



REVISED AGENDA - VICTORIA CITY COUNCIL

Thursday, November 25, 2021, 6:30 P.M.

Council Chambers, City Hall, 1 Centennial Square

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

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

Pages

A. APPROVAL OF AGENDA

B. POETRY

C. READING OF MINUTES

D. REQUESTS TO ADDRESS COUNCIL

D.1. Stefa Katamay: Lawful Sheltering Park List - Irving Park

E. PROCLAMATIONS

F. PUBLIC AND STATUTORY HEARINGS

Public and Statutory Hearings are to be conducted by electronic means as authorized by the *Local Government Act*:

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

- You will be asked to state your name, and will then be placed on hold until it's your turn to speak.
- Have your phone on mute or remain quiet when you join the call - any background noise or conversation will be heard in the live streamed meeting.
- When it is your turn to speak, staff will un-mute your call and announce the last 4 digits of your phone number.
- State your name, address and item you are speaking to.
- You will have 5 minutes to speak then will be cut off when the next speaker is connected.

When speaking:

- Turn off all audio from the meeting webcast.
- Using a 'speaker phone' is not recommended unless required by the user.

For more information on Virtual Public Hearings, go to: <https://www.victoria.ca/EN/meta/news/public-notices/virtual-public-hearings.html>

F.1. 2727 Hamilton Road: Development Permit with Variances Application No. 00160 1

Council is considering an application to reduce the front yard setback, reduce the side yard setback for a heat pump, and to make changes to the landscaping.

F.1.a. Opportunity for Public Comment & Consideration of Approval:

- Motion to approve development variance permit

*F.2. 500, 504 and 506 Herald Street: Development Permit with Variances Application No. 00105 44

Addenda: Correspondence and Letter from the CALUC

Council is considering an application to construct an upper floor addition and exterior stairs to an existing building for use as a brew pub (Herald Street Brew Works).

F.2.a. Opportunity for Public Comment & Consideration of Approval

- Motion to approve development permit with variances

G. REQUESTS TO ADDRESS COUNCIL

H. UNFINISHED BUSINESS

I. REPORTS OF COMMITTEES

J. NOTICE OF MOTIONS

K. BYLAWS

L. CORRESPONDENCE

M. NEW BUSINESS

N. QUESTION PERIOD

O. ADJOURNMENT

**F.1.a.e 2727 Hamilton: Development Permit with Variances
Application No. 00160 (Oaklands)**

Moved By Councillor Alto
Seconded By Councillor Potts

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 Variances Application No. 00160 for 2727 Hamilton Road, in accordance with:

1. Plans date stamped August 18, 2021.
2. Development meeting all Zoning Regulation Bylaw requirements, except the following variances to the R1-S2 Zone, Restricted Small Lot (Two Storey) District:
 - i. reduce the front yard setback from 6.00m to 3.14m
 - ii. reduce the side yard setback (north) from 1.50m to 0.50m (heat pump only).
3. The Development Permit lapsing two years from the date of this resolution.”

CARRIED UNANIMOUSLY

F.2 2727 Hamilton: Development Permit with Variances Application No. 00160 (Oaklands)

Committee received a report dated September 23, 2021 from the Director of Sustainable Planning and Community Development regarding an application to reduce the front yard setback, reduce the side yard setback for a heat pump, and to make changes to the landscaping.

Moved by Mayor Helps
Seconded by Councillor Potts

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 Variances Application No. 00160 for 2727 Hamilton Road, in accordance with:

1. Plans date stamped August 18, 2021.
2. Development meeting all Zoning Regulation Bylaw requirements, except the following variances to the R1-S2 Zone, Restricted Small Lot (Two Storey) District:
 - i. reduce the front yard setback from 6.00m to 3.14m
 - ii. reduce the side yard setback (north) from 1.50m to 0.50m (heat pump only).
3. The Development Permit lapsing two years from the date of this resolution.”

Committee discussed the following:

- *The pronounced grade on the site*
- *The ability of the City to levy a fine in this case*

Amendment:

Moved By Councillor Isitt

That staff provide information to Council when this comes to the daytime Council meeting on what fines, if any, may be levied in relation to this property

Failed to proceed due to no seconder

On the main motion:

CARRIED UNANIMOUSLY



Committee of the Whole Report For the Meeting of October 7, 2021

To: Committee of the Whole **Date:** September 23, 2021

From: Karen Hoese, Director, Sustainable Planning and Community Development

Subject: Development Permit with Variances Application No. 00160 for 2727 Hamilton Road

RECOMMENDATION

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

“That Council authorize the issuance of Development Permit with Variances Application No. 00160 for 2727 Hamilton Road, in accordance with:

1. Plans date stamped August 18, 2021.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except the following variances to the R1-S2 Zone, Restricted Small Lot (Two Storey) District:
 - i. reduce the front yard setback from 6.00m to 3.14m
 - ii. reduce the side yard setback (north) from 1.50m to 0.50m (heat pump only).
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 Variances Application for the property located at 2727 Hamilton

Road. The proposal is to reduce the front yard setback, reduce the side yard setback for a heat pump, and to make changes to the landscaping. This property was rezoned to the R1-S2 Zone, Restricted Small Lot House District on February 8, 2018. Concurrent with the rezoning approval, Council approved a Development Permit with Variances to enable the subdivision and construction of a small lot house, which included variances to reduce the front yard setback from 6.00 to 3.14m for the proposed new house and to reduce the rear yard setback from 6.00 to 2.40m for the existing house.

A building permit was obtained, and during construction the elevation of the main floor was raised and the floor-to-ceiling height was increased on the second floor. This resulted in an increase of 0.61m (2 feet) to the height of the building. Although the height of the building is still within the maximum allowed under the R1-S2 Zone, the extra height results in additional building mass being located within the previously reduced setback, therefore a further approval is required to legitimize the additional building volume. A variance is being requested to reduce the front yard setback from 6.0m to 3.14m.

During construction, a heat pump was installed on the north side of the building within the side yard setback. Heat pumps are subject to the building setbacks; therefore, a variance is being requested to reduce the side yard setback from 1.50m to 0.50m.

Additionally, a retaining wall was added around the perimeter of the property and the yard was then filled, creating a situation where the rear yard is raised by approximately one meter when compared to neighbouring properties, creating potential privacy impacts. This is contrary to the Small Lot Policy which promotes working with established grades rather than adding or taking away volumes of soil.

The following points were considered in assessing this application:

- A variance to reduce the front yard setback was previously approved. However, due to the height of the building increasing, and the impact being somewhat magnified, the variance must be considered again. The height of the building is below the maximum height permitted in the R1-S2, Restricted Small Lot (Two Storey) District and has limited impact on the building as viewed from the front.
- A variance to reduce the side yard setback to allow a heat pump is being requested. The heat pump is placed in a location that would cause the least disturbance to neighbours as it is next to a parking lot.
- The *Small Lot Policy and Design Guidelines* encourage maintaining existing grades and being mindful of shading, privacy and visual impacts. The unauthorized change to the grade has created privacy and visual impacts for neighbours; however, the work is complete and would be costly and disruptive to reverse. The applicant has worked to address neighbour concerns and introduced additional landscaping and fencing to mitigate some impacts. Correspondence from the most impacted neighbours indicates acceptance of this approach.

The impact of the variances is nominal, and although the change of grade is at odds with the *Design Guidelines for Small Lot Houses*, and ideally would have received approval prior to the work being completed, the applicant has strived to achieve a solution that can be supported by the neighbours. Given these unique circumstances, the staff recommendation is for Council to advance the application to an opportunity for public comment.

BACKGROUND

Description of Proposal

The proposal pertains to a small lot single family dwelling which is under construction and is under a stop work order for exterior work. The proposal is to:

- increase the height of the building
- add a heat pump
- change the previously approved landscaping plan, including raising the grade around the property.

The proposal requires variances to reduce the front yard setback from 6.0m to 3.14m, and to reduce the side yard setback (north) from 1.50m to 0.50m for a heat pump.

Existing Site Development and Development Potential

The site is presently a single-family dwelling. Under the current R1-S2 Zone, the property could be developed exclusively as 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 Story) District. An asterisk is used to identify where the proposal does not meet the requirements of the existing Zone.

| Zoning Criteria | Proposal | R1-S2 Zone |
|--|--|------------|
| Site area (m ²) – minimum | 260.15 | 260.00 |
| Density (Floor Space Ratio) – maximum | 0.57 | 0.60 |
| Total floor area (m ²) – maximum | 148.70 | 190.00 |
| Lot width (m) – minimum | 14.84 | 10.00 |
| Height (m) – maximum | 7.32 (changed from 6.71 approved as part of the Rezoning) | 7.50 |
| Storeys – maximum | 2 | 2 |
| Site coverage (%) – maximum | 31.87 | 40.00 |
| Setbacks (m) – minimum | | |
| Front | 3.14* | 6.00 |
| Rear | 6.00 | 6.00 |

| Zoning Criteria | Proposal | R1-S2 Zone |
|-------------------|---|--|
| Side (north) | 1.50 – building 0.50* – heat pump | 1.50 (non-habitable) 2.40 (habitable) |
| Side (south) | 3.00 | 1.50 (non-habitable) 2.40 (habitable) |
| Parking – minimum | 1 | 1 |

Relevant History

Rezoning and Development Permit with Variance Applications No. 00578 were approved by Council on February 8, 2018 to permit the subdivision and construction of a new small lot house. The variances were to reduce the front yard setback from 6.00 to 3.14m for the proposed new house.

In September 2020, at the framing survey stage when height is verified, it was discovered that the house was over the approved height by approximately 0.61m. This impacts the previously approved front yard setback variance because the mass and impact of the building within the front yard setback has increased, which requires approval of a new variance. A heat pump has also been installed within the north side yard setback, which requires approval of a variance. And finally, the survey determined that retaining walls and fill had been added to the site, triggering the need for an amended Development Permit Application.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, on November 24, 2020 the application was referred for a 30-day comment period to the Oaklands CALUC. At the time of writing this report, a letter from the CALUC had not been received.

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

The *Small Lot House Rezoning Policy and Design Guidelines* promotes a consultative approach when changes are proposed to an approved application, including consulting neighbours on changes and petitioning if they are in support or not in support of changes. A small lot petition was completed, and 80% of immediate neighbours were in support of the changes. One of the most impacted neighbours, while apparently not in support of the changes that have occurred has indicated an acceptance of the proposed approach to mitigate the impact.

The small lot petition summary and petitions are attached to this report, as well as additional petitions of neighbours that are not classified as immediate neighbours according to the policy. Additional correspondence with neighbours is also included. Note: a shed was part of the discussion; however, the applicant has decided not to include a shed at this time.

ANALYSIS

Local Area Plans – Oaklands Neighbourhood Plan

The *Oaklands Neighbourhood Plan* contains objectives to make provision for a range of housing types and sizes and encourages family housing through limited infill. The *Oaklands Neighbourhood Plan* states that small lot houses will be considered on their own merits provided they meet design standards. While this application was previously considered generally consistent with the *Small Lot Rezoning and Design Guidelines*, the changes to the landscaping and changing the grade of the rear yard are not consistent with those design standards.

Small Lot House Rezoning Policy and Design Guidelines

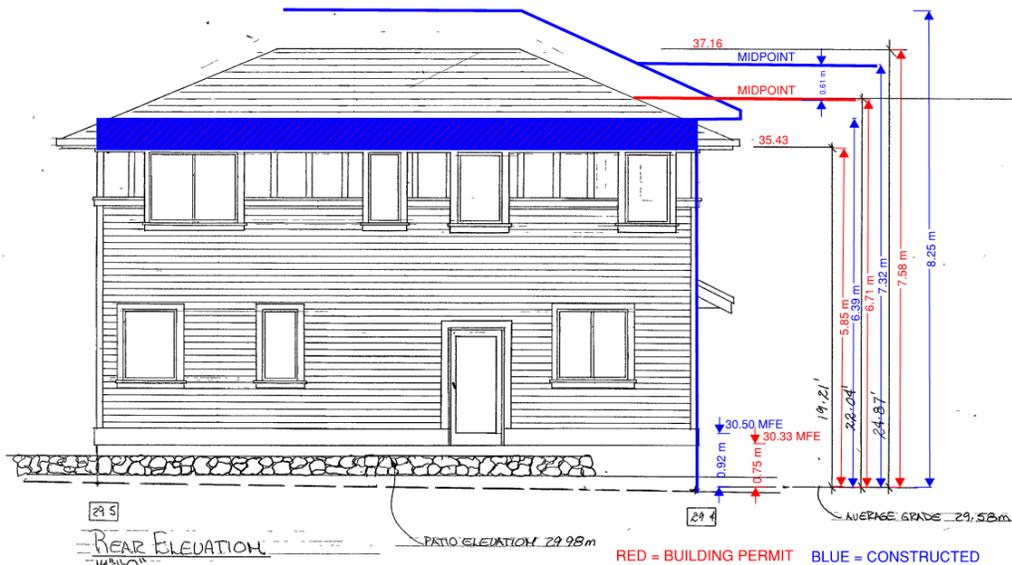
The *Official Community Plan (OCP)* Urban Place Designation for the property is Traditional Residential. In accordance with the OCP, small lots are subject to DPA 15A: Intensive Residential - Small Lot, which has the objective of accommodating housing growth in a gradual manner within neighbourhoods. The focus of the design guidelines is to achieve a good fit with the context of the neighbourhood, and to limit impacts of the development on neighbouring properties.

Front Yard Setback Variance

In the original application a front yard setback variance was approved which reduced the setback requirement from 6.0m to 3.14m. During construction, the height of the building was increased by 0.61m (from 6.71m to 7.32m), due to raising the elevation of the first floor, as well as, increasing the floor to ceiling height of the second storey. Although the proposed height of 7.32m is still below the maximum allowable height of the R1-S2 Zone, it “exacerbates” the reduced front yard setback relaxation by placing additional building mass within the reduced front yard setback.

While raising the building height does increase the prominence of the building as seen from the street, as well as increase potential shading impacts, the additional massing now located in the front setback area, does not have a significant impact on these considerations.

Figure 1:



Side Yard Setback Variance

The R1-S2 Zone requires the north side yard setback to be a minimum of 1.50m; however, a heat pump was installed within this setback. Therefore, a variance is required to reduce the setback from 1.50m to 0.50m. The heat pump is located on the north side of the house, adjacent to a parking lot where it will have minimal impact on neighbours and would be screened by a 2.0m fence.

Grade and Landscaping Changes

The small lot design guidelines encourage applicants to respect the existing topography and to avoid major changes to existing grades. During construction, a retaining wall was added around the sides and rear of the property ranging in height, from a few inches to approximately one meter near the rear of the property. This area was then filled, creating a grade change between the subject property and its neighbours. Although this change in grade does not trigger the need for a variance, it is not consistent with the design guidelines and could create potential privacy and visual impacts for the neighbouring properties. The applicant is proposing a new 2.0m cedar fence on top of the wall as well as, a row of emerald cedar hedges and a Magnolia tree to provide a landscape buffer. The addition of the fence and landscaping helps mitigate the impact of the increased grade; however, the change is inconsistent with the design guidelines.

Potential Remedies to Unauthorized Changes

At this point, the building is constructed and near completion. Reducing the height of the building and relocating or removing the heat pump would have significant financial implications for the applicant. Regrading the site and removing the retaining wall would also have significant financial implications and may trigger other variances in order to add stairs to the back door.

Tree Preservation Bylaw and Urban Forest Master Plan

This application was received prior to October 24, 2019, so it falls under Tree Preservation Bylaw No. 05-106 consolidated June 1, 2015. There are no *Tree Preservation Bylaw* impacts with this application. As a condition of the original subdivision, a new separated sidewalk and boulevard are required along Hamilton Road. Within this new boulevard, two trees are proposed to be planted.

CONCLUSIONS

The building is already constructed and near completion. The proposal to reduce the front yard setback from 6.00m to 3.14m was previously approved, and the increase in height does not significantly impact the experience of the building from the street or neighboring properties. The reduction to the side yard to allow for the placement of a heat pump is also supportable as it is placed adjacent to an existing parking lot and is screened. The retaining wall and grade manipulation around the building is not consistent with policy and far from ideal; however, the work is complete and it would be very costly to remediate. As well, the applicant has consulted neighbours and proposing fencing and landscaping to help address overlook and privacy issues. Staff therefore recommend that Council consider advancing the application for consideration at an opportunity for public comment.

ALTERNATE MOTION

That Council decline Development Permit with Variance Application No. 00160 for the property located at 2727 Hamilton Road.

Respectfully submitted,

Chelsea Medd
Planner
Development Services Division

Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped August 18, 2021
- Attachment D: Letter from applicant to Mayor and Council dated December 17, 2020
- Attachment E: Small Lot Petition of Immediate Neighbours
- Attachment F: Additional correspondence and petitions.



