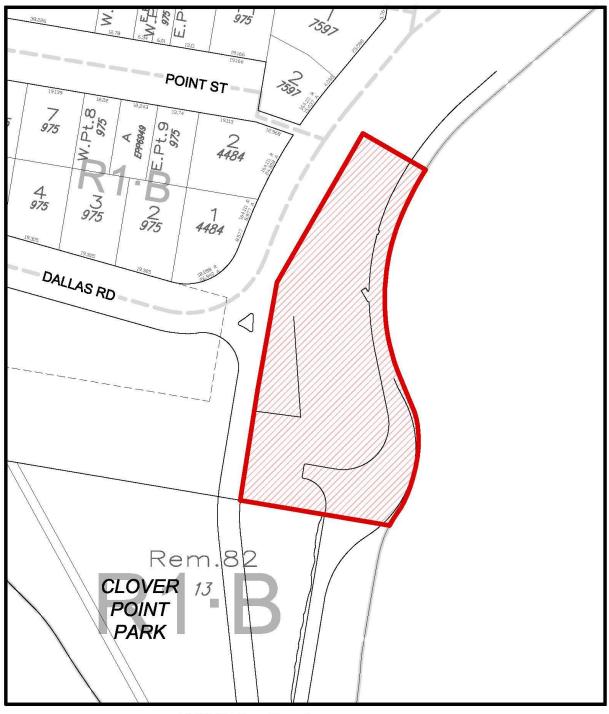
Appendix A





Appendix A
Zoned Area
Service Clover Point







1303 Dallas Road Rezoning #00430 Bylaw #





Committee of the Whole Report For the Meeting of January 26, 2017

To:

Committee of the Whole

Date:

January 12, 2017

From:

Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject:

Rezoning Application No.00430 for 1303 Dallas Road.

RECOMMENDATION

- 1. That Council receive and file Bylaw No. 14-033.
- 2. That Council approve the Design Guidelines and Specifications for the Public Realm Improvements and Cycle Track for inclusion in the Clover Point Pump Station and Conveyance Pipe License of Occupation Agreements.
- 3. That Council accept the following public realm improvements and that these improvements be secured in the Licences of Occupation with the requirement that the final approval of the location and design of these improvements is made by Council to permit the Capital Regional District to occupy and expand the existing Clover Point Pump Station and install a conveyance pipe along Dallas Road:
 - i. public viewing plaza
 - ii. bike-pedestrian node to transition from the pedestrian path to the viewing plaza
 - iii. benches, bike kitchen (facilities for bicycle maintenance and repair), bike racks and water fountain
 - iv. public washrooms
 - v. two replanted grassed open spaces to the west and east of the plaza
 - vi. pedestrian paths connecting to the Ross Bay seawall
 - vii. separated bike path from the north edge of the zoned area to Dallas Road
 - viii. intersection improvements at Clover Point Road and Dallas Road
 - ix. cycle track along Dallas Road from Clover Point to Dock Street
 - x. interpretive signage and wayfinding signs at the Plaza and along the Cycle Track
 - xi. barrier-fencing between the cycle track and the off-leash dog areas along Dallas Road where potential conflicts may occur.
- 4. That Council accept the conceptual conveyance pipe alignment with the requirement that the final approval is by Council.
- 5. That Council authorize the Mayor and the City Clerk to execute Licences of Occupation consistent with the requirements of recommendation 3 and in a form satisfactory to the City Solicitor for the Clover Point Pump Station and the conveyancing along Dallas Road; such licences to be subject to adoption of the S-10-CP Zone, Services Clover Point District.

6. That Council instruct staff to prepare the necessary Zoning Regulation Amendment Bylaw that would authorize the proposed development outlined in Rezoning Application No.00430 for 1303 Dallas Road, that first and second reading of the Zoning Regulation Amendment bylaw be considered by Council and a Public Hearing date be set by staff subject to the execution of the Licences of Occupation and all documents associated with this transaction be submitted to the City.

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.

Pursuant to section 35 of the *Community Charter* the City owns land under public Right-of-Ways and may grant licences of occupation in relation to those lands for any purpose, and on such terms and conditions, as the City deems appropriate.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application for a portion of the public Right-of-Way located at 1303 Dallas Road. The application seeks to rezone the property from the R1-B Zone, Single Family Dwelling District to the proposed S-10-CP Zone, Services Clover Point District. An application is required because the existing Clover Point Pump Station, built in 1975, requires expansion and upgrades to comply with federal and provincial regulations and to provide the necessary infrastructure and services for regional growth.

The CRD Pump Station at Clover Point is located in a public Right-of-Way where the existing public facility is a legal non-conforming use. Within the terms of Part 14 Section 531 of the *Local Government Act* (LGA), the pump station cannot be expanded and structurally altered, except by addressing the non-conforming use.

To bring the pump station into conformity with the City's current zoning, the CRD must apply for rezoning. The City of Victoria is the owner of the majority of the portion of the public Right-of-Way that is proposed for rezoning ("zoned area"); however, the Province of British Columbia owns a portion of the southwest edge of the zoned area, which has foreshore status. To allow the pump station in this location, the CRD already has a Lease of Occupation with the Province.

If the rezoning is successful, a grant of a Licence of Occupation to permit construction of the expanded pump station on City owned land will also be required. The Licence of Occupation would provide terms and conditions regarding construction and operation of the pump station and associated amenities, including provision for final approval of the design and location of the pump station by Council.

The overall CRD project also involves the installation of a conveyance pipe along Dallas Road connecting Clover Point and Ogden Point. Although this aspect of the proposal is not directly associated with the rezoning application, a License of Occupation is required which requires Council's authorization. Given that the Licences of Occupation are inherently related to the pump station use, this report brings forward both the Rezoning Application as well as the Licenses of Occupation requirements for Council's consideration.

BACKGROUND

At the regular Council meeting held on May 22, 2014, Council passed the following motion with respect to the expansion of the Clover Point Pump Station and the construction of a conveyance pipe:

"Clover Point Pump Station

- 1. That Council:
 - a. Approve the City entering into a License of Occupation to permit the CRD to occupy and expand the existing Clover Point Pump Station, which agreements shall:
 - i. Provide for an indefinite term,
 - ii. Secure the agreement of the CRD to construct the public realm improvements within the zoned area, including public washroom facilities.
 - iii. Be to the satisfaction of the City Solicitor and the Directors of Sustainable Planning and Community Development, Engineering and Public Works, and Parks, Recreation and Culture,
 - iv. Provide that the obligations of the City under the agreements are subject to the City adopting a Zoning Regulation Bylaw amendment for Rezoning Application # 00430 in accordance with the requirements of the Local Government Act;
 - b. Authorize the Mayor and Corporate Administrator to execute the License of Occupation Agreement for the Clover Point Pump Station and all documents associated with this transaction, subject to the publication of the statutory notices required by the Community Charter, and Council's approval of the design of the public plaza and washrooms.
- 2. Direct Rezoning Application # 00430 proceed for consideration at a Public Hearing, subject to:
 - a. Preparation of a Zoning Regulation Bylaw amendment.

Conveyance Pipe

- 3. That Council:
 - a. Approve the City entering into a License of Occupation to permit the CRD to construct a conveyance pipe from Dallas Road, which agreements shall:
 - i. Provide for an indefinite term,
 - ii. Secure the agreement of the CRD to construct public realm improvements, including the new cycle track along Dallas Road from Clover Point to Ogden Point,
 - iii. To be to the satisfaction of the City Solicitor and the Directors of Sustainable Planning and Community Development, Engineering and Public Works, and Parks, Recreation and Culture.
 - b. That Council authorize the Mayor and Corporate Administrator to execute the License of Occupation Agreement for the Dallas Road conveyance pipe and all documents associated with this transaction, subject to the publication of the statutory notices required by the Community Charter and Council's approval of the final alignment of the cycle track."

The conceptual drawings presented to Council in 2014 of the site included improvements to the Dallas and Clover Point Road intersection and public realm amenities associated with the expansion of the Pump Station. The public realm amenities include:

- public viewing plaza
- bike-pedestrian node to transition from the pedestrian path to the viewing plaza
- benches (minimum of four), bike kitchen (facilities for bicycle maintenance and repair),
 bike racks (minimum of two) and water fountain
- public washrooms
- two replanted grassed open spaces to the west and east of the plaza
- pedestrian pathways connecting to the Ross Bay seawall
- separated bike path from the north edge of the zoned area to Dallas Road
- intersection improvements at Clover Point Road and Dallas Road.

Bylaw No. 14-033 was drafted to amend the Zoning Regulation Bylaw by creating the S-10-CP Zone, Services Clover Point District, and to rezone a portion of Public Right-of-Way to the S-10-CP Zone, Services Clover Point District and it received first and second reading on May 8, 2014. Given the postponement of the rezoning in 2014 and a number of small refinements, Staff recommend for Council's consideration that Bylaw No. 14-033 is received and filed, and a new Zoning Regulation Amendment Bylaw is given first and second reading.

A Public Hearing date was set for this rezoning application on June 12, 2014; however, the CRD decided not to proceed with a Public Hearing at the time while it updated the Core Area Liquid Waste Management Plan and the rezoning application was put on hold. The CRD is now ready to proceed with the rezoning application as the Plan continues to require the Pump Station expansion generally as proposed in November 2013.

Description of Proposal

The purpose of this Rezoning Application is to allow the pump station as a permitted use in the zone in order to permit the expansion and structural alteration of the existing, legal non-conforming Clover Point Pump Station. This report also addresses the Capital Regional District's (CRD) request to construct a conveyance pipe along Dallas Road from the Clover Point Pump Station to a wastewater treatment plant proposed at McLoughlin Point.

Sustainability Features

As indicated in the applicant's letter dated December 15, 2016, the sustainability features identified in this application are:

- incorporating a green roof into the design
- using ecoSmart concrete
- providing an energy efficient design
- using PowerSmart electrical equipment.

Active Transportation Impacts

The application proposes the following features which support active transportation:

- bike racks
- bike-pedestrian node to transition from the pedestrian path to the viewing plaza
- bike kitchen (facilities for bicycle maintenance and repair)
- separated bike path from the north edge of the zoned area to Dallas Road
- cycle track along Dallas Road from Clover Point to Dock Street
- wayfinding signage along the cycle track.

Land Use Context

The area is characterized by a mix of single family dwellings, park and greenways.

Existing Site Development and Development Potential

The site is a road Right-of-Way at Clover Point in close proximity to the ocean and near Dallas Road.

Data Table

The following data table compares the proposal with the existing R1-B Zone.

Zoning Criteria	Proposal	Zone Standard R1-B
Site area (m²) – minimum (zoned area)	4803	460
Lot width (m)	56	15
Total floor area (m²) – maximum (basement only)	1325	n/a
Density (Floor Space Ratio) – maximum	0.0:1	n/a
Height (m) – maximum	3.55	7.6
Storeys – maximum	basement only	2
Site coverage (%) – maximum (zoned area)	27.6	40
Open space (%) – minimum (zoned area)	72.4	n/a
Setbacks (m) – minimum East (from High Water Mark) West (to Clover Point Park	13.55	n/a
road) North (from zone boundary) South (from zone boundary)	2.88 44.52 9.30	n/a n/a n/a
Parking – minimum	None	n/a
Bicycle rack - minimum	2	n/a
Bicycle storage	None	n/a

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the Planning and Zoning Committee of Fairfield Gonzales Community Association at a Community Meeting held on January 11, 2017. A letter dated January 16, 2017 is attached to this report.

ANALYSIS

Official Community Plan

The proposed development is consistent with the relevant land use policies of the *Official Community Plan 2012* (OCP). The public Right-of-Way at Clover Point (1303 Dallas Road) is designated as Public Facilities, Institutions, Parks and Open Space in the OCP, which envisions institutional uses and buildings with a density of up to 0.5:1 FSR. Given that the Capital Regional District proposes a pump station with 0.0:1 FSR, it is consistent with relevant land use policies.

Other Considerations

Wastewater Infrastructure Improvements

The CRD has entered into the implementation phase of the necessary expansion of and upgrades to infrastructure in order to comply with the new requirements for secondary treatment. Given that the Clover Point Pump Station would redirect raw sewage for tertiary treatment to a secondary treatment plant that is proposed at McLoughlin Point in Esquimait, the expanded and upgraded public facility would serve an essential function within the proposed regional wastewater system.

"Zoned Area" within the Public Right-of-Way

In accordance with the *Zoning Regulation Bylaw* General Regulations, public Rights-of-Way in Victoria are zoned, typically with the zone of adjacent land parcel(s), to the middle of the road (and across water); however, the creation of a "zoned area" with prescribed boundaries enables this defined section of the public Right-of-Way to have a different zone than adjacent parcel(s).

The proposed zoned area for the CRD pump station is modest and its establishment would not have an impact on the remaining public Right-of-Way at Clover Point or the current use of the surrounding public park.

Design Guidelines for Public Realm Improvements

The Design Guidelines and Specifications relating to place-making, bikeway and pathway connectivity, public washrooms, universal access and construction specifications have been established for the public realm improvements (attached) and are presented for Council's consideration. These guidelines will also be attached to the legal agreements and will be used to inform and guide the design of the proposed public realm improvements at Clover Point which, as noted in the following sections of this report, will ultimately require Council's approval.

A brief description of each theme is summarized the table below.

Theme	Description
Place-making	 Ensure design recognizes the importance of this area as the beginning/terminus of the Trans Canada Trail, and forms part of the Salish Sea Marine Trail and the Victoria Harbour Migratory Bird Sanctuary. Maintain waterfront views and incorporate architectural elements that contribute to the visual identity of the site.
Bikeway and Pathway	 Link existing bikeways and pathways with the proposed cycle track along Dallas Road.

Connectivity .	 Minimize conflicts between existing park users and users of the Cycle Track and Public Realm Improvements. Provide gathering/dismount areas and bike amenities near to the public washroom and plaza area.
Public Washroom	 Design washrooms that are gender neutral and accessible. Building form and massing must not impact views from public vantage points along Dallas Road, Clover Point Road, or from the water. Building should be distinctive in appearance, yet the function is integrated into the site's topography and overall landscape design. Apply CPTED principles.
Universal Access	 Universal access must be provided to all plazas, washrooms and pathways to city standards.
Construction Specifications	 Intersection improvements, roadways, sidewalks, landscaping and any other works or services must be designed and constructed in accordance with the City's requirements and specifications. Provide traffic calming at the intersection of Dallas and Clover Point Road

Street View and Public Realm Improvements

The pump station's form and massing would not be visible from Dallas Road. From its south side, above natural grade, it would have only a minor visual impact for park users from public vantage points on the waterfront pathway, which is designated as a People-Only Greenway.

The proposal also involves significant public realm improvements within the "zoned area," including public washrooms, pedestrian and cyclist paths that would extend and link the City's greenways to the north, east and west, a grassed open space to enhance the park environment and a waterfront plaza, at or below, the grade of Dallas Road. The plaza will have street furniture, bike racks, and a "bicycle kitchen" with repair station and water fountain. The CRD will also provide a one-time payment of \$75,000.00 for the maintenance of the public washrooms. As noted above, the design guidelines would inform the design proposal. Ultimately, the plaza and public washroom design will require Council approval in accordance with Council's motion dated May 22, 2014 (attached).

Conveyance Pipe and Cycle Track

The CRD is proposing to construct a cycle track over the conveyance pipe from Clover Point to Ogden Point. Staff have requested that barrier-fencing between the cycle track and the off-leash dog areas along Dallas Road be installed in constrained areas where potential conflicts may occur. In addition, the CRD is willing to work with the City's Parks Department to install interpretive signage, wayfinding signs and street furnishings (benches, garbage cans, bike racks, etc.) at the Plaza and at appropriate locations along the cycle track.

The proposed alignment of the conveyance pipe and cycle track is attached to this report. The design guidelines and specifications of the cycle track include the following:

- 3m wide cycle track to be constructed in accordance with the Typical Trail Section Detail (attached)
- respond to public safety considerations and consider CPTED principles

- provide a bike rack and a bench at key intersections along the cycle track (minimum 6 locations)
- install site furnishings that are consistent in design, style and quality as the City's current Park's standards, and any existing street furniture, including garbage receptacles and benches located adjacent to Dallas Road are reinstated as part of the project
- provide barrier-fencing between the dog off-leash area and the cycle track in areas of potential conflict
- install wayfinding signs at key intersections and amenities (minimum 10 signs).
- intersection improvements, roadways, sidewalks, landscaping and any other works or services are designed and constructed in accordance with the requirements and specifications contained in the Victoria Subdivision and Development Servicing Bylaw No. 12-042.

The final design of the conveyance pipe and cycle track will be brought forward to Council for final consideration and approval following consultation with the community.

Public Consultation

The CRD has provided the following table summarizing the participant involvement in the review of public realm improvements in the future provided that Council supports this rezoning. The Planning and Zoning Committee of the Fairfield Gonzales Community Association, the James Bay Neighbourhood Association, City Staff and Council would be given a presentation of the public realm improvements at the 50% design stage.

STAGE OF DESIGN	PARTICIPANTS INVOLVED IN REVIEW OF PUBLIC REALM IMPROVEMENTS
Design Guidelines	CRD staff with City staff
Final Proposal from Successful Contractor	CRD staff with City staff
30% design	CRD staff with City staff
50% design	CRD presentation to City Staff and Council, as well as: • presentation to Fairfield-Gonzales CALUC, and • presentation to James Bay Neighbourhood Association (related to multi-use pedestrian and cycletrack between Clover Point and Ogden Point only)
90% design	CRD staff with City staff

Legal Agreements

With respect to the Rezoning Application, the usual process for securing applicant's commitments is the preparation, execution and registration of necessary agreements on land title; however, the property in this situation is a section of Right-of-Way owned by the City. Accordingly, Licenses of Occupation are required to secure the design development, construction and maintenance of the proposed public realm improvements and the use of the license area, and to address building construction-related issues such as location of construction staging areas and establishing communications protocols during the construction phase and traffic management for the project.

Resource Impacts

Once the public realm improvements are constructed or installed, the City would be responsible for ongoing maintenance of the plaza and landscaped areas, public washrooms and cycle track. Estimates of anticipated resource impact areas will be developed and presented to Council for approval following public consultation and final design of the public realm improvements.

CONCLUSIONS

The proposal to rezone a portion of public Right-of-Way at Clover Point is required to enable the expansion of the CRD pump station. The expanded facility is needed which redirects raw sewage to a secondary treatment plant in compliance with federal and provincial wastewater regulations. Rezoning the public Right-of-Way in the zoned area to permit a "public facility" is consistent with the OCP broad objectives, and the public realm improvements being proposed would enhance and improve the visual identity of the park and surrounding area.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00430 for the property located at 1303 Dallas Road.

Respectfully submitted,

Leanne Taylor

Senior Planner

Development Services Division

Jonathan Tinney, Director

Sustainable Planning and Community

Development Department

Report accepted and recommended by the City Managers

Date:

List of Attachments:

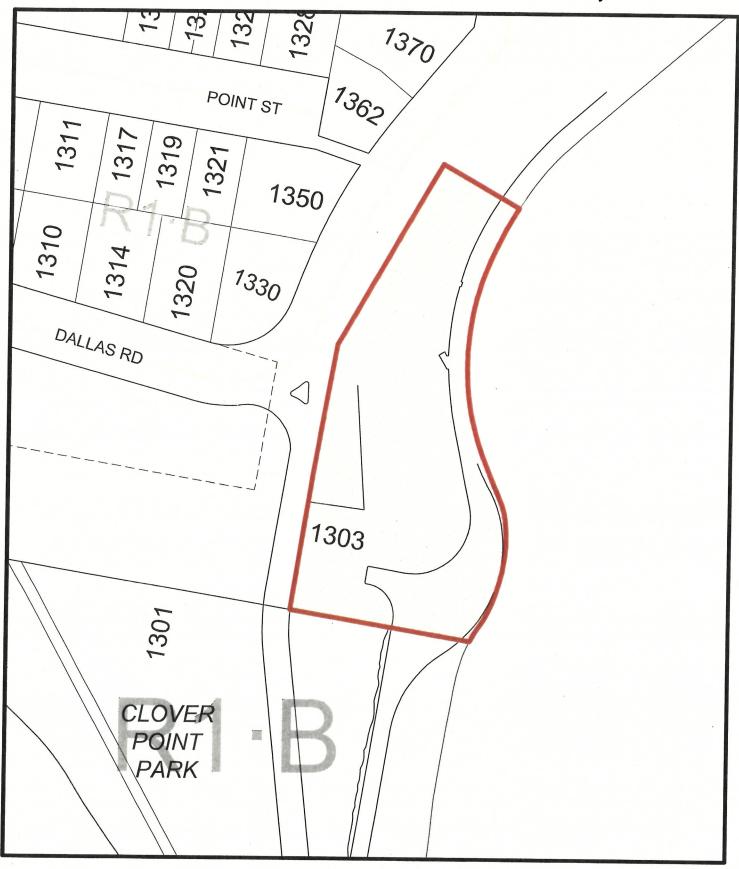
- Aerial map
- Zoning map
- Letter to Mayor and Council dated December 15, 2016
- Letter from the Planning and Zoning Committee of Fairfield Gonzales Community Association dated January 17, 2017
- Planning and Land Use Committee report dated February 6, 2014
- Planning and Land Use Committee minutes dated February 6, 2014
- Council minutes dated April 10, 2014
- Council minutes dated April 24, 2014
- Council minutes dated May 8, 2014
- Council minutes dated May 22, 2014
- Bylaw No. 14-033
- Draft Conveyance Pipe Alignment
- Typical Trail Section Detail of Cycle Track
- Draft Design Guidelines and Specifications for the Cycle Track.
- Draft Design Guidelines and Specifications for the Public Realm Improvements
- Conceptual drawings dated December 1, 2016.





1303 Dallas Road Rezoning #00430 Bylaw #







1303 Dallas Road Rezoning #00430 Bylaw #





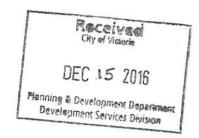
Capital Regional District

625 Fisgard Street, PO Box 1000 Victoria, BC, Canada V8W 2S6 T: 250.360.3000 F: 250.360.3234 www.crd.bc.ca



December 15, 2016

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



Dear Mayor Helps and Council:

RE: Progressing the Rezoning Application for the Clover point Pump Station Expansion

The Capital Regional District's Project Board (CRD) is ready to progress the previously submitted rezoning application for the Clover Point Pump Station (Pump Station) Expansion. This application includes plans which will improve public safety at the Dallas/Clover Point Road intersection and provide enhancements to Clover Point Park. These enhancements are based on comments that were heard at the December 2013 Fairfield Gonzales Community Association Land Use Committee (CALUC) meeting, as well as comments received from the City's Technical Review Committee. The enhancements were reviewed by the current CALUC at a meeting on December 10, 2016 and include:

- New cyclist and pedestrian viewing plaza on top of the expanded facility
- New street furniture and "bike kitchen" (facilities for bicycle maintenance and repair and a water fountain) within this plaza area
- · Sewage connections to enable a public washroom facility
- Two replanted grassed open spaces to the west and east of the plaza
- New pedestrian path along the north edge of the zoned area, continuing off-site to the west
- Pedestrian path and a separated bike path beginning from the north edge of the zoned area, which continues north to connect to Dallas Road.

