



UPDATED AMENDED AGENDA - VICTORIA CITY COUNCIL
MEETING OF JULY 14, 2016, AT 6:30 P.M.

Council Chambers, City Hall, 1 Centennial Square

Located on the traditional territory of the Esquimalt and Songhees People



Poetry Reading by Youth Poet Laureate, Ann-Bernice Thomas

A. APPROVAL OF AGENDA

B. READING OF MINUTES

1. Minutes from the Special meeting held May 26, 2016

C. REQUESTS TO ADDRESS COUNCIL (Maximum 6)


1. Dr. Al Anderson: Casinos - The very real downside
2. Crin Roth: Cook St./Oliphant Ave. development proposal
3. Sid Tafler: Cook Street Village
4. ~~**Late Item:** Greg Balicki: Concerns re: development at Cook and Oliphant~~ **Withdrew**
5.  **A** **Late Item:** Anne Russo: Rezoning Application No. 00472 for Oliphant Avenue at Cook Street
6.  **A** **Late Item:** Noreen Begoray: Dallas Road off leash fence proposal

D. PROCLAMATIONS

E. PUBLIC AND STATUTORY HEARINGS

1. Rezoning Application No. 00435 for 1310 Gladstone Avenue

Council is considering a rezoning application to permit a three-storey, mixed-use building consisting of commercial uses at street level and commercial or residential uses on the upper storey.

- a.  **A** **Public Hearing**
Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 18) No. 16-002:
To include all of the land known as 1310 Gladstone Avenue in the Small Urban Village Urban Place Designation.

Late Item: Additional Correspondence & Petition

b. **Zoning Regulation Bylaw, Amendment Bylaw (No. 1048) No. 16-001:**

To rezone the land known as 1310 Gladstone Avenue from the R1-B Zone, Single Family Dwelling District, to the CR-6 Zone, Commercial Residential Fernwood Village District, to permit a three-storey, mixed-use building consisting of commercial uses at street level and commercial or residential uses on the upper storey.

New Zone: CR-6 Zone, Commercial Residential Fernwood Village District

Legal description: The West ½ of Lot 7, Section 75, Victoria District, Plan 277

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

c. **Development Permit Application:**

The Council of the City of Victoria will also consider issuing a development permit for the land known as 1310 Gladstone Avenue, in Development Permit Area and Heritage Conservation Area 6B Small Urban Village Heritage, DPA 6B(HC) for the purposes of approving the exterior design and finishes for the mixed-use building as well as landscaping.

Close of Hearing - Consideration of Approval

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

1. *Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 18) No. 16-002*
2. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1048) No. 16-001*

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

1. *Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 18) No. 16-002*
2. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1048) No. 16-001*
3. *Housing Agreement (1310 Gladstone Avenue) Bylaw No. 16-003*

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

That Council authorize the issuance of Development Permit Application No. 00354 for 1310 Gladstone Avenue, in accordance with:

1. Final registration of the priority agreement for an easement through the driveway of the property located at 2009 Fernwood Road.
2. Plans date stamped October 20, 2015.
3. Final plans to be in accordance with the plans identified above to the satisfaction of City staff.
4. The Development Permit lapsing two years from the date of this resolution.

2. **Rezoning Application No. 00506 for 406 and 408 Wilson Street**

Council is considering a rezoning application to permit a duplex.

a. **Public Hearing**



Zoning Regulation Bylaw, Amendment Bylaw (No. 1069) No. 16-056:

To rezone the land known as 406 and 408 Wilson Street from the R-2, Two Family Dwelling District, to the R2-53, Wilson Attached Dwelling, to permit a duplex.

New Zone: R2-53, Wilson Attached Dwelling

Legal description: The South ½ of Lot 93, Block J, Section 31, Esquimalt District

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

Late Item: Correspondence & Presentation

b. **Development Permit with Variances Application:**

The Council of the City of Victoria will also consider issuing a development permit for the land known as 406 and 408 Wilson Street, in Development Permit Area 15D: Intensive Residential- Duplex for the purposes of approving the exterior design and finishes for the duplex as well as landscaping, and associated variances with respect to setbacks of the new duplex.

A new report has been provided regarding the minimal changes to the west and north elevations, in order to meet building code requirements for unprotected openings (windows).

Close of Hearing - Consideration of Approval

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

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1069) No. 16-056

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

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1069) No. 16-056

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

That Council authorize the issuance of Development Permit with Variances Application No. 00506 for 406 and 408 Wilson Street in accordance with:

1. Plans date stamped July 8, 2016
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. reduce the rear yard setback from 10.70m to 9.45m
 - b. reduce the side (east) yard setback from 3.50m to 2.45m
3. The Development Permit lapsing two years from the date of this resolution.

3. **Rezoning Application No. 00507 for 155 Linden Avenue**

Council is considering a rezoning application to permit a garden suite.

a. **Public Hearing**

Zoning Regulation Bylaw, Amendment Bylaw (No. 1068) No. 16-052:

To rezone the land known as 155 Linden Avenue from the R1-B Zone, Single Family Dwelling District to the R1-B-GS Zone, Single Family Dwelling with Garden Suite District, to permit a garden suite.

New Zone: R1-B-GS Zone, Single Family Dwelling with Garden Suite District

Legal description: Lot 26, Fairfield Farm Estate, Victoria City, Plan 958

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

b. **Development Permit Application:**

The Council of the City of Victoria will also consider issuing a development permit for the land known as 155 Linden Avenue, in Development Permit Area 15E: Intensive Residential – Garden Suites for the purposes of approving the exterior design and finishes for the garden suite as well as landscaping.

Close of Hearing - Consideration of Approval

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

1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1068) No. 16-052*

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

1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1068) No. 16-052*

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

That Council authorize the issuance of Development Permit Application No. 00507 for 155 Linden Avenue, in accordance with:

1. Plans date stamped April 15, 2016.
2. Development meeting all Zoning Regulation Bylaw requirements.
3. The Development Permit lapsing two years from the date of this resolution.

F. REQUESTS TO ADDRESS COUNCIL

1. **Late Item:** Richard Matte: Dallas Road pathway fence



G. UNFINISHED BUSINESS

1. Rise and Report from Closed Meeting for Information



--From the Closed Special Council Meeting held July 7, 2016: Appointments


Appointments to the Social Enterprise and Social Procurement Task Force

Motion:

That Council appoint Stuart Bowness, Christina Clarke, Andrea Di Lucca Bustard, Carol Hall, Vanessa Hammond, Lee Herrin, Andrew Holeton, Katie Hooper, Dave Howe, Solomon Lindsay, Rasool Rayani, and Kristi Rivait to the Mayor's Task Force on Social Enterprise and Social Procurement, for its duration September through December, 2016.