2727 Hamilton Rd
Development Permit with Variance No. 00160





2727 Hamilton Rd
Development Permit with Variance No. 00160



Revisions
 Received Date:
 August 18, 2021

**Proposed Subdivision Of:
 Lot 1, Block 3, Section 29-30,
 Victoria District, Plan 302A.**

LOT INFORMATION - LOT A

| | |
|------------------------|----------------------|
| CIVIC ADDRESS | 2727 HAMILTON STREET |
| PROPOSED ZONING | R1-S2 |
| TOTAL LOT AREA | 260.00 sq.m. |
| ALLOWABLE LOT COVERAGE | 40.00% |
| PROPOSED LOT COVERAGE | 104.00 sq.m. |
| ALLOWABLE F.A.R. | 25.10% |
| PROPOSED F.A.R. | 60.00% |
| ALLOWABLE HEIGHT | 143.85 sq.m. |
| PROPOSED HEIGHT | 7.50 m |

ELEVATIONS:

| | |
|---------------|---------|
| MAIN FLOOR | 30.50 m |
| AVERAGE GRADE | 29.58 m |

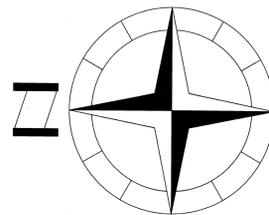
LOT INFORMATION - LOT B

| | |
|------------------------|--------------------|
| CIVIC ADDRESS | 1410 MYRTLE AVENUE |
| PROPOSED ZONING | R1-S2 |
| PROPOSED LOT AREA | 381.00 sq.m. |
| ALLOWABLE LOT COVERAGE | 40.00% |
| PROPOSED LOT COVERAGE | 152.40 sq.m. |
| ALLOWABLE F.A.R. | 28.96% |
| PROPOSED F.A.R. | 49.86% |
| ALLOWABLE HEIGHT | 107.95 sq.m. |
| PROPOSED HEIGHT | 7.50 m |



Scale = 1:100

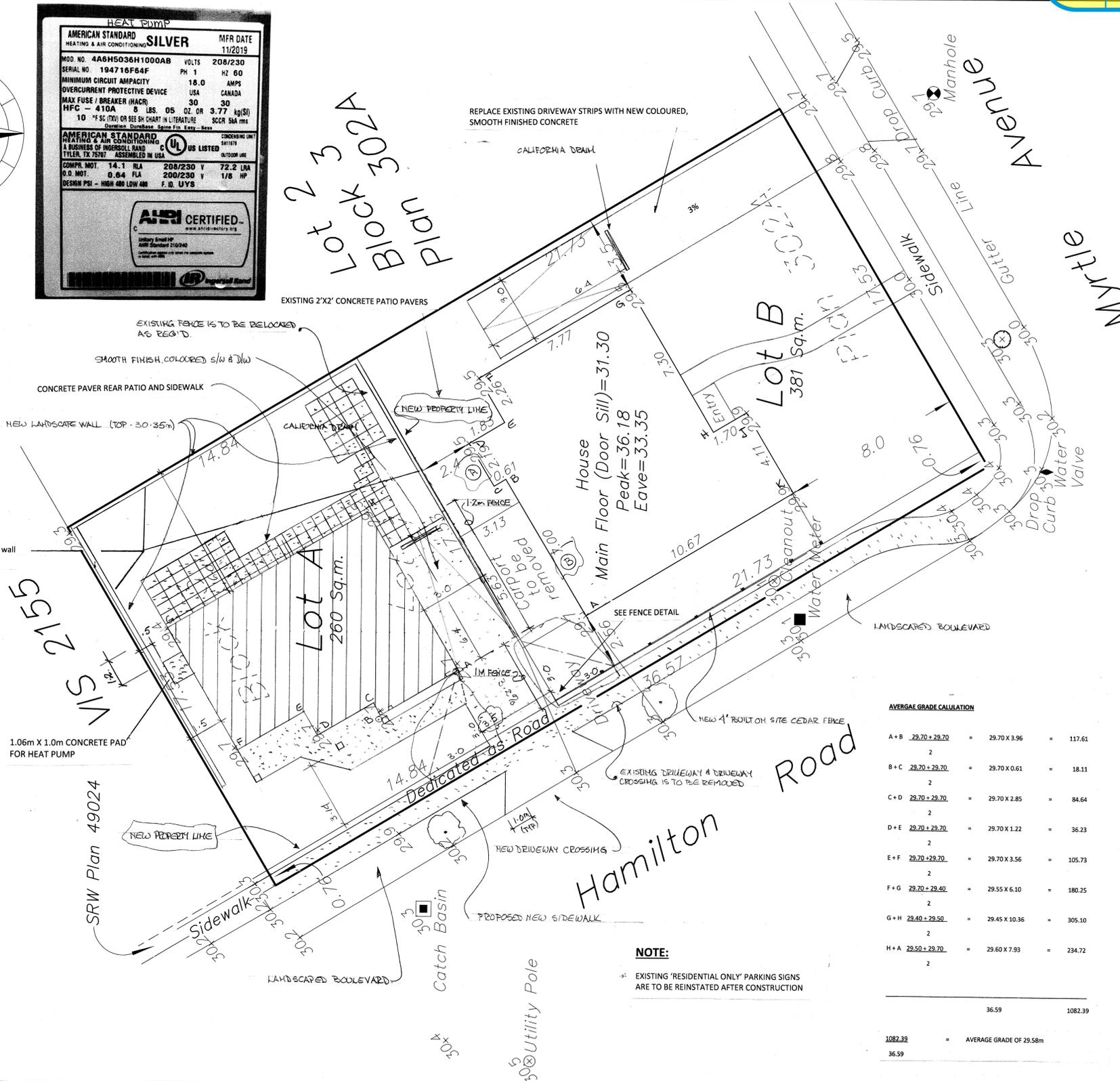
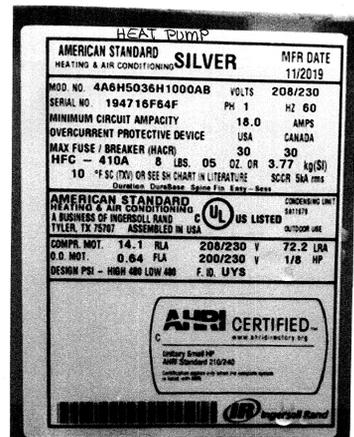
Dated this 19th day of April, 2013.



R.C.L.S. ©

Distances and elevations shown are in metres.

Elevations are based upon geodetic datum.

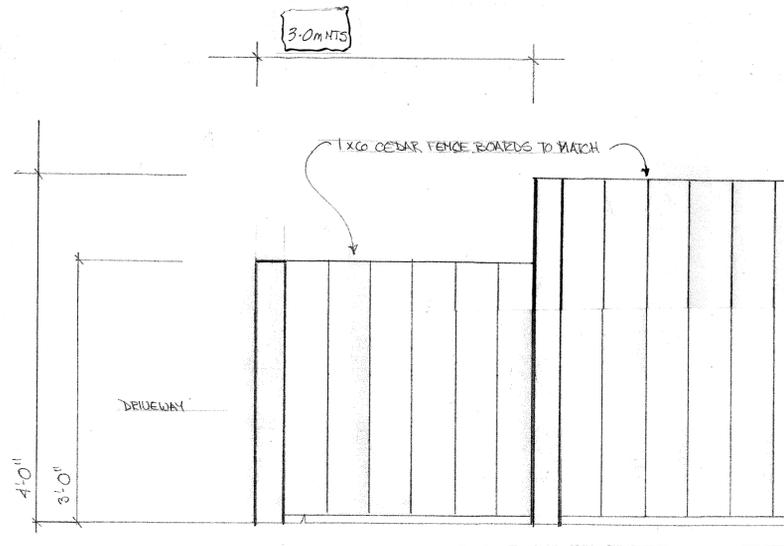


AVERAGE GRADE CALCULATION

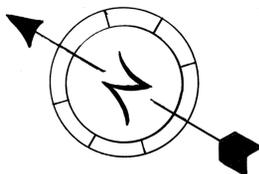
| | | | | | |
|-----|---------------|---|---------------|---------|-------------------------|
| A+B | 29.70 + 29.70 | = | 29.70 X 3.96 | = | 117.61 |
| B+C | 29.70 + 29.70 | = | 29.70 X 0.61 | = | 18.11 |
| C+D | 29.70 + 29.70 | = | 29.70 X 2.85 | = | 84.64 |
| D+E | 29.70 + 29.70 | = | 29.70 X 1.22 | = | 36.23 |
| E+F | 29.70 + 29.70 | = | 29.70 X 3.56 | = | 105.73 |
| F+G | 29.70 + 29.40 | = | 29.55 X 6.10 | = | 180.25 |
| G+H | 29.40 + 29.50 | = | 29.45 X 10.36 | = | 305.10 |
| H+A | 29.50 + 29.70 | = | 29.60 X 7.93 | = | 234.72 |
| | | | | 36.59 | 1082.39 |
| | | | | 1082.39 | AVERAGE GRADE OF 29.58m |
| | | | | 36.59 | |

NOTE:
 * EXISTING 'RESIDENTIAL ONLY' PARKING SIGNS ARE TO BE REINSTATED AFTER CONSTRUCTION

RICHARD J. WEY & ASSOCIATES
 Land Surveying Inc.
 www.weysurveys.com
 #4-2227 James White Boulevard
 Sidney, BC V8L 1Z5
 Telephone (250) 656-5155
 File: 130065\ST\BM



FENCE DETAIL
1" = 1'-0"



PLANT LIST

TREES

| | | | |
|-------|---|----------------|------|
| 15 TS | THUYA OCCIDENTALIS 'SMARAGD' | EMERALD CEDAR | 1.5M |
| 1 AC | ACER PALMATUM DISSECTUM ATROBURPUREUM 'CRIMSON QUEEN' | JAPANESE MAPLE | #15 |
| 1 ML | MAGNOLIA GLANDIFLORA | LITTLE GEM | #15 |

SHRUBS

| | | | |
|------|---|--------------------------|----|
| 3 AZ | RHODODENDRON NORTHERN LIGHTS 'LEMON LIGHTS' | NORTHERN LIGHTS AZALEA | #1 |
| 7 BM | BOXUS MICROPHYLLA 'COMPACTA' | KOREAN BOXWOOD | #1 |
| 5 EP | ESCALLONIA 'PINK PRINCESS' | PINK PRINCESS ESCALLONIA | #3 |
| 9 HS | ERICA CARNEA 'SPRINGWOOD WHITE' | HEATHER | #1 |
| 3 LA | LAVANDULA ANGUSTIFOLIA 'HIDCOTE' | ENGLISH LAVENDER | #1 |

LEGEND

- C.I.P. CONCRETE SURFACE
- COLOURED, SMOOTH FINISH CONCRETE
- 1/2" CLEAR CRUSHED STONE OVER LANDSCAPE FABRIC
- LAWN AREA

NOTES

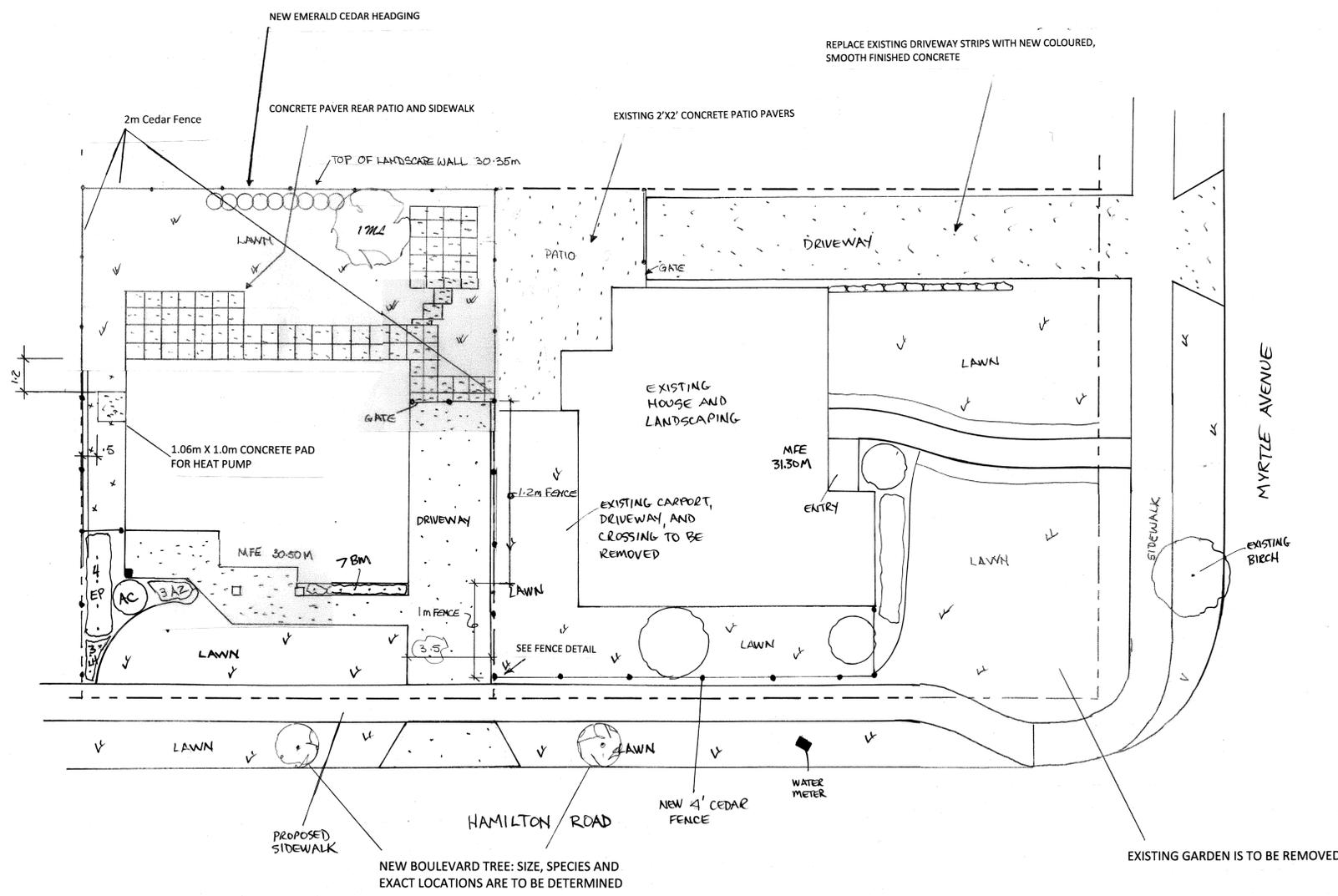
DRAWING NOT TO BE SCALED - OWNER MUST VERIFY ALL DIMENSIONS, DATUMS, AND LEVELS PRIOR TO COMMENCEMENT OF WORK

ALL BUILDING LAYOUT, SETBACK DIMENSIONS, ALL SURVEY INFORMATION (INCLUDING BASE GEODETIC ELEVATIONS) SUPPLIED BY RICHARD J. WEY & ASSOCIATES LAND SURVEYING INC.

PLANTING MATERIAL AND INSTALLATION TO CONFORM TO BCSLA/BCLNA STANDARD

ALL GROWING MEDIUM IN SHRUB BEDS TO BE MIN. 450MM IN DEPTH, LAWN AREAS TO BE MIN. 150 MM IN DEPTH

ALL GROWING MEDIUM TO COMPLY TO BCSLA/BCLNA STANDARD DESIGNATION "1P-LEVEL 1 WELL GROOMED AREAS"



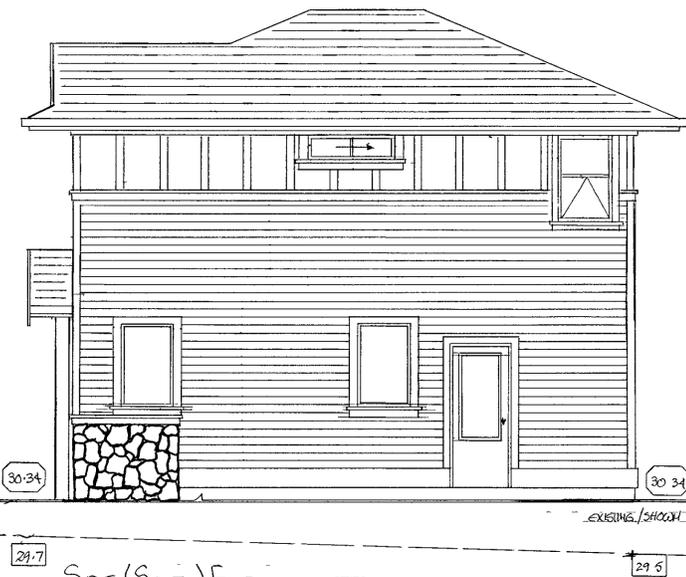
| | |
|---|--|
| Koi Dragon Enterprises Ltd. 924 Mesher place Victoria BC V9A 6Z1 phone 250-383-0285 cell 250-704-8338 | scale: 1:100 date: JULY 11 2015 drawn by: BL |
| proposed landscape for: BARBON CONSTRUCTION 1410 MYRTLE AVENUE | |



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

2" x 8" STAINED FIR POSTS

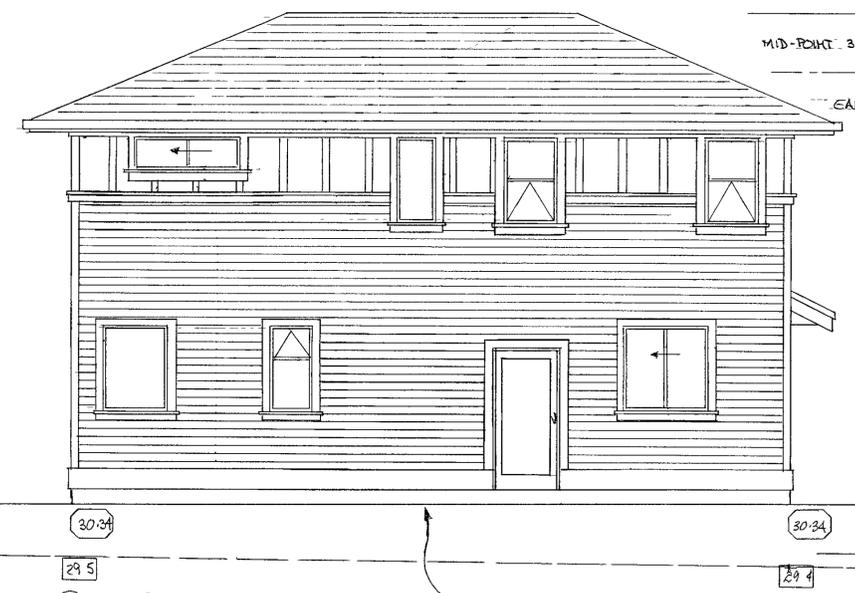
CULTURED STONE



SIDE (SOUTH) ELEVATION
1/4"=1'-0"