Background

The Pump Station was first built in 1975 and is owned and operated by the CRD. This station must be upgraded to meet the Federal and Provincial wastewater regulations and to better serve the region's growing population. The proposed upgrades are included in the Core Area Liquid Waste Management Plan and have been approved by the CRD Board and Ministry of Environment.

The existing Pump Station screens raw wastewater prior to discharging it at the Cover Point outfall. The Pump Station expansion will pump wastewater to the planned wastewater treatment plant at McLoughlin Point for tertiary treatment.

The Clover Point Pump Station is located in a public right of way and is currently zoned R1-B (Single Family Dwelling District). Pump stations are not a permitted use under the current R1-B

zoning regulations and is therefore considered a legal non-conforming use. Rezoning is required to permit the proposed expansion of the facility. The CRD initially submitted its rezoning application in November 2013 and paused the processing while it updated the Core Area Liquid Waste Management Plan. The updated and approved plan continues to require the Pump Station expansion as proposed in the November 2013 rezoning application.

Project Description

In keeping with the existing Pump Station, the proposed expansion will be primarily underground and below the grade of the adjacent section of Dallas Road. The proposed Pump Station expansion will be sited between the existing facility and Dallas Road and will increase the area of the facility from about 500 m² to about 1500 m².

As part of the Pump Station expansion, the existing split rock wall facing the waterfront will be extended to enable access to the Pump Station and maintain the seaside walkway. Similar materials will be used so that the expanded facility will blend in with the existing facility and surrounding area.

The design of the proposed Pump Station expansion will incorporate sustainable design practices including: incorporating a green roof, specifying ecoSmart concrete, adopting an energy efficient design, and using PowerSmart electrical equipment.

Neighbourhood Impact

The CRD will continue to work with the community, municipal staff and other stakeholders to ensure any impacts during construction are minimized.

Information letters will be sent to residents and community associations surrounding the construction zone at the start of construction and updated as the project progresses. These updates will also be posted online.

Community Benefit

As noted above the Pump Station expansion will include green design elements and safety and amenity enhancements to the Clover Point Park. In addition, the CRD is collaborating with the City of Victoria to align the conveyance pipe from Clover Point to McLoughlin Point underneath a new, separated, two-way bike path identified in the City's Official Community Plan and Bicycle Master Plan. This will reduce the social, environmental and economic impacts of both projects.

Consultation

To date, the CRD has had numerous meetings with City staff and have met with local residents who live across the street from the existing Pump Station. Presentations to the Fairfield Gonzales and James Bay Community Associations and consultation with Songhees and Esquimalt Nations have been completed. A Community Association Land Use Committee (CALUC) public meeting took place with Fairfield Gonzales community members on December 7, 2013. Given the length of time since the original application the CALUC were re-engaged in a meeting on December 10, 2016 and an additional CALUC public meeting will be scheduled in mid-January 2017. In addition, informational letters have been hand delivered to neighbours of the Pump Station and a larger

mailout will be sent to residents in close proximity to the pump station to provide more information about the project and invite them to the CALUC meeting.

Conclusion

The expanded Pump Station will blend in with the surrounding area and will provide significant benefits to the City of Victoria residents and the region. Please accept this re-submission to move this project towards the successful rezoning of the land to permit the use of this critical public facility. Meanwhile, should you have any questions or require further information regarding this project, please contact Dave Clancy at 250-360-3000 or dclancy@crd.bc.ca

Sincerely,

Dave Clancy Project Director Report from Fairfield Gonzales community Association Land Use Committee

Community Meeting January 11, 2017, 7:00PM

Saanich room, Victoria Conference Centre

Clover Point Rezoning Application by Capital Regional District

25 people in attendance

CALUC members in attendance: Susan Kainer, Alice Albert, Heather Murphy,

Andrew Brownwright, Robin Jones,

Don Monsour (partial), David Biltek

Major Concerns:

Odours from wastewater pumping station

Noise from pumps

Finished designs

Final designs were not available because tenders have not been finalized. Neighbourhood request opportunity to review these before construction

Construction of plant and of pipeline to McLaughlin

Mitigation there will be substantial construction in and around the new plant as well as along the new pipeline route.

The neighbourhood would like to be apprised of what measures the CRD and the City of Victoria will put in place to mitigate disruptions from construction noise, traffic, replacement parking, construction debris and dirt, as well as lighting, safety and any other matter that would impact "quiet enjoyment".

Remediation once construction is complete what will area over pipeline.

What cycle paths, landscaping, new parking lots, fences,
trees, etc., suggestions made included: putting power lines
underground, electric car recharging station. Particular
comments were made requesting that the plaza on top of plant

be kept flat, i.e. no towers, obelisks, or raised areas that might obstruct

The CALUC did make a commitment to host a meeting specifically on the redesign of the Dallas Road Boulevard. We are happy to do this sooner rather than later. There was substantial concern on the "look" of a remediated Dallas Road boulevard.

Addendum: comment about use of native Plants

On East slope is a special native plant called Sea thrift (Armeria maritima). The plant is a mound that grows close to the ground showing a multitude of pink flowers in mid spring. As the City of Victoria Parks department have ceased cutting the east slope, the display of Sea thrift over the past two or three years has become a spectacular sea of pink. It is probably the best example of our native Sea thrift anywhere in this region. Also growing among the Sea thrift is a native plant called Gumweed (Grindelia integrifolia) which is more common than Sea thrift nevertheless a showy plant with a later bright yellow bloom. If there does have to be some upheaval of their surroundings hope that the plants be transplanted to other areas of Clover Point.

Suggest that native plants be used for any landscaping that needs to be done in and around the area where the waste management expansion project might be developed. Native plants are incredibly drought resistant, easy to grow, attract beneficial wildlife, don't need chemicals and are beautiful! And, of course, they are what grow naturally in this region.



Planning and Land Use Committee Report

Date:

January 24, 2014

From:

Helen Cain, Senior Planner

Subject:

Rezoning Application #00430 for 1303 Dallas Road and Licenses of Occupation for Clover Point Pump Station and Conveyance Pipe

Application to rezone a portion of the public Right-of-Way from R1-B Zone to a new zone to permit an addition to a legal non-conforming, existing public facility and an associated License of Occupation for Clover Point. A separate License of Occupation is required for conveyance pipe from Clover Point to a sewage plant.

Executive Summary

The purposes of this report are to present Council with information, analysis and recommendations regarding the following:

- A Rezoning Application for a portion of the public Right-of-Way at Clover Point and an associated License of Occupation to permit the Capital Regional District (CRD) to occupy and expand the Clover Point Pump Station.
- Unrelated to the proposed rezoning of Clover Point, a second License of Occupation to permit the CRD to construct conveyance piping along Dallas Road from Clover Point Pump Station to a secondary treatment sewage plant.

With respect to the Rezoning Application, the CRD proposes to rezone the property from the R1-B Zone to permit an addition to and alteration of the Clover Point Pump Station, which is a legal non-conforming public facility.

The following points were considered in assessing this application:

- In 2010, the CRD amended the Core Area Liquid Waste Management Plan
 (CALWMP) to comply with new federal regulations and provincial requirements
 for secondary treatment in wastewater systems. The proposed expansion of the
 Clover Point Pump Station is part of the "Seaterra Program", which is the
 comprehensive package of capital projects required to implement the amended
 CALWMP.
- The public Right-of-Way at Clover Point is designated "Public Facilities,
 Institutions, Parks and Open Space" in the Official Community Plan, 2012, (OCP)
 and the OCP objectives include "strategic improvements to, and efficient use of,
 existing infrastructure". With respect to wastewater management, specifically,
 OCP Policy 11.15 is to continue to support the CRD in the regular update and
 implementation of the regional CALWMP.
- The visual impact of the proposed expansion to the existing pump station at Clover Point would be minimal and the improved facility would not adversely affect the public use and enjoyment of this area.
- Legal agreements are necessary for the City to grant permission for the CRD to
 occupy the zoned area of Clover Point and to construct the facility addition.
 Because the zoned area is a road Right-of-Way, and not a land parcel, a License
 of Occupation is required. Other legal commitments, such as on-site public
 realm improvements, would be attached to the License of Occupation.

Planning and Land Use Committee Report

Rezoning Application #00430 for 1303 Dallas Road and Licenses of Occupation
for Clover Point Pump Station and Conveyance Pipe

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 Outside the scope of this rezoning, another License of Occupation would be required for conveyance piping from the Clover Point Pump Station to a secondary treatment plant at McLoughlin Point. Along this route, the CRD would provide greenway improvements including a new cycle track. While these items are separate from this application, the necessary legal agreements are included in the staff recommendation to address the issues of occupancy, construction and public realm improvements, comprehensively.

Given that the expansion of and improvements to the Clover Point Pump Station are needed to redirect sewage to a secondary treatment plant, consistent with the CALWMP, and that the proposal is consistent with the City's OCP, staff are recommending support for this application.

Recommendations

Clover Point Pump Station

1. That Council:

- (a) Approve the City entering into a License of Occupation to permit the CRD to occupy and expand the existing Clover Point Pump Station, which agreements shall:
 - i. provide for an indefinite term,
 - ii. secure the agreement of the CRD to construct the public realm improvements within the zoned area,
 - iii. be to the satisfaction of the City Solicitor and the Directors of Sustainable Planning and Community Development, Engineering and Public Works, and Parks, Recreation and Culture,
 - iv. provide that the obligations of the City under the agreements are subject to the City adopting a Zoning Regulation Bylaw amendment for Rezoning Application #00430 in accordance with the requirements of the Local Government Act;
- (b) Authorize the Mayor and Corporate Administrator to execute the License of Occupation Agreement for the Clover Point Pump Station and all documents associated with this transaction, subject to the publication of the statutory notices required by the Community Charter.

2. That Council:

Direct Rezoning Application #00430 proceed for consideration at a Public Hearing, subject to:

- a) Preparation of a Zoning Regulation Bylaw amendment;
- b) The City and the CRD entering into the necessary legal agreements.

Conveyance Pipe

3. That Council:

- (a) Approve the City entering into a License of Occupation to permit the CRD to construct a conveyance pipe from Dallas Road, which agreements shall:
 - i. provide for an indefinite term,

Planning and Land Use Committee Report
Rezoning Application #00430 for 1303 Dallas Road and Licenses of Occupation
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- secure the agreement of the CRD to construct public realm improvements, including the new cycle track along Dallas Road from Clover Point to Ogden Point,
- be to the satisfaction of the City Solicitor and the Directors of Sustainable Planning and Community Development, Engineering and Public Works, and Parks, Recreation and Culture;
- (b) That Council authorize the Mayor and Corporate Administrator to execute the License of Occupation Agreement for the Dallas Road conveyance pipe and all documents associated with this transaction, subject to the publication of the statutory notices required by the Community Charter.

Respectfully submitted,

Helen Cain

Helen Cain Senior Planner Development Services Deb Day, Director Sustainable Planning and Community Development

Dwayne Kalynchuk, Director

Jocelyn Jenkyns

Engineering and Public Works

Report accepted and recommended by the City Manager:

HC:aw

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Planning and Land Use Committee Report January 24, 2014
Rezoning Application #00430 for 1303 Dallas Road and Licenses of Occupation
for Clover Point Pump Station and Conveyance Pipe Page 4 of 12

1.0 Purpose

The purposes of this report are to present Council with information, analysis and recommendations regarding a Rezoning Application for a zoned area of a public Right-of-Way located at 1303 Dallas Road, and the necessary legal agreements to permit the CRD to occupy the proposed zoned area and to construct conveyance pipe along Dallas Road.

2.0 Background

The Rezoning Application is limited to the creation of a zoned area within the public Right-of-Way at Clover Point Park to permit and accommodate the proposed expansion and structural alteration of a pump station. However, this section provides broader information pertaining to comprehensive improvements to the regional wastewater system in order to provide the legal, regulatory and policy context for the proposal for Clover Point Pump Station.

2.1 Federal and Provincial Regulations for Wastewater Management

Management of the collection, treatment and release of wastewater effluent is an intergovernmental jurisdiction and shared responsibility. The Government of Canada is responsible for managing risks posed by substances listed under the Canadian Environmental Protection Act, 1999, including biosolids. In 2012, Canada amended the Federal Fisheries Act to add the Wastewater Systems Effluent Regulations, which are the first national standards for wastewater treatment. These new regulations require the provinces and municipalities to meet minimum secondary treatment standards and do not permit the release of untreated or undertreated sewage into waterways. However, the Federal government has granted a transition period for compliance from 2020-2040, depending on risk assessments for existing systems.

Prior to the new 2012 federal regulations, the British Columbia Ministry of Environment had directed the Capital Regional District (CRD) to plan and implement a secondary treatment plant within their wastewater system. The *Core Area Liquid Waste Management Plan* (CALWMP) was updated through an amendment obtaining provincial approval in 2010 and the CRD is working to implement the CALWMP through the "Seaterra Program" summarized below.

2.2 Seaterra Program: Implementation of Core Area Liquid Waste Management Plan

In order to implement the CALWMP, the CRD has initiated the Seaterra Program, or "Seaterra", which involves new infrastructure and improvements to existing facilities across the metropolitan region. This initiative will provide preliminary, primary and secondary treatment to bring the regional wastewater system into compliance with the new federal and provincial regulations by 2018.

Seaterra has three key elements:

- A new Treatment Plant is planned for McLoughlin Point in Esquimalt, which
 would provide secondary treatment of raw wastewater received from two existing
 pumping stations at Macaulay Point in Esquimalt and Clover Point in Victoria.
- A Resource Recovery Centre is planned for the Hartland Landfill in Saanich, which would process residual biosolids produced at the Treatment Plant.

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Rezoning Application #00430 for 1303 Dallas Road and Licenses of Occupation
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 Conveyance system infrastructure expansion and upgrades are planned, including, but not limited to, pump stations and piping on Craigflower Road in View Royal, Currie Road in Oak Bay, Macaulay Point in Esquimalt and Clover Point in Victoria.

With respect to Seaterra capital projects within Victoria's boundaries, conveyance piping ("force main") will run from Clover Point to Ogden Point and the CRD will construct a cycling track over the force main between the two destinations. Secondly, the Clover Point Pump Station, built in 1975, requires expansion and upgrades to comply with the federal and provincial regulations and to provide the necessary infrastructure and services for regional growth. This Rezoning Application is limited to the expansion of and upgrades to the Clover Point Pump Station.

2.3 Approval Process for Clover Point Pump Station

The CRD Pump Station at Clover Point is located in a public Right-of-Way and in the R1-B Zone, Single Family Dwelling District, where the existing public facility is a legal non-conforming use. Within the terms of Part 26 Section 911 (5) of the *Local Government Act* (LGA), the pump station cannot be expanded and structurally altered, except by addressing the non-conforming use.

In order to bring the pump station into conformity with the City's current zoning, the CRD must apply to the Board of Variance for the proposed expansion or to the City of Victoria to rezone a portion of Clover Point Park. Both options require the permission of the property owner or owners. The City of Victoria is the owner of the majority of the portion of the public Right-of-Way that is proposed for rezoning ("zoned area") but the Province of British Columbia owns a portion of the southwest edge of the zoned area, which has foreshore status. To allow the pump station in this location, the CRD already has a Lease of Occupation with the Province.

City staff brought forward a report (attached to this report) to the Planning and Land Use Committee for Council consideration of application process options on November 7, 2013, and Council subsequently made a decision to allow the CRD to apply for a rezoning on November 14, 2013. With respect to the Province, informal correspondence has been received indicating that there is no objection to the CRD's rezoning proposal. An official letter is pending and City staff expect to receive written confirmation of the provincial approval prior to a Public Hearing.

2.4 Description of Proposal

The CRD has provided an overview of the proposed improvements to the Clover Point Pump Station in their letter to Council and a public consultation "fact sheet", attached to this report. As stated in this fact sheet, the scope of work includes expansion and upgrades:

Clover Pump Station currently provides screening of raw wastewater prior to discharge at Clover marine outfall. Under the Seaterra Program, raw wastewater will no longer be discharged at Clover Point, except during an extreme wet weather storm event. Instead, the new Clover Pump Station will pump wastewater to the Treatment Plant at McLoughlin Point for secondary treatment via a new conveyance pipe (force main) that will be installed alongside Dallas Road.

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The CRD proposal is to rezone a portion of public Right-of-Way at Clover Point from the R1-B Zone, Single Family Dwelling District, to a new zone that would include "public facility" as a permitted use. This location is also used as a public park and the new zone for the zoned area would carry forward the current use of the Right-of-Way as a public park.

Portions of the existing facility would be sited underground, but other sections are above natural grade and the new addition would include floor area below and above ground. Though parts of the proposed building are above natural grade, all the floor area is "basement" as defined in the *Zoning Regulation Bylaw*, and as such the floor space ratio (FSR), and density, is 0.0:1 FSR.

As is currently the case, the expanded building would not be visible from the Dallas Road roadway, but would be visible from public vantage points along the greenway than runs next to the ocean. Access and egress to the subject site is currently from Dallas Road to loading bays on the north side of the existing facility and would remain in this location. No parking is proposed or required for this facility and all existing on-site parking stalls, which are for park users, would be removed.

To support the Rezoning Application, the CRD is also proposing the following public realm improvements:

- new cyclist and pedestrian viewing plaza on top of the expanded facility
- new street furniture and "bike kitchen" (facilities for bicycle maintenance and repair and a water fountain) within this plaza area
- sewage connections to enable any future public washroom facility
- two replanted grassed open spaces to the west and east of the plaza
- new pedestrian path along the north edge of the zoned area, continuing off-site to the west
- pedestrian path and a separated bike path beginning from the north edge of the zoned area, which continues north to connect to Dallas Road.

Provision of the proposed public realm improvements would be secured through the necessary legal agreements as described in "Section 2.10 Legal Agreements" of this report.

2.7 Land Use Context

The subject site is located in road Right-of-Way at Clover Point in close proximity to the ocean and near Dallas Road, where the surrounding land-use context is single family dwellings. In addition, Clover Point is used as a public park and is connected to greenways to the north, west and east. Given the subject site is part of the public Right-of-Way and sited some distance from the nearest residential uses, placement of a sewage pump station at Clover Point is appropriate.

2.8 Community Consultation

The applicant consulted with the Fairfield Gonzales Community Association Land Use Committee (CALUC) on December 16, 2013. Correspondence from the CALUC is attached to this report. The applicant's community consultation efforts on the entire Seaterra Program have included Open Houses in James Bay and Fairfield, as well as a project website.

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2.9 Existing Site Development and Development Potential

The data table (below) compares the proposal with the R1-B Zone (Single Family Dwelling District).

Zoning Criteria	Proposal	Zone Standard R1-B			
Site area (m²) – minimum (zoned area)	4803	460			
Lot width (m)	56	15			
Total floor area (m²) – maximum (basement only)	1325	n/a			
Density (Floor Space Ratio) – maximum	0.0:1	n/a			
Height (m) – maximum	3.55	7.6			
Storeys – maximum	basement only	2			
Site coverage (%) – maximum (zoned area)	27.6	40			
Open space (%) – minimum (zoned area)	72.4	n/a			
Setbacks (m) – minimum East (from High Water Mark) West (to Clover Point Park	13.55	n/a			
road)	2.88	n/a			
North (from zone boundary)	44.52	n/a			
South (from zone boundary)	9.30	n/a			
Parking – minimum	None	n/a			
Bicycle rack	None	n/a			
Bicycle storage	None	n/a			

2.10 Legal Agreements

With respect to the Rezoning Application, the usual process for securing legal commitments is the preparation, execution and registration of necessary agreements on land title. However, the property in this situation is a section of Right-of-Way, and is not a land parcel with legal title. Accordingly, a License of Occupation is required to secure the construction and maintenance of the proposed public realm improvements, and to address building construction-related issues, such as location of construction staging areas.

Separate from the proposed rezoning, another License of Occupation is required to permit the CRD to occupy the public Right-of-Way underground along Dallas Road and to construct and maintain the conveyance pipe. This License would secure the CRD commitment to construct and maintain greenway improvements (i.e. cycle track) over the force main from Clover Point to Ogden Point.

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2.11 Legal Description

The subject site is contained within the public Right-of-Way, not a land parcel, and as such does not have a legal description.

2.12 Consistency with Policy

2.12.1 Regional Growth Strategy

The proposal contributes to the *Regional Growth Strategy* goals for sustainable environmental management through infrastructure improvements related to waste discharge and diversion in the metropolitan core and within the boundaries of Victoria.

2.12.2 Official Community Plan, 2012

The proposed development is consistent with the relevant land use policies of the *Official Community Plan 2012* (OCP). The public Right-of-Way at Clover Point (1303 Dallas Road) is designated as Public Facilities, Institutions, Parks and Open Space in the OCP, which envisions institutional uses and buildings with density up to 0.5:1 FSR. Given that the Capital Regional District proposes a public facility with 0.0:1 FSR, it is consistent with relevant land use policy.

OCP "Section 11- Infrastructure" also includes the following broad objectives and policies that are related to land use planning and development:

- 11(a) That urban growth is accommodated through strategic improvements to, and efficient use of, existing infrastructure.
- 11.1 Maintain and enhance infrastructure, including water, waste water, rainwater and solid waste facilities and services identified in Map 11, Map 12, Map 3 and Map 16.
- 11.5 Continue to bridge the gap between existing infrastructure and needed physical improvements through:
 11.5.1 Coordination with Capital Regional District plans and works undertaken.
- 11.15 Continue to support the Capital Regional District in the regular update and implementation of the Core Liquid Waste Management Plan.

The purpose of the Seaterra Program is to implement the CALWMP, which depends on coordination between the CRD and member municipalities. Support for Seaterra generally and the Clover Point Pump Station expansion and upgrades in particular are consistent with the OCP objectives and policies for strategic improvements to the existing infrastructure through maintenance and enhancement of a wastewater facility already within the City's boundaries.

3.0 Issues

The main issues related to this application are:

- wastewater infrastructure improvements
- "zoned area" within the public Right-of-Way
- street view and public realm improvements.

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4.0 Analysis

4.1 Wastewater Infrastructure Improvements

Support for this application is consistent with the OCP broad objectives and policies for infrastructure. The federal and provincial legislative framework for environmental management with respect to new wastewater treatment regulations was incorporated into the *Core Area Liquid Waste Management Plan* in 2010. Since the CALWMP was approved, the CRD has entered into the implementation phase of the necessary expansion of and upgrades to infrastructure in order to comply with the new requirements for secondary treatment. Given that the Clover Point Pump Station would redirect raw sewage to a secondary treatment plant that is proposed at McLoughlin Point in Esquimalt, the expanded and upgraded public facility would serve an essential function within the proposed regional wastewater system.