Late Item: Biography of W. Townsend

A report from the July 7, 2016 Special Closed Council meeting providing information on the nominees for the Mayor's Task Force on Social Enterprise and Social Procurement as well as a copy of the Terms of Reference from the April 5, 2016 Committee of the Whole meeting.

1. a.  **Late Item:** Due to an inadvertent oversight, W. Townsend requires Council approval to be appointed to the Social Enterprise and Social Procurement Task Force.

Motion:

That Council appoint Wendy Townsend to the Mayor's Task Force on Social Enterprise and Social Procurement, for its duration September through December, 2016.

2. Letter dated May 3, 2016 from the Minister of Canadian Heritage
A letter of response to the City's letter dated November 18, 2015, congratulating the minister appointment and providing documentation on the City Council's goals and initiatives.
3. Letter dated May 12, 2016 from Premier Christy Clark
A letter of response to the City's letter on establishing a basic income guarantee for Canadians.
4. Letter dated May 25, 2016 from the Office of the Mayor of the Municipality of Jasper
A letter of response to the City's letter dated January 14, 2016, regarding the FCM resolution concerning a Federal Bill of Environmental Rights, which the Municipality of Jasper has supported.
5. Letter dated May 30, 2016 from the Ministry of Health
A letter of response to the City's letter dated April 27, 2016, regarding the City's support for a national conversation on a Basic Income Guarantee for all Canadians.
6. Letter dated June 6, 2016 from the Minister of Environment
A letter in response to the City's letter dated May 3, 2016 regarding the creation of a British Columbia Natural Lands Acquisition Fund.
7. Letter dated June 13, 2016 from the Minister of Environment and Climate Change
A letter of response to the City's letter dated February 10, 2016, regarding the designation of the Union Club of British Columbia as a national historic site.
8. Letter dated June 16, 2016 from the President of Union of BC Municipalities
A letter regarding the City's 2015 resolution on Proposed Site C Hydroelectric Dam and the provincial response.
9. Letter dated June 17, 2016 from the Minister of Health
A letter of response to the City's February 29, 2016 letter regarding the plan to establish

supervised consumption services.

10. Letter dated June 17, 2016 from the President of Union of BC Municipalities
A letter regarding the City's community sponsored resolution on the Environmental Bill of Rights and the provincial response.
11. Letter dated June 21, 2016 from the Minister of Technology, Innovation and Citizens' Services
A letter of response to the City's letter dated May 18, 2016, regarding concern over the condition of two houses located at 506 and 514 Government Street.
12. Letter dated June 21, 2016 from the Director of Parliamentary Affairs
A letter of response to the City's June 8, 2016, regarding the Council's gratitude for the expansion of the Homelessness Partnering Strategy in Victoria and for the increase in funding to address Aboriginal homelessness.
13. Letter dated June 29, 2016 from the City Clerk for the City of Vancouver
A letter advising that the Vancouver City Council has endorsed the UBCM Housing Affordability resolution from the City of Victoria.

14. **Late Item:**



Letter dated July 8, 2016 from British Columbia Lottery Corporation

A letter advising that the City of Victoria has been selected as the preferred host local government for a potential new gaming facility.

H. REPORTS OF COMMITTEES

1. Committee of the Whole

- a. Report from July 7, 2016 COTW Meeting



b. Late Item: A report regarding Heritage Designation Application No. 000160 for 564-572 Fisgard Street and 1706-1708 Government Street, providing a revised motion for Council's consideration.

c. Late Item: A report regarding Heritage Designation Application No. 000159 for 539-545½ Fisgard Street and 16-20 Fan Tan Alley, providing a revised motion for Council's consideration.

- d. Report from July 14, 2016 COTW Meeting



Late Item: Report

e. Late Item: A letter dated July 13, 2016 from M.L.A. Andrew Weaver regarding the implementation of a "vacancy tax", as it relates to item #12 within the July 14, 2016 COTW meeting report, "Taxation of Vacant Residential Properties".

I. NOTICE OF MOTIONS

J. BYLAWS

1. First Reading

- a. Cyril Close Local Area Service Bylaw, 2016 No. 16-045

2. Second Reading

- a. Cyril Close Local Area Service Bylaw, 2016 No. 16-045

3. Third Reading

- a. Cyril Close Local Area Service Bylaw, 2016 No. 16-045

K. CORRESPONDENCE

- 1. Letter dated June 14, 2016 from the District 3 Director of United Steelworkers
A letter requesting Council's consideration of the perspective of forest workers, when discussing the end to old growth logging.
- 2. Letter dated June 24, 2016 from the Mayor of New Westminster
A letter requesting Council's support of a resolution submitted to UBCM regarding tenant evictions through renovations.
- 3. Letter received June 28, 2016 from Gordon Pollard
A letter suggesting that the Victoria City Council officially proclaim Saturday, November 19, 2016, as Mifflin Wistar Gibbs Day in Victoria, to honour that in 1866 Mr. Gibbs was the first black politician to get elected to any public office in Canada.

L. NEW BUSINESS

1. To set a Hearing for the Meeting of July 28, 2016

- 1. Development Permit with Variances No. 00003 for 944 Heywood Avenue

M. QUESTION PERIOD

N. ADJOURNMENT



MINUTES – VICTORIA CITY COUNCIL

SPECIAL MEETING OF THURSDAY, MAY 26, 2016, AT 2:36 P.M.

PLACE OF MEETING: Council Chambers, City Hall

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

ABSENT: Councillor Isitt

STAFF PRESENT: J. Johnson – City Manager; P. Bruce - Fire Chief; J. Jenkyns - Deputy City Manager; K. Hamilton - Director of Citizen Engagement & Strategic Planning; C. Coates – City Clerk; C. Mycroft - Executive Assistant to the City Manager; T. Soulliere - Director of Parks, Recreation & Facilities; S. Thompson - Director of Finance; J. Tinney - Director of Sustainable Planning & Community Development; A. Ferguson – Recording Secretary

Motion:

It was moved by Councillor Lucas, seconded by Councillor Loveday, that Council convene a closed meeting that excludes the public under Sections 90(1) and/or (2) of the Community Charter; namely:

- Section 90(1)(e) The acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality

Carried Unanimously

APPROVAL OF CLOSED AGENDA

Motion:

It was moved by Councillor Alto, seconded by Councillor Coleman, that Council adopt the special closed agenda.

Carried Unanimously

UNFINISHED BUSINESS

1. **Legal Advice**
Council received a confidential report providing information and recommendations regarding legal advice.