SPATIAL SEPARATIONS:

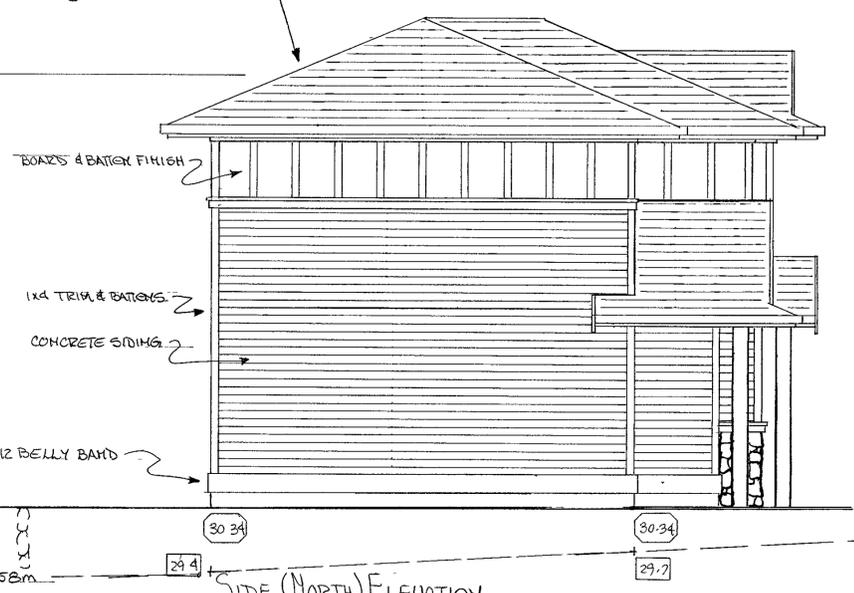
| | |
|--------------------------------|-------------------|
| LIMITING DISTANCE | 3.02m |
| AREA OF EXPOSED BUILDING FACE | 44.68 sq m |
| ALLOWABLE UNPROTECTED OPENINGS | 44.68 sq m X 2025 |
| PROPOSED UNPROTECTED OPENINGS | 9.04 sq m |
| | 4.27 sq m |



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

PATIO ELEVATION 30.34m

Roof soffits that project to less than 1.2 m from property line shall have no openings and be protected BCBC 9 10 15 5 (10) See Soffit Note



SIDE (NORTH) ELEVATION
1/4"=1'-0"

SPATIAL SEPARATION: Areas A & B-Existing North Face 1410 Myrtle Avenue

| WINDOW | DIMENSIONS | OVERALL | GLAZING ONLY |
|--------------|----------------|--------------------|---------------------|
| 1 | 4'-6" X 3'-3" | 14.62 sq ft | 8.73 sq ft |
| 2 | 2'-11" X 3'-4" | 9.72 sq ft | 7.72 sq ft |
| 3 | 3'-8" X 3'-4" | 12.22 sq ft | 8.88 sq ft |
| 4 | 4'-8" X 3'-4" | 15.55 sq ft | 12.45 sq ft |
| DOOR WINDOW | 2' X 2' | 4.0 sq ft | |
| TOTAL | | 56.11 sq ft | 37.78 sq.ft. |
| | | 5.21 sq m. | 3.50 sq.m. |

| | |
|--------------------------------|--------------|
| LIMITING DISTANCE | 2.40 m |
| AREA OF EXPOSED BUILDING FACE | 34.20 sq m |
| ALLOWABLE UNPROTECTED OPENINGS | 34.20 X 1612 |
| PROPOSED UNPROTECTED OPENINGS | 5.51 sq m |
| | 5.21 sq m |
| | 3.50 sq m |

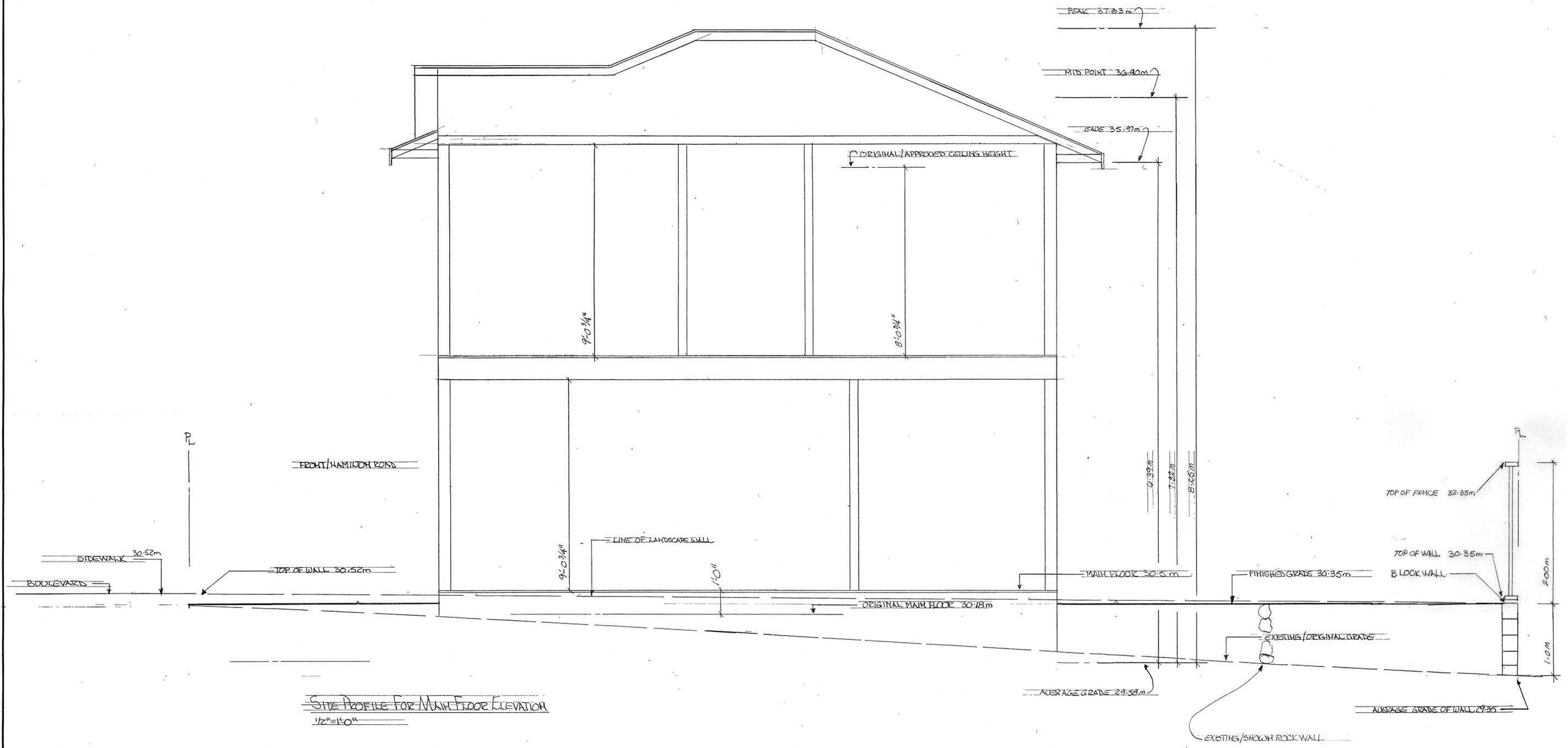
PEAK 37.83m
MID-POINT 36.90m
EAVE 35.97m

6.39m
7.32m
8.82m
AVERAGE GRADE 29.52m

BARBON CONSTRUCTION
2727 HAMILTON ROAD

T-SQUARE
Holdings Inc.

| | |
|--|--------------------|
| T-SQUARE Design & Consulting design@tsquare.ca 2850 Lakehurst Drive, Victoria, BC 250-382-2893 | |
| DATE 04.01.2021 | DESIGNED BY OTHERS |
| SCALE AS SHOWN | DRAWN BY DL |
| DRAWING No 050-5-3 | |

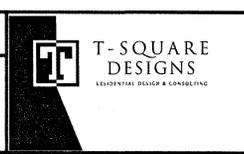


SITE PROFILE FOR MAIN FLOOR ELEVATION
 1/2" = 1'-0"

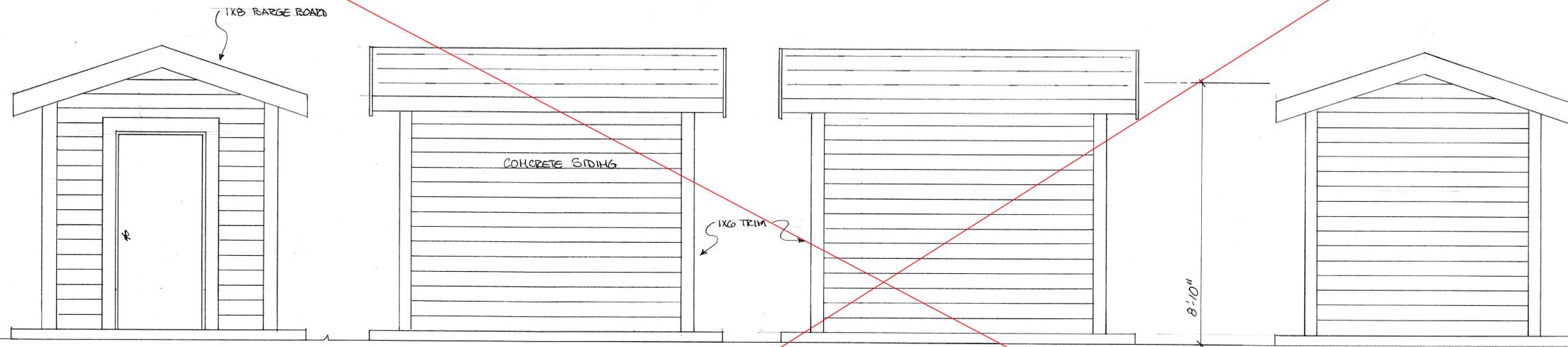
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BARBON CONSTRUCTION
 2727 HAMILTON ROAD



| | |
|--|------------------|
| T-SQUARE Design & Consulting design@tsquare.ca 2850 Lakehurst Drive, Victoria, BC 250-361-5411 | |
| DATE: 14.12.2020 | DESIGNED BY: DJL |
| SCALE: AS SHOWN | DRAWN BY: DJL |
| DRAWING No: 050-3-PROFILE | |

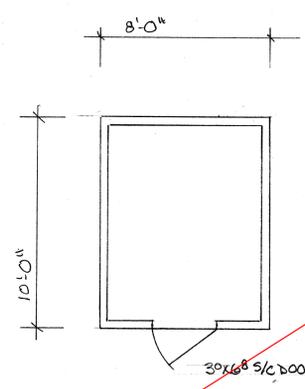


FRONT ELEVATION
1/2"=1'-0"

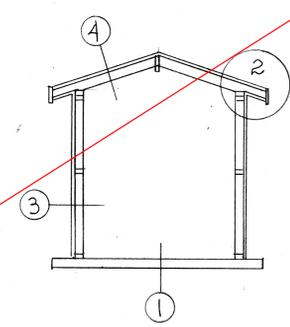
SIDE (NORTH) ELEVATION
1/2"=1'-0"

SIDE (SOUTH) ELEVATION
1/2"=1'-0"

REAR ELEVATION
1/2"=1'-0"



GARDEN SHED PLAN
1/4"=1'-0"



TYPICAL SECTION
1/4"=1'-0"

- ① FINISH FLOOR AS SPEC
EXISTING 4" CONCRETE FLOOR
EXISTING SUBSTRUCTURE
- ② EAVE PROTECTION AS REQUIRED
NON-VENTED SOFFIT
MATERIAL TO MATCH
- ③ EXTERIOR FINISH AS SHOWN
BUILDING WRAP-TYVEC OR EQUAL
SHEATHING
2X4 STUDS @ 16" o/c
- ④ ROOFING AS SPEC
ROOF VENTS-1sq.ft. per 150 sq.ft.
SHEATHING
2X6 RAFTERS @ 24" o/c
4/12 PITCH

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| | | |
|--|--|--|
| BARBON CONSTRUCTION 2727 HAMILTON ROAD. |  T-SQUARE DESIGNS RESIDENTIAL DESIGN & CONSULTING | T-SQUARE Design & Consulting 2850 Lakehurst Drive, Victoria, BC designer@telus.net 250-361-5411 |
| | | DATE: 04.05.2021 SCALE: AS SHOWN DRAWING No: 515-1-1 |
| | | DESIGNED BY: D.L. DRAWN BY: D.L. |

December 17, 2020

Sustainable Planning and Community Development

City of Victoria Council

1 Centennial Square

Victoria BC V8W 1P6

Attention : Development Services

: City Council

Re Height Change 2727 Hamilton

The original plans denote the build to a total height of 6.71 meters. Due to the elevations of the services on Hamilton Road, the elevation of the main floor needed to be brought up to meet the minimal slope requirement by building code to connect the storm and sewage. I was in contact with the surveying company to make sure that that lifting the elevation of the main floor would not put the house over the allowable height for the zoning we were building under. I was informed that it would not be a problem as we were well under the allowable height for the zoning. It was at this point that since we were well under the allowable height that the decision was made to make the upper floor walls 9 feet tall. Not fully realizing what complications this would cause as we believed that we were still well under the allowable height for the zoning.

The retaining wall that was to be for the patio and walkway in the back yard was relocated to our side of the property line along the NE property line. This was done to prevent any and all surface water from going onto the neighboring property due to the severe slope that would have been created and possibly causing damage to their accessory building, lawn or their property parked on the lawn. The retaining wall along south property line is to make the parking of two vehicles feasible and meet the requirement for on site parking. Following existing grade would have created a driveway slope of 27.27%, far exceeding the allowable 15% and creating an extremely dangerous scenario for backing out of the driveway.

We plan to add a few additional hedge type plants along the NE property line to fill the space where there is a gap between trees on the neighboring property for additional privacy.

We are proposing a 42" high fence and we would still consider building a six-foot-high fence on top of the retaining wall if this would help with providing privacy for the neighbor if permissible. If we were to go with a six-foot fence, then I do not think the additional planting would be necessary.

I understand the concern over the difference in overall height and I apologize for that, but I had to work with what we had. We were quite surprised with the elevations of the services as were the City of Victoria crew that installed the services who were the first to bring this to our attention. Especially knowing that the house at 1410 Myrtle has a partial bathroom in their basement which the elevation for that floor is at 28.014. This would be .27 m below our sewer connection at the property line.

Regards

Cara Keck

Mike Barbon

**SUMMARY
SMALL LOT HOUSE REZONING PETITION**

I, Cara Keek, have petitioned the adjacent neighbours* in compliance with
(applicant)
 the *Small Lot House Rezoning Policies* for a small lot house to be located at 2727
(location of proposed house)
Hamilton Rd and the petitions submitted are those collected by April 13, 2021.**
(date)

| Address | In Favour | Opposed | Neutral (30-day time expired) |
|------------------------|-----------|---------|----------------------------------|
| | ✓ | ✓ | ✓ |
| 1- 1441 Hillside Ave | ✓ | | |
| 2- 1441 Hillside Ave | ✓ | | |
| 3- 1441 Hillside Ave | | | ✓ |
| 4- 1441 Hillside Ave | ✓ | | |
| 5- 1441 Hillside Ave | | | ✓ |
| 6- 1441 Hillside Ave | | ✓ | |
| 7- 1441 Hillside Ave | ✓ | | |
| 8- 1441 Hillside Ave | | | ✓ |
| 1425/1427 Hillside Ave | | | ✓ |
| 2730 Hamilton Rd | ✓ | | |
| 2732 Hamilton Rd | ✓ | | |
| 2720 Hamilton Rd | | | ✓ |
| 2710 Hamilton Rd | ✓ | | |
| 1410 Myrtle Ave | ✓ | | |
| 1414 Myrtle Ave | | ✓ | |

| SUMMARY | Number | % |
|-----------------|--------|------|
| IN FAVOUR | 8 | 80 |
| OPPOSED | 2 | 20 |
| TOTAL RESPONSES | 10 | 100% |

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

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

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

Cara Keek, am conducting the petition requirements for the
(print name)

property located at 2727 Hamilton Rd

to the following Small Lot Zone: R1-S2.

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) Jaswinder K Grewal (see note above)

ADDRESS: 2732 Hamilton Rd

Are you the registered owner? Yes No

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

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

Comments:

Feb 28 2021
Date

Jaswinder K Grewal
Signature

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

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

property located at 2727 Hamilton _____

to the following Small Lot Zone: R1-S2 _____

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) Sandra Gorenchur _____ (see note above)

ADDRESS: 2730 Hamilton Rd, Victoria, BC V8R 2T4 _____

Are you the registered owner? Yes No

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

I support the application.

I am opposed to the application.

Comments:

Feb 28/21
Date

[Signature]
Signature

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

Cara Keck, am conducting the petition requirements for the
(print name)

property located at 2727 Hamilton Rd

to the following Small Lot Zone: R1-S2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) Don Jenkins (see note above)

ADDRESS: 2710 Hamilton Rd.