4.2 "Zoned Area" within the Public Right-of-Way

In accordance with the *Zoning Regulation Bylaw* General Regulations, public Rights-of-Way in Victoria are zoned, typically with the zone of adjacent land parcel(s). However, the creation of a "zoned area" with prescribed boundaries enables this defined section of the public Right-of-Way to have a different zone than adjacent parcel(s). The proposed zoned area for the CRD pump station is modest and its establishment would not have an impact on the remaining public Right-of-Way at Clover Point or current use of the zoned area and surrounding Right-of-Way as a public park.

4.3 Street View and Public Realm Improvements

The building form and massing would not be visible from Dallas Road. From its south side, above natural grade, it would have only a minor visual impact for park users from public vantage points on the waterfront pathway, which is designated as a People-Only Greenway. Additionally, the proposal involves significant public realm improvements, including pedestrian and cyclist paths, that would extend and link the City's greenways to the north, east and west; a grassed open space to enhance the park environment and a raised waterfront plaza. The latter would have street furniture, a "bicycle kitchen" with repair station and water fountain, and infrastructure connections for a future public toilet facility.

5.0 Resource Impacts

There are no resource impacts that are associated with this proposal.

6.0 Options

Option One: (Staff Recommendation – Proceed to a Public Hearing)

Clover Point Pump Station

- That Council:
 - (a) Approve the City entering into a License of Occupation to permit the CRD to occupy and expand the existing Clover Point Pump Station, which agreements shall:
 - i. provide for an indefinite term,

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- secure the agreement of the CRD to construct the public realm improvements within the zoned area,
- iii. be to the satisfaction of the City Solicitor and the Directors of Sustainable Planning and Community Development, Engineering and Public Works, and Parks, Recreation and Culture,
- iv. provide that the obligations of the City under the agreements are subject to the City adopting a Zoning Regulation Bylaw amendment for Rezoning Application #00430 in accordance with the requirements of the Local Government Act;
- (b) Authorize the Mayor and Corporate Administrator to execute the License of Occupation Agreement for the Clover Point Pump Station and all documents associated with this transaction, subject to the publication of the statutory notices required by the Community Charter.

2. That Council:

Direct Rezoning Application #00430 to proceed for consideration at a Public Hearing, subject to:

- a) Preparation of a Zoning Regulation Bylaw amendment;
- The City and the CRD entering into the necessary legal agreements.

Conveyance Pipe

3. That Council:

- (a) Approve the City entering into a License of Occupation to permit the CRD to construct and maintain a conveyance pipe from Dallas Road, which agreements shall:
 - provide for an indefinite term,
 - secure the agreement of the CRD to construct public realm improvements, including the new cycle track along Dallas Road from Clover Point to Ogden Point,
 - iii. be to the satisfaction of the City Solicitor and the Directors of Sustainable Planning and Community Development, Engineering and Public Works, and Parks, Recreation and Culture;
- (b) That Council authorize the Mayor and Corporate Administrator to execute the License of Occupation Agreement for the Dallas Road conveyance pipe and all documents associated with this transaction, subject to the publication of the statutory notices required by the Community Charter.

Option Two: (Decline)

That Council decline Rezoning Application #00430.

7.0 Conclusion

The proposal to rezone a portion of public Right-of-Way at Clover Point is required to enable the expansion of the CRD pump station. The expanded facility is needed to redirect raw sewage to a secondary treatment plant in compliance with federal and provincial wastewater regulations. Rezoning the public Right-of-Way in the zoned area to permit a "public facility" is consistent with

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the OCP broad objectives and policies for strategic improvements to existing infrastructure and would support the CRD toward implementation of the CALWMP. Impact of the proposed expansion would be minimal and would not adversely affect public use and enjoyment of this section of Dallas Road including greenways and the waterfront generally.

8.0 Recommendation

That Council:

- (a) Approve the City entering into a License of Occupation to permit the CRD to occupy and expand the existing Clover Point Pump Station, which agreements shall:
 - i. provide for an indefinite term,
 - ii. secure the agreement of the CRD to construct the public realm improvements within the zoned area,
 - be to the satisfaction of the City Solicitor and the Directors of Sustainable Planning and Community Development, Engineering and Public Works, and Parks, Recreation and Culture,
 - iv. provide that the obligations of the City under the agreements are subject to the City adopting a Zoning Regulation Bylaw amendment for Rezoning Application #00430 in accordance with the requirements of the Local Government Act;
- (b) Authorize the Mayor and Corporate Administrator to execute the License of Occupation Agreement for the Clover Point Pump Station and all documents associated with this transaction, subject to the publication of the statutory notices required by the Community Charter.

That Council:

Direct Rezoning Application #00430 to proceed for consideration at a Public Hearing, subject to:

- a) Preparation of a Zoning Regulation Bylaw amendment;
- The City and the CRD entering into the necessary legal agreements.

Conveyance Pipe

That Council:

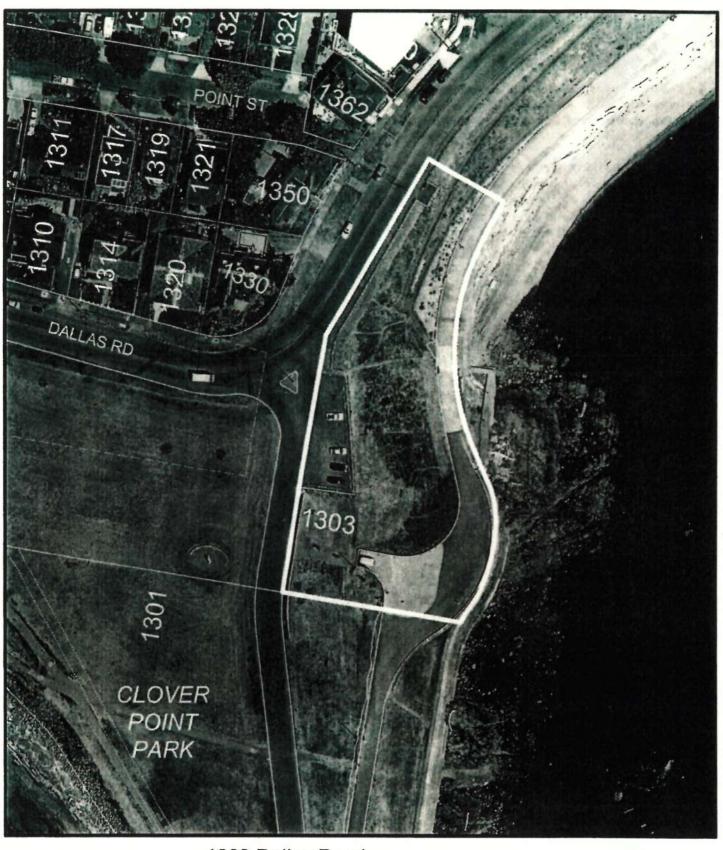
- (a) Approve the City entering into a License of Occupation to permit the CRD to construct and maintain a conveyance pipe from Dallas Road, which agreements shall:
 - i. provide for an indefinite term,
 - ii. secure the agreement of the CRD to construct public realm improvements, including the new cycle track along Dallas Road from Clover Point to Ogden Point,
 - iii. be to the satisfaction of the City Solicitor and the Directors of Sustainable Planning and Community Development, Engineering and Public Works, and Parks, Recreation and Culture;

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(b) That Council authorize the Mayor and Corporate Administrator to execute the License of Occupation Agreement for the Dallas Road conveyance pipe and all documents associated with this transaction, subject to the publication of the statutory notices required by the Community Charter.

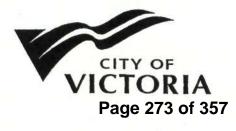
9.0 List of Attachments

- Zoning map
- Aerial photo
- Letters from Capital Regional District, date-stamped January 15, 2014, January 9, 2014, and November 14, 2013
- Fact sheet, "Seaterra Program: Clover Pump Station & Conveyance Pipe"
- Plans for Rezoning Application #00430, date-stamped January 9, 2014
- Council Meeting Minutes dated November 14, 2013
- Staff Report, "CRD Clover Point Pump Station Approvals Process Options", considered at Planning and Land Use Standing Committee on November 7, 2013
- Correspondence from the Fairfield Gonzales Community Association meeting on December 16, 2013.

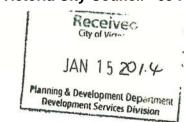




1303 Dallas Road Rezoning #00430 Bylaw #







625 Fisgard St. PO Box 1000 Victoria BC V8W 2S6 | T 250.360.3176 | F 250.360.3245 | www.crd.bc.ca

December 23, 2013

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

Attention: Mayor and Council

Re: Rezoning Application - Clover Point Pump Station Expansion

Following the CALUC meeting held on December 16, 2013 the CRD is providing information regarding the proposed additional improvements proposed for the site of the pump station expansion.

Specific comments from the community regarding the site have been reviewed with City staff. As a result, we are proposing to remove the public parking located above the pump station in order to create additional public open space and address some of the safety concerns that were brought to our attention. We are also proposing the removal of the alcove to the northeast of the pump station that was identified on the walkway and replacing it with a re-contoured slope similar to the adjacent area.

As outlined in our letter dated November 14, 2013, the CRD has already committed to providing public/cycling improvements at the site of the pump station including a water fountain, a compressed air station, and a sanitary sewer connection should the City decide in the future to provide a public washroom at the Point.

We will be developing a more detailed landscape concept for the site that will incorporate the public realm improvements as described and plan to resubmit the drawings to the City for the rezoning application by January 6, 2014. This concept will also be presented at the upcoming January 25, 2014 public open house. Following the public open house we would be prepared to present the finalized plan to City Council prior to the public hearing. Our understanding is that an adjustment will not delay setting the date for the public hearing.

Additionally the CRD has indicated they will contribute to offsite improvements including: the Beacon Hill reburial site, and a bicycle path along Dallas Road to Ogden Point that is approximately three (3) kilometers long.

We trust you will find these considerations acceptable.



Finance & Technology Department 625 Fisgard Street Victoria, BC V8W 2S6 T: 250.360.3176 F: 250.360.3245 www.crd.bc.ca Planning & Development Department Development Services Division

January 6, 2014

Seaterra File: CPS 3360-20

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

Dear Mayor Fortin and Council:

Re: Rezoning Application - Clover Point Pump Station Expansion

Further to our letter of December 23, 2013 the Capital Regional District (CRD) is submitting revised plans to our rezoning application. The revised plans are based on comments that were heard at the December 16, 2013 Fairfield Gonzales Community Association Land Use Committee (CALUC) meeting, as well as comments received from the City's Technical Review Committee.

We believe that the revised plans improve public safety at the Dallas/Clover Point Road intersection and provide significant additional enhancements to Clover Point Park. The following changes are noted which are also identified on the revised drawings:

- Remove the parking area at the Dallas and Clover Point Road intersection to improve traffic flow and safety of pedestrians and cyclists who cross behind the parking area.
- Add a new public plaza area including benches, a drinking fountain, bike racks, and view point, etc.
- Improve the Dallas/Clover Point Road median to allow for better traffic flow and the crossing of pedestrians and cyclists.
- 4. Add a new walkway from Clover Point Road to Moss Street crosswalk. This will enable the public to safely cross Dallas Road to access to Clover Point Park.
- Add a new walkway from Dallas Road alongside Clover Point Road so that the public can safely connect to the existing Clover Park walkway.
- Add a new connecting walkway and bike path across Clover Point Road to the Ross Bay Seawalk.
- 7. Reinstate the existing wheelchair ramp from Dallas Road down to the Ross Bay Seawalk.

As requested in the City's December 11, 2013 Application Review Summary letter, the following revisions are also noted in response to each of the department's comments:

Development Services

- 1. A data table has been provided on the site plan.
- 2. The existing and proposed addition to the pump station has been clearly labeled.
- The site plan has been revised to illustrate access and egress to Dallas Road.

Engineering and Public Works

- The existing surface parking on the site is proposed to be removed and replaced with a plaza.
- The access and egress is proposed to be reconfigured in order to facilitate a safer environment for cyclists and pedestrians.
- 3. A revised traffic median is proposed that will also provide a pedestrian refuge.

<u>Parks</u>

- An asphalt pathway is proposed from Dallas Road to Clover Point along the east side of the access road.
- The wheelchair accessible ramp from Dallas Road down to the lower causeway will be reinstated after the construction is completed.
- 3. The parking area is proposed to be removed and replaced with a public plaza.

As noted in previous correspondence, we believe that this project will provide significant benefits to City of Victoria residents and the region by incorporating a 2.8 km long bike path from Clover Point to Ogden Point, providing funding for a historic First Nation reburial ground at Beacon Hill Park, and most importantly, discontinuing the daily wastewater discharge at Clover Point.

We trust you will find these revisions to our rezoning application acceptable.

Sincerely,

Diana Lokken

General Manager, Finance and Technology

CC:

CAO, Victoria

Robert Lapham, CAO, CRD

Sylmon.

Albert Sweetnam, Project Director, Seaterra Tony Brcic, Deputy Director, Seaterra

Attachment:

Plans



November 14, 2013

Core Area Wastewater Treatment Program T: 250.360.3002

510-1675 Doug 33 Street

F: 250.360.3071

Victoria, BC, Canada V8W 2G5 www.ci lic.ca

Received City of Vican A

NOV 14 2013

Planning & Development Department Services Division

File: CPS 3360-20

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

Dear Mayor Dean Fortin and Council:

Capital Regional District Clover Point Pump Station Rezoning Application

Background

Clover Point Pump Station was first built in 1975 and is owned and operated by the Capital Regional District (CRD). This station is in need of upgrades to meet the new wastewater regulations in order to better serve the region's growing population. The proposed upgrades are included in the Core Area Liquid Waste Management Plan and have been approved by the CRD Board and Ministry of Environment.

The existing Clover Point Pump Station currently provides screening of raw wastewater prior to discharge at the Cover Point outfall. An expanded pump station would pump wastewater to a proposed treatment plant at McLoughlin Point for secondary treatment. Raw wastewater would no longer be discharged at Clover Point, except during extreme wet weather storm events (very infrequently).

The Clover Point Pump Station is located in a public right of way and is currently zoned R1-B (Single Family Dwelling District). Pump stations are not a permitted use under the current R1-B zoning regulations and is therefore considered a legal non-conforming use. Rezoning is required to permit the proposed expansion of the facility. At its meeting of November 7, 2013 the Governance and Priorities Committee authorized the CRD to proceed with a rezoning application, concurrent with the Community Association Land Use Committee process, for a site specific zone.

Project Description

The proposed pump station expansion will be sited between the existing facility and Dallas Road and will increase the area of the facility from about 500 m2 to 1000 m2. In keeping with the existing pump station, the proposed expansion will be below ground level and will not be visible from Dallas Road. The seaside walkway and the existing split rock wall facing the waterfront will be extended in order to allow access to the pump station. Similar materials will be used so that the expanded facility will blend in with the existing facility and surrounding area. The rooftop surface above the pump station can be restored back to its original, (grass and parking area), or other park use options could be considered. There will be no net loss of current park use and there could be an opportunity to improve park use and/or the natural environment (by revegetating with native landscape materials). The design of the proposed pump station will incorporate sustainable design practices including: incorporating a green roof, specifying ecoSmart concrete, applying leadership in energy and environmental design (LEED) principles, adopting an energy efficient design, and using PowerSmart electrical equipment.

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2

Neighbourhood Impact

Projects of this size and complexity will create some construction-related impacts. The CRD will work with municipal staff and the community to ensure that impacts are kept to a minimum and opportunities are identified for possible enhancement and mitigation.

Community Benefit

In addition to the noted green design elements, the CRD is also working with the City to develop a bike path as part of the forcemain construction that will extend along Dallas Road from Clover Point to Ogden Point. This will contribute to the City's objective of completing a separated bike path along Dallas Road that can be used by families, seniors, and tourists. To further enhance the proposed bike path at Clover Point, the CRD could consider installing a self-serve bicycle repair "kitchen" that could include a compressed air and electric charging station, a water fountain, and a sanitary sewer connection should the City decide in the future to provide a public washroom at the Point.

Consultation

To date, the CRD has had numerous meetings with City staff and have met with local residents who live across the street from the existing Clover Point Pump Station. In addition, staff have made presentations to the Fairfield Gonzales and James Bay Community Associations and have consulted with Songhees and Esquimalt Nations. A Community Association Land Use Committee (CALUC) meeting has also been scheduled with Fairfield Gonzales for December 7, 2013.

Conclusion

The new pump station will blend in with the surrounding area; it will improve service to Victoria and the surrounding communities and improve the environment by discontinuing the daily raw wastewater discharge at Clover Point. This project will allow the CRD to move forward with their commitments under the Liquid Waste Management Plan.

Please accept this letter and application as the first step towards the successful rezoning of the land to permit the use of this critical public facility. Meanwhile, should you have any questions or require further information regarding this project, please call or email the undersigned at 250.360.3066 or mcowley@crd.bc.ca.

Yours truly,

Malcolm Cowley, P. Eng

Manager, Conveyance Infrastructure, Seaterra Program

Capital Regional District

MJC/hr

Enclosures

cc: Albert Sweetnam, Program Director, Seaterra Program

Bob Lapham, Chief Administrative Officer, Capital Regional District

Alastair Bryson, Chair, Capital Regional District Board

Denise Blackwell, Chair, Core Area Liquid Waste Management Committee



Managing Construction Impacts Cont.

SAFETY:

A traffic management plan will address traffic disruptions, truck traffic and maintain access to nearby residences. Even during peak construction times, one lane of traffic will remain open on Dallas Road.

Fencing and warning signs will be installed around the pump station and conveyance pipe construction zones."

When required, flag persons will direct vehicles and pedestrians around construction areas.

Construction drivers will observe speed limits and exercise caution along Dallas Road.

NOISE:

Construction activities will comply with the local noise bylaw for hours of work and noise levels.

Work will typically occur on weekdays from 7 a.m. - 6 p.m.

No work will be planned for Sundays or holidays (except in an emergency or where a critical piece of work must be completed promptly to reduce impacts).

ENVIRONMENT:

An Environmental Management Plan (EMP) will be prepared to mitigate potential environmental impacts. The EMP will address issues including soil management, air quality, water quality and waste management. An environmental monitor will be on-site during the course of construction to ensure compliance with the plan.

Information letters (with contact names and phone numbers) will be provided to local residents and community associations at the start of construction and updated, as required, throughout the project. The Seaterra Program will provide regular updates on the Clover Pump Station at: www.seaterraprogram.ca.

Further Information

Seaterra Program staff are committed to ensuring that residents and businesses are informed about the Clover Pump Station and conveyance pipe project.

Local residents are invited to a Community Open House to learn about the Clover Pump Station, Conveyance Pipe and Bike Path.

Date: Saturday, January 25, 2014 Time: 12:00 to 3:00 p.m.

Location: Sir James Douglas Elementary 401 Moss Street, Victoria

Gymnasium

Additional information about the project is available at: www.seaterraprogram.ca.

If you have any questions or comments about the project, please contact:

Kristin Quayle, Communications Coordinator CRD Seaterra Program

510 - 1675 Douglas Street, Victoria, BC V8W 2G5 T: 250,360,3623 | F: 250,360,3071







Project Background

As part of the Seaterra Program. Clover Pump Station will be upgraded and expanded to meet current standards, increase its capacity and direct wastewater to the Treatment Plant at McLoughlin Point.

Clover Pump Station was first built in 1975 and is in need of upgrades to meet new wastewater regulations in order to serve the region's growing population. The expanded Clover Pump Station will be located below ground. beside the existing underground pump station. The seaside walkway and the rock wall along the existing pump station will be extended to make room for the new facility. The rooftop surface above the pump station is proposed to be improved from a parking area to a public plaza, including benches,

walkways, blke paths, view points and other public and cycling enhancements.

A new conveyance pipe (forcemain) will run from the Clover Pump Station along a proposed route south of Dallas Road to Ogden Point, then under the Victoria Harbour via a marine crossing to the Treatment Plant located at McLoughlin Point, The Seaterra Program is collaborating with the City of Victoria to align the conveyance pipe underneath what will become a separated bike path from Clover Point to Ogden Point.

The Seaterra Program is working with local residents to provide information on the project and receive community feedback, concerns and potential mitigation options that can be provided to the design team for consideration.

Improved Theatiment

Closer Purso Station corrently provides scienning of raw wastewater prior to discharge at Clover manne outfall. Under the Seatorra Program, new wasternator will no longer be discharged at the Clover marine outfall, except during an extreme wet weather storm event, instead, the new Clover Fump Station will pump wastewater to the Treatment Plant at McLougilla Point for secondary freatment to meet new federal and provincial regulations.

Victoria City Council - 09 Feb 2017

Design Criteria for the Clover Pump Station NOISE CONTROL ODDUR CONTROL

A noise control consultant will be retained to develop appropriate noise level criteria for the pump station. Typically, the consultant will conduct a 24-hour noise level measurement at the proposed pump station site to determine the lowest nighttime background noise level. Once that information is known, the design team can then design the pump station to not exceed that noise level at the property line. This is typically accomplished by acoustical silencing of the pumps, motors, and fans, and emitting the dampened noise through acoustical louvers placed in discrete locations away from residences.

An odour control specialist will be retained to design a comprehensive odour control system to contain and suppress odour by:

- >> incorporating sophisticated ventilation and scrubbing systems;
- >> maintaining the wet well area of the pump station at negative pressure to draw air into the scrubber; and
- >> directing all foul air through an activated carbon absorber system to remove odours prior to releasing the air to atmosphere.

The expanded pump station will continue to be owned and operated by the CRD. Staff visit the site regularly and the building is remotely monitored on a 24/7 basis by the CRD's Supervisory Control And Data Acquisition (SCADA) monitoring system.

To discourage vandalism and negative activity at the pump station site, a combination of robust and aesthetic materials will be incorporated into the design (to blend in with the look of the existing pump station). Regular upkeep will ensure that the building and site are maintained in excellent condition.

Park use agains for the land stone the Clover Pump Station could include a public plaza, heroches, wallways, bike paths, and never the sufety monogenests.

AESTHETICS

in keeping with the existing pump station, the proposed expansion will be below ground level and will not be visible from Dallas Road. The seaside walkway and the existing split rock wall facing the waterfront will be extended in order to allow access to the pump station. Similar materials will be used so that the expanded facility will blend in with the existing facility and surrounding area. The rooftop surface above the pump station is proposed to be improved from a parking area to a public plaza, including benches, walkways, bike paths, view points and other public and cycling enhancements. These changes will result in a net gain of park use space.