The discussion and motion were recorded and kept confidential.

NEW BUSINESS

1. **Land**
Council received a confidential report providing information and recommendations regarding a land item.

The discussion and motion were recorded and kept confidential.
2. **Labour Relations**
Council received a confidential report providing information and recommendations regarding labour relations.

The discussion and motion were recorded and kept confidential.

ADJOURNMENT

Motion:

It was moved by Councillor Alto, seconded by Councillor Coleman, that the Special Closed Council meeting adjourn.
Time: 3:09 p.m.

Carried Unanimously

CERTIFIED CORRECT:

CITY CLERK

MAYOR



Council Report

For the Meeting of June 23, 2016

To: Council **Date:** June 9, 2016
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: **Rezoning Application No. 00435 for 1310 Gladstone Avenue** – Application Ready to Proceed to Public Hearing

RECOMMENDATION

That Council give first and second reading of the Official Community Plan Amendment Bylaw (Bylaw No. 16-002) and the Zoning Regulation Bylaw Amendment (Bylaw No. 16-001), and first, second and third reading to Bylaw No. 16-003 to authorize the Housing Agreement on June 23, 2016, and set a Public Hearing date for the Official Community Plan Amendment Application and Rezoning Application No. 00435 for 1310 Gladstone Avenue.

Following consideration of the Official Community Plan Amendment Bylaw and Rezoning Application No. 00435, that Council consider this updated motion with respect to Development Permit Application No. 00354:

"That Council authorize the issuance of Development Permit Application No. 00354 for 1310 Gladstone Avenue, in accordance with:

1. Final registration of the priority agreement for an easement through the driveway of the property located at 2009 Fernwood Road.
2. Plans date stamped October 20, 2015.
3. Final plans to be in accordance with the plans identified above to the satisfaction of City staff.
4. The Development Permit lapsing two years from the date of this resolution."

EXECUTIVE SUMMARY

The purpose of this report is to present Council with an update regarding an Official Community Plan (OCP) Amendment Application and Rezoning Application for the property located at 1310 Gladstone Avenue. The applicant is proposing an OCP Amendment to change the Urban Place Designation from Traditional Residential to Small Urban Village and to rezone to permit a three-storey, mixed-use building with commercial uses on the first and second storeys, and either office or four housing units on the third storey with a density of 1.49:1. The required OCP consultation was completed and a summary of the public input received from the consultation process is provided below.

In accordance with Council's amended motion of February 12, 2015 (attached), the necessary conditions that would authorize the approval of the OCP amendment and rezoning for the property located at 1310 Gladstone Avenue have been fulfilled. The Planning and Land Use Committee (PLUC) reports dated, October 2, 2014, PLUC report dated January 22, 2015 together with the meeting minutes, are attached. The amended motion from the February 5, 2015, PLUC meeting was:

1. "That Council direct staff to prepare the necessary Official Community Plan Amendment Bylaw and that concurrent with the Rezoning Application advancing to a Public Hearing:
 - a. That Council determine, pursuant to Section 879(1) of the *Local Government Act*, that the affected persons, organizations and authorities are those property owners and occupiers within a 200m radius to the subject properties; determine that the appropriate consultation measures would include a mailed notice of the proposed OCP Amendment to the affected persons; posting of a notice on the City's website inviting affected persons, organizations and authorities to ask questions of staff and provide written or verbal comments to Council for their consideration.
 - b. That Council determine, pursuant to section 879(2)(a) of the *Local Government Act*, that having regard to the previous Community Association Land Use Committee (CALUC) Community Meeting, the consultation proposed at this stage is an adequate opportunity for consultation.
 - c. That Council consider consultation under Section 879(2)(b) of the *Local Government Act* and determine that no referrals are necessary with the Capital Regional District Board; Councils of Oak Bay, Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District Board; and the provincial and federal governments and their agencies due to the nature of the proposed amendments.
 - d. That Council give first reading to the Official Community Plan Amendment Bylaw.
 - e. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2012-2016 Financial Plan and the *Capital Regional District Liquid Waste Management Plan* and *Capital Regional District Solid Waste Management Plan* pursuant to Section 882(3)(a) of the *Local Government Act* and deem those plans to be consistent with the proposed *Official Community Plan Amendment Bylaw*.
 - f. That Council give second reading to the Official Community Plan Amendment Bylaw.
 - g. That Council refer the Official Community Plan Bylaw Amendment Bylaw for consideration at a Public Hearing.

2. That Council direct staff to prepare the Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00435 for 1310 Gladstone, subject to:
 - a. Registration on the relevant property title of the following:
 - i. Section 219 Covenant to the satisfaction of the City Solicitor and Assistant Director of Sustainable Planning and Community Development for an easement through the driveway of the property located at 2009 Fernwood Road;

- ii. Housing Agreement to the satisfaction of the City Solicitor and Assistant Director of Sustainable Planning and Community Development to ensure that the self-contained dwelling units are rental in perpetuity;
 - iii. Statutory Right-of-Way of 1.524m along Gladstone Avenue to the satisfaction of the City Solicitor and Director of Engineering and Public Works,
 - iv. Section 219 Covenant for sewage attenuation, as required, to the satisfaction of the City Solicitor and Director of Engineering and Public Works; and
 - v. Car Share Agreement for each residential and commercial unit to the satisfaction of the City Solicitor, Assistant Director of Sustainable Planning and Community Development, and the Director of Engineering and Public Works.
- b. Securing the requisite monetary deposit to the Victoria Car Share Co-op to be held in trust by the applicant's lawyer, to the satisfaction of the City Solicitor and Director of Engineering and Public Works.
- 3. Following consideration of the Official Community Plan Amendment Bylaw and Rezoning Application No. 00435, that Council approve a Development Permit for 1310 Gladstone Avenue, in accordance with:
 - a. Plans for Rezoning Application No. 00435 and Development Permit Application No. 000354, stamped August 11, 2014.
 - b. Development meeting all *Zoning Regulation Bylaw* requirements.
 - c. Final plans to be generally in accordance with plans identified above to the satisfaction of the Assistant Director of Sustainable Planning and Community Development."

Community Input on OCP Amendment

On February 12, 2015, Council directed staff to consult with property owners and occupants within 200m of the property located at 1310 Gladstone Avenue through a mailed notice and public notice on the City's website. To date, the City has received correspondence from twenty-three members of the public (attached). Additional comments received prior to first and second reading of the Bylaws as well as prior to the Public Hearing would be included in the Council Agenda package at that time.