Are you the registered owner? Yes No

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

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

Comments:

Feb 29, 21
Date

[Signature]
Signature

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

Cara Keok
(print name)

, am conducting the petition requirements for the

property located at 2727 Hamilton Rd

to the following Small Lot Zone: R1S2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) Christopher Windjack (see note above)

ADDRESS: 1410 Myrtle Ave

Are you the registered owner? Yes No

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

I support the application.

I am opposed to the application.

Comments:

Feb 28-21

Date

C. Windjack

Signature

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

Cara Keck, am conducting the petition requirements for the
(print name)

property located at 2727 Hamilton Rd.

to the following Small Lot Zone: R1-S2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) Jessica (see note above)

ADDRESS: 1414 Myrtle Ave

Are you the registered owner? Yes No

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

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

Comments:

We have reviewed current plans & requested changes-
Developer/Owner (Cara K) agreed to them by email exchange
① 6 foot high fence along back property line (privacy)
② Slow growing evergreen hedge (privacy/sightlines above 6')
Of note this house seems too big for this tiny lot. Setback
(front) variance should not establish precedent.

April 9/21
Date

[Signature]
Signature

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

Para Keck
(print name), am conducting the petition requirements for the

property located at 2727 Hamilton Rd.

to the following Small Lot Zone: R1-S2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) MARION TAYLOR (see note above)

ADDRESS: #1-1441 HILLSIDE AVE

Are you the registered owner? Yes No

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

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

Comments:

Feb 28/24
Date

[Signature]
Signature

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

Cara Keck _____, am conducting the petition requirements for the
[redacted] (name)

property located at 2727 Hamilton Rd.

to the following Small Lot Zone: R1-S2.

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) Brad Helhennington (see note above)

ADDRESS: # 2 - 1441 HILLSIDE AVE.,

Are you the registered owner? Yes No V852B9

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

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

Comments:

28 FEB 21
Date

[Signature]
Signature

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

Cara Keck
(print name), am conducting the petition requirements for the

property located at 2727 Hamilton Rd.

to the following Small Lot Zone: R1-S2.

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) Mike Nolan (see note above)

ADDRESS: 4-1441 Hillside Ave

Are you the registered owner? Yes No

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

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

Comments:

FEB 28, 2021
Date


Signature

Feb. 28, 2021.

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

Carakeck

, am conducting the petition requirements for the

property located at 2727 Hamilton.

to the following Small Lot Zone: R1-S2.

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) _____ (see note above)

ADDRESS: #6-1441 Hillside Ave. Victoria

Are you the registered owner? Yes No

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

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

Comments:

The extra 12 inch height on the house
ruins the integrity of the neighbourhood.
also there is a concern about the water
drainage from the house as we are on a hill and
we are at the bottom of the hill
The increased height casts a shadow and
darkens the parking lot of our complex.

Mar 9/21
Date

A. Goodwyn
Signature

Feb 28th 2021

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

Cara Keck

(name)

, am conducting the petition requirements for the



property located at 2727 Hamilton Rd.

pls email to the following Small Lot Zone: R1-S2.

for details / discussion

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) STEVE WILCOX (see note above)

ADDRESS: 7-1441 HILKSIOE AVE,

Are you the registered owner? Yes No

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

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

Comments:

FEB 28/2021
Date

Steve Wilcox
Signature

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

Cara Keck
(print name), am conducting the petition requirements for the

property located at 2727 Hamiton Rd.

to the following Small Lot Zone: R1-52.

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) Rachael Fitzpatrick (see note above)

ADDRESS: 2700 Hamilton Rd

Are you the registered owner? Yes No

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

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

Comments:

2021 Feb 28
Date

Rachael Fitzpatrick
Signature

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

Cara Kuck
(print name)

, am conducting the petition requirements for the

property located at 2727 Hamilton Rd.

to the following Small Lot Zone: R1-S2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) Allison Rees (see note above)

ADDRESS: 1435 Myrtle, Victoria BC V8R2R5

Are you the registered owner? Yes No

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

I support the application.

I am opposed to the application.

Comments:

Feb 28 / 21.
Date

Allison Rees
Signature

Chelsea Medd

From: Cara Keck <[REDACTED]>
Sent: April 30, 2021 4:50 PM
To: Chelsea Medd
Cc: Daryl james keck; Mike Barbon
Subject: Fwd: Landscape Plan - Updated
Attachments: image_123986672.JPG; image_123986672.JPG

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Chelsea,

Forwarded and attached is correspondence you asked to see between myself and the two Myrtle neighbours with touching properties regarding the garden shed.
Will have elevations shortly.

Cara

----- Forwarded message -----

From: Jessica Lea [REDACTED]
Date: Fri, Apr 30, 2021 at 1:21 PM
Subject: Re: Landscape Plan - Updated
To: Cara Keck [REDACTED]

Thanks Cara.

This looks good.

The shed is fine, I am good with what you have... the feedback form is small that's why I didn't mention it.

It's really the height of the back fence and the strategic placement of the plantings which will improve privacy screening-being as tall as allowable that is most important - with the softscape hedge to grow up taller than the fence.

Are you still planning 6 foot hedge cedars? (I think they have them at costco this month.) As for the magnolia, I think the plans will work out pretty well for placement... it's hard to say because it's not exactly to scale, but as we had talked about before, my hope is that it will be planted in such a way to fill the gap we have between the lilacs... eventual screening from upstairs windows would be nice. The lilacs do need pruning down this year. The purple one especially, is suffering from the loss of its other half, and can't hold itself up anymore. The big white one is needing an overall prune as well. Just a heads up.

Any sense of timing yet? Pics of fence panels?

Thanks

Jessica

On Sat., Apr. 24, 2021, 12:57 p.m. Cara Keck, [REDACTED] wrote:



Barbon.pdf

Hi Jessica,

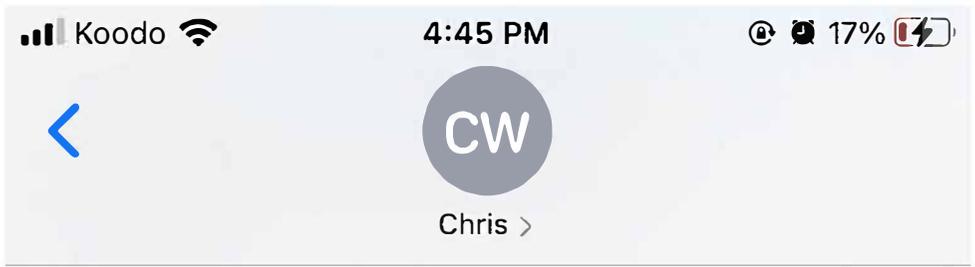
I've had the landscape plan revised to meet the specifications you've requested:

- cedar hedge and little gem magnolia tree
- 6ft fence (noted as 2meter.. fence near front of property is sketched out to show that it is shorter to comply with code)

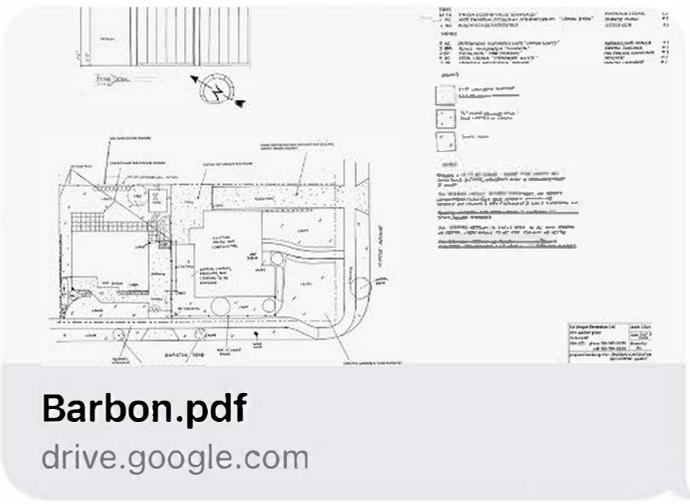
This plan also shows the shed in the corner. It wasn't noted on your petition anything regarding a shed so double checking that you are okay with it now that you can see the updated plan!

Let me know

Thank you
Cara

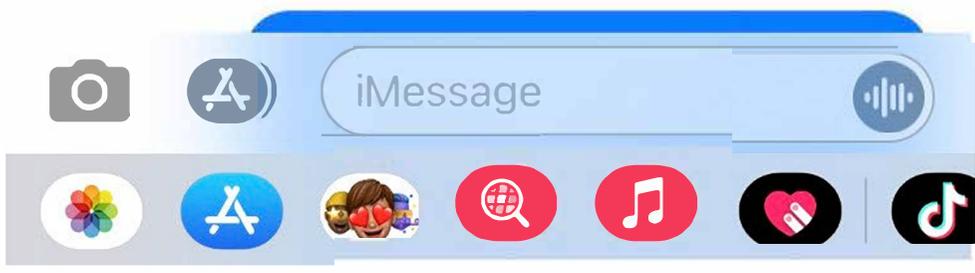


Saturday 1:06 PM



Hi Chris,
I'm sending through the updated landscape plan. The city wants to know that you and our other neighbor behind me are okay with the shed since it was not on the original plan. Take a look and let me know what you think. Thank you 🙏

Today 1:22 PM





Chris >

our other neighbor behind the
are okay with the shed since it
was not on the original plan.
Take a look and let me know
what you think. Thank you 🙏

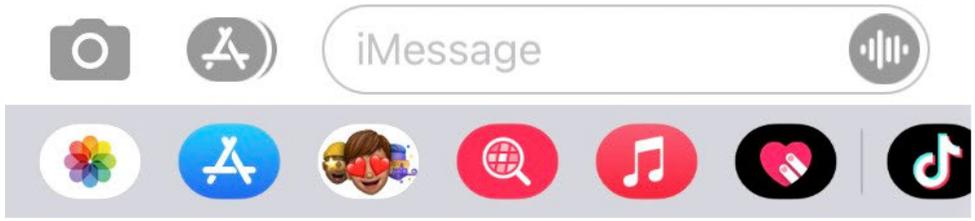
Today 1:22 PM

Hey Chris, just checking in to
see if you have any
commentary for me. Would love
to get the application finalized
and get going on some
landscaping

Delivered

Today 2:54 PM

Hi Cara, sorry it took so long to
respond - I meant to do it
earlier this week but things
have been crazy. We're totally
fine with the plan and have no
issue with the shed :)



Development Permit with
Variance Application No. 00160
for
2727 Hamilton Road



1



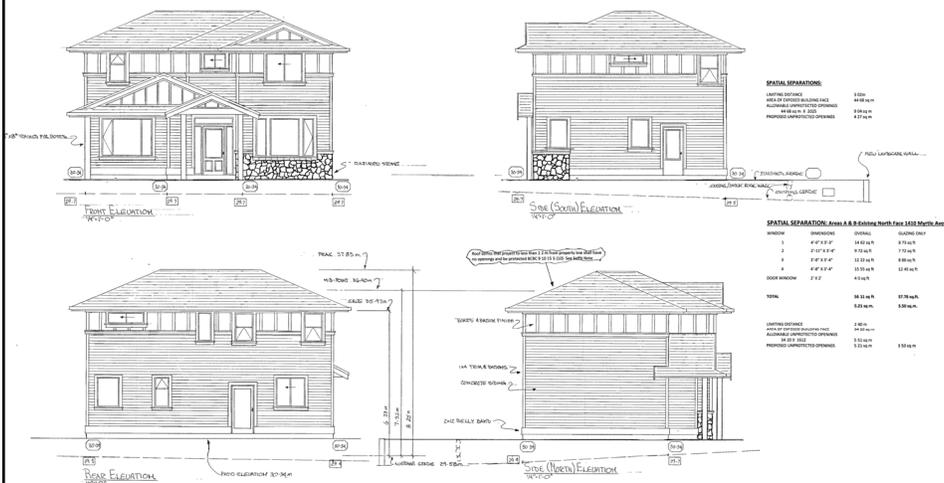
2

Subject Property: 2727 Hamilton

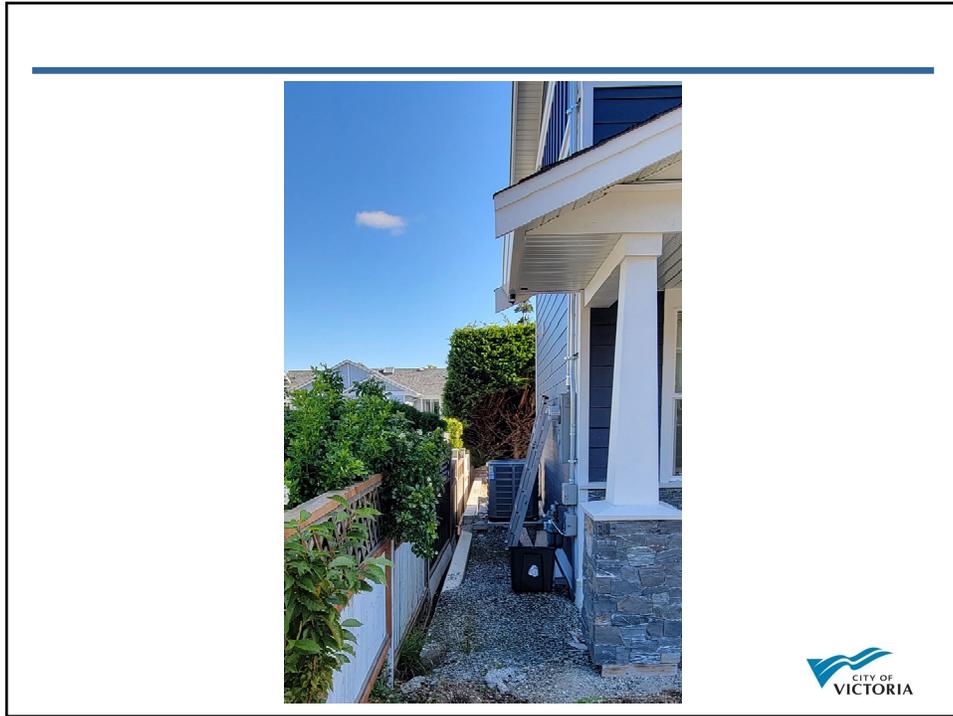


3

Elevations



4



11

H.1.c.d 500, 504, and 506 Herald Street: Development Permit with Variance No. 00105 (Downtown)

Moved By Councillor Alto

Seconded By Councillor Young

That Council, after giving notice, extending the notification area to 100 metres, 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. 00105 for 500, 504, and 506 Herald Street, in accordance with:

1. Plans date stamped April 16, 2020.
2. Development meeting all Zoning Bylaw 2018 requirements, except for the following variance:
 - a. allowing new construction and building features to be erected partly on one lot and partly on another lot (Administration, Part 1, Section 12).
3. Conditional upon:
 - a. the applicant providing security to replace two street trees (species to be determined by the Parks Department) on the frontage and to include grate, guard and structural soil to the satisfaction of the Director of Parks and Recreation; and
 - b. the applicant providing a financial contribution of \$1000 for two bicycle racks to be placed on Herald Street.
4. The Development Permit lapsing two years from the date of this resolution.”

CARRIED UNANIMOUSLY

H.3 500, 504, and 506 Herald Street: Development Permit with Variance No. 00105 (Downtown)

Committee received a report dated May 7, 2020 from the Director of Sustainable Planning and Community Development regarding the proposed Development Permit with Variance Application for 500, 504, and 506 Herald Street in order to construct an upper floor addition and exterior stairs to an existing building for use as a brew pub.

Committee discussed the following:

- *Concerns relating to hours of operation and occupancy load*
- *Matters under Council's consideration*
- *Properties receiving notice for public comments*
- *Comments received from the Downtown Residents Association*

Moved By Mayor Helps

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. 00105 for 500, 504, and 506 Herald Street, in accordance with:

1. Plans date stamped April 16, 2020.
2. Development meeting all Zoning Bylaw 2018 requirements, except for the following variance:
 - a. allowing new construction and building features to be erected partly on one lot and partly on another lot (Administration, Part 1, Section 12).
3. Conditional upon:
 - a. the applicant providing security to replace two street trees (species to be determined by the Parks Department) on the frontage and to include grate, guard and structural soil to the satisfaction of the Director of Parks and Recreation; and
 - b. the applicant providing a financial contribution of \$1000 for two bicycle racks to be placed on Herald Street.
4. The Development Permit lapsing two years from the date of this resolution.”

Amendment:

Moved By Councillor Thornton-Joe

Seconded By Councillor Alto

That Council, after giving notice, **extending the notification area to 100 metres**, and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

CARRIED UNANIMOUSLY

On the main motion as amended:

That Council, after giving notice, extending the notification area to 100 metres, 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. 00105 for 500, 504, and 506 Herald Street, in accordance with:

1. Plans date stamped April 16, 2020.
2. Development meeting all Zoning Bylaw 2018 requirements, except for the following variance:
 - a. allowing new construction and building features to be erected partly on one lot and partly on another lot (Administration, Part 1, Section 12).
3. Conditional upon:
 - a. the applicant providing security to replace two street trees (species to be determined by the Parks Department) on the frontage and to include grate, guard and structural soil to the satisfaction of the Director of Parks and Recreation; and
 - b. the applicant providing a financial contribution of \$1000 for two bicycle racks to be placed on Herald Street.
4. The Development Permit lapsing two years from the date of this resolution.”