"GREEN" DESIGN ELEMENTS

The design of the pump station will be consistent with sustainable design practices including: specifying ecoSmart concrete, applying leadership in energy and environmental design (LEED) principles, adopting an energy efficient design, and using PowerSmart electrical equipment. Other sustainable design initiatives that are recommended include:

- >> a plaza and green roof, with possible revegetation with native grasses and plants;
- >> rainwater run-off control on-site by means of infiltration into vegetated areas;
- >> low level lighting to minimize light pollution:
- >> reuse of recycled water to wash down equipment:
- >> reuse of waste heat to lower building heating requirements.

Managing Construction Impacts

Projects of this size and complexity will create some construction-related Impacts. The Seaterra Program will work with municipal staff and the public to ensure that impacts are kept to a minimum and opportunities are Identified for enhancement and mitigation.

CONSTRUCTION DURATION:

It is anticipated that construction on the pump station will start in winter 2014 and will take just over a year to complete, Construction on the conveyance pipe will start in early 2015 and both projects will be event for the pump station and bike path will be planned for 2016.

Peak construction activity for the pump station will occur in the first few months during excavation and pouring concrete. After this, the work will be similar to a large residential construction project, with various trades completing their portions of the work. The conveyance pipe will be installed in specific segments along Dallas Road to minimize Impacts to residents, public events and tourists. Where impacts are unavoidable, a comprehensive mitigation plan will be implemented.

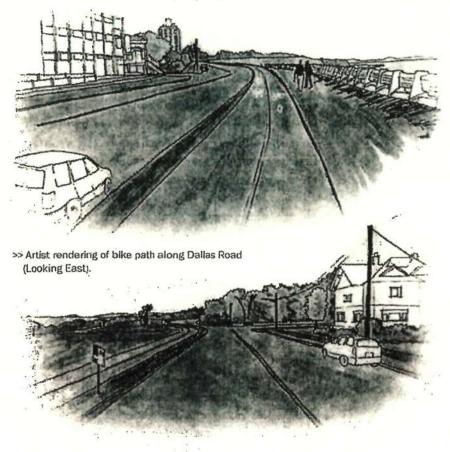
ARCHAEOLOGY:

archaeologists, First Nations, and the City of Victoria to develop a protocol should artifacts be discovered during construction. Archaeological Impact Assessments will be completed and an complete in summer 2016. An opening archaeologist will be on-site observing the work. In September 2013, Seaterra Program staff participated in a ground blessing ceremony with the Esquimatt and Songhees First Nations prior to commencing construction on Seaterra Program facilities. The Seaterra Program has partnered with the City of Victoria and Songhees and Esquimalt First Nations to commence with proporing a respectful and honouring reburial ground, should any significant artifacts be encovered and require reburial.

The Seaterra Program is working with

Continued on reverse>>





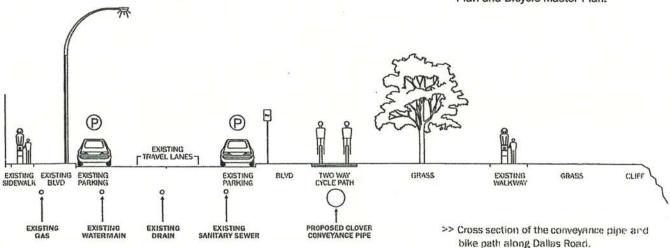
>> Artist rendering of bike path along Dallas Road (Looking West).

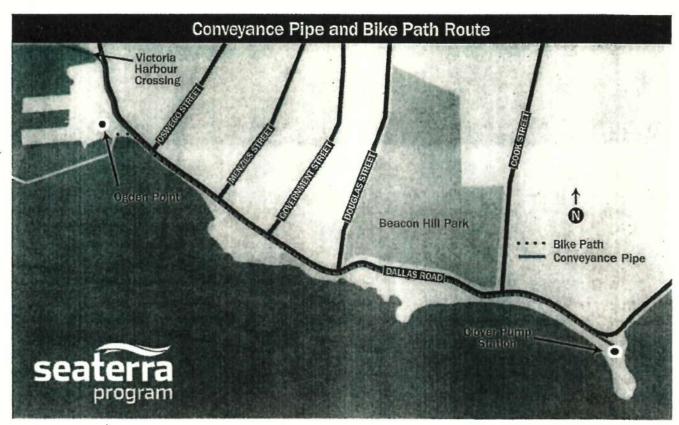
CONVEYANCE PIPE

A new conveyance pipe will run from the Clover Pump Station along a proposed route south of Dallas Road to Ogden Point, then under the Victoria Harbour via a marine crossing to the Treatment Plant planned for McLoughlin Point. The pipe will be about 1.2 metres in diameter and will be installed about 1 metre below the ground surface. The total length of the conveyance pipe from Clover Point to Ogden Point will be about 3.4 kilometres.

WORKING TOGETHER REDUCES COSTS

By aligning the conveyance pipe directly underneath the City of Victoria's new, separated two-way bike path, the same corridor can be utilized for both projects, which will minimize environmental and social impacts and save costs for Seaterra and the City. Seaterra is collaborating with the City of Victoria on the bike path, which has been long identified in the City's Official Community Plan and Bicycle Master Plan.





CONVEYANCE PIPE ROUTE

The conveyance pipe will run along the south side of Dallas Road from Clover Pump Station to Ogden Point.

ROADWAYS AND WALKWAYS

The conveyance pipe and resulting bike path will not reduce the width of the travel lanes along Dallas Road, but may require revising some angled parking spaces to parallel parking in some locations along Dallas Road. Existing pedestrian walkways along the Dallas Road Waterfront will not be reduced by the installation of the conveyance pipe and bike path.

ENVIRONMENT

The City of Victoria has completed an initial tree assessment along the proposed conveyance pipe and bike path corridor and it appears feasible that an alignment could be selected that would have little to no impact on any significant boulevard trees. Further information will be provided when environmental consultants commence their work. The goal is to improve the environment by removing invasive species, revegetating with native species, and improving surface water drainage where possible.

SAFETY

The proposed bike path will be designed to improve safety along the corridor from Clover Point to Ogden Point by:

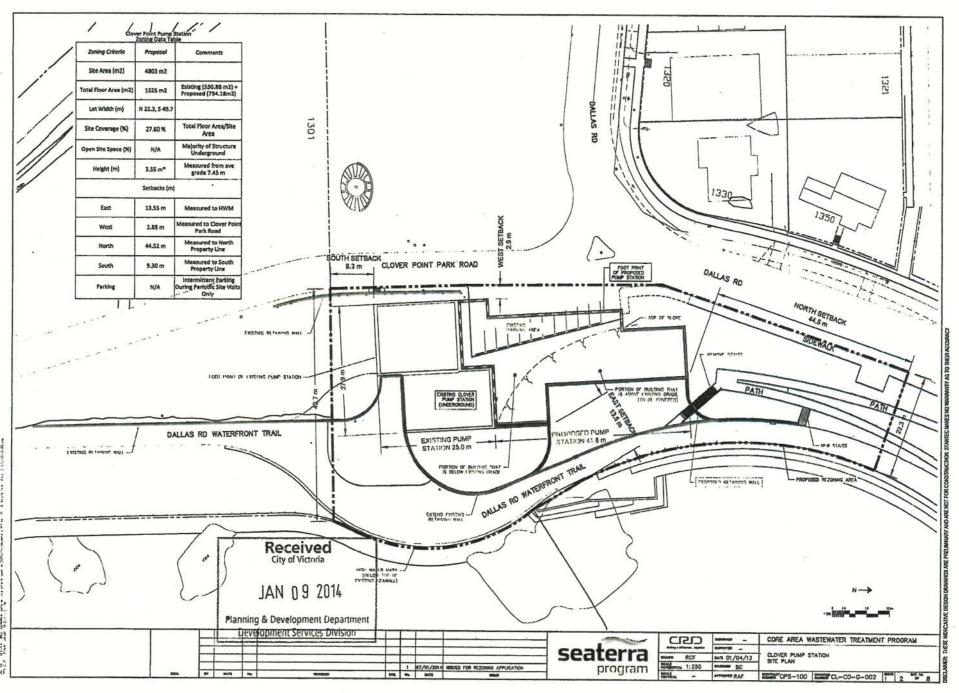
- >> Providing a new two-way bike path separated from the road and existing walking paths
- >> Improving sightlines along the route to provide better visibility for all users
- >> Installing signage that will alert drivers, cyclists and pedestrians as to proper use of the corridor

The bike path will be designed by specialists in accordance with the CRD Pedestrian and Cycling Master Plan Design Guidelines.

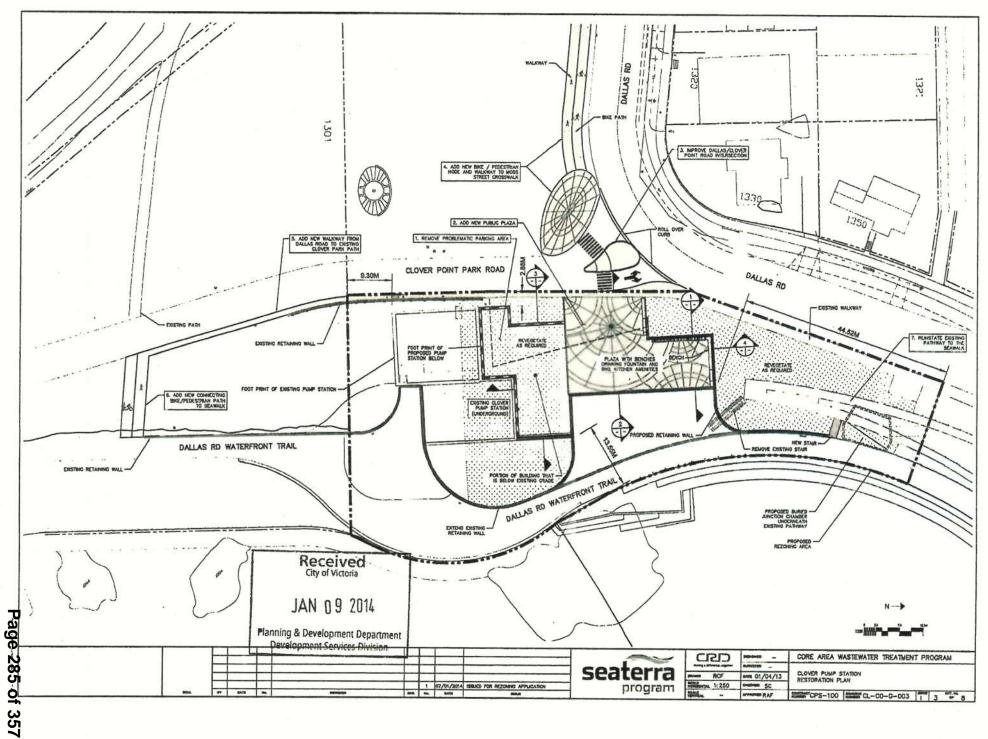


Planning & Development Department Development Services Division Victoria City Council - 09 Feb 2017

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EXISTING VIEW FROM CLOVER SEAWALK LOOKING NORTH



- EXISTING VIEW FROM DALLAS ROAD LOOKING FAST



EXISTING VIEW FROM CLOVER SEAWALK LOOKING SOUTHWEST



EXISTING VIEW FROM DALLAS ROAD LOOKING SOUTH

Received City of Victoria

JAN 09 2014

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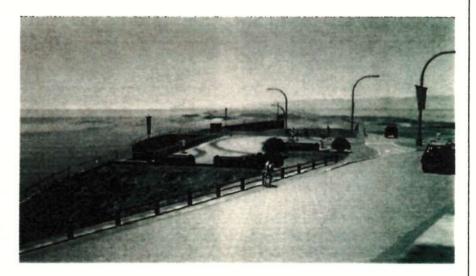




AERIAL PERSPECTIVE







NEW FROM EAST City of Victoria

VIEW FROM DALLAS ROAD LOOKING SOUTH

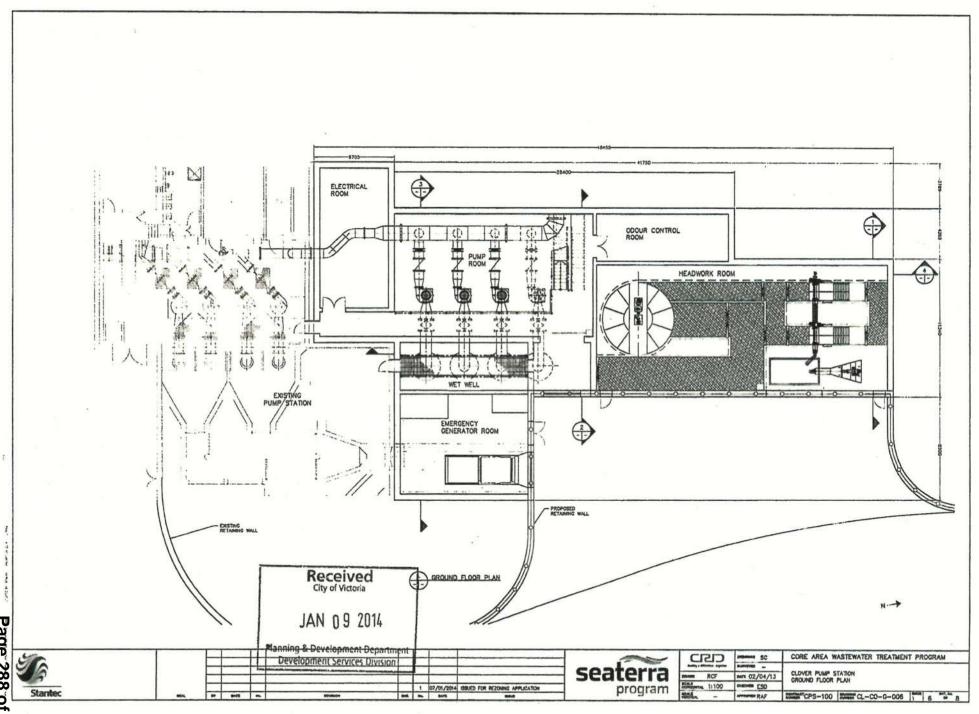


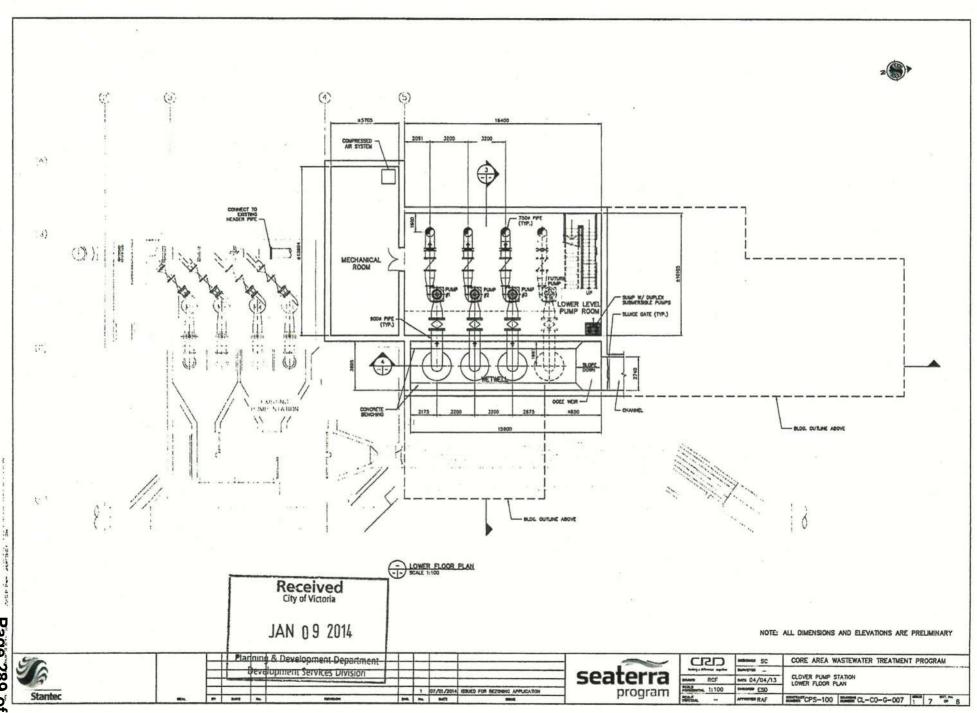
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seaterra program

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REPORTS OF THE COMMITTEE

- Governance and Priorities Committee November 07, 2012
 - 2. CRD Clover Point Pump Station Approvals Process Options
 It was moved by Councillor Alto, seconded by Councillor Madoff, that Council permit the CRD to make a Rezoning Application to allow a public utility as a permitted use in this specific location with the CALUC process to run concurrently.

 Carried Unanimously



Governance and Priorities Committee Report

Date:

October 28, 2013

From:

Brad Dellebuur, Manager of Transportation

Subject:

CRD Clover Point Pump Station - Approvals Process Options

Executive Summary

The CRD is planning to upgrade and expand the existing Clover Point Pump Station, to increase its capacity and direct wastewater to the proposed Wastewater Treatment Plant at McLoughlin Point. In order to move forward, the CRD requires City approval for expansion of the pump station.

Approving the pump station expansion has several process options, necessitating Council direction on the preferred process – Board of Variance application, Rezoning application, or a City-initiated amendment to the Zoning Regulation Bylaw. In the first two options, Council must grant permission to the CRD to proceed with an application to resolve the legal non-conforming use, because the City of Victoria is the property owner. The third option involves a City-initiated action to amend the Zoning Regulation Bylaw, to allow public utilities within all public right-of-ways within the City of Victoria.

Staff recommends that Council direct staff to initiate a Zoning Regulation Bylaw Amendment to the "General Regulations", to allow "public utility" as a permitted use within all public-right-ways within all City zones. This amendment will ensure all existing CRD infrastructure located in public right-of-ways throughout the City conforms to the Zoning Regulation Bylaw, and would avoid potential issues for similar infrastructure projects in the future.

Recommendation:

That Council direct staff to initiate a Zoning Regulation Bylaw Amendment to the "General Regulations" to allow "public utility" as a permitted use within all public-right-ways within all City zones.

That this report be received for information.

Respectfully submitted,

Brad Dellebuur

Manager of Transportation

Dwayne Kalynghuk, P. Eng.

Director, Engineering and Public Works

Deborah Day
Director of Planning

Report accepted and recommended by the Acting City Manager:

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Purpose

The purpose of this report is to seek Council approval on the preferred method to process the CRD's proposal to upgrade and expand the existing underground Clover Point Pump Station.

Background

The CRD is planning to upgrade and expand the underground Clover Point Pump Station, to increase its capacity and direct wastewater to the proposed Wastewater Treatment Plant at McLoughlin Point. In order to move forward, the CRD requires City approval for expansion of the pump station.

The existing Clover Point Pump Station currently provides screening of raw wastewater prior to discharge at the Clover Point outfall. An expanded pump station would pump wastewater to a proposed treatment plant at McLoughlin Point for secondary treatment, via a new forcemain running along Dallas Road, through Ogden Point, and under the Inner Harbour. Raw wastewater would no longer be discharged at Clover Point, except during extreme wet weather storm events.

Approving the pump station expansion has several process options, necessitating Council direction on the preferred process.

Issues & Analysis

The Capital Regional District (CRD) Pump Station Plant at Clover Point is located in the public right-of-way and zoned R1-B (Single Family Dwelling District). Pump stations are not permitted uses within the R1-B Zone, and the existing facility is therefore a legally non-conforming use. This legal non-conforming status poses a challenge in terms of the CRD's ability to advance their proposal for a large addition to the building. Part 26 Section 911 (5) of the Local Government Act (LGA) prohibits a structural alteration or addition to a legal non-conforming use:

(5) A structural alteration or addition, except one that is required by an enactment or permitted by a board of variance under Section 901 (2), must not be made in or to a building or other structure while the non-conforming use is continued in all or any part of it.

In accordance with the above legislation, there are three options for addressing the CRD request to expand the Clover Point Pump Station:

- CRD makes a Board of Variance Application
- CRD makes a Rezoning Application
- City initiates a Zoning Regulation Bylaw Amendment

In Option 1 and Option 2, Council must grant permission to the CRD to proceed with an application to resolve the legal non-conforming use, because the City of Victoria is the property owner. Option 3 involves a City-initiated action to amend the Zoning Regulation Bylaw, to allow public utilities within all public right-of-ways within the City of Victoria.

The following provides a brief analysis of the advantages and disadvantages of each option:

 That Council permit the CRD to make a Board of Variance Application to allow the addition and structural alterations to the building, without any change to the current legal nonconforming use.

Advantages:

- Board of Variance Applications take a fairly short timeframe to process. (Typically six to eight weeks.)
- The immediately adjacent neighbours would be notified of the proposal and invited to submit comment to the Board of Variance.
- If the Board of Variance Application is unsuccessful, Council could still allow the CRD to submit a rezoning application.

Disadvantages:

- The public may perceive the process to be limited with respect to community consultation.
- That Council permit the CRD to make a Rezoning Application to allow a public utility as a permitted use in this specific location.

Advantages:

- The use will be permitted within this location simplifying regulatory challenges.
- The public may perceive greater opportunities for community consultation and involvement than the Board of Variance option.

Disadvantages:

- Rezoning Applications have a longer processing timeframe (typically four to six months for straightforward applications.) This may delay the start date of this CRD project.
- It is not possible to expedite a Rezoning Application for this property without significantly impacting other Departmental Work Program items, and timelines associated with other development applications.
- That Council direct staff to initiate a Zoning Regulation Bylaw Amendment to the "General Regulations", to allow "public utility" as a permitted use within all public-right-ways within all City zones.

Advantages:

 Public utilities in other public right-of-ways would no longer be considered legal nonconforming uses, and similar situations would be avoided in the future.

Disadvantages:

- Public utilities would become permitted uses within every public right-of-way, which may
 result in the development of utilities in locations around the City that are not necessarily in
 the best interests of the public.
- In order to fully anticipate and analyze potential implications associated with this type of City-Initiated rezoning, an expedited process would not be possible without significantly affecting other Departmental Work Program items and timelines associated with development applications.

Staff recommends Council direct staff to initiate a Zoning Regulation Bylaw Amendment to the "General Regulations", to allow "public utility" as a permitted use within all public-right-ways within all City zones. This amendment will ensure all existing CRD infrastructure located in public right-of-ways throughout the City conforms to the Zoning Regulation Bylaw, and would avoid potential issues for similar infrastructure projects in the future.

Other Project Issues:

Staff will be forwarding a separate information memo to Council on a number of other ongoing items associated with this project, including the proposed forcemain along Dallas Road and potential construction impacts, and the status of neighbourhood discussions regarding the proposed bike path between Clover Point and Ogden Point.

Recommendations

That Council direct staff to initiate a Zoning Regulation Bylaw Amendment to the "General Regulations" to allow "public utility" as a permitted use within all public-right-ways within all City zones.