Public Hearing Conditions

With regard to the pre-conditions that Council set in relation to this Application, staff can report that:

- a Section 219 Covenant for an easement through the driveway of the property located at 2009 Fernwood Road has been registered on title
- a Statutory Right-of-Way along Gladstone Avenue frontage has been registered on title
- a Housing Agreement to ensure no prohibition on the rental of dwelling units has been prepared and will be registered on title following the adoption of the Bylaw to authorize the Housing Agreement. A letter of undertaking to this effect from the applicant's Solicitor has been received
- a Car Share Agreement between the Applicant and MODO Car Coop has been signed.

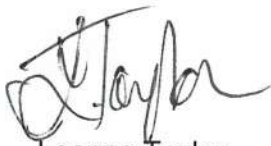
Following an analysis for sewage attenuation, it has been determined by staff that sewage attenuation would not be required for this development therefore, registering a Section 219 Covenant on title is no longer necessary.

The applicant made the following minor revisions to the plans for Council's consideration:

- increased the floor area of the bicycle facilities in the building to make them more user-friendly
- relocated the bike racks onsite
- shifted the front entrance door
- removed transom windows above upper level entry doors to comply with Building Code requirement
- removed landscape screening around parking edges in the rear yard.

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

Respectfully submitted,



Leanne Taylor
Senior Planner, Development
Services Division



Jonathan Tinney, Director
Sustainable Planning and
Community Development

Report accepted and recommended by the City Manager:



Date:

June 15, 2016

List of Attachments

- Council report dated January 22, 2015
- Planning and Land Use Report dated October 2, 2014
- Minutes from the Council Meeting dated February 12, 2015
- Minutes from the Planning and Land Use Committee dated February 5, 2015
- Minutes from the Council Meeting dated October 23, 2014
- Minutes from the Planning and Land Use Committee Meeting dated October 16, 2014
- Correspondence from OCP notice mailout.



**Planning and Land Use Committee Report
For the Meeting of February 5, 2015**

To: Planning and Land Use Committee **Date:** January 22, 2015
From: Helen Cain, Senior Planner, Development Services Division
Subject: **Official Community Plan Amendment Application and Rezoning Application #00435 for 1310 Gladstone Avenue** –Update on Statutory Requirements for Consultation During OCP Amendment

RECOMMENDATION

Staff recommend that Committee forward this report to Council and consider the updated motion related to consultation requirements pertaining to the proposed Official Community Plan Amendment (changes shown in bold below):

- "1. That Council direct staff to prepare the necessary Official Community Plan Amendment Bylaw and that concurrent with the Rezoning Application advancing to a Public Hearing:
 - a. That Council determine, pursuant to Section 879(1) of the *Local Government Act*, that the affected persons, organizations and authorities are those property owners and occupiers immediately adjacent to the subject properties; determine that the appropriate consultation measures would include a mailed notice of the proposed OCP Amendment to the affected persons; posting of a notice on the City's website inviting affected persons, organizations and authorities to ask questions of staff and provide written or verbal comments to Council for their consideration.
 - b. That Council determine, pursuant to section 879 (2)(a) of the *Local Government Act*, that having regard to the previous Community Association Land Use Committee (CALUC) Community Meeting, the consultation proposed at this stage is an adequate opportunity for consultation.
 - c. That Council consider consultation under Section 879(2)(b) of the *Local Government Act* and determine that no referrals are necessary with the Capital Regional District Board; Councils of Oak Bay, Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District Board; and the provincial and federal governments and their agencies due to the nature of the proposed amendments;
 - d. That Council give first reading to the Official Community Plan Amendment Bylaw;

- e. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2012-2016 Financial Plan and the *Capital Regional District Liquid Waste Management Plan* and *Capital Regional District Solid Waste Management Plan* pursuant to Section 882(3)(a) of the *Local Government Act* and deem those plans to be consistent with the proposed *Official Community Plan Amendment Bylaw*;
 - f. That Council give second reading to the Official Community Plan Amendment Bylaw;
 - g. That Council refer the Official Community Plan Bylaw Amendment Bylaw for consideration at a Public Hearing.
2. That Council direct staff to prepare the Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application #00435 for 1310 Gladstone, subject to:
- a. Registration on the relevant property title of the following:
 - i. Section 219 Covenant to the satisfaction of the City Solicitor and Assistant Director of Sustainable Planning and Community Development for an easement through the driveway of the property located at 2009 Fernwood Road;
 - ii. Housing Agreement to the satisfaction of the City Solicitor and Assistant Director of Sustainable Planning and Community Development to ensure that the self-contained dwelling units are rental in perpetuity;
 - iii. Statutory Right-of-Way of 1.524m along Gladstone Avenue to the satisfaction of the City Solicitor and Director of Engineering and Public Works;
 - iv. Section 219 Covenant for sewage attenuation, as required, to the satisfaction of the City Solicitor and Director of Engineering and Public Works;
 - v. Car Share Agreement for each residential and commercial unit to the satisfaction of the City Solicitor, Assistant Director of Sustainable Planning and Community Development, and the Director of Engineering and Public Works.
 - b. Securing the requisite monetary deposit to the Victoria Car Share Co-op to be held in trust by the applicant's lawyer, to the satisfaction of the City Solicitor and Director of Engineering and Public Works.
3. Following consideration of the Official Community Plan Amendment Bylaw and Rezoning Application #00435, that Council approve a Development Permit for 1310 Gladstone Avenue, in accordance with:
- a. Plans for Rezoning Application #00435 and Development Permit Application #000354, stamped August 11, 2014;
 - b. Development meeting all *Zoning Regulation Bylaw* requirements;

- c. Final plans to be generally in accordance with plans identified above to the satisfaction of the Assistant Director of Sustainable Planning and Community Development."

LEGISLATIVE AUTHORITY

In accordance with section 876 of the *Local Government Act*, Council may adopt one or more Official Community Plans. Pursuant to section 137(1)(b) of the *Community Charter*, the power to amend an *Official Community Plan* is subject to the same approval and other requirements as the power to adopt a new *Official Community Plan* Bylaw.

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with new information, analysis and recommendations regarding a request for an *Official Community Plan 2012* (OCP) amendment, a Rezoning Application and a Development Permit Application for the property located at 1310 Gladstone Avenue. The proposal is for a new three-storey building with commercial uses at street level, and commercial or residential use on the upper storey with a floor space ratio (FSR) of 1.49:1.

On October 23, 2014, Council (minutes attached) advanced these Applications to a Public Hearing in a motion that included Council consideration of consultation for the OCP amendment as recommended in an earlier staff report (dated October 2, 2014, attached).