CARRIED UNANIMOUSLY

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 500, 504 and 506 Herald Street. The proposal is to construct an upper floor addition and exterior stairs to an existing building for use as a brew pub (Herald Street Brew Works). A variance is required to allow the new building construction (rooftop patio, railings, trellis, kitchen structure and exiting stairs) to straddle an existing property line.

The following points were considered in assessing this application:

- This existing building is within DPA 1(HC) Core Historic. The building is not heritage-designated or registered, but nonetheless contributes to the Old Town industrial fabric and sense of place. The proposed changes to the façade are appropriate in the context and are generally in compliance with the *Old Town Design Guidelines – New Buildings and Additions to Existing Buildings* (2019).
- As it is an existing building, the property is exempt from providing bicycle parking. In anticipation of the number of staff and patrons, the applicant is proposing four short term bicycle stalls on site. A financial contribution will be made to provide two additional bike racks within the public right-of-way.
- In support of the Urban Forest Master Plan, the two street trees along the frontage will be replaced.
- The existing building is situated across two lots, and the variance is related to the new construction that straddles the lot line. This is not an uncommon situation for buildings of this era in Old Town or Chinatown, and is therefore supportable.
- The applicant will require additional approvals (building permit, liquor licensing, occupant load) to extend the brew pub seating (lounge license) on the roof deck and to reallocate some seating to the rear ground level patio.

BACKGROUND

Description of Proposal

The proposal is to renovate an existing building for a brew pub and add a third storey (roof top patio area). Specific details include:

- changes to the façade of the building (fenestration, new canopy, painting, signage and lights)
- creation of the third storey roof top patio area with seating for 99 patrons, with a stairwell and food preparation area
- patio area aluminium guards rails and trellises
- exterior stairs (rear elevation)
- staff bike parking for four bikes (short term).

The building is situated across two lots, which creates a conflict with the *Zoning Bylaw 2018* for the new construction (roof top patio, railings, structures related to food service and exit stairs).

The interior renovations for the brew pub are currently under construction.

This application does not deal with any changes to the Lounge Endorsement to a Manufacturer's License for additional seating on the roof top patio or reallocation of seating to the rear ground level patio area. This is a separate process, and the applicant has indicated that the additional required approvals will be sought after the processing of this application. In the interim, the roof top patio area would not be licensed and would therefore not serve alcohol until additional approvals are in place.

Sustainability

The applicant has not identified any specific sustainability features associated with this proposal. The use of an existing building is an adaptive re-use, which generates less building waste than new construction.

Active Transportation

The *Zoning Bylaw 2018* exempts existing buildings from providing short or long term bicycle parking (Part 5, Bicycle Parking Exemptions). Nonetheless, in recognition of the amount of staff and patrons that the business will generate, the applicant is providing four bicycle parking stalls at the rear of the building for staff. As these stalls are not weather protected or secure, these spaces would be considered short term.

Additionally, there are two existing bike racks along the Herald Street frontage, and two new bike racks will be added for use by patrons. Due to limited space in front of the building, the final location of the racks will be determined by the Engineering Department. The bike racks are valued at \$500 each, therefore a \$1000 fee will be required to be paid prior to the issuance of the Building Permit to cover the cost of the racks. The staff recommendation includes the necessary wording to ensure this occurs.

Public Realm

No public realm improvements are proposed in association with this application, aside from the addition of bike racks and street tree replacement.

Accessibility

The British Columbia Building Code regulates accessibility as it pertains to buildings. Only the ground floor of this building will be accessible.

Existing Site Development and Development Potential

The site is presently zoned Old Town District-1 Zone (OTD-1), *Zoning Bylaw 2018*. Under the current Old Town District-1 Zone, the property could be developed at a density of 3.0:1 Floor Space Ratio (FSR) and with the use as proposed for a brew pub. This zone allows for a range of uses including a brew pub, drinking establishment and food and beverage service.

Data Table

The following data table compares the proposal with the existing Old Town District-1 Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone. A double

asterisk is used to identify a legal-nonconforming situation.

| Zoning Criteria | Proposal | Existing Zone Old Town District - 1 |
|--|--|--|
| Site area (m ²) | 1372 (combined area of two lots) | Not specified |
| Density (Floor Space Ratio) – maximum | 0.48:1 (combined density of two lots) | 3:1 |
| Total floor area (m ²) - maximum | 329 | |
| Height (m) - maximum | 9.0 (to top of trellis) | 15 |
| Storeys | 3 | Not specified |
| Building over property line | Yes * | Not permitted |
| Setbacks (m) – minimum | | |
| To all lot lines | Building 0.37cm from front lot line at closest point | 0 |
| Vehicle parking total | 12 | Not required in Old Town for lots less than 1100m ² in area. Each lot is less than 1100m ² |
| Vehicle parking location | Rear yard ** | Required within a building if provided |
| Bicycle parking stalls – minimum | | |
| Short term | 4 (see Active Transportation) | Not required for an existing building |
| Long term | 0 | Not required for an existing building |

Relevant History

The building was constructed in 1895 for A & A Dowell for a cartage company. Over its history, the building has been used for warehousing, a theatre and retail space. It has been vacant the last few years.

On March 28, 2019, Council endorsed the following resolution with regard to the liquor license for this property:

That Council direct staff to notify the Liquor and Cannabis Regulation Branch that Council supports the application to have a lounge endorsement added to the manufacturing license for a brewery, having hours of operation from 9:00 am to 12:00 am Sunday to Thursday, and 9 a.m. to 1 a.m. Friday to Sunday with an occupant load of 178 persons.

Since that time, the Liquor Control and Cannabis Regulation Branch has issued an approval in principal for the manufacturing area of the brew pub. The lounge area has also received an approval in principal for Level 1 and the mezzanine; however, it is contingent upon obtaining occupancy and occupancy load approvals. The current approval in principal for the Level 1 of the lounge area does not identify any seating on the ground level patio at the rear of the building so this will also require an amendment to the approvals, which is as noted earlier, a separate process. The roof top patio area (99 additional seats) has not been part of the above-noted liquor licensing approvals.

The current zoning for the property (Old Town District-1 Zone) permits brew pubs, drinking establishment and food and beverage service as land uses within this zone.

A Delegated Development Permit was issued in August 2019 for minor changes to the façade, but as the applicant is proposing further changes to the façade, these changes are included in this application. A building permit is currently issued for the interior renovations.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, on January 3, 2019, June 10, 2019, November 3, 2019, January 30, 2020 and April 20, 2020 (revisions only) the application was referred for a 30-day comment period to the Downtown Residents Association. The DRA has not provided a formal response to this application.

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, 2012)* identifies this property within DPA 1, (HC) Core Historic. The most relevant guidelines applicable to this proposal are the *Old Town Design Guidelines for New Buildings and Additions to Existing Buildings (2019)*.

While the building is part of the Old Town industrial fabric, there is little architectural merit in the existing structure to pursue heritage status as the building facade has undergone many changes over its lifetime.

Specific changes to the front elevation of the building façade include:

- new double wide wood and glass doors to replace the commercial glass doors
- replacement of existing canopy over the entry with a simplified wood awning
- a new window with mullions to increase the amount of glazing at street level

- painted signage on face of building
- accent lighting above signage
- painting the existing cladding material and trim
- prefinished aluminum guard rail.

The materials, signage and palette are consistent with the character of the area. The addition of a new window will increase transparency on the ground floor, which is encouraged in the guidelines. The cladding materials (including the brick) have been previously painted and will be repainted in one colour which will help distinguish the building as a single entity. The lighting is appropriate to the scale and function of the building. The new guard rail in dark grey on the upper storey reinforces the former industrial character of the building and is similar to guard rails used in newer buildings in Old Town and Chinatown.

The changes to the rear of the building are mostly utilitarian in nature and this area is not visible from the Herald Street; as such, application of the design guidelines is limited. Changes to the rear of the building include:

- 1.8m high windbreak constructed of translucent glass and aluminum frame at patio level
- decorative wood trellis at patio level
- new exiting stairs
- two bicycle racks (four spaces)
- overhead doors for delivery
- new exterior doors at ground level
- refurbished concrete for patio area at ground level with guard rails
- space for tank for brewery operation.

Local Area Plans

The *Downtown Core Area Plan* (2011) places the parcel within the Historic Commercial District, forming the primary hub for retail, entertainment and tourism within the Downtown Core Area, noting that the concentration of rehabilitated heritage buildings and attractive streetscapes serves to attract other uses. This application is consistent with the policy to locate active commercial uses at street level to encourage increased pedestrian activity.

Tree Preservation Bylaw and Urban Forest Master Plan

There are two street trees (sour cherry) along the frontage of this property. These trees are in poor condition. In support of the Urban Forest Masterplan, the applicant has agreed to replace these with new trees, grate, guard and structural soil, with species determined by the Parks Department. Additionally, it is noted that the street trees are often stressed by construction and servicing, so it would be prudent to address this issue at this time. The staff recommendation includes the appropriate wording to ensure this occurs.

Regulatory Considerations - Variance

In older parts of the City and prior to building inspection services, it is not uncommon that a building straddles one or more lot lines. As this is an existing situation, the variance to allow new building construction to straddle the existing lot line is considered supportable.

The option of consolidating the lots was discussed with the applicants, and this was not considered a feasible course of action for them at this time.

CONCLUSIONS

This Development Permit with Variance Application only considers the changes to the exterior of the building, including the construction of a third floor patio area. As noted, the applicant will be required to apply for the appropriate approvals to include this third floor patio area as part of the overall lounge license for the brew pub in order to extend liquor sales on this level.

The front façade changes are generally consistent with the *Old Town Design Guidelines – New Buildings and Additions to Existing Buildings* (2019). The material changes will create a distinctive character to the building while still fitting in with the established streetscape.

The variance to allow new construction over a lot line is supportable, as this is an existing condition and having a building straddle a lot line in the parts of Victoria that were generally developed before regulations is not uncommon.

ALTERNATE MOTION

That Council decline Development Permit with Variances Application No. 0015 for the property located at 500 – 506 Herald Street.

Respectfully submitted,



Lucina Baryluk
Senior Planner
Development Services



Karen Hoese, Director
Sustainable Planning and Community
Development Department

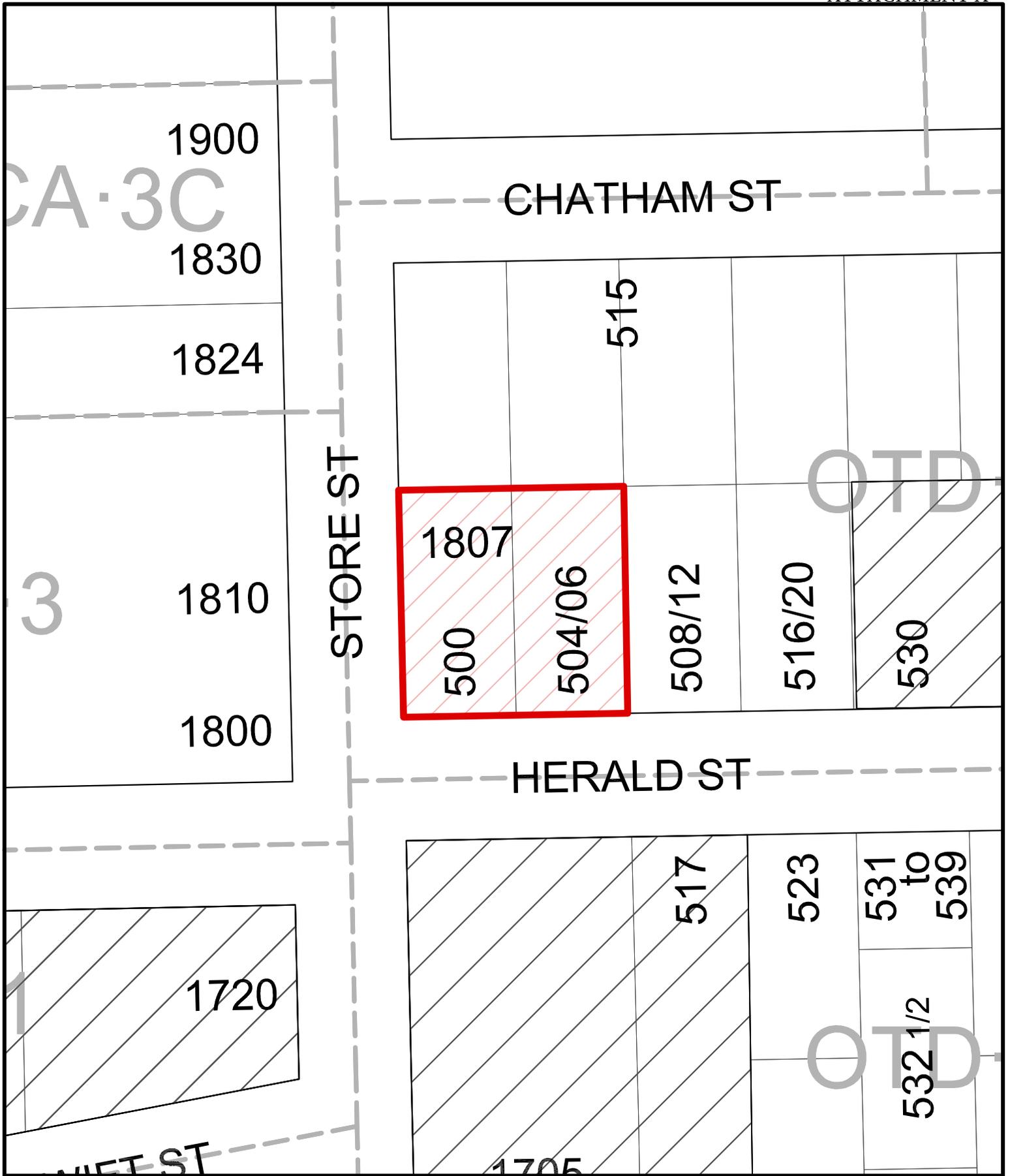
Report accepted and recommended by the City Manager:



Date: May 12, 2020

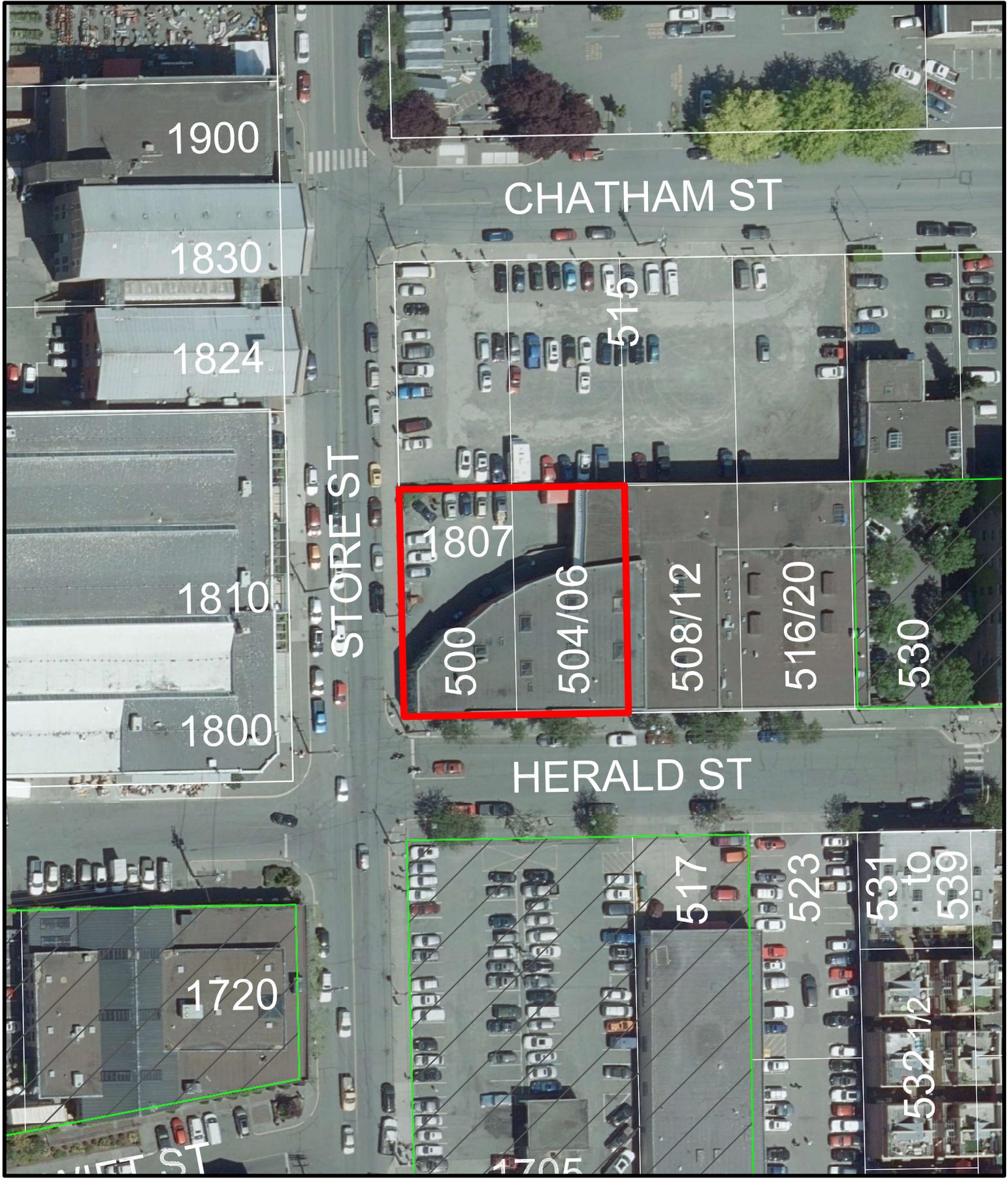
List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped April 16, 2020
- Attachment D: Letter from applicant to Mayor and Council dated March 5, 2020
- Attachment E: Letter from architect to Mayor and Council dated January 29, 2020.