Governance and Priorities Committee Report

Date:

October 28, 2013

From:

Brad Dellebuur, Manager of Transportation

Subject:

CRD Clover Point Pump Station - Approvals Process Options

Executive Summary

The CRD is planning to upgrade and expand the existing Clover Point Pump Station, to increase its capacity and direct wastewater to the proposed Wastewater Treatment Plant at McLoughlin Point. In order to move forward, the CRD requires City approval for expansion of the pump station.

Approving the pump station expansion has several process options, necessitating Council direction on the preferred process – Board of Variance application, Rezoning application, or a City-initiated amendment to the Zoning Regulation Bylaw. In the first two options, Council must grant permission to the CRD to proceed with an application to resolve the legal non-conforming use, because the City of Victoria is the property owner. The third option involves a City-initiated action to amend the Zoning Regulation Bylaw, to allow public utilities within all public right-of-ways within the City of Victoria.

Staff recommends that Council direct staff to initiate a Zoning Regulation Bylaw Amendment to the "General Regulations", to allow "public utility" as a permitted use within all public-right-ways within all City zones. This amendment will ensure all existing CRD infrastructure located in public right-of-ways throughout the City conforms to the Zoning Regulation Bylaw, and would avoid potential issues for similar infrastructure projects in the future.

Recommendation:

That Council direct staff to initiate a Zoning Regulation Bylaw Amendment to the "General Regulations" to allow "public utility" as a permitted use within all public-right-ways within all City zones.

That this report be received for information.

Respectfully submitted,

Brad Dellebuur

Manager of Transportation

Dwayne Kalynchuk, P. Eng.

Director, Engineering and Public Works

Deborah-Day

Director of Planning

Report accepted and recommended by the Acting City Manager:

Page 296 of 357

Purpose

The purpose of this report is to seek Council approval on the preferred method to process the CRD's proposal to upgrade and expand the existing underground Clover Point Pump Station.

Background

The CRD is planning to upgrade and expand the underground Clover Point Pump Station, to increase its capacity and direct wastewater to the proposed Wastewater Treatment Plant at McLoughlin Point. In order to move forward, the CRD requires City approval for expansion of the pump station.

The existing Clover Point Pump Station currently provides screening of raw wastewater prior to discharge at the Clover Point outfall. An expanded pump station would pump wastewater to a proposed treatment plant at McLoughlin Point for secondary treatment, via a new forcemain running along Dallas Road, through Ogden Point, and under the Inner Harbour. Raw wastewater would no longer be discharged at Clover Point, except during extreme wet weather storm events.

Approving the pump station expansion has several process options, necessitating Council direction on the preferred process.

Issues & Analysis

The Capital Regional District (CRD) Pump Station Plant at Clover Point is located in the public right-of-way and zoned R1-B (Single Family Dwelling District). Pump stations are not permitted uses within the R1-B Zone, and the existing facility is therefore a legally non-conforming use. This legal non-conforming status poses a challenge in terms of the CRD's ability to advance their proposal for a large addition to the building. Part 26 Section 911 (5) of the Local Government Act (LGA) prohibits a structural alteration or addition to a legal non-conforming use:

(5) A structural alteration or addition, except one that is required by an enactment or permitted by a board of variance under Section 901 (2), must not be made in or to a building or other structure while the non-conforming use is continued in all or any part of it.

In accordance with the above legislation, there are three options for addressing the CRD request to expand the Clover Point Pump Station:

- CRD makes a Board of Variance Application
- 2. CRD makes a Rezoning Application
- City initiates a Zoning Regulation Bylaw Amendment

In Option 1 and Option 2, Council must grant permission to the CRD to proceed with an application to resolve the legal non-conforming use, because the City of Victoria is the property owner. Option 3 involves a City-initiated action to amend the Zoning Regulation Bylaw, to allow public utilities within all public right-of-ways within the City of Victoria.

The following provides a brief analysis of the advantages and disadvantages of each option:

 That Council permit the CRD to make a Board of Variance Application to allow the addition and structural alterations to the building, without any change to the current legal nonconforming use.

Advantages:

- Board of Variance Applications take a fairly short timeframe to process. (Typically six to eight weeks.)
- The immediately adjacent neighbours would be notified of the proposal and invited to submit comment to the Board of Variance.
- If the Board of Variance Application is unsuccessful, Council could still allow the CRD to submit a rezoning application.

Disadvantages:

- The public may perceive the process to be limited with respect to community consultation.
- That Council permit the CRD to make a Rezoning Application to allow a public utility as a permitted use in this specific location.

Advantages:

- The use will be permitted within this location simplifying regulatory challenges.
- The public may perceive greater opportunities for community consultation and involvement than the Board of Variance option.

Disadvantages:

- Rezoning Applications have a longer processing timeframe (typically four to six months for straightforward applications.) This may delay the start date of this CRD project.
- It is not possible to expedite a Rezoning Application for this property without significantly impacting other Departmental Work Program items, and timelines associated with other development applications.
- That Council direct staff to initiate a Zoning Regulation Bylaw Amendment to the "General Regulations", to allow "public utility" as a permitted use within all public-right-ways within all City zones.

Advantages:

 Public utilities in other public right-of-ways would no longer be considered legal nonconforming uses, and similar situations would be avoided in the future.

Disadvantages

- Public utilities would become permitted uses within every public right-of-way, which may
 result in the development of utilities in locations around the City that are not necessarily in
 the best interests of the public.
- In order to fully anticipate and analyze potential implications associated with this type of City-initiated rezoning, an expedited process would not be possible without significantly affecting other Departmental Work Program items and timelines associated with development applications.

Committee Report CRD Clover Point Pump Station – Approvals Process Options

October 28, 2013 Page 3 of 4 Staff recommends Council direct staff to initiate a Zoning Regulation Bylaw Amendment to the "General Regulations", to allow "public utility" as a permitted use within all public-right-ways within all City zones. This amendment will ensure all existing CRD infrastructure located in public right-of-ways throughout the City conforms to the Zoning Regulation Bylaw, and would avoid potential issues for similar infrastructure projects in the future.

Other Project Issues:

Staff will be forwarding a separate information memo to Council on a number of other ongoing items associated with this project, including the proposed forcemain along Dallas Road and potential construction impacts, and the status of neighbourhood discussions regarding the proposed bike path between Clover Point and Ogden Point.

Recommendations

That Council direct staff to initiate a Zoning Regulation Bylaw Amendment to the "General Regulations" to allow "public utility" as a permitted use within all public-right-ways within all City zones.

MINUTES OF MEETING Planning and Zoning Committee Fairfield Gonzales Community Association December 16, 2013

Members of FGCA Planning and Zoning Committee:

George Zador (chair), Jim Masterton, Chris Schmidt, Bill Rimmer and Paul Brown

Subject Property:

1122-1124 Leonard Street; to permit the strata titling of an existing duplex Presenter: Michael Cronquist

Proponent will repair roof and stucco siding, redo stoop, windows and masonry; establish parking in the front yard

4 attendees

Attendee Questions & Comments:

- Two neighbours with adjacent properties expressed support for the proposal and indicated other neighbours also support it.
- Other neighbour in close proximity also expressed support
- General consensus was the poor condition of the property needed attention and were pleased proponent is proposing to fix it up
- One neighbour questioned whether a masonry wall would undergo strengthening aka seismic upgrading. The proponent indicated that would depend on his contractor's assessment of the condition of the wall

Subject Property:

1303 Dallas Rd. - Clover Point Pump Station. The existing pump station is to be expanded as part of the overall CRD wastewater handling proposal, and requires a change to its present zoning of R1B, permitted non-conforming.

Presenter: Malcolm Cowley

Estimate 90 attendees, 80% from the community and 20% from outside the community

Owing to the large turnout and anticipated broad range of questions regarding the CRD wastewater treatment project, attendees were reminded to direct their questions only to the specifics of the rezoning proposal.

It was most helpful to hear the announcement from the presenter that arrangements were made for an Open House on Jan. 25, 2014 as a step in further public engagement about the wastewater handling program, where all other questions will be entertained.

Attendee Questions & Comments:

- Expression by many that this is another example of poor community engagement by CRD and not in step with CRD stated public engagement standards; aka only 16 notices to residents were sent out.
- Neighbours in close proximity expressed concerns regarding noise, odour, diesel
 exhaust and traffic safety (pedestrians, cyclists and vehicles). Suggestions that
 some safety measures need to be addressed during and post construction. How
 will noise and odour be mitigated? Might some form of traffic calming be
 considered such as a crosswalk? How is noise measured? Will things be better or
 worse regarding noise and odour?
- Questions as to why no public engagement before seeking rezoning
- Questions as to why rezoning application submitted to city prior to this CALUC meeting...proponent indicated they were told to do so by City
- What steps have been taken to consult with first nations....both Songhees and Esquimalt First Nations have been consulted with
- Questions regarding what would be impact if City refuses to rezone property. Is
 there a plan B? Is the City really willing not to proceed with the rezoning or is this
 just a process that needs to be followed and rezoning is a given? No answer
 available from presenter, it will be up to the City.
- When complete, what is the increased flow? Proponent stated there will be a small
 increase and this will be mitigated by local government efforts to reduce
 infiltration of storm water into sanitary sewers.
- Will electric power requirements for pumps increase and could power lines be put underground?
- What environmentally friendly steps be taken to reduce electrical power requirements and could other methods to power the pumps be considered? Proponent indicated only practical source of power is electricity; however they are pursuing environmentally initiatives such as green roofing.
- What is the total cost? Answer: budget is \$20 million for the pumping station
- A great deal of questions and discussion regarding the trenching along Dallas
 Road and extension of pipe across entrance to harbor to the McCauley Point
 Treatment Plant. These questions were out-of-scope for the rezoning of the
 pumping station at Clover Point, however people expressed frustration there has
 not been a public forum to discuss such. Issues included impact on parking,
 erosion of slopes, whether piping could be put off-shore, pipe maintenance,
 barriers between cycle path and dog off-leash area....
- Question regarding attention to impact of potential tsunami considered in design...answer, yes it is being accounted for in the design.
- Question as to why upgrading of pumping station is necessary if no increase in flow projected. Answer, existing equipment is old, new equipment will not fit existing structure and must pump sewage much further (McCauley Point) than existing pumps (outfall). Designed for the next 75 years.
- Questions regarding actual size of pumping station and setbacks and difficulty in providing comment without these specifications. Proponent stated these were still

- being determined and indicated present proposal shows maximum size of pumping station (actual could be less) and that setback will be about 8 meters from high water.
- Comments regarding difficulty in providing meaningful input on pumping station in isolation, without consideration of impacts all along Dallas Road waterfront
- · Comment that parking should not be impacted
- Comment that parking should be eliminated at Clover Point and revert to only parkland
- Comment that future CRD-Seaterra public engagement meetings should be held
 in the same format as this meeting, with on the spot question answer opportunity
- Question as to when this will go to council
- Question as to why Amendment 8 does not speak to expansion or upgrading of pumping station. Proponent stated Amendment states remove of grit and ability to handle 3X average flow.

George Zador

Planning and Zoning Chair
Fairfield Gonzales Community Association
1330 Fairfield Rd. Victoria, BC V8S 5J1
planandzone@fairfieldcommunity.ca
www.fairfieldcommunity.ca
Facebook

REPORTS OF THE COMMITTEE

4. Planning and Land Use Committee - February 06, 2014

1. Rezoning Application # 00430 for 1303 Dallas Road (CRD Wastewater Pump Station at Clover Point)

It was moved by Councillor Alto, seconded by Councillor Coleman, Clover Point Pump Station

- 1. That Council:
 - Approve the City entering into a License of Occupation to permit the CRD to occupy and expand the existing Clover Point Pump Station, which agreements shall:
 - i. Provide for an indefinite term,
 - ii. Secure the agreement of the CRD to construct the public realm improvements within the zoned area, including public washroom facilities,
 - iii. Be to the satisfaction of the City Solicitor and the Directors of Sustainable Planning and Community Development, Engineering and Public Works, and Parks, Recreation and Culture,
 - iv. Provide that the obligations of the City under the agreements are subject to the City adopting a *Zoning Regulation Bylaw* amendment for Rezoning Application # 00430 in accordance with the requirements of the *Local Government Act*;
 - b. Authorize the Mayor and Corporate Administrator to execute the License of Occupation Agreement for the Clover Point Pump Station and all documents associated with this transaction, subject to the publication of the statutory notices required by the Community Charter.
- 2. Direct Rezoning Application # 00430 proceed for consideration at a Public Hearing, subject to:
 - a. Preparation of a Zoning Regulation Bylaw amendment.
 - b. The City and the CRD entering into the necessary legal agreements.

Conveyance Pipe

- 3. That Council:
 - a. Approve the City entering into a License of Occupation to permit the CRD to construct a conveyance pipe from Dallas Road, which agreements shall:
 - i. Provide for an indefinite term,
 - ii. Secure the agreement of the CRD to construct public realm improvements, including the new cycle track along Dallas Road from Clover Point to Ogden Point,
 - iii. To be to the satisfaction of the City Solicitor and the Directors of Sustainable Planning and Community Development, Engineering and Public Works, and Parks, Recreation and Culture.
 - b. That Council authorize the Mayor and Corporate Administrator to execute the License of Occupation Agreement for the Dallas Road conveyance pipe and all documents associated with this transaction, subject to the publication of the statutory notices required by the *Community* Charter and Council's approval of the final alignment of the cycle track.

 Carried Unanimously

Council meeting February 13, 2014

BYLAWS

FIRST READING

It was moved by Councillor Isitt, seconded by Councillor Young, that the following bylaw be given first reading:

Zoning Regulation Bylaw, Amendment Bylaw (No. 991)

14-033

To rezone a portion of Public Right-of-Way known as 1303 Dallas Road to permit public buildings and accessory buildings and expansion and alteration of an existing wastewater pump station to collect and pump wastewater effluent

Councillor Gudgeon asked if washrooms are included in this.

<u>Dwayne Kalynchuk (Director of Engineering)</u>: Yes they are included and when the Planning Department brings the information forward, they will be included in the agreements.

Councillor Isitt asked about the cycling pathway tying in to Clover Point.

<u>Dwayne Kalynchuk</u>: It is included in the Plaza area and how it connects on the east and west side and the detailed information will be brought forward at the next meeting.

Councillor Isitt said that there is an issue for the zoning of the downstream facility to convey the waste and he has confidence in the project.

Councillor Helps said that she does not feel that this should move forward.

Motion to Table:

It was moved by Councillor Helps, seconded by Councillor Alto, that Council table consideration of the following bylaw:

Zoning Regulation Bylaw, Amendment Bylaw (No. 991)

14-033

Carried

For:

Councillors Alto, Gudgeon, Helps, Madoff and Thornton-Joe

Against: Mayor Fortin, Councillors Coleman, Isitt and Young

Council meeting April 10, 2014

UNFINISHED BUSINESS

1. <u>Unfinished Business List</u>

It was moved by Councillor Isitt, seconded by Councillor Young, that Zoning Regulation Bylaw, Amendment Bylaw (No. 991) – No. 14-033 for 1303 Dallas Road be lifted from the table.

Councillor Isitt said that there may have been some unintended consequences with Council tabling consideration of the bylaw at the last Council meeting.

Mayor Fortin advised that the motion is not debatable, but as he has already allowed Councillor Isitt to speak, he would like to suspend the rules of order.

Motion:

It was moved by Mayor Fortin, seconded by Councillor Isitt, that Council suspend the rules of order.

Carried

For:

Mayor Fortin, Councillors Coleman, Gudgeon, Helps, Isitt, Madoff, Thornton-Joe and Young

Against: Councillor Alto

<u>John Sturdy (Assistant Director, Engineering and Public Works)</u>: Engineering Department is drafting a report for the May 8th Council meeting to provide an update on the current status of all issues related to the rezoning, including the CRD plans.

Mayor Fortin said that there are also infrastructure upgrades that are tied to the rezoning whether sewage treatment goes ahead or not.

Councillor Coleman said that there was a presentation at the Fairfield Community Centre by Seaterra that said the rezoning had to go ahead because a volumetric upgrade had be done and if it is tabled we could lose the amenities.

On the main motion:

Defeated

For:

Councillors Isitt and Young

Against:

Mayor Fortin, Councillors Alto, Coleman, Gudgeon, Helps, Madoff and Thornton-Joe

Council meeting April 24, 2014

HEARINGS - REQUESTS TO ADDRESS COUNCIL

8. Stephen Henderson, CRD, re: Zoning Regulation Bylaw, Amendment Bylaw (No. 991) - No. 14-033: The equipment within the facility has a 25 year life cycle and the building was built 40 years ago and the equipment is overdue for an upgrade and the upgrades require expansion of the facility. Currently there are about six overflows a year which affects the environment as it is at capacity. The upgrades proposed are new screens, higher capacity pumps, electrical and mechanical equipment, acoustical insulation and odour control equipment. Currently the system removes about 1,000 kg of solids from the effluent a day and with the upgrade a further 1,000 kg of solids would be removed a day. The benefits realized are increased capacity to prevent overflows, better effluent quality which will contribute to a cleaner ocean. The expansion of the facility will allow site benefits such as a new intersection and sidewalks, new public realm improvements including public plaza and landscaping, washrooms benches and drinking fountain and sidewalk and cycling improvements. The upgrades are being proposed so the CRD can continue using the facility until the decision is made on the larger question of sewage treatment. He would request that Council give first and second reading and forward the application to public hearing.

UNFINISHED BUSINESS

2. <u>Clover Point Pump Station - Status Update re: Rezoning Conditions/Additional Information from Capital Regional District</u>

Council received a report dated April 30, 2014 from the Engineering and Public Works Department providing an update on items raised at the Planning and Land Use Committee meeting on February 6, 2014, including length of agreement term, public realm improvements associated with the pump station and with the conveyance pipe, and the status of the alignment of the cycle track and associated public engagement.

Motion – Lift from the Table:

It was moved by Councillor Young, seconded by Councillor Isitt, that Council: Lift Zoning Regulation Bylaw, Amendment Bylaw (No. 991) - No. 14-033 from the table.

Carried Unanimously

John Sturdy Assistant Director of Underground and Facilities: Advised Council that the Licence of Occupation Agreement for the pump station is moving forward and close to being finalized. The agreement would be for a term of 99 years. The improvements associated with the pump station include:

- a public viewing plaza;
- a bike-pedestrian node to transition from the pedestrian path to the viewing plaza;
- benches;
- bike racks and maintenance stand;
- drinking fountain;
- · public washrooms;
- intersection improvements; and,
- pedestrian paths.

The licence includes an allowance of \$75,000 for five years of operating and maintenance costs for the public realm improvements.

The Licence of Occupation for the conveyance pipe is also moving forward, again the term will be for 99 years and is related to the force main that is proposed from Clover Point to the proposed treatment plant. A cycle track is the prime public realm improvement associated with this. The final alignment of the cycle track is still being finalized and the force main will follow this track once it has been determined.

Mayor Fortin said the First Nations reburial is missing as it was tied to the conveyance pipe

construction and if the CRD is not willing to go along with this, then they must commit to follow the City's protocol in relation to First Nations reburials.

<u>Stephen Henderson (CRD)</u>: The CRD has Board approval for the funding for reburial process at Beacon Hill Park and a MOU is being worked on with City staff.

Councillor Isitt said that funds have been committed prior to this rezoning and the City has approved the site, it would take a motion to rescind funds at the CRD to take the funds away. The status quo is not acceptable and this is a reasonable proposal. This is an appropriate use for the land and looks forward to the public hearing.

Councillor Helps asked:

- If the rezoning goes ahead and there is no sewage treatment plant at McLoughlin Point, do the amenities still happen?
- Where is the \$75,000 in on-going maintenance coming from?
- Is the first Licence of Occupation is tied to the rezoning?
- What about the conveyance pipe Licence of Occupation?
- She is prepared to support the upgrade to the plant, but not the conveyance pipe; can they be separated?

John Sturdy:

- The Licence of Occupation includes the requirements for the public realm improvements and funding which is tied to the rezoning and moving ahead with upgrades to Clover Point Pump Station;
- Yes, the first Licence is tied to the rezoning;
- The conveyance pipe is separate and would move ahead when the force main moves ahead; if this does not occur then the Licence would not be enacted;
- Currently the Licence for the conveyance pipe is included with the work that will occur with the upgrade, but the terms of the licence would not be enacted until the conveyance pipe work proceeds.

Mayor Fortin said the current application includes the Licence of Occupation for the conveyance pipe, but the conveyance pipe will not be built unless there is a sewage treatment plant built to send effluent to.

Councillor Helps asked why we would sign a licence for a pipe that may or may not be built?

<u>John Sturdy</u>: By signing the licence now, it binds the applicant to providing the amenities at the time work occurs; without the licence in place, it would have to be finalized when the pipes proceeds.

Councillor Helps requested that this be made clear to the public when it goes to public hearing.

Mayor Fortin said that the applicant is the CRD not the City and they are the ones to provide the public information.

Councillor Madoff said one of the issues is:

- What upgrades to the Clover Point Pump Station be required in isolation of McLoughlin?
- She had hoped they would be separate and uncomfortable that they are tied together.

<u>Deb Day (Director, Sustainable Planning and Community Development)</u>: The rezoning can proceed and not impinge on this issue; they are not linked.

Mayor Fortin asked if granting this rezoning and amenities would prevent, in the future, this being the location for the City's distributed sewage treatment plant?

<u>Dwayne Kalynchuk</u> (<u>Director of Engineering and Public Works</u>: That is complicated; he would side on the latter; it does not prohibit the City from doing other works on the site. Do not see by upgrading this pump station that it would prohibit future works if that was final direction.

Councillor Isitt read the following from the staff report:

- "The conveyance pipe will not be installed until the final alignment of the cycle track has been approved by the City" and
- "Should the rezoning be approved, staff would move forward with the final stage of public engagement and bring a final report to Council"
- Council is the arbiter for the alignment of the pipe, so without Council approval there would be no pipe or cycle track.

<u>Deb Day</u>: The zoning part of the question, the use that is identified in the zone that is being proposed is only a wastewater pump station, so to build a more comprehensive sewage treatment facility, a rezoning would be required.

Councillor Young said:

- He supports this and the works required;
- He cannot assure that this project will proceed in the envisioned form;
- The province has ordered the project and provided funding and the federal government is also providing funding;
- Having a Board appointed to have direct management of the project;
- The board has been instructed to move the project and that is what is happening.

Councillor Gudgeon said that she is satisfied by the staff comments and that the upgrades being done should not be put off and they are needed and long overdue.

Mayor Fortin asked about the operating expenses of washrooms.

Dwayne Kalynchuk: \$75,000 for maintenance for the public realm amenities for five years.

Councillor Helps asked why would Council engage in public engagement on the conveyance pipe on a cycle track that may or may not be built over a pipe that may or may not be built.