This report provides an expanded recommendation that addresses statutory obligations for consultation on the proposal to amend the Urban Place Designation of the subject properties from Traditional Residential to Small Urban Village. Specifically, staff recommend that notice of the proposed OCP Amendment be provided to the adjacent property owners and occupiers and that notice be posted on the City's website in advance of first and second reading of the OCP Amendment. The notice will invite affected persons, organizations and authorities to ask questions of staff and to provide any written or verbal comments to Council for their consideration.

Statutory Requirements for OCP Amendment Consultation

The *Local Government Act* (LGA) Section 879(1) requires a Council to provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected by an amendment to the OCP. Consistent with Section 879 (2)(a) of the LGA, Council must further consider whether consultation should be early and ongoing. This statutory obligation is in addition to the Public Hearing requirements. In this instance, staff recommend for Council's consideration that notifying the immediately adjacent owners and occupiers of land along with positing a notice on the City's website will provide adequate opportunities for consultation with those affected.

The OCP Amendment Application to change the Urban Place Designation of 1310 Gladstone Avenue from Traditional Residential to Small Urban Village will allow for increased density and commercial residential mixed uses across the site. Given the surrounding area is primarily commercial buildings, multiple dwellings, duplexes and single family dwellings and given that through the Community Association Land Use Committee (CALUC) Community Meeting

process all owners and occupiers within a 200m radius of the site were notified and invited to participate in a Community Meeting; the consultation proposed at this stage in the process is recommended as adequate and consultation with specific authorities, under Section 879(2)(a) of the LGA, is not recommended as necessary.

Respectfully submitted,

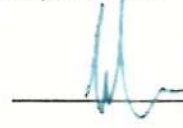


Helen Cain
Senior Planner
Development Services Division



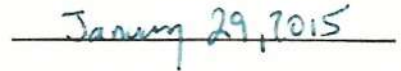
Alison Meyer, Assistant Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Jason Johnson

Date:



January 29, 2015

HC:aw

S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\REZ\REZ00435\REZ GLADSTONE PLUC REPORT JAN 29 2015.DOCX

List of Attachments

- Council Minutes for October 23, 2014 meeting
- Planning and Land Use Committee Minutes for October 16, 2014 meeting
- Planning and Land Use Committee Report dated October 2, 2014.

REPORTS OF THE COMMITTEE

2. Planning and Land Use Committee – October 16, 2014

Councillor Isitt excused himself from the meeting at 10:37 p.m. as he is the on the Board for the Capital Region Housing Corporation which owns and operates an adjacent building to 1310 Gladstone Avenue, which creates a pecuniary conflict of interest with the following item.

1. Official Community Plan Amendment Application, Rezoning Application No. 00435 and Development Permit Application No. 000354 for the property located at 1310 Gladstone Avenue:

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

1. That Council direct staff to prepare the necessary Official Community Plan Amendment Bylaw and that concurrent with the Rezoning Application advance to a Public Hearing:
 - a. That Council give first reading to the Official Community Plan Amendment Bylaw;
 - b. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2012-2016 Financial Plan and the *Capital Regional District Liquid Waste Management Plan* and *Capital Regional District Solid Waste Management Plan* pursuant to Section 882(3)(a) of the *Local Government Act* and deem those plans to be consistent with the proposed *Official Community Plan Amendment Bylaw*;
 - c. That Council consider consultation under Section 879(2) of the *Local Government Act* and determine that no referrals are necessary with the Capital Regional District Board; Councils of Oak Bay, Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District Board; and the provincial and federal governments and their agencies due to the nature of the proposed amendments;
 - d. That Council give second reading to the Official Community Plan Amendment Bylaw;
 - e. That Council refer the Official Community Plan Bylaw Amendment Bylaw for consideration at a Public Hearing.
2. That Council direct staff to prepare the *Zoning Regulation Bylaw* Amendment that would authorize the proposed development outlined in Rezoning Application #00435 for 1310 Gladstone, subject to:
 - a. Registration on the relevant property title of the following:
 - i. Section 219 Covenant to the satisfaction of the City Solicitor and Director of Sustainable Planning and Community Development for an easement through the driveway of the property located at 2009 Fernwood Road;
 - ii. Housing Agreement to the satisfaction of the City Solicitor and Director of Sustainable Planning and Community Development to ensure that the self-contained dwelling units are rental in perpetuity;
 - iii. Statutory Right-of-Way of 1.524 m along Gladstone Avenue to the satisfaction of the City Solicitor and Director of Engineering and Public Works,
 - iv. Section 219 Covenant for sewage attenuation, as required, to the satisfaction of the City Solicitor and Director of Engineering and Public Works;
 - v. Car Share Agreement for each residential and commercial unit to the satisfaction of the City Solicitor, Director of Sustainable Planning and Community Development, and the Director of Engineering and Public Works.
 - b. Securing the requisite monetary deposit to the Victoria Car Share Co-op to be held in trust by the applicant's lawyer, to the satisfaction of the City Solicitor and Director of Engineering and Public Works

Carried Unanimously

Council meeting
October 23, 2014

3. DECISION REQUEST

3.1 Official Community Plan Amendment Application, Rezoning Application No. 00435 and Development Permit Application No. 000354 for the property located at 1310 Gladstone Avenue

Committee received a report dated October 2, 2014 which provided information, analysis and recommendations regarding an Official Community Plan Amendment Application, a Rezoning Application and a Development Permit Application for the property located at 1310 Gladstone Avenue. The proposal is for a new three-storey building with commercial uses at street level, and commercial or residential use on the upper storey with a floor space ratio (FSR) of 1.49:1.

Councillor Isitt excused himself at 9:11 a.m. due to a pecuniary conflict.