500 - 506 Herald Street
 Development Permit with Variance #00105





500 - 506 Herald Street
 Development Permit with Variance #00105



ZONING INFORMATION - LOT 469

CIVIC ADDRESS: 506 Herald Street, Victoria, BC
ZONE (EXISTING): OTD-1
PROPOSED ZONE: No change to zone, No change of use.
SITE AREA (m²): Lot 469: 685 m²
FLOOR AREA (m²): L1: 171 m² (no change), Mezzanine: 67 m² (proposed), **TOTAL:** 237 m² (proposed)
COMMERCIAL FLOOR AREA (m²): 237 m²
FLOOR SPACE RATIO: .35: 1
SITE COVERAGE (%): 28%
HEIGHT OF BUILDING (m): 8.6 m
NUMBER OF STOREYS: 2 (one storey plus mezzanine, and rooftop patio)
PARKING STALLS ON SITE: 8 (existing, no change)
PARKING STALLS REQUIRED: none
BICYCLE PARKING NUMBER (CLASS 1 & CLASS 2): none (4 provided)
BUILDING SETBACKS (m) OTD-1 Zone, therefore, no setbacks required.

ZONING INFORMATION - LOT 470

CIVIC ADDRESS: 506 Herald Street, Victoria, BC
ZONE (EXISTING): OTD-1
PROPOSED ZONE: No change to zone, No change of use.
SITE AREA (m²): Lot 470: 687 m²
FLOOR AREA (m²): L1: 76 m² (no change), Mezzanine: 16 m² (proposed), **TOTAL:** 92 m² (proposed)
COMMERCIAL FLOOR AREA (m²): 92 m²
FLOOR SPACE RATIO: .13: 1
SITE COVERAGE (%): 12%
HEIGHT OF BUILDING (m): 8.6 m
NUMBER OF STOREYS: 2 (one storey plus mezzanine, and rooftop patio)
PARKING STALLS ON SITE: 4 (existing, no change)
PARKING STALLS REQUIRED: none
BICYCLE PARKING NUMBER (CLASS 1 & CLASS 2): none
BUILDING SETBACKS (m) OTD-1 Zone, therefore, no setbacks required.

PROJECT INFORMATION

REGISTERED OWNER
 Mike & Lee Spence
 5067 Cordova Bay Road
 Victoria, BC V8Y 2K1
 tel: 250.818.5465
 lee.spence.112@gmail.com

ARCHITECT
 dHk Architects
 977 Fort Street
 Victoria, BC V8V 3K3
 Charles Kierulff
 tel: 250.658.3367
 ckr@dhk.ca

STRUCTURAL CONSULTANT
 Sorenson TRILOGY Engineering Ltd.
 215 - 737 Goldstream Avenue
 Victoria, BC V9B 2X4
 Brian Lang
 tel: 250.880.2117
 brian@sorensonTRILOGY.ca

MECHANICAL CONSULTANT
 Avalon Mechanical Consultants Ltd.
 300 - 1245 Esquimalt Road
 Victoria, BC V8A 3P2
 Mirek Demidow
 tel: 250.384.4128
 fax: 250.384.4134

ELECTRICAL CONSULTANT
 Williams Engineering
 202-91 Bannockburn Square
 Victoria, BC V8W 1J1
 Michael Phillips
 tel: 778.406.0023 ext.8001
 MPhillips@williamsengineering.com

SIGNAGE BYLAW SUMMARY

REFERENCED DOCUMENT: CITY OF VICTORIA SIGNAGE BYLAW 14-097

ZONE 1
 Arterial Commercial
 1:1 Ratio Permitted (maximum total area: 9 m²)

SIGN TYPE
 Combination Sign: Business name painted on facade (mural style).

SIGN AREA AS SHOWN
 8,9 sq m

Note: Final sign design to be done by others in compliance to current sign bylaws.

DRAWING LIST

| Architectural | |
|---------------|--------------------------------|
| A001 | Project Data & Site Plan |
| A201 | Level 1 & Mezzanine Floor Plan |
| A202 | Roof Top Plan |
| A203 | Seating Plan |
| A401 | Elevations |
| A501 | Sections |
| A601 | Materials Board |

BUILDING CODE SUMMARY - 506 Herald Street, Victoria, BC

REFERENCED DOCUMENT: BRITISH COLUMBIA BUILDING CODE 2018 - PART 3

BUILDING AREA [Building Footprint]: 1900 m² overall, 260 m² for A-2 506 Herald Street.

BUILDING HEIGHT: Two (2) storey

NUMBER OF STREETS FACING: One (1)

SPRINKLERED: Yes

MAJOR OCCUPANCY CLASSIFICATIONS: Group E (3,2,2,67) and A2 (3,2,2,27), 3,2,2,67 is more restrictive.

SEPARATION OF MAJOR OCCUPANCIES: (3,1,3,1)
 • Minimum fire-resistance rating of fire separation, Group E to A-2: 2 hours., Group A-2 to A-2 - none.

CONSTRUCTION TYPE (3.1.4): Combustible Heavy Timber Construction

OCCUPANT LOAD (3.1.17):
 1.2 m²/person for dining and beverage,
 4.6 m²/person for process rooms.

Ground Floor:
 Gross Floor Area 260 m² (served by 2 exits front and rear) Total Load: 123 people
 Ground Floor Restaurant Area: 124 m² = 103 people
 Ground Floor Process Area: 73 m² = 16 people
 Cooker: 19 m² = 4 people

Mezzanine:
 Gross Floor Area 83 m² (served by 1 stair down to Ground Floor) Total Load: 67 people
 Mezzanine Restaurant Area: 56 m² = 67 people

Rooftop:
 Gross Area 167 m² (served by 2 exits front and rear) Total Load: 200 people (seasonal).
 Rooftop Restaurant Area: 167 m² = 200 people

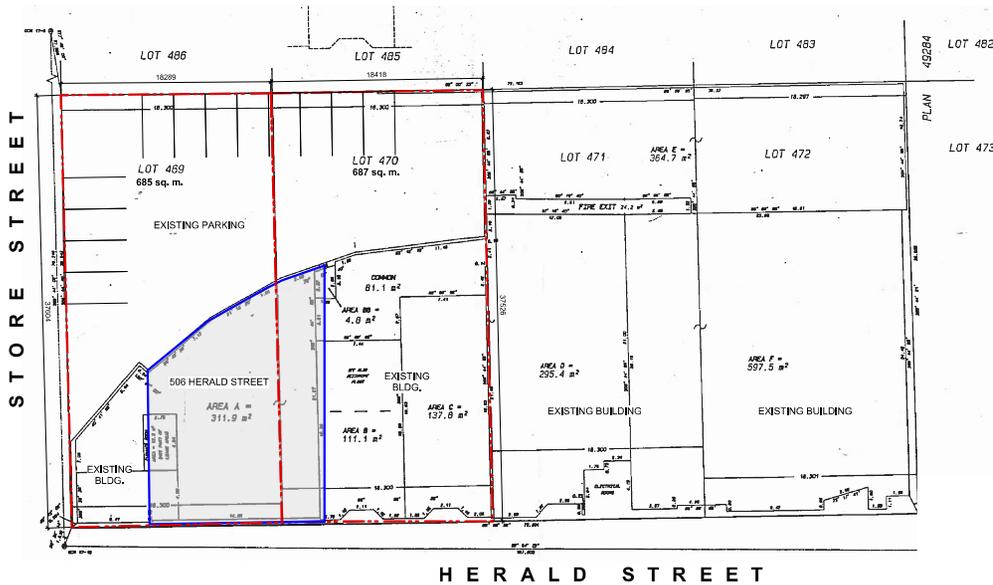
Total Calculated Occupant Load: 390; Occupant load limited and posted per 3.1.17.1.2) to 277 people.

CONSTRUCTION REQUIREMENTS (3.2.67):
 • Group E, up to 3 storeys, Sprinklered
 • 1) A building classified as Group E is permitted to conform to Sentence(2) provided
 a) except as permitted by Sentences 3.2.2.7(1) and 3.2.2.18(2), the building is sprinklered throughout,
 b) it is not more than 3 storeys in building height, and
 c) it has a building area not more than
 i) 7 200 m² if 1 storey in building height,
 2) The building referred to in Sentence(1) is permitted to be of combustible construction or noncombustible construction used singly or in combination, and
 a) floor assemblies shall be fire separations with a fire-resistance rating not less than 45min,
 b) mezzanines shall have, if of combustible construction, a fire-resistance rating not less than 45 min,
 c) loadbearing walls, columns and arches supporting an assembly required to have a fire-resistance rating shall
 i) have a fire-resistance rating not less than 45 min, or
 ii) be of noncombustible construction, and
 d) loadbearing walls, columns and arches supporting a fire separation shall have a fire-resistance rating not less than that required for the fire separation.

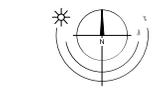
FIRE ALARM AND DETECTION SYSTEMS (3.2.4):
 • Signal to Fire Department required, 2 stages, Will notify that an alert signal has been initiated (3.2.4.8.3)
 • Building is one storey and less than 2000 m², and therefore can be one fire zone, An annunciator is not required if there is only one zone (3.2.4.9(2.3))
 • Visual and audible trouble signal to be provided at main entrance (3.2.4.4)
 • Electrical supervision of fire alarm system required (3.2.4.10)
 • Smoke detectors not required (3.2.4.12)
 • Fire alarm system monitoring required (3.2.4.16)
 • Manual pull stations required at exits (3.2.4.17)

EXITS AND EGRESS:
 Travel Distance to an exit is 45 m maximum (3.4.2.5), 8.5 m (Ground Floor), 13 m (Mezzanine), 29 m (Roof) actual.
 Minimum Width of Exits (3.4.3.2): Exit corridor / passageway: 1100 mm
 Stair: 900 mm
 Doorways: 800 mm

WASHROOMS:
 • Building occupancy is limited to 178 people as per approved liquor licence, with an additional 99 people on the roof (unlicensed) for a total of 277 people. Total Number of water closets provided (3.7.2.2.A) is 9. All water closet stalls are private and unisex. Sign with occupant limit to be posted on site.
 • Accessible washroom provided is ground floor universal washroom (3.7.2.10).



1 Site plan
 A001 1:200



| NO. | DATE | DESCRIPTION |
|-----|-------------|---------------------------------|
| 1 | 21 JUN 2020 | Prepared for Development Permit |
| 2 | 21 JUN 2020 | Prepared for Development Permit |
| 3 | 12 NOV 2019 | Prepared for Development Permit |
| 4 | 19 DEC 2018 | Prepared for Development Permit |
| 5 | 19 DEC 2018 | Prepared for Development Permit |
| 6 | 19 DEC 2018 | Prepared for Development Permit |
| 7 | 19 DEC 2018 | Prepared for Development Permit |
| 8 | 19 DEC 2018 | Prepared for Development Permit |
| 9 | 19 DEC 2018 | Prepared for Development Permit |
| 10 | 19 DEC 2018 | Prepared for Development Permit |

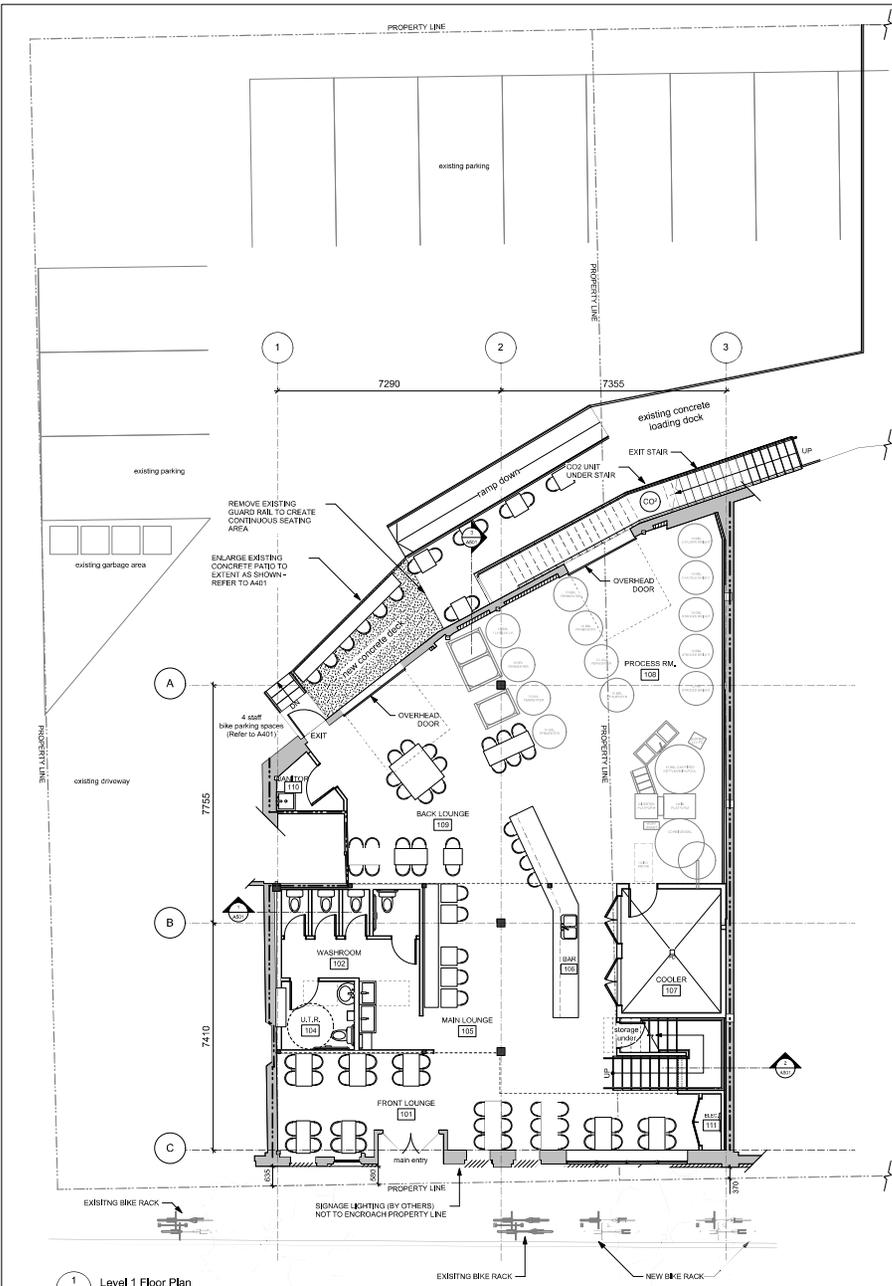
RE-ISSUED FOR DEVELOPMENT PERMIT

de Hoog & Kierulff architects
 507 FORT STREET, VICTORIA, BC V8V 3K3
 TEL: 250.658.3367 FAX: 250.658.3368

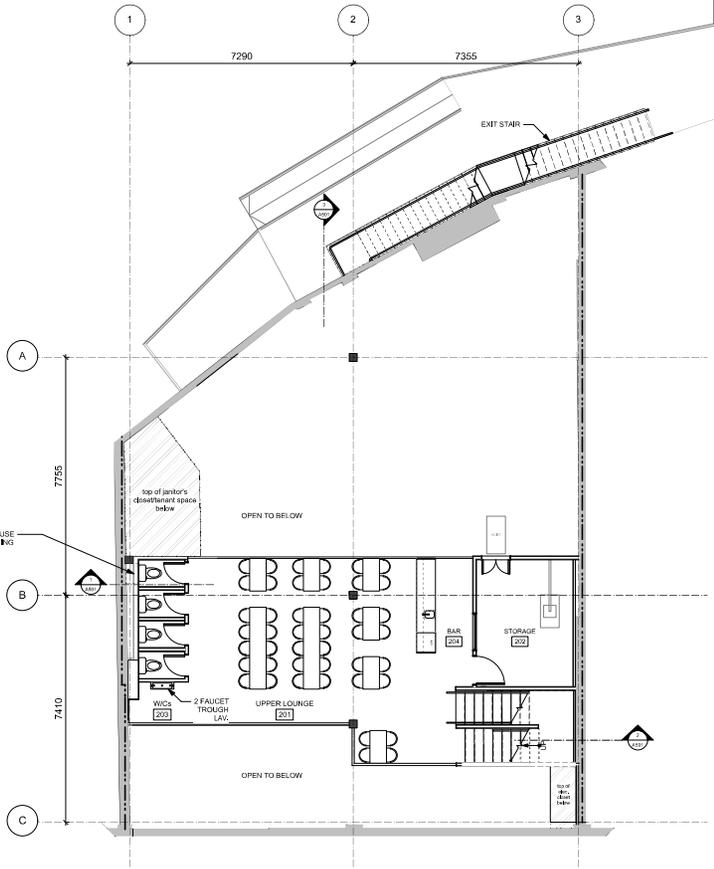
Herald Brew Pub
 506 Herald Street
 Victoria, BC

Project Data & Floor Plan

| | | |
|------|------|-------------|
| NO. | DATE | DESCRIPTION |
| A001 | | |



1 Level 1 Floor Plan
Scale: 1:75



2 Mezzanine Floor Plan
Scale: 1:75

- General Notes**
1. Contractor to verify all dimensions and confirm same on site. Architect to be notified in case of any discrepancies.
 2. Shaded walls are existing.
 3. All gridlines are to centreline of existing columns, centre of studs, and face of existing interior brickwork unless noted otherwise. Plans to be read in conjunction with details to confirm.