<u>Dwayne Kalynchuk</u>: Staff would meet with the Seaterra staff to get an understanding of the project and update Council prior to any public consultation.

Bylaw Motion - First Reading:

It was moved by Councillor Young, seconded by Councillor Isitt, that the following bylaw be given first reading:

Zoning Regulation Bylaw, Amendment Bylaw (No. 991)

14-033

Carried

For:

Against:

Mayor Fortin, Councillors Alto, Coleman, Gudgeon, Isitt, Thornton-Joe and Young

Councillors Helps and Madoff

Bylaw Motion - Second Reading:

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

Zoning Regulation Bylaw, Amendment Bylaw (No. 991)

14-033

Carried

For:

Mayor Fortin, Councillors Alto, Coleman, Gudgeon, Isitt, Thornton-Joe and Young

Against:

Councillors Helps and Madoff

Bylaw Motion - Forward to Public Hearing

It was moved by Councillor Young, seconded by Councillor Isitt, that Council forward the following bylaw to public hearing:

Zoning Regulation Bylaw, Amendment Bylaw (No. 991)

14-033

Carried

For:

Mayor Fortin, Councillors Alto, Coleman, Gudgeon, Isitt, Thornton-Joe and Young

Against:

Councillors Helps and Madoff

Council meeting May 8, 2014

OPEN MEETING AT 11:13 P.M.

Mayor Fortin advised that Council made a motion in the closed meeting to extend the meeting past 11:00 p.m.

Notice of Public Hearing to be held on Thursday, June 12, 2014

It was moved by Councillor Young, seconded by Councillor Isitt, that the following Public Hearing be held in Council Chambers, City Hall, on **THURSDAY**, **JUNE 12**, **2014**, **at 7:00 p.m.**:

3. Rezoning Application No. 00430 for property known as 1303 Dallas Road

Councillor Helps said that she does not support this application moving to Public Hearing.

Councillor Isitt noted that upgrades are required to the system and they need to act on regulations imposed upon them by senior levels of government. The City can show leadership and allow the public to weigh in at a Public Hearing and he also spoke about the public amenities that will be reviewed by Council prior to a licence being granted for this land.

Councillor Madoff spoke about the upgrades that need to be considered regardless of the sewer project moving forward.

Councillor Young said he supports this and they have seen the sketches of the main facilities at this site would be like and they know, as owners of the site, they retain control of the design.

Carried

For:

Mayor Fortin, Councillors Alto, Coleman, Gudgeon, Isitt, Thornton-

Joe and Young

Against:

Councillor Helps

<u>Robert Woodland:</u> He advised that execution of a licence agreement was a pre-condition to this application moving to Public Hearing. Council should consider amending the motion passed on February 13, 2014, respecting Rezoning Application No. 00430 for the property known as 1303 Dallas Road, to remove this condition.

Motion:

It was moved by Councillor Isitt, seconded by Councillor Young, that Council amend the recommendation passed on February 13, 2014, as follows:

1. Rezoning Application # 00430 for 1303 Dallas Road (CRD Wastewater Pump Station at Clover Point)

It was moved by Councillor Alto, seconded by Councillor Coleman, Clover Point Pump Station

- 1. That Council:
 - a. Approve the City entering into a License of Occupation to permit the CRD to occupy and expand the existing Clover Point Pump Station, which agreements shall:
 - i. Provide for an indefinite term,
 - ii. Secure the agreement of the CRD to construct the public realm improvements within the zoned area, including public washroom facilities,
 - iii. Be to the satisfaction of the City Solicitor and the Directors of Sustainable Planning and Community Development, Engineering and Public Works, and Parks, Recreation and Culture,
 - iv. Provide that the obligations of the City under the agreements are subject to the City adopting a *Zoning Regulation Bylaw* amendment for Rezoning Application # 00430 in accordance with the requirements of the *Local Government Act*;
 - b. Authorize the Mayor and Corporate Administrator to execute the License of Occupation Agreement for the Clover Point Pump Station and all documents

associated with this transaction, subject to the publication of the statutory notices required by the *Community Charter*, and Council's approval of the design of the public plaza and washrooms.

- 2. Direct Rezoning Application # 00430 proceed for consideration at a Public Hearing, subject to:
 - a. Preparation of a Zoning Regulation Bylaw amendment.
 - b. The City and the CRD entering into the necessary legal agreements.

Conveyance Pipe

- 3. That Council:
 - a. Approve the City entering into a License of Occupation to permit the CRD to construct a conveyance pipe from Dallas Road, which agreements shall:
 - i. Provide for an indefinite term,
 - ii. Secure the agreement of the CRD to construct public realm improvements, including the new cycle track along Dallas Road from Clover Point to Ogden Point,
 - iii. To be to the satisfaction of the City Solicitor and the Directors of Sustainable Planning and Community Development, Engineering and Public Works, and Parks, Recreation and Culture.
 - b. That Council authorize the Mayor and Corporate Administrator to execute the License of Occupation Agreement for the Dallas Road conveyance pipe and all documents associated with this transaction, subject to the publication of the statutory notices required by the *Community* Charter and Council's approval of the final alignment of the cycle track.

 Carried Unanimously

Council meeting May 22, 2014

NO. 14-033

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by creating the S-10-CP Zone, Services Clover Point District, and to rezone a portion of Public Right-of-Way known as 1303 Dallas Road from the R1-B Zone, Single Family Dwelling District, to the S-10-CP Zone, Services Clover Point District.

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

- This Bylaw may be cited as the "ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 991)".
- Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in the Table of Contents of Schedule "B" under the caption PART 7 INDUSTRIAL AND SERVICE ZONES by adding the following words:
 - "7.55 S-10-CP, Services Clover Point District".
- The Zoning Regulation Bylaw is also amended by adding to Schedule B after Part 7.54 the provisions contained in Schedule 1 of this Bylaw.
- The portion of Public Right-of-Way known as 1303 Dallas Road, and shown hatched on the attached map, is removed from the R1-B Zone, Single Family Dwelling District, and placed in the S-10-CP Zone, Services Clover Point District.

READ A FIRST TIME the	8 th	day of	May,	2014
READ A SECOND TIME the	8 th	day of	May,	2014
Public hearing held on the		day of		2014
READ A THIRD TIME the		day of		2014
ADOPTED on the		day of		2014

CORPORATE ADMINISTRATOR

MAYOR

Schedule 1

PART 7.55 - S-10-CP ZONE, SERVICES CLOVER POINT DISTRICT

7.55.1 Definitions

In this Part 7.55,

"open space" means that portion of the zoned area which is landscaped and not occupied or obstructed by any <u>building</u> or portion of <u>building</u>, driveway or <u>parking lot</u>.

"wastewater pump station" means a building or structure used to collect and pump wastewater effluent.

"zoned area" means all Public Right-of-Way shown on the map attached as Appendix A.

7.55.2 Permitted Uses in this Zone

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

- a. Wastewater pump station
- b. Public building subject to the regulations in Part 1.2
- c. Accessory buildings subject to the regulations in Schedule "F"

7.55.3 Floor Area, Floor Space Ratio

Floor area of a wastewater pump station (maximum)

1800m²

7.55.4 Height, Storeys

a. Building height (maximum)

12.75m above Geodetic

b. Storeys (maximum)

0

7.55.5 Setbacks

Setback of <u>building</u> from the High Water Mark (minimum) 4m

7.55.6 Zoned Area Open Space

Open space (minimum)

60%

Schedule 1

PART 7.55 – S-10-CP ZONE, SERVICES CLOVER POINT DISTRICT

7.55.7 Vehicle and Bicycle Parking

a. Vehicle parking (minimum)

Subject to the regulations in Schedule "C" except as otherwise specified by the regulations in this Part

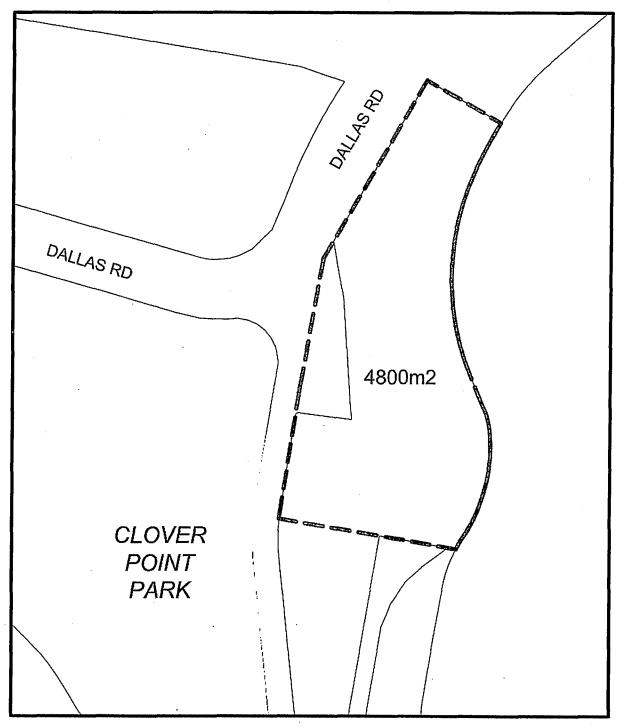
b. Wastewater pump station (minimum)

Nil

Schedule 1

PART 7.55 – S-10-CP ZONE, SERVICES CLOVER POINT DISTRICT

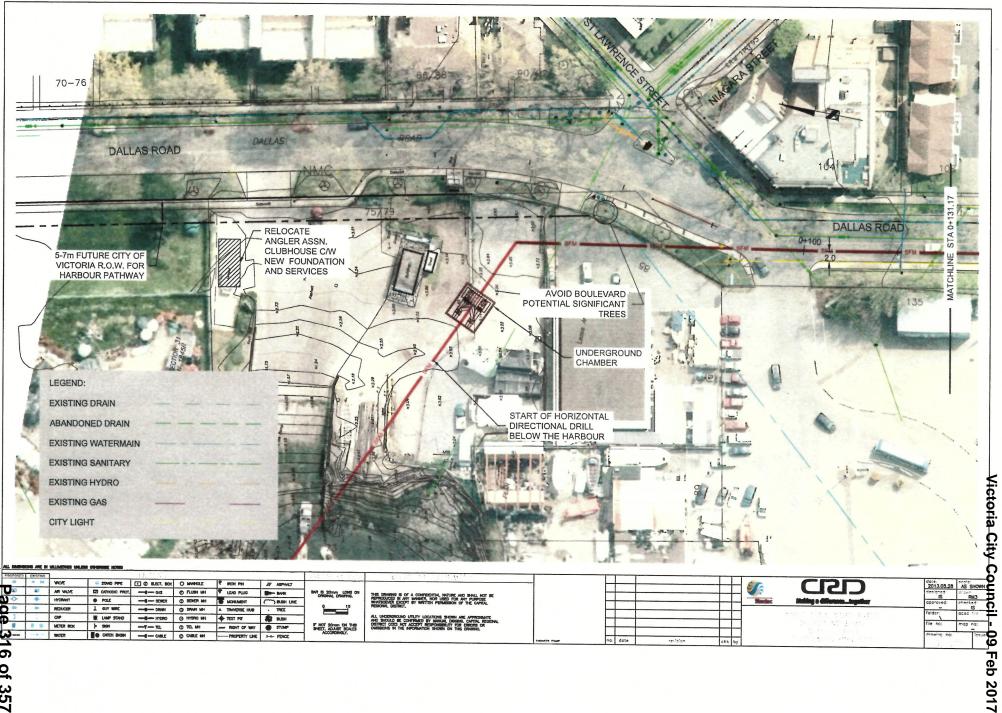
Appendix A



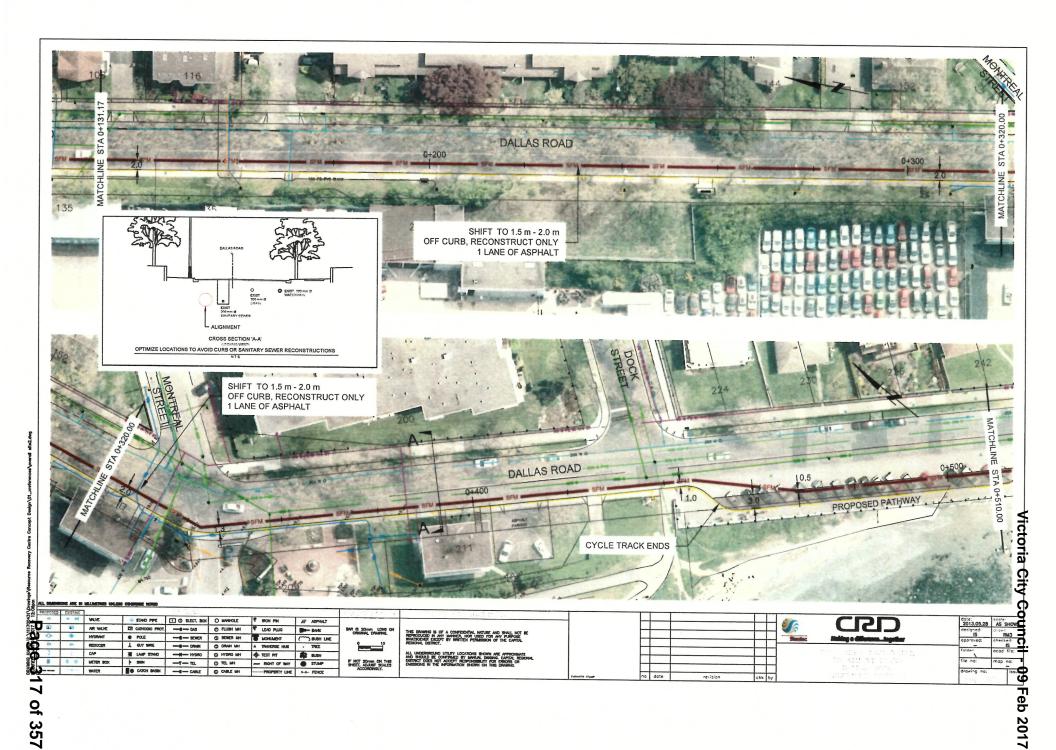


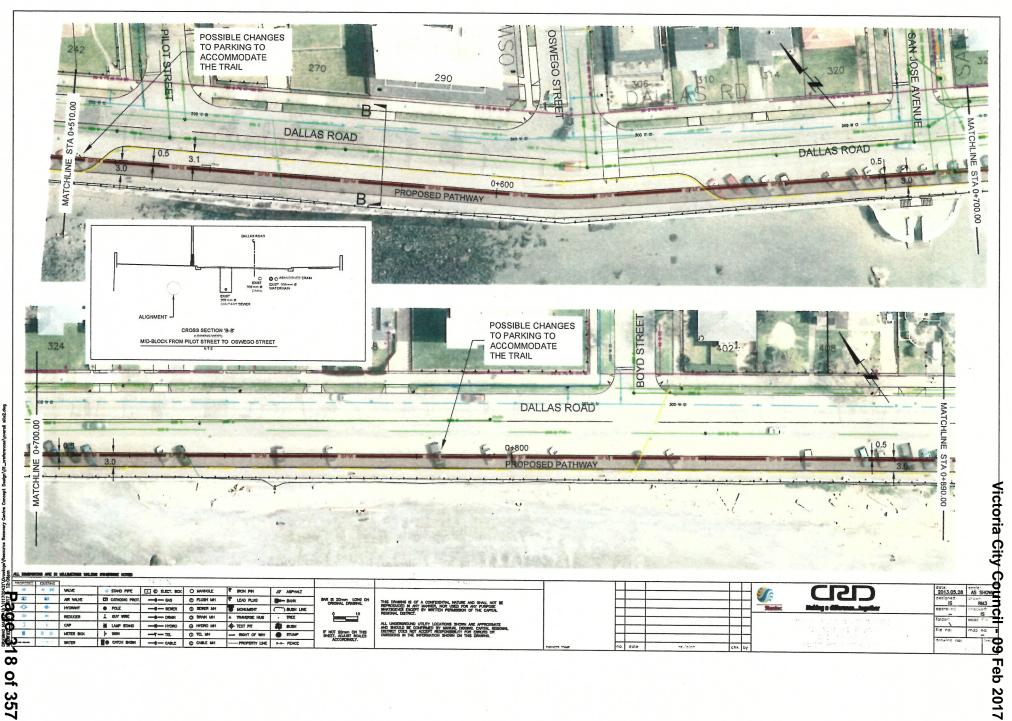
Appendix A
Zoned Area
Service Clover Point

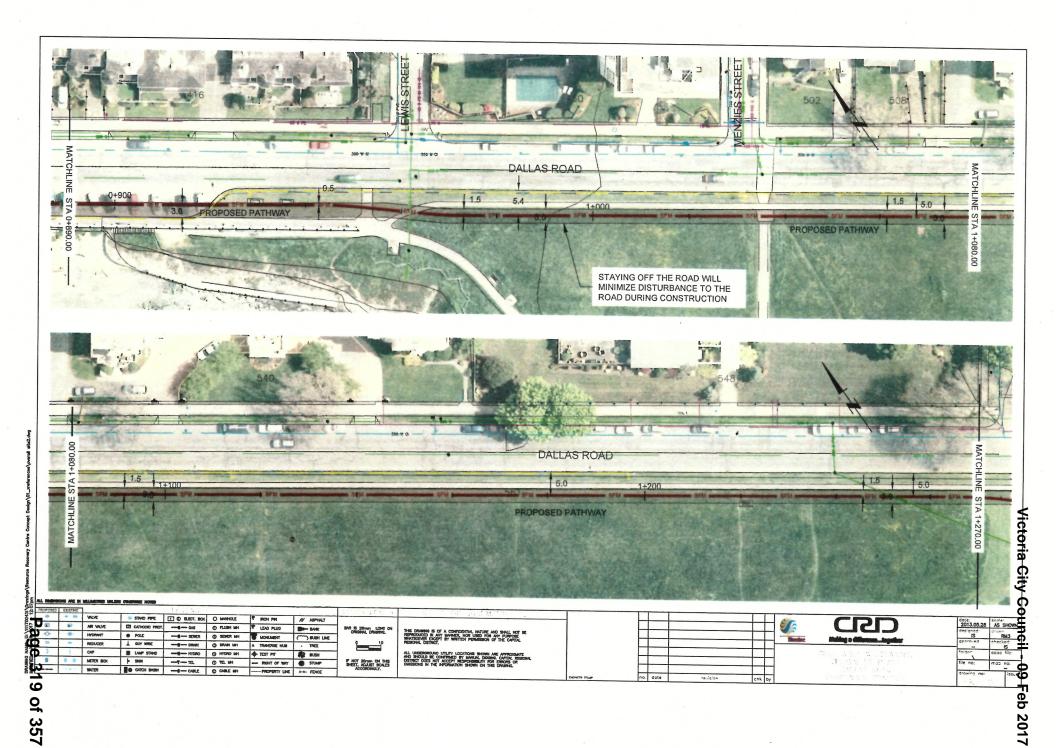


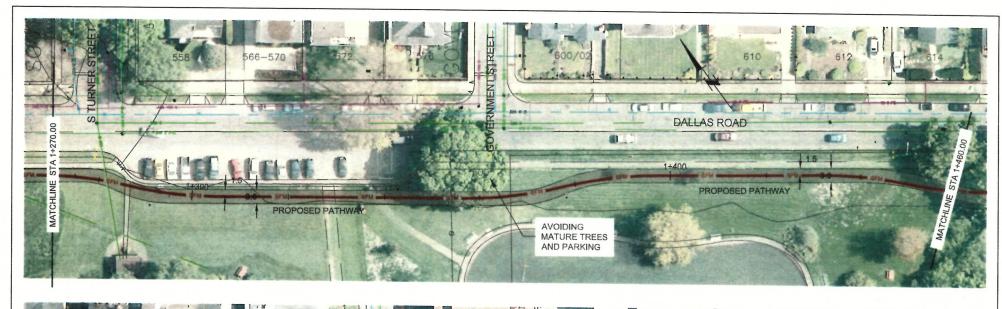


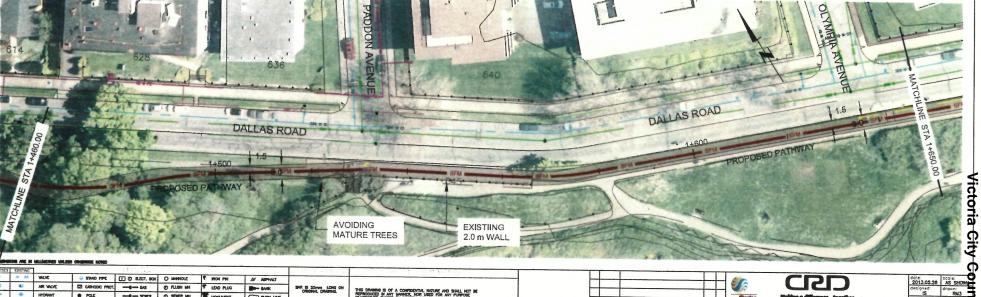
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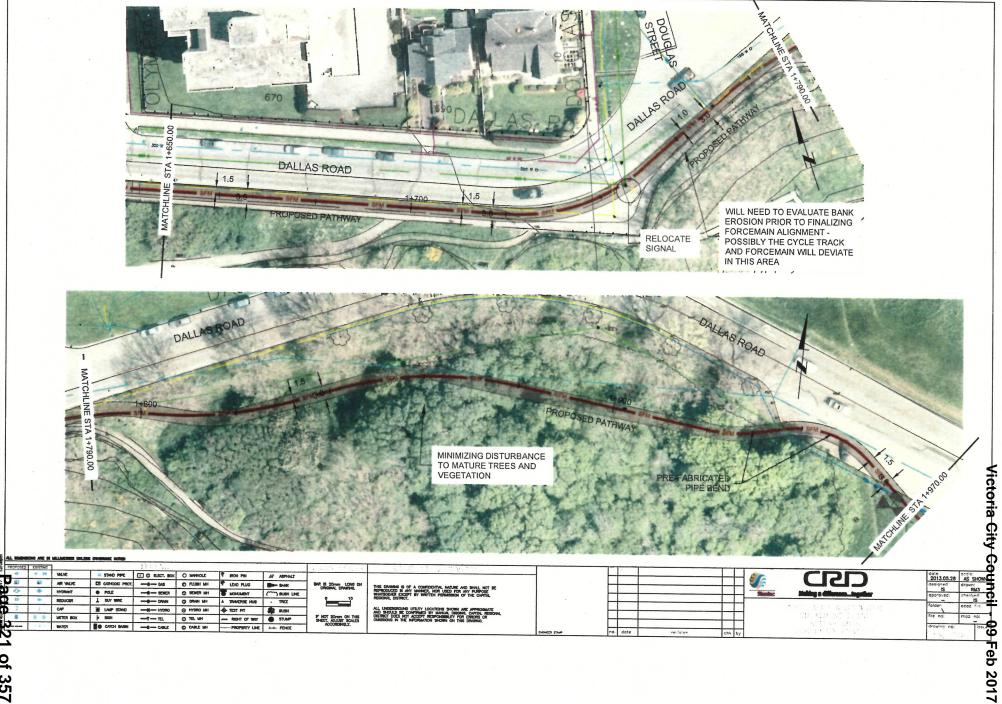