Action:

It was moved by Councillor Helps, seconded by Councillor Alto, that Committee recommends:

1. That Council direct staff to prepare the necessary Official Community Plan Amendment Bylaw and that concurrent with the Rezoning Application advance to a Public Hearing:
 - a. That Council give first reading to the Official Community Plan Amendment Bylaw;
 - b. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2012-2016 Financial Plan and the *Capital Regional District Liquid Waste Management Plan* and *Capital Regional District Solid Waste Management Plan* pursuant to Section 882(3)(a) of the *Local Government Act* and deem those plans to be consistent with the proposed *Official Community Plan Amendment Bylaw*;
 - c. That Council consider consultation under Section 879(2) of the *Local Government Act* and determine that no referrals are necessary with the Capital Regional District Board; Councils of Oak Bay, Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District Board; and the provincial and federal governments and their agencies due to the nature of the proposed amendments;
 - d. That Council give second reading to the Official Community Plan Amendment Bylaw;
 - e. That Council refer the Official Community Plan Bylaw Amendment Bylaw for consideration at a Public Hearing.
2. That Council direct staff to prepare the *Zoning Regulation Bylaw Amendment Bylaw* that would authorize the proposed development outlined in Rezoning Application #00435 for 1310 Gladstone, subject to:
 - a. Registration on the relevant property title of the following:
 - i. Section 219 Covenant to the satisfaction of the City Solicitor and Director of Sustainable Planning and Community Development for an easement through the driveway of the property located at 2009 Fernwood Road;
 - ii. Housing Agreement to the satisfaction of the City Solicitor and Director of Sustainable Planning and Community Development to ensure that the self-contained dwelling units are rental in perpetuity;
 - iii. Statutory Right-of-Way of 1.524 m along Gladstone Avenue to the

- satisfaction of the City Solicitor and Director of Engineering and Public Works,
- iv. Section 219 Covenant for sewage attenuation, as required, to the satisfaction of the City Solicitor and Director of Engineering and Public Works;
 - v. Car Share Agreement for each residential and commercial unit to the satisfaction of the City Solicitor, Director of Sustainable Planning and Community Development, and the Director of Engineering and Public Works.
- b. Securing the requisite monetary deposit to the Victoria Car Share Co-op to be held in trust by the applicant's lawyer, to the satisfaction of the City Solicitor and Director of Engineering and Public Works.
3. Following consideration of the Official Community Plan Amendment Bylaw and Rezoning Application #00435, that Council approve a Development Permit for 1310 Gladstone Avenue, in accordance with:
 - a. Plans for Rezoning Application #00435 and Development Permit Application #000354, stamped August 11, 2014;
 - b. Development meeting all Zoning Regulation Bylaw requirements;
 - c. Final plans to be generally in accordance with plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

Committee discussed:

- The OCPs recognition of the possible expansion of this urban village.
- The neighbourhood plan does not favour commercial expansion.
- Fernwood Community Association's preference for residential use in this area and not mixed-use, which is not supported in the OCP.
- Although the lot is zoned single-family dwelling the proposal fits into its context of taller buildings and buildings of commercial use.
- Parking demand impacts on the street and whether the bike parking requirements help reduce parking demand.
- Accessibility of the building as it is three-storeys with no elevator.
- The priorities for the Local Area Plan update which has Fernwood Village as Priority #4.

For: Mayor Fortin, Councillors Alto, Coleman, Helps, Thornton-Joe
Against: Councillors Gudgeon, Madoff, Young

CARRIED 14/PLUC0258

PLUC meeting
October 16, 2014



Planning and Land Use Committee Report

For the Meeting of October 16, 2014

To: Planning and Land Use Committee **Date:** October 2, 2014
From: Helen Cain, Senior Planner, Development Services Division
Subject: Official Community Plan Amendment Application, Rezoning Application #00435 and Development Permit Application #000354 for the property located at 1310 Gladstone Avenue

Executive Summary

The purpose of this report is to provide Council with information, analysis and recommendations regarding an Official Community Plan Amendment Application, a Rezoning Application and a Development Permit Application for the property located at 1310 Gladstone Avenue. The proposal is for a new three-storey building with commercial uses at street level, and commercial or residential use on the upper storey with a floor space ratio (FSR) of 1.49:1.

The following points were considered in assessing these applications:

- The OCP designates the subject property as Traditional Residential, but the lot is adjacent to Fernwood Village, where the OCP envisions densities up to 1.5:1 FSR with potential bonus density up to a total of approximately 2.5:1 FSR. This proposal is aligned with objectives and policies in the OCP and *Fernwood Neighbourhood Plan 1994*.
- A list of potential commercial and residential uses are proposed that together would require between 11 and 26 parking stalls depending on the actual uses located on the site. The proposal includes two parking stalls in the rear yard, bicycle racks and storage spaces in compliance with Schedule C of the *Zoning Regulation Bylaw*. To further offset the on-site parking shortfall, the applicant has agreed to provide one Car Share membership per residential unit and commercial unit.
- The applicant has also agreed to secure four rental housing units in perpetuity and to provide a Statutory Right-of-Way to support the implementation of the Gladstone People-Priority Greenway.
- Staff consider the proposed design to align with objectives for the Development Permit Area and Heritage Conservation Area 6B Small Urban Villages Heritage, DPA 6B (HC).

Staff recommend that Council amend the OCP to designate the subject property as Small Urban Village and to include the lot in DPA 6B (HC), and to advance the applications to a Public Hearing.

Recommendations

1. That Council direct staff to prepare the necessary Official Community Plan Amendment Bylaw and that concurrent with the Rezoning Application advance to a Public Hearing:
 - a. That Council give first reading to the Official Community Plan Amendment Bylaw;

- b. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2012-2016 Financial Plan and the *Capital Regional District Liquid Waste Management Plan* and *Capital Regional District Solid Waste Management Plan* pursuant to Section 882(3)(a) of the *Local Government Act* and deem those plans to be consistent with the proposed *Official Community Plan Amendment Bylaw*;
 - c. That Council consider consultation under Section 879(2) of the *Local Government Act* and determine that no referrals are necessary with the Capital Regional District Board; Councils of Oak Bay, Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District Board; and the provincial and federal governments and their agencies due to the nature of the proposed amendments;
 - d. That Council give second reading to the Official Community Plan Amendment Bylaw;
 - e. That Council refer the Official Community Plan Bylaw Amendment Bylaw for consideration at a Public Hearing.
2. That Council direct staff to prepare the *Zoning Regulation Bylaw* Amendment Bylaw that would authorize the proposed development outlined in Rezoning Application #00435 for 1310 Gladstone, subject to:
- a. registration on the relevant property title of the following:
 - i. Section 219 Covenant to the satisfaction of the City Solicitor and Director of Sustainable Planning and Community Development for an easement through the driveway of the property located at 2009 Fernwood Road;
 - ii. Housing Agreement to the satisfaction of the City Solicitor and Director of Sustainable Planning and Community Development to ensure that the self-contained dwelling units are rental in perpetuity;
 - iii. Statutory Right-of-Way of 1.524 m along Gladstone Avenue to the satisfaction of the City Solicitor and Director of Engineering and Public Works;
 - iv. Section 219 Covenant for sewage attenuation, as required, to the satisfaction of the City Solicitor and Director of Engineering and Public Works;
 - v. Car Share Agreement for each residential and commercial unit to the satisfaction of the City Solicitor, Director of Sustainable Planning and Community Development, and the Director of Engineering and Public Works.
 - b. securing the requisite monetary deposit to the Victoria Car Share Co-op to be held in trust by the applicant's lawyer, to the satisfaction of the City Solicitor and Director of Engineering and Public Works.
3. Following consideration of the Official Community Plan Amendment Bylaw and Rezoning Application #00435, that Council approve a Development Permit for 1310 Gladstone Avenue, in accordance with:
- a. Plans for Rezoning Application #00435 and Development Permit Application #000354, stamped August 11, 2014;
 - b. Development meeting all Zoning Regulation Bylaw requirements;