0 2000 5000mm
1:75

MECHANICAL DOG HOUSE FOR BATHROOM VENTING ABOVE

top of jankon's downward space below

OPEN TO BELOW

top of floor 14m

top of floor 14m

| | | |
|---|-------------|-----------------------|
| 1 | 31 MAR 2020 | Revised for 2020-2021 |
| 2 | 21 JAN 2020 | Revised for 2020-2021 |
| 3 | 12 MAY 2019 | Revised for 2019-2020 |
| 4 | 11 DEC 2018 | Revised for 2018-2019 |

NOTE: All dimensions are shown in millimetres.

RE-ISSUED FOR DEVELOPMENT PERMIT

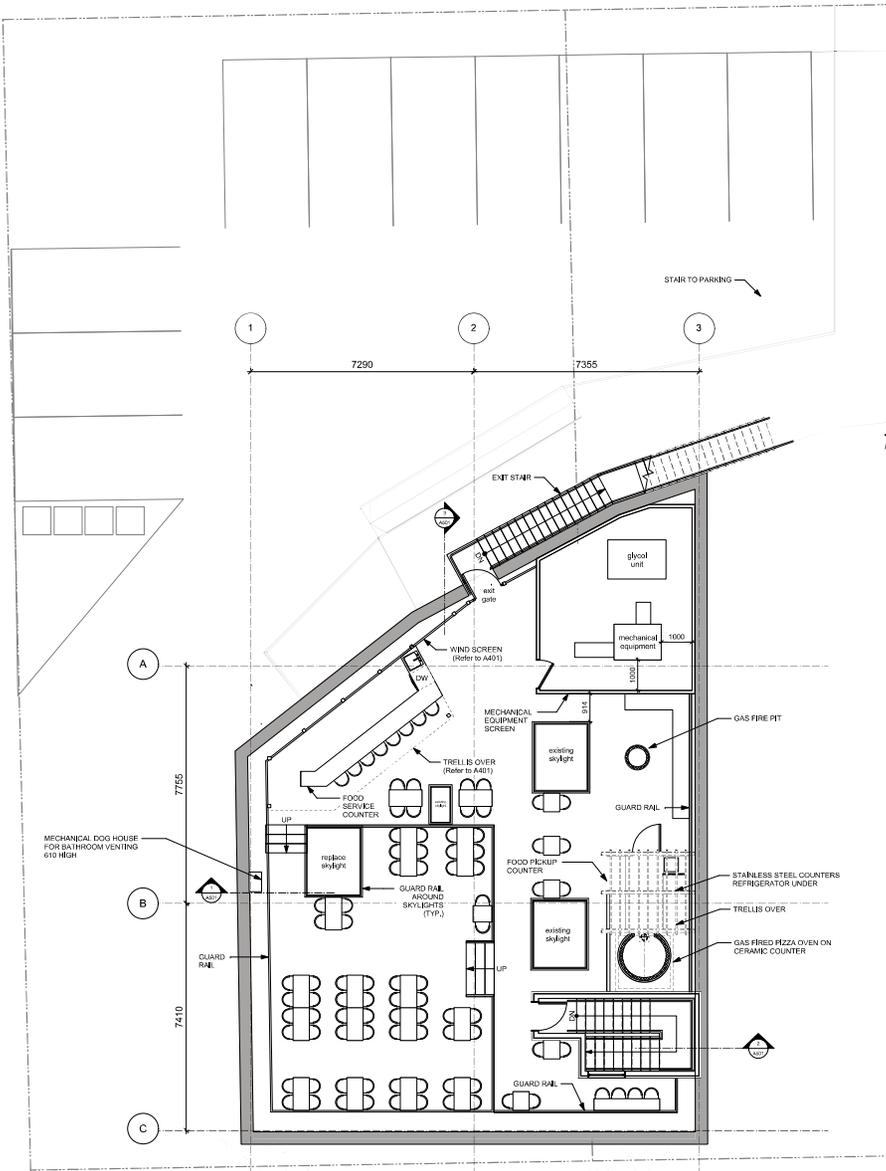
de Hoog & Kierulff architects

Herakli Brew Pub
204 Kings Street
Victoria, BC

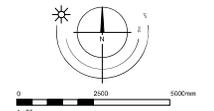
Level 1 & Mezzanine Floor Plan
A201 3

General Notes

1. Contractor to verify all dimensions and confirm same on site. Architect to be notified in case of any discrepancies.
2. Shaded walls are existing.
3. All gridlines are to centreline of existing columns, centre of studs, and face of existing interior brickwork unless noted otherwise. Plans to be read in conjunction with details to confirm.



1 Roof Top Plan
Scale: 1/75



| NO. | DATE | DESCRIPTION |
|----------|-------------|--------------------------------------|
| 3 | 31 MAR 2023 | Revised for 2024 permit process |
| 2 | 21 JAN 2023 | Revised for 2024 permit process |
| 1 | 30 MAY 2019 | Revised for 2019-2020 permit process |
| 01 | 31 DEC 2019 | Issued for 2020 permit process |
| Drawn | 31 MAR 2023 | AK |
| Checked | | AK |
| Approved | | AK |
| Scale | | 1:75 |

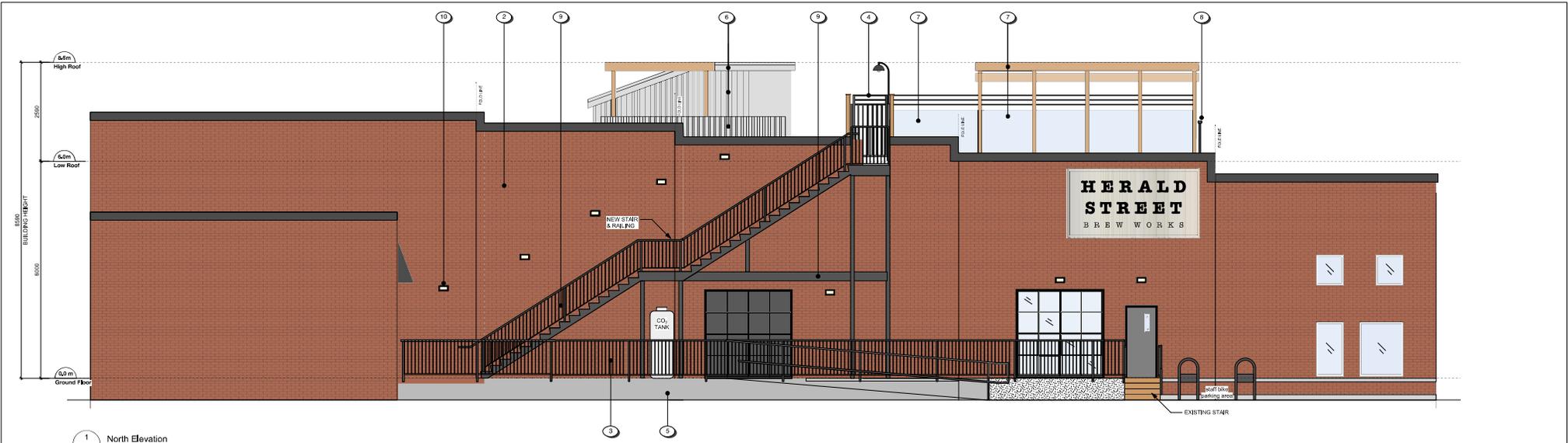
NOTE: All dimensions are shown in millimeters.
RE-ISSUED FOR DEVELOPMENT PERMIT

de Hoog & Kierulff architects
 400-1000
 1000-1000
 1000-1000

Herakli Brew Pub
 2301 Kings Street
 Victoria, BC

Roof Top Floor Plan

A202 3



1 North Elevation
Scale: 1:50



2 South Elevation
Scale: 1:50

Materials Schedule

- 1 Paint Herald St. facade: Cloverdale - Zen Retreat - 0535
- 2 Retain existing brick (typ.)
- 3 Prefinished aluminum guardrail frame - Dark Grey, Clear-coat finish - Woodstock
- 4 Prefinished aluminum gate - Dark Grey, Fir posts - Clear Stain
- 5 Paint new concrete infill to match existing
- 6 Anodized metal
- 7 1020 mm high window: with translucent tempered glass and prefinished aluminum frame - Dark Grey, Fir posts and infill - Clear Stain
- 8 Prefinished aluminum guardrail frame - Dark Grey Translucent tempered glass inset
- 9 Prefinished aluminum stair, pickets and railing - Dark Grey
- 10 New lighting to co-ordinate with existing (by others)
- 11 Paint all trim: Cloverdale - Subway - 0536
- 12 New mural-style painted sign (by others). Refer to Sign Bylaw Summary, A401.
- 13 New wood decking

0 1250 2500mm
1:50

| NO. | DATE | DESCRIPTION |
|-----|-------------|---------------------------------|
| 1 | 21 JUN 2020 | Prepared for Development Permit |
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| 3 | 12 NOV 2019 | Prepared for Development Permit |
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| 8 | 12 NOV 2019 | Prepared for Development Permit |
| 9 | 12 NOV 2019 | Prepared for Development Permit |
| 10 | 12 NOV 2019 | Prepared for Development Permit |
| 11 | 12 NOV 2019 | Prepared for Development Permit |
| 12 | 12 NOV 2019 | Prepared for Development Permit |
| 13 | 12 NOV 2019 | Prepared for Development Permit |
| 14 | 12 NOV 2019 | Prepared for Development Permit |
| 15 | 12 NOV 2019 | Prepared for Development Permit |

NOTE: All dimensions are shown in millimeters.

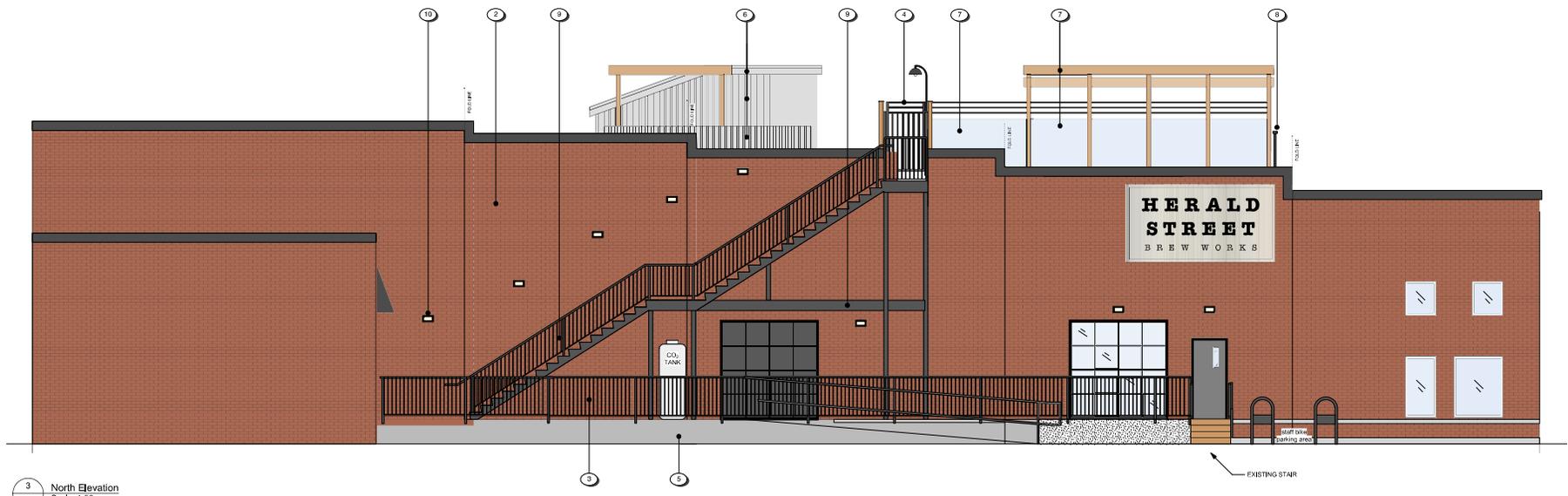
RE-ISSUED FOR DEVELOPMENT PERMIT

de Hoog & Klerff architects
 1111 11th Street, Victoria, BC
 T 778-451-1111 F 778-451-1111

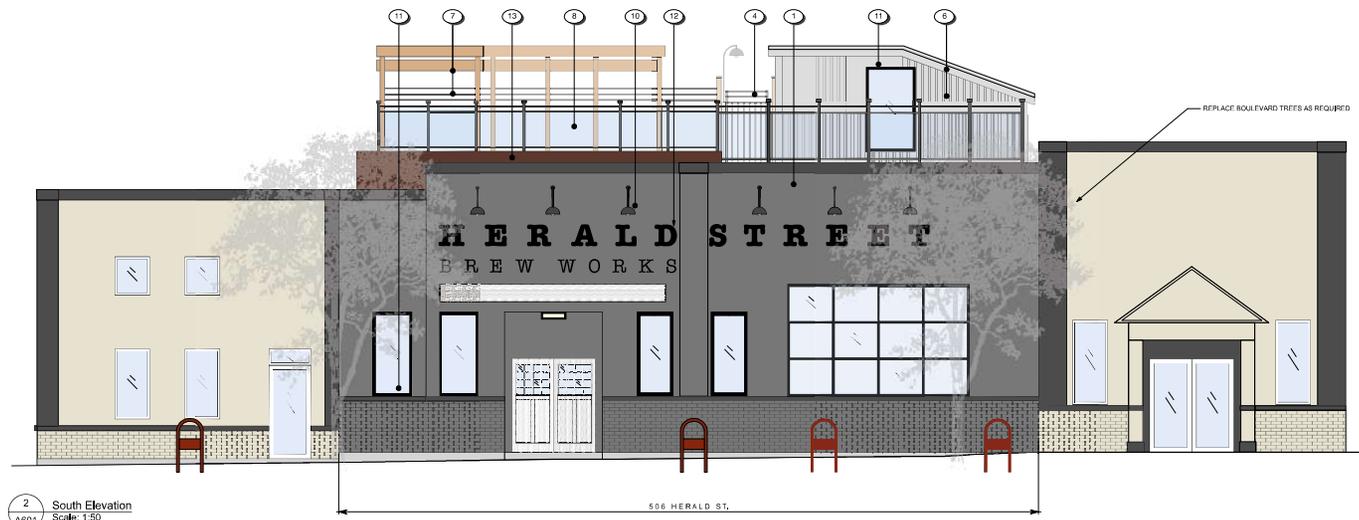
Herald Brew Pub
 588 Herald Street
 Victoria, BC

Elevations

| | | | |
|---------|------|-------|---|
| Project | A401 | Sheet | 3 |
|---------|------|-------|---|



3 North Elevation
A601
Scale: 1:50



2 South Elevation
A601
Scale: 1:50

Materials Schedule

| | |
|---|--|
| <ul style="list-style-type: none"> 1 2 3 4 5 6 7 8 9 10 11 12 13 | <ul style="list-style-type: none"> 1 Paint Herald St. facade: Cloverdale - Zon Reveal - 0535 2 Retain existing brick (typ.) 3 Prefinished aluminum guardrail frame - Dark Grey, Climbe-proof mesh post - knoxxoc. 4 Prefinished aluminum gate - Dark Grey, Fir posts - Clear Stain. 5 Paint new concrete infill to match existing. 6 Anodized metal. 7 1825 mm high window with translucent tempered glass and prefinished aluminum frame - Dark Grey, Fir posts and trellis - Clear Stain. 8 Prefinished aluminum guardrail frame - Dark Grey Translucent tempered glass inset. 9 Prefinished aluminum star, pickets and railing - Dark Grey. 10 New lighting to co-ordinate with existing by others. 11 Paint all trim: Cloverdale - Subway - 0536 12 New mural-style painted sign (by others), Refer to Sign Bylaw Summary, A001. 13 New wood decking. |
|---|--|



Mike & Lee Spence
Victoria, BC
31 MAR 2020

Herald Brew Pub

Materials Board A601
Scale 1:50

de Hoog & Kierulf architects dHKA

HERALD STREET

BREW WORKS

March. 5th, 2020.

Dear Mayor and Council Members,

Our vision for Herald Street Brew Works is to have an interior space where the patrons feel like they are sitting in amongst the action of a brewery. The main level will have an order station for beer to go, and an adjacent order station for beverages to enjoy onsite, with a deli cooler in between, offering prepared food to eat. There will be a mezzanine with another order station, where the patrons can overlook the brewhouse, bright tanks and fermentation tanks. Continuing up the stairs from the mezzanine, will be a rooftop deck so that Victoria's moderate climate can be enjoyed.

We are the operating partners that jointly own 72% of the shares, ensuring full control of all operations of the business. We would like to re-state that we will be operating the Brewery Lounge as we do the Drake, ensuring a safe and comfortable space that will be welcoming to all ages (all minors must be accompanied by an adult). There is absolutely no plan to create a "nightclub" or "frat-house" ambience as has been suggested by some.

Another fear that has been expressed is that we plan to sell HSBW upon approval of this application or shortly after opening. There is no plan to sell either The Drake Eatery or sell our new project, Herald Street Brew Works. In fact, we have a succession plan consisting of staff that currently work at The Drake Eatery (both of whom own shares in The Drake) already in place for both of our businesses to ensure their long continued operation.

The plan for Herald Street Brew Works is to build it out in 2 stages. The interior construction is almost done and the interior will open shortly. This DP is in reference to the exterior and the roof top deck. Over a third of our opening costs were spent on building upgrades to support a rooftop deck that would safely meet all building codes..