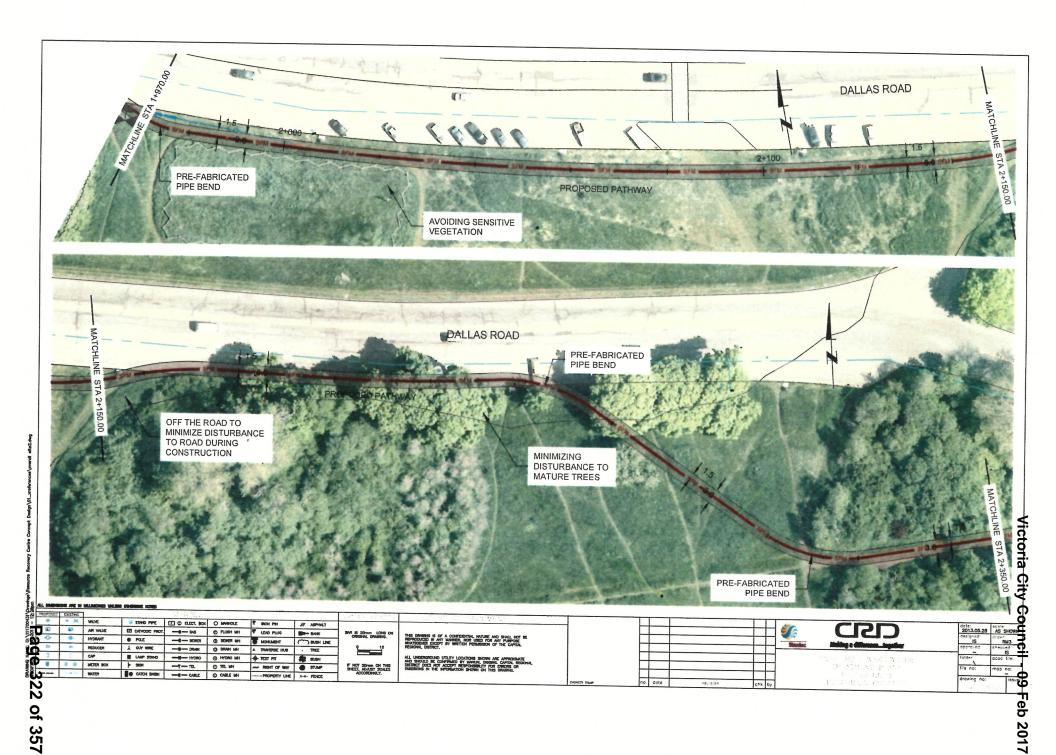


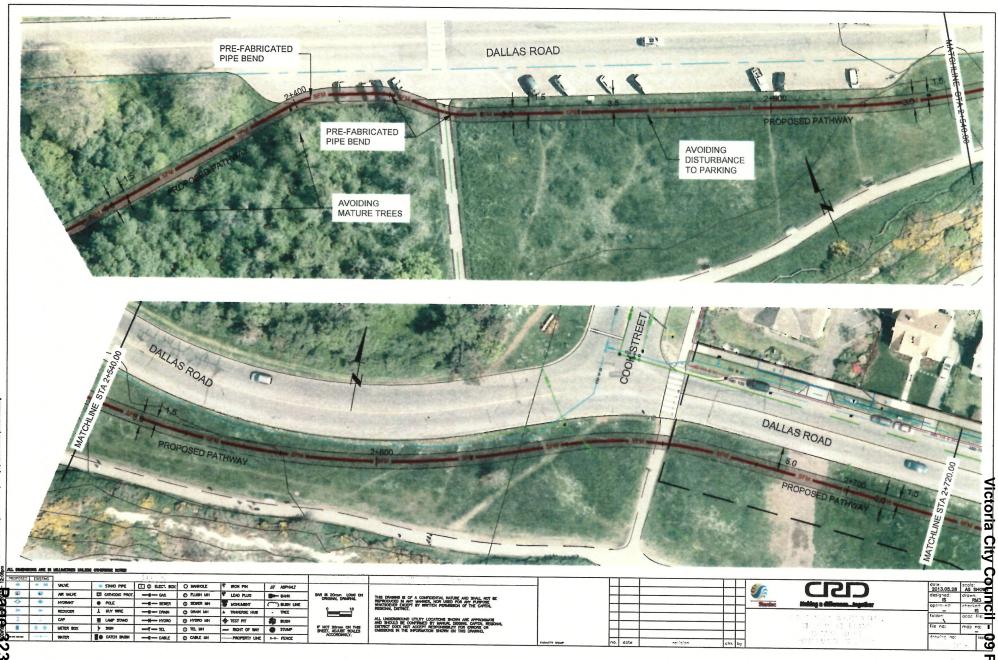
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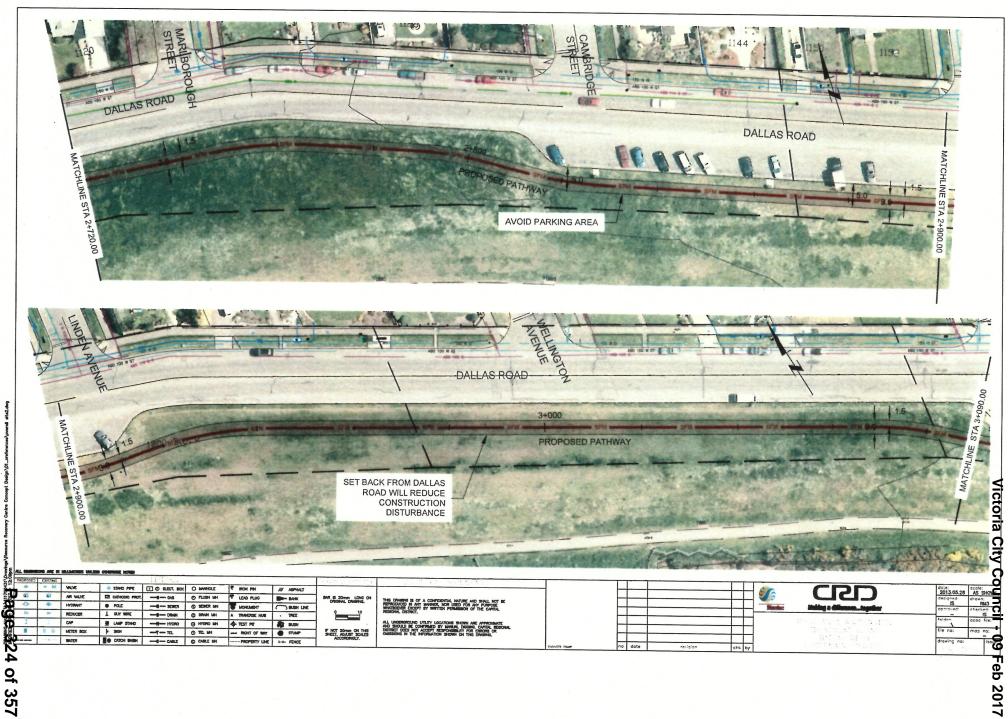
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Victoria City Council - 09 Feb 2017

<u>Design Guidelines and Specifications for the Cycle Track</u>

Cycle Track Connectivity

- The cycle track will extend from Dock Street at the Ogden Point breakwater to Clover Point.
- A gathering/dismount area for the cycle track will be incorporated on the west side of Clover Point Road at Dallas Road as part of the Public Realm improvements.

Pathway Design Specifications

- The 3m wide cycle track will be constructed to the attached Typical Trail Section Detail.
- The cycle track must respond to public safety considerations and consider CPTED principles, including the need for lighting.
- The cycle track design must comply with Transportation Association of Canada geometric design standards for bikeways.
- The cycle track design will need to consider safety improvements for pedestrian crossings, linkages to existing crosswalks and connections to the Dallas Road waterfront pathway.

Site Furnishings

- All existing in-ground garbage cans located adjacent to Dallas Road must be reinstated as part of the project. Final locations will be determined in consultation with City of Victoria Parks staff.
- Cycle track design will consider locations for a bike rack and a bench at key intersections.
 (minimum 6 locations)
- All site furnishings will be consistent in design, style and quality as the City's current Park's standard.
- Barrier-fencing will be located between the dog off-leash area and the cycle track in areas
 of constraint east of Cook Street. Locations to be determined during detailed design.
- Wayfinding signs will be installed at key intersections and amenities (i.e. washroom facilities). (minimum 10 signs)

Construction Specifications

 Intersection improvements, roadways, sidewalks, landscaping and any other works or services must be designed and constructed in accordance with the requirements and specifications contained in the Victoria Subdivision and Development Servicing Bylaw No. 12-042.

Design Guidelines and Specifications for the Public Realm Improvements

Context

City of Victoria's vision is that:

Clover Point Park should be reimagined as a "special place" of arrival and gathering and should acknowledge and reflect that the location is:

- the proposed beginning/terminus of the Trans Canada Trail and will form part of a future network of nationally significant "special places"
- a part of the Salish Sea Marine Trail
- a part of the federal Victoria Harbour Migratory Bird Sanctuary.

Public Realm Improvements

The public realm improvements will complement the City's vision by:

- functioning as a regional destination for multiple users to enjoy waterfront views, with a "rest area" linking to the proposed bikeway ("Cycle Track") and Ross Bay Greenway.
- encouraging architectural elements that contribute to creating a visual identity for the site, and include distinctive features, such as seating, or lighting.
- · considering low cost of maintenance and weather resistance as important factors.

Site Furnishings and Amenities

- Pavement will be concrete, brick or pavers.
- All landscaping will be low maintenance, with no or low long term irrigation requirements.
- The design of the public realm improvements will include at minimum:
 - o 4 benches
 - o 2 garbage cans (in-ground cans to be installed where feasible)
 - o 1 interpretive sign
 - o 2 bicycle racks
 - 1 bicycle kitchen (i.e. a maintenance stand similar to those along Capital Regional District's Regional Trails)
 - o 1 water fountain
- All site furnishings should be consistent in design, style and quality as the City's current Park's standard.

Bikeway and Pathway Connectivity

- The location is a key connecting point to bikeways and pathways, including the pathway along Clover Point Park towards Beacon Hill Park, and Ross Bay Greenway (combined bikeway and pathway).
- The final design will link these existing bikeways and pathways with the Cycle Track along Dallas Road, maintain pedestrian and cycling flows along Clover Point Road, and, minimize conflicts between existing park users and users of the Cycle Track and public realm improvements.
- A gathering/dismount area for the Cycle Track will be incorporated on the west side of Clover Point Road at Dallas Road.

• Bike amenities will be included on the east side of Clover Point Road, near the new washroom, and upgraded pump station facility.

Public Washroom

- The washroom facility will contain two gender neutral, universally accessible single use washrooms, each with a sink, toilet, urinal and electric hand dryer and a mechanical/janitors room. The total building will have an approximate footprint size of 3.5m x 8.5 m.
- In determining washroom location, existing view sheds will be a consideration. Building form and massing need to minimize impacts to the views from public vantage points along Dallas Road, Clover Point Road, and from the water.
- The washroom must be distinctive in appearance, yet the function is integrated into the site's topography and overall landscape design.
- Proposed location and building design must respond to public safety considerations and consider CPTED principles and the need for lighting.
- High-quality materials will be used for the exterior design, and interior finishes.
- Building will be constructed to LEED Silver at minimum and should strive for LEED Gold.

Universal Access

- Universal access (i.e. wheelchair access) will be provided to all plazas and washrooms.
- Pathways will be universally accessible wherever possible to City standards.

Construction Specifications

- To provide pedestrian priority over vehicle movements and reduce vehicle speeds, the Intersections improvements at Dallas and Clover Point Road is to be constructed as a standard driveway crossing, consistent with the Victoria Subdivision and Development Servicing Bylaw No. 12-042.
- Intersection improvements, roadways, sidewalks, landscaping and any other works or services must be designed and constructed in accordance with the requirements and specifications in the Victoria Subdivision and Development Servicing Bylaw No. 12-042.

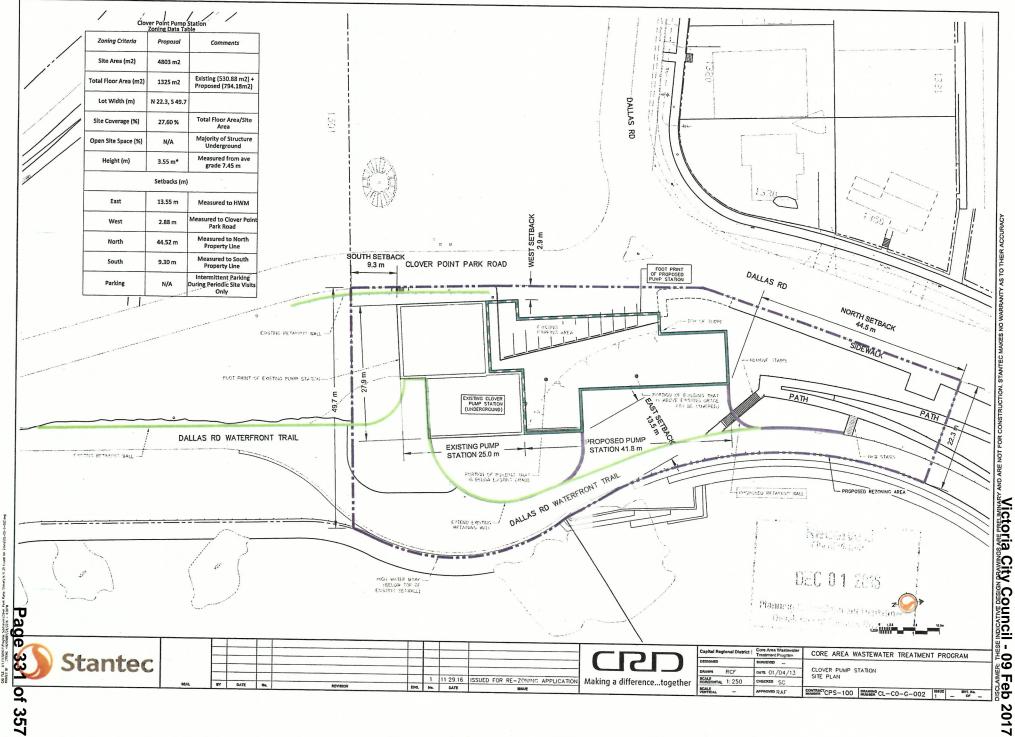
CORE AREA WASTE WATER TREATMENT PROGRAM CLOVER PUMP STATION

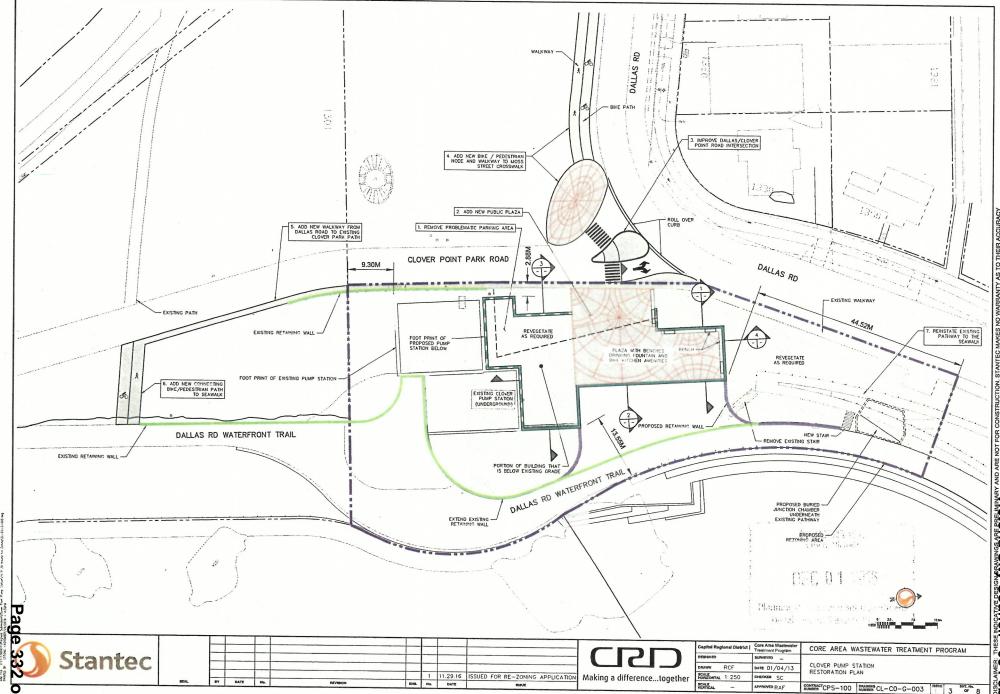


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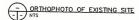


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Victoria City, Council - 09 Feb 2017. Victoria City Council - 09 Feb 2017





EXISTING VIEW FROM CLOVER SEAWALK LOOKING NORTH



EXISTING VIEW FROM DALLAS ROAD LOOKING EAST



EXISTING VIEW FROM CLOVER SEAWALK LOOKING SOUTHWEST



Victoria City Council - 09 Feb 2017 XIICTORIA STAND AND ARE NOT FOR CONSTRUCTION. STANTEC MAKES NO WARRANTY AS TO THEIR ACCURACY

EXISTING VIEW FROM DALLAS ROAD LOOKING SOUTH

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Making a difference...together

Capital Regional District	Core Area Wastewater Treatment Program	CORE AREA
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SCALE HOPIZONTAL —	CHECKED MC	EXISTING SITE
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CORE AREA WASTEWATER TREATMENT PROGRAM

CLOVER PUMP STATION
EXISTING SITE CONDITIONS

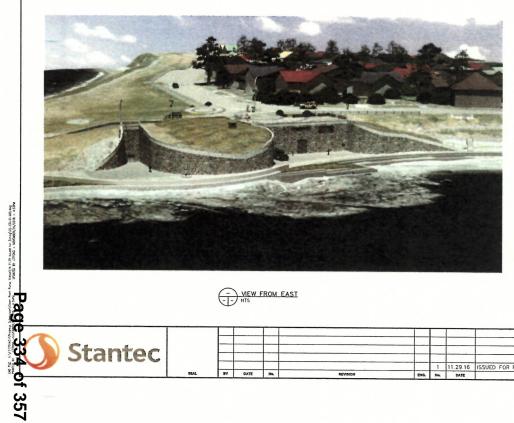
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- MEW FROM DALLAS ROAD LOOKING EAST



- MEW FROM EAST



VIEW FROM DALLAS ROAD LOOKING SOUTH

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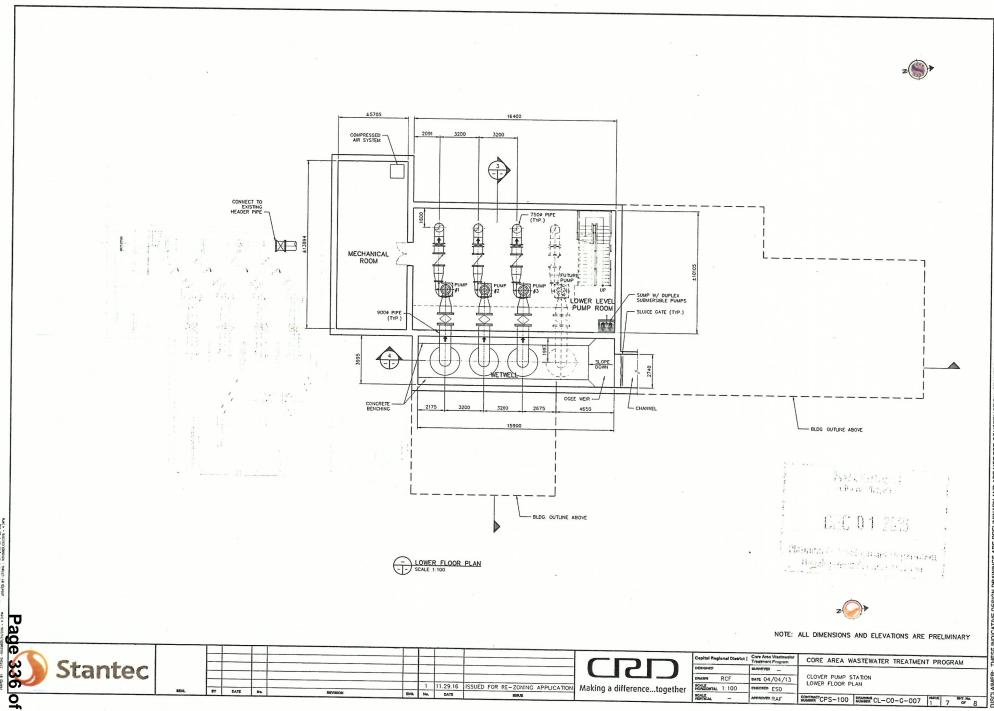
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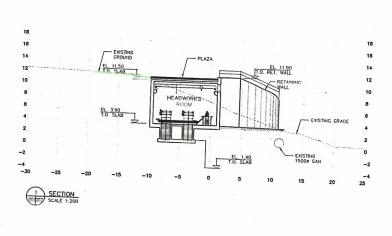
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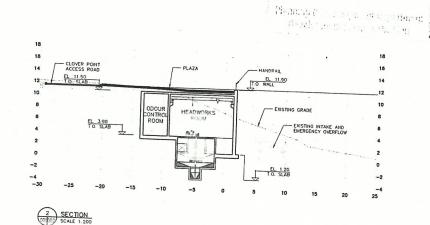
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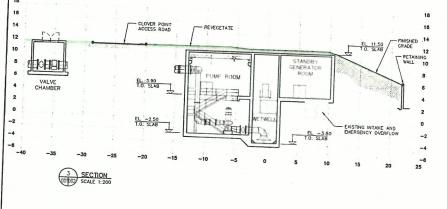
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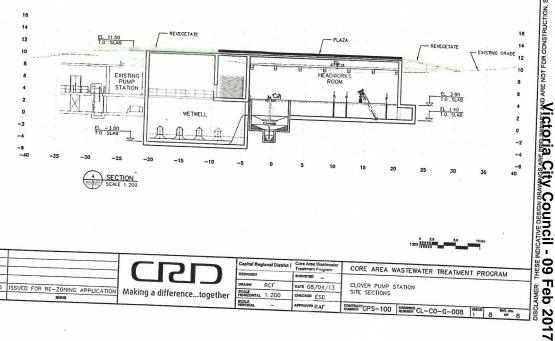


Victoria City Council - 09 Feb 2017 Victoria City Council - 09 Feb 2017









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Profiles

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Alicia Ferguson

From: Legislative Services email

Subject: RE: Dallas Road amenities and park plan after pipelines and pumping station

DRAFT...COMMENTS

From: David Biltek

Sent: Monday, January 23, 2017 3:35 PM

To: Chris Coleman (Councillor) <ccoleman@victoria.ca>

Cc: Leanne Taylor taylor@victoria.ca; Leigh Campbell@victoria.ca; Geoff Young (Councillor)

<gyoung@victoria.ca>; Ben Isitt (Councillor) <BIsitt@victoria.ca>; Lisa Helps (Mayor) <mayor@victoria.ca>; Sharon Singh

Subject: FW: Dallas Road amenities and park plan after pipelines and pumping station DRAFT...COMMENTS

Councillor Coleman:

I am somewhat dismayed and disappointed concerning an agenda item on the COTW agenda for this Thursday, namely the re zoning of the Pumping station at Clover Point and in particular the motion which lays out a plan for the park area, including bike paths, landscaping etc.