- c. Final plans to be generally in accordance with plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

Respectfully submitted,

Helen Cain

Helen Cain
Senior Planner
Development Services Division

Am

D.E. Day

Deb Day, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

Date:

[Signature]
Jason Johnson
October 14, 2014

HC:lw/aw

S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\REZ\REZ00435\PLUC_OCT16_GLADSTONE_1310.DOC

1.0 Purpose

The purpose of this report is to present Council with information, analysis and recommendations regarding an Official Community Plan Amendment Application, a Rezoning Application and a Development Permit Application for the property located at 1310 Gladstone Avenue.

2.0 Background

2.1 Description of Proposal

The proposal is to rezone from the R1-B Zone (Single Family Dwelling District) to a new zone to permit a three-storey mixed-use building with commercial uses on the first and second storeys, and either office or four housing units on the third storey. These applications also include a request to amend the Official Community Plan (OCP) to include the subject site in Fernwood Village, which would require changing the land designation from Traditional Residential to Small Urban Village.

As stated in the applicant's letter (August 14, attached), the Fernwood Neighbourhood Resource Group (FNRG) is requesting a list of uses to accommodate potential tenants:

- retail
- office
- bakery
- hair salon
- yoga studio
- spa treatment
- bicycle repair shop
- food and drinking establishment.

The applicant's letter has also identified the potential location in the building and floor space for the uses as summarized in the chart below.

Proposed Use	Maximum Floor Space	Schedule C Requirements
First storey (108 m² in total)		
Athletic instruction (yoga studio) or	108 m ²	11
Retail	108 m ²	3
Second storey (175 m² in total)		
Food and drinking establishment or	175 m ²	10
Retail	175 m ²	5
Third storey (149 m² in total)		
Office or	149 m ²	3
Multiple dwelling (four units)	4 (149 m ²)	5

For these proposed commercial and residential uses, Schedule C requirements for vehicle parking would range between 11 and 26 stalls. The proposal includes two parking stalls at the rear of the proposed building with access through an easement along the driveway on the property located at 2009 Fernwood Road, which the FNRG owns. Compared to Schedule C, there would be a shortfall in parking stalls ranging from nine and 24 parking stalls depending on

the actual uses on the site at any given time. To help offset the potential impact on the availability of street parking in the vicinity of the subject site the applicant has agreed to provide a Car Share membership for each residential and commercial unit, and would meet the Schedule C requirements for bicycle racks and bicycle storage spaces.

The proposed site plan, architecture and landscape design would include

- building form and massing that is narrow, long, and set back from the street with space for a patio connecting the private to the public realm
- large storefront windows and exterior stairs and balconies on the third storey to connect activity in the building to people on the street
- exterior finishes of brick siding on the west, north and south elevations, horizontal wood siding on the east elevation and a metal roof
- decorative paving stones with landscape strips in the rear parking lot.

2.2 Green Building Features

The applicant's letter (March 7, 2014, attached) states that the Building Permit phase would endeavour to follow best practices with respect to energy and water conservation, construction waste management and use of high quality, durable materials with low toxicity.

2.3 Existing Site Development and Development Potential

The data table (below) compares the proposal with the neighbouring C-1 Zone (Restricted Commercial District). The proposal is less stringent than the zone standards for criteria identified with an asterisk.

Zoning Criteria	Proposal	Zone Standard C-1 Zone
Site area (m ²) – minimum	362.00	n/a
Total floor area (m ²) – maximum	540.23	n/a
Residential location	None on ground floor	None on ground floor
Density (Floor Space Ratio) – maximum	1.49:1*	1.4:1
Height (m) – maximum	10.56	12.00
Site coverage (%) – maximum	62	n/a
Open site space (%) – minimum	32	n/a
Storeys – maximum	3	n/a
Setbacks (m) – minimum		
North (rear)	7.50	6.00
South (south)	3.50*	6.00
East	0.00*	2.64
West	1.10*	3.00

Zoning Criteria	Proposal	Zone Standard C-1 Zone
Parking – minimum	2*	11 to 26 (actual uses would dictate parking requirement 26 stalls indicates the highest parking requirement based on the combination of uses)
Visitor parking – minimum	1*	1 to 2 (actual uses would dictate parking requirement. Two stalls indicates the highest visitor parking requirement based on the combination of uses)
Bicycle storage – minimum	12	12
Bicycle rack – minimum	6*	12

2.4 Land Use Context

The immediately adjacent land uses are:

- North: three single-family dwellings
- South: townhouses
- West: one commercial building and a commercial and residential mixed-use building
- East: townhouses.

2.5 Legal Description

The west ½ of Lot 7, Section 75, Victoria District, Plan 277.

2.6 Consistency with City Policy

2.6.1 Official Community Plan, 2012

The proposal is aligned with objectives and policies in the OCP related to complete villages, placemaking, and strategic directions for the Fernwood neighbourhood. OCP Objective 6(f) provides direction to progress towards complete villages over time and Policy 6.1.7 states that Small Urban Villages should have commercial and community services in low-rise, ground-oriented, mixed-use buildings of up to four storeys on arterials and three storeys in other locations. Policy 21.8.4 provides direction to consider the expansion of Fernwood Village.

The proposed mixed-use building would require an OCP amendment because the subject property is designated Traditional Residential, where ground-oriented housing is the norm with apartment and mixed-use buildings on arterial and secondary arterial roads. Given the location of this lot adjacent to Fernwood Village and the overall fit of the proposal with OCP policies, staff recommend that Council change the land designation to Small Urban Village.

On a related matter, new development in Fernwood Village is subject to control and regulation in the Development Permit Area and Heritage Conservation Area 6B Small Urban Village Heritage, DPA 6B (HC). Staff consider this proposal to be aligned with DPA 6B (HC) objectives for revitalization of Fernwood Village through infill that is sensitive to existing place character. Accordingly, an OCP amendment to include the subject site in DPA 6B (HC) and to apply the associated guidelines in review and consideration of the proposed design would be appropriate.