As shown in this DP, the rooftop deck will have a service bar as well as a kitchen to further enhance the family friendly experience. We have met with Chris Le Fevre to discuss how our business would affect his condo development (Iron Works) that is located behind our location. After those discussions we had our architect make some structural layout changes to locate the patrons away from the condos and mitigate sound travel. Chris stated he was in full support of our plan as laid out in this DP.

The patio addition at The Drake Eatery was an instant success and in the 3 plus years of operation (open until midnight) has received no complaints from neighbouring businesses and/or residents in adjacent condos. In fact it has been noted as having brought much needed vibrancy to the Market Square Courtyard. The very limited options for outdoor seating for Food & Beverage venues in Victoria is something that has been noted by locals and tourists alike.

Upon opening, HSBW will employ 10 staff. This rooftop deck would employ an additional of 10 staff.

After traveling and visiting world class craft breweries throughout North America, this project was born. It is a passion project! We want to bring another example of quality brewing to Victoria, and add to the culture experience of Victoria.

With kind regards,

Lee & Mike Spence
Owner/Operators of Herald Street Brew Works

January 29, 2020

Attn: Mayor and Members of Council
 City of Victoria
 1 Centennial Square
 Victoria, BC V9W 1P6



dHKarchitects

Victoria

977 Fort Street V8V 3K3

T +1 250-658-3367

Nanaimo

102-5190 Dublin Way V9T 2K8

T +1 250-585-5810

mail@dhk.ca

www.dhk.ca

Re: DP Reactivation – Herald Street Brew Works
DPV No. 00105 - 504-506 Herald Street

Dear Mayor and Members of Council,

On behalf of our client, Mike & Lee Spence, we are pleased to submit this application for development permit for the above named property.

506 Herald Street is an existing commercial retail unit (CRU) at the west end of Herald Street, near Store Street that has been vacant for well over the past 2 years. The CRU is part of a larger building which contains an art store, a coffee shop, furniture store, and a gym. To the east of the property is a mixed-use commercial/multi-unit residential building with surface parking, and to the west across Store Street – lies more commercial buildings and the Canoe Club pub/restaurant. A new commercial/multi-unit residential building is being developed on the property to the north. Directly across the street to the south lies a parking lot with commercial and residential units beyond.

A building permit application has been approved to convert the CRU space into a micro brew pub and construction on the space is underway. The CRU was formerly a warehouse with double height space, and features exposed wood beams, columns and decking. The redeveloped space will include a new mezzanine seating area.

The owners now wish to expand their operation to include a roof terrace. Through this development permit application, we are requesting minor changes to the form and character of the building. The enhancements proposed include: repainting the façade (existing trim colour to be retained); addition of a roof top stair enclosure to connect the roof space with the mezzanine and ground floor below; a rear exterior exit stair; covered rooftop food preparation area, and railing. Materials used would incorporate elements of brick and metal, in-line with the industrial architectural language of surrounding buildings in the Old Town District.

The site is currently zoned OTD-1 Old Town District 1, which permits Brewpub use, therefore a change of use is not required. The allowable maximum density

of development for the zone is 3.0:1. The proposed FSR is below the maximum at 0.35:1 on Lot 469, and 0.13:1 on Lot 470. The maximum allowable building height for the zone is 15m. The proposed building height is 9m (approximate).

Note that in response to an email from senior planner, Miko Betanzo, dated February 5, 2019, the Development Permit application for the above property was changed to a Development Permit with Variance to allow the proposed rooftop deck amenity space to straddle the lot line that bisects the tenant space.

The lot division for this tenant space is a historical anomaly that the tenant does not have the authority to change. We believe the presence of the lot line has no material effect on the extent or layout of the proposed rooftop amenity area and the variance to allow the roof deck to straddle the lots is supportable.

Following the success of the owner's other property, 'The Drake' in Market Square, this brewpub will work within the footprint of an existing, long-vacant CRU to revitalize the space and create a social hub featuring locally-made product and city views, attracting local patrons and tourists alike. Alongside Philip's new tasting room on nearby Discovery Street and the Canoe Club one block away, the new brewpub will contribute to the vibrancy of this emerging residential and commercial area by establishing the area as a "destination" for locally-made product in the heart of Old Town.

Thank you for your consideration.

Sincerely yours,



Charles Kierulf
Architect AIBC MRAIC



dHKarchitects

Victoria

977 Fort Street V8V 3K3

T +1 250-658-3367

Nanaimo

102-5190 Dublin Way V9T 2K8

T +1 250-585-5810

mail@dhk.ca

www.dhk.ca

Development Permit With Variance Application for 500 – 506 Herald Street



Aerial View



Context - area

3



3

Context

4



4

Rear elevation

5

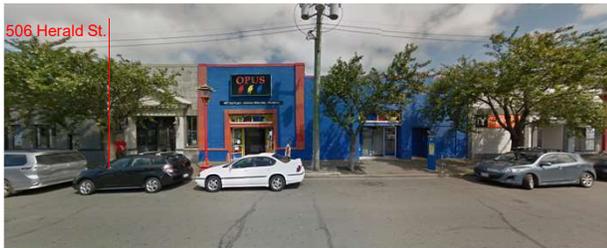


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Neighbouring Properties – To The West



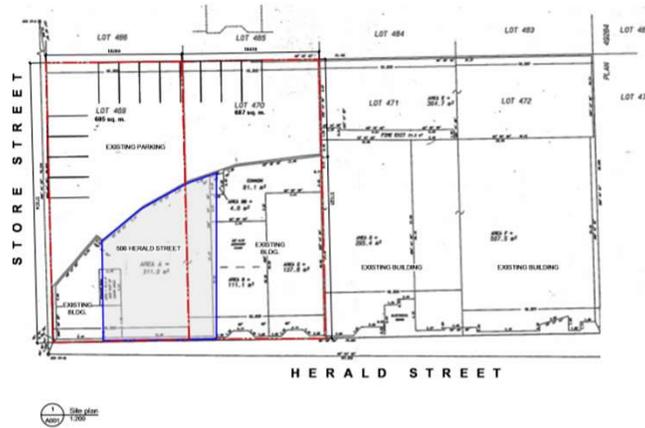
Neighbouring Properties – To The East



6

Site Plan

7



7

Context –Herald Street – Existing building

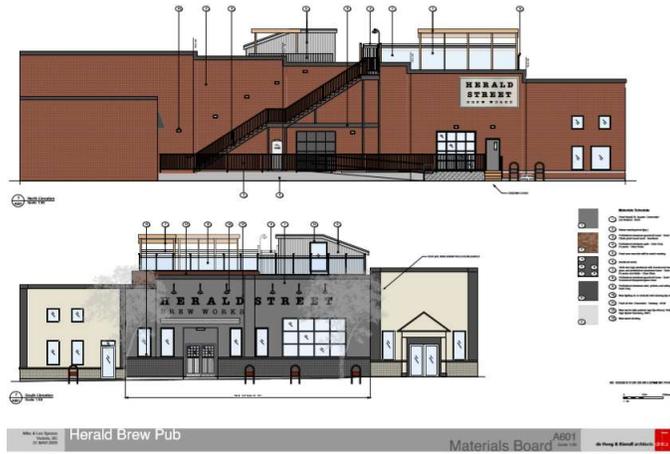
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8

Elevations and Materials

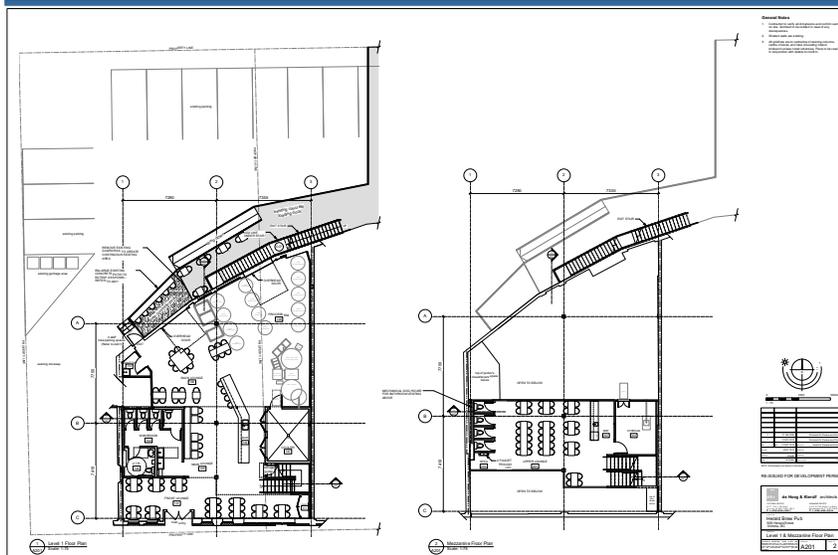
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9

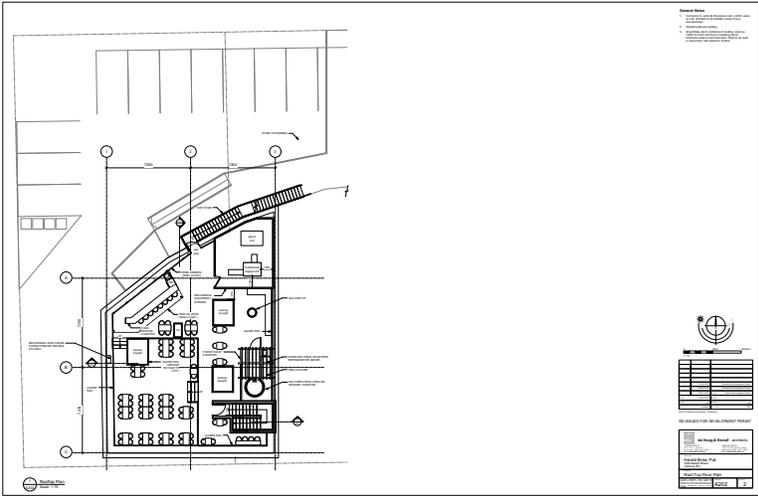
Level 1 & Mezzanine – Proposed Floor Plans

10



10

Rooftop – Proposed Floor Plan 11





11

Sidewalk – street trees 12





12

From: Ian Sutherland [REDACTED]
Sent: May 19, 2020 10:13 PM
To: Victoria Mayor and Council <mayorandcouncil@victoria.ca>
Subject: 506 Herald Street-DP with Variance No.00105

Please see attached letter regarding 506 Herald Street.
Best regards,
Ian Sutherland
Chair DRA LUC



Mayor Helps and Council
City of Victoria
No.1 Centennial Square
Victoria, BC V8W 1P6

May 16, 2020

Re: 506-508 Herald St – Brew Pub – Development Permit with Variance No. 00105

Dear Mayor Helps and Council,

Further to the DRA letters dated April 26, 2018 and March 27, 2019 expressing concerns regarding the proposed brewpub at 506 Herald Street, we now understand that the applicant is applying for an additional 99- person roof top patio held back from the original application for the 178-person interior capacity that was approved by Council in 2019. Opening hours for the currently approved interior brewpub are 9:00 am to midnight Sunday through Thursday and 9:00 am to 1:00 am Friday and Saturday. While this application seeks approval to construct a rooftop patio for a 99 person occupancy it does not include a liquor licensing application for the intended use to be considered concurrently.

Within a 200m proximity from the subject property, there are a great many residences and the neighbourhood is rapidly growing. The larger buildings in the immediate area are outlined below and comprise a total of 935 units. This still does not include small buildings or the several hundred units to be built in the near future on the several Lou Poy properties (that are currently parking lots) directly across the street from this application.

| Building | # Units |
|----------------------------|----------------|
| Ironworks | 170 |
| Mermaid Wharf | 102 |
| Janion | 110 |
| The Pearl (approved) | 132 |
| The Union | 136 |
| Chinese Care Centre | 31 |
| | |
| Swift Street Apartments | 49 |
| 555 Chatham | 22 |
| Lee Cheong & Lum Sam | 25 |
| 555 Chatham | 25 |
| 601 Herald | 27 |
| Cityzen | 32 |
| Lim Dat Building | 22 |
| Biggerstaff Building | 24 |
| Dragon Alley | 12 |
| Herald Building | 16 |

The DRA has pointed out repeatedly that the insertion of large capacity late night Liquor establishments into the center of either existing or planned dense residential neighbourhoods such as this one is extremely detrimental to the livability of the neighbourhood and creates unnecessary and ongoing conflict. The approval of an additional of 99 outdoor seats without consideration of the intended use as outdoor liquor service will no doubt provide disruption to the local area residents and ongoing conflict with the existing and hundreds more units soon to be built immediately adjacent.

The applicant has stated that the developer of the adjacent condominium, Chris Le Fevre, is fully supportive of this project. We would simply note that the developer will not reside in his development and according to his public statements, appears unaware that many complaints against neighbouring liquor establishments have come from residents of his developments in the past. Some Councillors are well-aware of the litany of complaints that have been made from residents of his Leiser Building project on lower Yates regarding noise from public congregation in front of Lucky Bar. That, and the well known catastrophic impacts of the rooftop patio at the Strath on livability at The Falls condo should provide Council some pause to reflect.

The DRA would like to point out that this application has morphed from an initial proposal of 100 seats closing at midnight that was fully supported by the community to a destination pub to be almost triple in size with later operating hours. It is interesting that this application is being segregated from the inevitable liquor application for the additional 99 outdoor seats that this proposed rooftop patio will facilitate. While this application is technical in nature and it is the applicant's right to invest in and construct a rooftop patio that is unlicensed at the time of approval, we would point out that the incremental approval of this application appears as a strategy that will allow the applicant to both avoid public comment on what is effectively a licensing application as well as provide a claim of financial hardship if liquor licensing for that same space is not approved in the near future. It is logical that both licensing and construction approvals should be heard by Council concurrently as the rationale for approval for one is indelibly linked to the other.

The DRA strongly supports a vibrant Downtown which includes late night drinking establishments in appropriate locations. Downtown residents are concerned about impacts on their livability this type of establishment will create and have been patiently awaiting the recommendations of the Alcohol Policy Review conducted a year ago in June of 2019. We trust Council will honour commitments to prioritize the implementation of any policy recommendations this review may bring forward. Downtown is expected to absorb the majority of residential growth for the region, so Council needs to thoughtfully consider the impacts decisions such this one will have on the quality of life for this rapidly growing community.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ian Sutherland', written in a cursive style.

Ian Sutherland
Chair Land Use Committee Downtown Residents Association

[REDACTED]

From: Edwin Gnandt [REDACTED]
Sent: Tuesday, November 23, 2021 10:27 AM
To: Public Hearings
Subject: 500-506 Herald Street: Objection to Development Permit with Variance #00105

Council of the City of Victoria:

I am writing to you in response to the purposed changes to **500, 504 and 506 Herald Street**, regarding City Council issuing a Development Permit for **Variations Application No. 00105**.

My wife & I are **strongly opposed** to the Development Permit which will vary the Zoning Bylaw for the following reasons:

1. We are a condo owner in the **Ironworks Condo Complex** and the suite which we live in (**#421**), faces directly opposite to the proposed roof-top patio. Our entire condo would face up to 99 people, and they in turn, would be directly starring into our condo.
2. The **noise** from the collective rooftop conversations would easily carry over and be heard in our condo, especially during the spring & summer months. We already hear the **laughing and cackling** from the current patio that exists on the ground (ally) below.
3. This proposal would **greatly diminish the financial value of our condo** upon resale.
4. Ultimately, we would have **no privacy overall**.

I trust you will seriously consider our input into this proposal.

Edwin & Janelle Gnandt

Edwin Gnandt

Professor Emeritus of Piano and Music

[REDACTED]

[REDACTED]

150 Ambrose Circle SW Calgary, Alberta T3H 0L5

[REDACTED]

From: Victoria Mayor and Council
Sent: Thursday, November 25, 2021 8:56 AM
To: Public Hearings
Subject: Fw: 500, 504 & 506 Herald St - Development Permit with Variances

From: Ian Sutherland [REDACTED]
Sent: November 24, 2021 7:19 PM
To: Geoff Young (Councillor) <gyoung@victoria.ca>; Charlayne Thornton-Joe (Councillor) <cthorton-joe@victoria.ca>; Stephen Andrew (Councillor) <stephen.andrew@victoria.ca>; Sharmarke Dubow (Councillor) <sdubow@victoria.ca>; Marianne Alto (Councillor) <MALto@victoria.ca>; Ben Isitt (Councillor) <BIsitt@victoria.ca>; Jeremy Loveday (Councillor) <jloveday@victoria.ca>; Sarah Potts (Councillor) <spotts@victoria.ca>; Victoria Mayor and Council <mayorandcouncil@victoria.ca>
Subject: 500, 504 & 506 Herald St - Development Permit with Variances

Dear Mayor Helps and Councillors,

The Notice of Opportunity for Public Comment for the Development Permit with Variances for 500, 504 and 506 Herald Street arrived at the DRA office late in the day on November 18th. The notice was both dated and postmarked November 12th but took 6 days to get the 200 meters from City Hall to the DRA Landuse office. No email notification was received.

In order to provide adequate and well considered feedback, our methodology is to scan and circulate these notices to our 15-member committee and ask for responses within 5 days (most of us work full time), a letter is then drafted and circulated for comments/corrections (2 days), then edits are made and a new draft letter is recirculated (2 days), then submitted to Council (hopefully on the Tuesday before the meeting). As you can see a proper response on this application from the DRA simply can't be reasonably accomplished in the 7 days we had left on this particular application.

We note that Council has already reviewed and approved the Liquor Licencing for the proposed rooftop patio in advance of any Development Permit or Variance approvals, so this earlier decision regarding the proposed use tacitly indicates the decision on the corresponding building structure has already been made.

Best regards,
Ian Sutherland
Chair DRALUC