You may recall our meeting in December where I advised you of my concerns regarding the rezoning meeting. I said that the re zoning in and of itself was mostly benign, but that the major issues could well be the mitigation of construction nuisances and the remediation of the land after such construction. I suggested at that time a meeting with City Parks, planning and the Fairfield Gonzales Community Association to discuss how we might proceed on those topics.

You responded that you would take this up with the Mayor later that week. I assume you did; I have no reason to believe otherwise.

The CALUC was asked to move the Clover Point Community meeting from January 23rd to an earlier date by Leanne Taylor and Alison Meyer, and earlier date provided some inconvenience for the committee but after a day or so delay the committee agreed. At the subsequent meeting and before that time, I shared with many people my concern that the meeting might not focus on the rezoning but on the disruption and the subsequent improvements after the major construction of the plant and the pipe line.

At the meeting I asked Leanne Taylor and Leigh Campbell, who were in attendance if they wished to address any amenity or refurbishment questions that might arise and again explained my concern. They both said no but if they wished to speak with let me know. They did in fact reply to some questions.

At no time did anyone ever advice me that there was a substantial plan in place for remediation after the construction, despite the many times I raised this with people from the City and the CRD. But last night was sent the COTW agenda and the motion in there regarding the Pumping station and the full and rather complete plan to remediate the area.

This morning I called a few people who have been involved with these matters for some time and none were aware of these substantial plans, none had been consulted or advised of the work or the plans, which clearly have been in development for some time.

At the CALUC meeting because of the concerns about the remediation, landscaping etc. the CALUC said it would convene a meeting to discuss these matters. You were there as was Leanne Taylor and Leigh Campbell; no one before, during or after the meeting even hinted there was a plan of this scope in development.

I had expected that residents in Fairfield and beyond who make extensive use of this park space might be consulted as to designs, components etc., but clearly this is not to be and that is why I am disappointed and feel somewhat sidelined. And I know that many of the residents who have been involved with this for some time will also be disappointed. In fact just before this last weekend a group sent a list of amenities they thought would be appropriate in the refurbishment. The Mayor replied:

"I have forwarded these suggestions to the Project board as well as to our Director of Planning for consideration. Thanks for taking the time to gather these ideas for us!"

Once again no mention of a plan in place, and already sent to members of Council at that time.

I guess we could go ahead with the meeting, another useless meeting and to what end since a plan will be approved prior to us holding such. But all is not entirely lost. I have learned to be more circumspect in these dealings



David Biltek 632 Cornwall St. Victoria, BC V8V4L1

Alicia Ferguson

From: Legislative Services email

Subject: RE: Clover Point Park amenities and CRD pump station

From: Jane Mertz

Sent: Saturday, January 21, 2017 1:16 PM

To: Leigh Campbell < LCampbell@victoria.ca >; Lisa Helps (Mayor) < mayor@victoria.ca >; Geoff Young (Councillor) < gyoung@victoria.ca >; Thomas Soulliere < TSoulliere@victoria.ca > Cc: Judy Loukras; 'Robyn and Brian'; Hans/Judi Larsen; 'Alan Pence'; 'Janice Williams'; 'Sharon Singh'; 'David Biltek'

Subject: Clover Point Park amenities and CRD pump station

Hello Leigh,

Thank you for answering some of our questions on January 11th at the CALUC community meeting at the conference centre. The neighbours living around Clover Point Park and pump station have put together a list of amenities that we would like to see as we understand there is an amenity package available for the neighbourhood. This is not a comprehensive list but some ideas that would work for all the neighbourhood and also for Greater Victoria residents.

The FGCA, through the CALUC has offered to host a meeting to discuss what amenities might be good for the area sometime in the near future. Some of us will attend that meeting to explore other opportunities.

We do hope the city will hear our voices and concerns with regard to the construction that will take place over two years around the area and be able to mitigate some of the noise, etc. during construction.

We also hope that the city will listen to the various points of view on what the neighbourhood would like versus what the city wants with regards to amenities after the pump station upgrade and connection to McLoughlin Point are complete.

I look forward to hearing from you on what the next steps the city is planning on for communicating with the neighbourhood and sharing ideas on the amenities.

Kind regards, Jane Mertz 89 Howe Street

List of requests for amenities for Clover Point Pump Station Upgrade

Idea	Pro	Con
An attractive sign possibly in conjunction with	This way Clover Point will	
a flower bed (similar perhaps to the one on	officially be known as a	
Dallas Road at Cook re Beacon Hill Park)	Park.	
Also, I wonder about the concrete		
steps near the end of Cook St and I		
notice that they are vandalized with		
graffiti on a regular basis. If they		
were replaced/painted with a mural		
such as the 'whale wall' downtown, I		
think they wouldn't be vandalized.	·	
diffic they wouldn't be varidatized.		
Move the high voltage power lines that supply	Possible along Dallas Road	
power to the pump station	underground	
Bury the high voltage power lines that supply	reduce significant	
power to the pump station	undesirable electrical and	
	magnetic fields in the	
	neighbourhood	
BC hydro is putting up 2 poles where	<u> </u>	
there is currently only one at the corner		
of Dallas and Howe (one on each		
boulevard, Howe and Dallas), and since		
the city's digging up Dallas Rd anyway to		
upgrade the pipes, why not consider		
burying the power lines too?		
Additional sound and vibration		
baffling around the pumps.		
Upgraded odour control - the existing facility	Cleaner air for all	
makes the area of the Ross Bay waterfront	residents and park users	
immediately to the east unpleasantly smelly on		
a not infrequent basis. Occasionally the smell		
drifts back to us on Clover Avenue. I assume		
that at those times folks on Point Street, Dallas		
Road and Bushby also get the smell.		
especially burying lines along Dallas		
and Point St.		
Logical bike and pedestrian paths in the park.		
The existing configuration is silly with one path		
just ending on the road and the other path		
often being blocked by parked cars		
Seaside bike path from Clover point to Ogden		
Point - technically not part of this facility, but	,	
part of the broader Seaterra project and		
obviously digging up for that pipe is the time to		
build it. Should be built to not compromise two		
way traffic on Dallas Road		
I love the idea of biking paths.		
Public washroom either in an attractive above	A lot of people do request	I can speak from experience that it

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ground building or partially sunk into the hillside adjacent to the pump station.	this for this area. Closest washrooms are about .5 km away at Memorial Crescent or at Cook, about 1km away	is a very different place after dark. The police, parking enforcement, and bylaw officers are no where to be found. I have had countless calls to the police answered with "it's a busy night if we can send someone we will," or making you feel through countless questions like your the one breaking the law for calling. Sadly the more improvements to an area the more it becomes fair game for the tent city and the local full time RV people to move right on in. The more Clover Point is designed for the day time using public the more the quality of life will be nurtured for the people who live here dusk till dawn.
Art in the park, along with signage, artwork		here dusk till dawn.
could be commissioned for certain areas of the		
park		
I would also suggest a few more trash bins/signs to please pick up litter. I pick up bags of litter most days along the beach. I don't like the idea of signs everywhere, but a few		
strategic ones along the lines of "we know you love Clover Point Park,		
please help to keep it beautiful."		
The "street furniture " on the new patio should	Nice for day-time	Could attract people partying into
include some picnic tables	gatherings	the wee hours. Would need a higher police presence at the point during
		summer months.
I can't think of a lot of other amenities for the immediate area. Normally I am not a fan of parks that are just an expanse of grass. But it kind of works for Clover Point. Plantings or other features would just interfere with the prime uses - dogs running around, people walking, kite flying and event space	·	
And I think it is wise to keep what		
works, that is a lot of open 'natural' space for walkers and dogs and kite		·
flyers.		
Split rail fence along Dallas Road, not along the	Reduce car and dog	
path, with gaps at street entrances	incidents.	
Plant the original clover at the point in with the grass, it is called Clover Point for a reason		

A1. We Very Strongly Oppose a new public toilet anywhere near the proposed site, not only for the safety, aesthetic and cost concerns that have already been stated, but also based on the historical use of the nearby facilities at Cook and Dallas and at Memorial and Dallas SW corner of Ross Bay Cemetary. Although these facilities are maintained at significant expense with taxpayer dollars, we use these facilities only when absolutely necessary, due to public abuse. This is especially so when they first open in the mornings, before the city workers do "cleanup" and once daily "disinfection".		We don't want to see abandoned shopping carts and trash at the top of the Clover Point road entrance off Dallas Road, never mind hazardous needles, and abuse of any further costly public facilities.
A2. Our Suggested Location: Beside Boat Shed, North Side. If CRD and the City do insist on new public toilets and sinks, this is the most logical and least invasive location, and could be used by the fishing club and boat house folks, as well as the general public. It could provide an alternative location for those who choose to relieve themselves behind and beside the boat shed, where they frequently dispose of trash as well. Surely, city workers		
have enough to manage with the constant trash bin overflows around the parking circle.		
Another resident: for putting the bathroom by the boathouse (since everyone goes behind there to do their business anyway		
	B2. Put a Gate at the top entrance (same as	Someone would have to open and close the gate every day, like in

B 1. Ongoing Vandalism and Noise after 11:00 p.m. The so-called 'curfew' has NEVER been enforced in the over 13 years we have lived nearby! And, yet again, there are fresh winter "donuts" in the grass circle made by vehicles which are supposedly prohibited at Clover Point after 11:00 p.m The bylaw is clearly posted at the top entrance and also at the entrance to the roundabout. 11:00 p.m. sounds pretty generous, don't you think?	the one at the entrance to the roadway at the top of Beacon Hill.). It's a seemingly simple solution that attempts to facilitate bylaw compliance after 11:00 p.m. Closed at dark, or at least by 11:00 p.m. Fewer problems, cost effective, and perhaps evidence that the park actually enforces at least some of the rules.	Beacon Hill Park
This latest "donut" activity compliments the very significant remaining scar that was reseeded by the city last year across the south end of the grass circle, and is still very visible this winter. For thirteen years, we have lived with noise from racing engines and wreckless driving with screeching tires throughout the night, especially on weekends. Those responsible know as well as we do that the police, even if they make the effort, are very unlikely to arrive on time to deal with these problems. They make enough racket to wake even the soundest sleeper! This has to stop.		
Amphitheatre built into the slope for Shakespeare by the sea.		
Mark the old waterway from Ross Bay to James Bay (now the Inner Harbour). Signage and stories along the route. Work with Lekwungen people and archivists at RBCM.		
pedestrians, bikes, dogs off leash, cars, handicapped access, particularly in the narrow areas of Dallas Road, is of great		

Victoria City Council - 09 Feb 2017

concern. While I have had dogs in the			
past (and consider myself dog-friendly)	,		
I do NOT appreciate the large, off-			
leash, bounding, distracted dogs]
running down and across the pedestrian			
path and all too often running into			
and/or knocking over people. I would		•	1
like to see better (different?) boundaries			ľ
set and certain areas fenced for off-			
leash (perhaps the Dallas Road area			ļ
below Beacon Hillfor both human and			ľ
dog protection).	٠.		
I know this is a contentious issue but			ļ
I'd like it noted as one of the concerns			ı
to be addressed as we go forward.			
to be addressed as we go forward.			
			1

List of questions for CRD for Clover Point Pump Station Upgrade

Questions

The electrical power to the pump station is currently routed via overhead wires along Point Street. These high-voltage wires are totally inappropriate for a quiet residential street and generate significant undesirable electrical and magnetic fields in the neighbourhood. I believe the current voltage used is 14,000 or 24,000 volts.

Exactly how the CRD intends to go about meeting the need for additional power to the pump station?

The expansion of the pumping capacity will obviously create the need for additional lines or higher voltage power, perhaps 60,000 volts or more.

This is totally unacceptable and I would urge the CRD to consider re-routing the power cables, or burying them underground.

Why is the "clean" water being rerouted back to Clover Point instead of another outfall being built at McLoughlin Point? Won't the storm water go through the Clover Point outfall and the Macauley Point outfalls? The cost must be higher to return the water back to Clover Point to the outfall.

, I don't understand why it is necessary to pump out and back again. Is this a move to create the ability for Clover Point to be made a sewage treatment plant in the future?



Council Report For the Meeting of January 26, 2017

To:

Council

Date:

January 26, 2017

From:

Tom Zworski, City Solicitor

Subject:

Rezoning Application No. 00430 for 1303 Dallas Road - Clover Point Pump

Station

RECOMMENDATION

That Council approve the revised Design Guidelines in relation to the Dallas Road Cycle Track.

EXECUTIVE SUMMARY

At this morning's meeting, the Committee of the Whole adopted a recommendation that Council approve Design Guidelines and Specifications for Public Realm Improvements and Cycle Track as attached to the staff report. However, upon careful consideration of the discussion during the Committee of the Whole meeting, staff believe that certain modifications to the Design Guidelines in relation to the Cycle Track are required to better reflect the City's intentions.

The proposed changes to the Design Guidelines are intended to address the concerns in relation to sufficient physical separation of the Cycle Track from Dallas Road and minimising loss of existing parking spaces along Dallas Road. The updated Design Guidelines are attached as Appendix A to this report.

Inclusion of this additional language in the Design Guidelines does not reduce any of the design flexibility as the details of the design are still left to be determined in the future. However, the proposed changes clarify the importance of these points and the need for the final design to address them.

Respectfully submitted,

Tom Zworski

City Solicitor

Report accepted and recommended by the City Manager:

Date:

APPENDIX A

The Design Guidelines

Cycle Track Connectivity

- The Cycle Track will extend from Dock Street at the Ogden Point breakwater to Clover Point.
- A gathering/dismount area for the Cycle Track will be incorporated on the west side of Clover Point Road at Dallas Road as part of the Public Realm Improvements to be constructed under the Licence of Occupation for the Clover Point Pump Station.

Pathway Design Specifications

- The Cycle Track must be:
 - o three (3) metres wide;
 - o physically separated from Dallas Road;
 - o constructed in accordance with the attached Typical Trail Section Detail;
 - designed to mitigate public safety concerns and incorporate Crime Prevention through Environmental Design (CPTED) principles, including lighting;
 - in compliance with Transportation Association of Canada geometric design standards for bikeways;
 - designed to incorporate safety improvements for pedestrian crossings, linkages to existing crosswalks and connections to the Dallas Road waterfront pathway; and
 - o constructed in a manner that minimizes loss of parking spaces.

Site Furnishings

- All existing in-ground garbage cans located adjacent to Dallas Road must be replaced as part of the Project. Final locations will be determined in consultation with City of Victoria Parks staff.
- The Cycle Track must incorporate a bike rack and a bench at a minimum of six locations at key intersections.
- All site furnishings will be consistent in design, style and quality as the City's current Park's standard.
- Barrier-fencing will be located between the dog off-leash area and the Cycle Track
 east of Cook Street. The specific locations for fencing shall be determined in
 consultation with the City's Director of Parks and Director of Engineering during
 the detailed design process.
- A minimum of ten (10) wayfinding signs will be installed at key intersections and amenities, including washroom facilities.

Construction Specifications

 Intersection improvements, roadways, sidewalks, landscaping and any other works or services must be designed and constructed in accordance with the requirements and specifications contained in the City of Victoria's Subdivision and Development Servicing Bylaw No. 12-042.

NO. 16-089

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Streets and Traffic Bylaw to allow taxis to park at prescribed fire hydrant zones when sign posted by the Chief Engineer.

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

- 1 This Bylaw may be cited as the "STREETS AND TRAFFIC BYLAW, AMENDMENT BYLAW NO. 7 (16-089)".
- Bylaw No. 09-079, the Streets and Traffic Bylaw, is amended by adding the following new section immediately after section 87:
 - "87A (1) The Director may designate an area at or near a fire hydrant as a taxi stand and may cause a sign indicating that the area can be used by taxi cabs to be erected at or near such fire hydrant.
 - (2) Notwithstanding section 87(2)(d), a licenced taxi may stop, stand or park as directed by the sign erected pursuant to subsection (1), provided the driver remains in the vehicle at all times.
 - (3) A taxi driver must remove the taxi cab from the area designated under subsection (1) if directed to do so by a police officer, a firefighter or in the event of an emergency requiring the use of the fire hydrant."

READ A FIRST TIME the	26 th	day of	January	2016
READ A SECOND TIME the	26 th	day of	January	2016
READ A THIRD TIME the	26 th	day of	January	2016
ADOPTED on the		day of		2016

CITY CLERK

MAYOR

3835 Saanich Road, Victoria, BC

Mayor and Council City of Victoria Victoria, BC

January 6, 2017

JAN 1 2017
VICTORIA, B.C.

Dear Mayor and Council:

As we start a New Year, I want to congratulate the Mayor and Council for its wise and just decision to declare 2017 A Year of Reconciliation.

However, I also wish to respectfully bring to your attention a worrisome aspect already outlined by some respected Canadian jurists regarding the issue of justice, impunity and reconciliation:

"The Truth and Reconciliation Commission identified fewer than 50 criminal convictions arising from allegations of abuse at residential schools, yet some 38,000 reports of sexual and serious physical abuse were submitted to the formal review process (at p213). That's a 0.13 per cent conviction rate—so vanishingly low it's a wonder anyone was ever convicted at all." Sandy Garossino in Opinion | December 15th 2015

The Truth and Reconciliation Commission of Canada did not include one the most important aspect of reconciliation: justice for the victims and prosecution for the perpetrators of this "cultural genocide".

Justice is normally epitomized by a court of law prosecuting individuals for having committed criminal acts. Such prosecution may result in criminal convictions and incarceration, similar to the Truth and Justice Commissions in Argentina, Chile, Rwanda or post Nazi Germany, but it may also take the form of a personal and public apology by the criminals themselves to the victims, as in the case of South Africa's Truth and Reconciliation Commission.

The crimes committed against the aboriginal population in Canada were essentially political crimes – understanding *political* in its broadest sense - perpetrated by the State, its agents or delegates against a specific segment of the population. The human and chemical experimentation, the sexual violations, the forced starvation, the illegal burial, the torture and the inhumane confinements were done as part of

a pervasive racial and political ideology executed by agents of the State applying policies designated to perpetrate a cultural genocide against an identifiable segment of the population.

However, these agents have been granted a *de facto* impunity and anonymity by the State, allowing them to remain unpunished and unknown to the community in which they live. We need to follow the valuable example of the Jews who have never ceased in prosecuting those responsible for murder, human experimentation, torture and starvation during WWII.

I respectfully suggest that Council, at the very least, express public concerns for the lack of justice and the guaranteed impunity granted by the government of Canada to those who committed these crimes. Let's us not forget that some of these criminals may still be at large and living in our neighbourhoods under the shawl of anonymity and impunity granted by the government of Canada and a perverse institutional secrecy. Let's also keep in mind that some of these crimes are crimes against humanity, for which there are no statute of limitations.

Reconciliation, to be effective and real, must include justice for the victims and prosecution against those individual agents of the State who committed the crimes.

Had the same criteria of the Truth and Reconciliation Commission of Canada been, applied to the Nazis, the Nuremberg Trials would have never happened.

Respectfully

Carlos Flores Sr. 3835 Saanich Road

Victoria, BC ⊉50.598.7690

Cc: Local 50, CUPE BC, VIDC, Sandy Garossino



January 20, 2017

Lisa Helps Mayor, City of Victoria 1 Centennial Square Victoria, BC V8W 1P6

Dear Ms. Helps,

We are very pleased to share with you the positive results of the BC Farmers' Market Nutrition Coupon Program (FMNCP) in Victoria last year.

We partnered with the James Bay Community Market, Moss Street Community Market, Oaklands Sunset Market, Victoria Native Friendship Centre, The Cridge Centre for the Family and the Ministry of Social Development Family and Youth Partnership who provided lower-income pregnant women, families and seniors with coupons to purchase fresh fruits, vegetables, cheese, eggs, nuts, fish, meat and herbs at their local farmers' market. Over the year, a total of \$21,229 was invested in Victoria through this Program.

This amazing program connected with 54 communities throughout the province, making fresh local foods more accessible to over 4,200 households and 9,400 British Columbians.

Participants in Victoria ate more local foods, learned about healthy eating, and felt connected to their community. At the same time, the local food system was strengthened with farmers in your community benefitting from additional revenue to help their farms flourish.

We were touched when one of the participants wrote to tell us, "It's made an enormous difference to my diet, my health, gaining self esteem and overcoming stigmatization."

Your local market and partners would appreciate the opportunity to meet with you to share the stories and highlight the Program's impact in Victoria.

If you are pleased with this Program, we ask that you write Honourable Terry Lake, Minister of Health requesting him to continue funding the FMNCP so that we can continue building healthier BC communities.

We look forward to working with your community in 2017!

In appreciation,

Heather O'Hara Executive Director

BC Association of Farmers' Markets

Wylie Bystedt

President, Board of Directors

Wylie Bysteott

BC Association of Farmers' Markets



January 24, 2017

Her Worship Lisa Helps and Councillors

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

Dear Madam and Councillors:

Re: Order of British Columbia ~ 2017 Call for Nominations

The call for nominations for the Order of British Columbia is now open, and we encourage you to nominate someone for this prestigious honour. We would also be grateful for your assistance in informing your municipality about this opportunity.

An independent Advisory Council chaired by the Chief Justice of British Columbia considers nominations to the province's highest honour for excellence and outstanding achievement. Four hundred and two distinguished British Columbians have been appointed to the Order since 1990.

Nomination forms for the Order are available <u>online</u> or by emailing the Honours and Awards Secretariat in Victoria at <u>bchonoursandawards@gov.bc.ca</u>. Completed nominations must be received by the Secretariat by the first Friday in March (**March 3, 2017**) to be considered this year. Nominations received after this will automatically be forwarded for consideration in 2018.

Your continued support of the provinces' highest honours, the Order of British Columbia and Medal of Good Citizenship, is very much appreciated.

Yours sincerely,

L. L. Librai

Lucy Lobmeier Secretary