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

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

2.6.2 Fernwood Neighbourhood Plan, 1994

The *Fernwood Neighbourhood Plan, 1994*, emphasizes the revitalization of Fernwood Village as the commercial hub of the neighbourhood. This plan contains a "summary map" that illustrates land uses and related policies, including the boundaries of Fernwood Village and the associated Development Permit Area and Heritage Conservation Area. As the map can be interpreted to show the subject property as located within Fernwood Village, the proposed mixed-use building is compatible with the local area plan.

2.8 Community Consultation

In accordance with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning Applications*, the applicant consulted with the Fernwood CALUC on January 8, 2014 and February 4, 2014. A letter from the CALUC is attached to this report.

3.0 Issues

The main issues related to these applications are:

- Fernwood Village expansion
- design review and analysis
- loss of front yard Maple tree
- vehicle parking shortfall.

4.0 Analysis

4.1 Fernwood Village Expansion

This proposal is aligned with key directions in the OCP and *Fernwood Neighbourhood Plan* to expand Fernwood Village as a commercial area. The OCP amendment to designate the subject property as located in a Small Urban Village is a logical extension of this neighbourhood hub. Moreover, the new mixed-use building would contribute to DPA 6B (HC) objectives to revitalize

Fernwood Village and the proposed design is well-suited to the character of this historic district. Should Council advance these applications to a Public Hearing, staff recommend another OCP amendment to expand DPA 6B (HC) to include the subject property within this DPA.

4.2 Design Review and Analysis

The proposed design for the new mixed-use building has been reviewed in relation to DPA 6B (HC), where form, character and finishes and landscaping details are controlled and regulated primarily in relation to the *Buildings, Signs and Awnings Advisory Design Guidelines, 1981*. Staff review and analysis of the design of the proposal are summarized below:

- building form, massing and scale are complementary to the adjacent one-storey commercial building and the three-storey townhouses
- architectural features, such as window openings, and exterior finishes (e.g. brick) that acknowledge the heritage character of Fernwood Village are appropriate
- connections between activity in the building and the street are fostered with shop windows, building entrances and an outdoor balcony on the upper storey.

Overall, staff consider the proposed design to comply with the guidelines for DPA 6B (HC).

4.3 Loss of Front Yard Maple Tree

In an early version of the proposal, the building was set back from the street in the southeast corner of the lot to take advantage of the canopy of the mature Maple tree. In response to staff's request for information, the applicant completed an Arborist Report (attached) which determined that the tree would not survive the construction stage of the development. Accordingly, the Maple tree is removed from the landscape plan, and the site plan was changed to bring the building closer to the street in order to connect the outdoor patio to the public realm.

4.4 Vehicle Parking Shortfall

Based on the current regulations in Schedule C of the *Zoning Regulation Bylaw*, the proposal would require a maximum of 26 vehicle parking stalls. However, some of the proposed uses (fitness facility, eating and drinking establishment) require a high number of stalls. If the list of uses were narrowed to retail on two storeys and housing above, 13 stalls would be required. Should the uses be limited to retail with third-storey offices, the requirement would be 11 stalls. Given the proposed development includes two stalls in the rear yard of the building, the parking shortfall compared to the bylaw requirements would, therefore, range from nine to 24 stalls, based on the current regulations. Residents and visitors of the building would also potentially compete for limited and frequently used two hour on-street parking stalls and would not be permitted to park within the Gladstone Avenue Residential Only Parking Zone, as the subject property is not adjacent to the designated area.

Staff requested a Parking Impact Study from the applicant to help determine the impact of the new mixed-use building on street parking near the Fernwood Avenue and Gladstone Avenue intersection. The applicant has chosen to not provide this report for the following reasons:

- the proponent would prefer to apply the resources required for the Parking Impact Study to the provision of Car Share Membership for all residential and

- commercial units, and
- the applicant is in the process of undertaking an informal study with observational data on street parking conditions, which would be provided to staff, prior to a Public Hearing, should Council decide to move the application forward.

Staff have explored a variety of additional transportation demand management (TDM) measures with the applicant to address the on-site shortfall in parking stalls. These include five year transit passes for residential and commercial units and an end-of-trip facility (showers), as well as the possibility of narrowing the range of uses to retail and residential, or retail and office, to remove the proposed uses with high parking requirements. The applicant has indicated that neither the cost of transit passes or the accommodation of a shower facility within the small building would be feasible, and that a yoga studio and a food and drinking establishment would be essential for the business model for their project.

It should also be noted that, in 2008, staff entered into a community-led engagement process with the Fernwood CALUC and residents, businesses and community groups to address the issue of parking congestion in the vicinity of the Gladstone Avenue and Fernwood Avenue intersection. These efforts resulted in the reduction of an existing resident-only parking zone and expansion of restricted two-hour parking for visitors to shops and community amenities in Fernwood Village. Should the proposal increase the pressure on street parking, and community members wish to extend the restricted parking and/or residential parking zone, staff would further consult with the area stakeholders on options for parking management.

Staff recommend support for the proposal as presented. While the availability of street parking near the subject site is an important issue, the proposed new mixed-use building would contribute to the revitalization of Fernwood Village. The informal study that the applicant is undertaking, in advance of the Public Hearing, would contribute valuable information to help assess the situation, and staff have on-going consultation with the community in efforts to address issues related to parking congestion. Should Council wish to address the parking shortfall more extensively, Council has the option to require additional TDM measures, such as transit passes and/or an end-of-trip facility.

5.0 Resource Impacts

There are no resource impacts anticipated with these applications.

6.0 Conclusions

This proposal for a mixed-use building is aligned with policy direction in the OCP and local area plan to revitalize and expand the area identified as Fernwood Village and the proposed design is well-suited to this historic commercial district. Staff recommend that Council amend the OCP to designate the subject property is part of a Small Urban Village area and within DPA 6B (HC) and advance these applications to a Public Hearing.

7.0 Recommendations

7.1.1 Staff Recommendations

- That Council direct staff to prepare the necessary Official Community Plan Amendment Bylaw and that concurrent with the Rezoning Application advance to

a Public Hearing:

- a. That Council give first reading to the Official Community Plan Amendment Bylaw;
 - b. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2012-2016 Financial Plan and the *Capital Regional District Liquid Waste Management Plan* and *Capital Regional District Solid Waste Management Plan* pursuant to Section 882(3)(a) of the *Local Government Act* and deem those plans to be consistent with the proposed *Official Community Plan Amendment Bylaw*;
 - c. That Council consider consultation under Section 879(2) of the *Local Government Act* and determine that no referrals are necessary with the Capital Regional District Board; Councils of Oak Bay, Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District Board; and the provincial and federal governments and their agencies due to the nature of the proposed amendments;
 - d. That Council give second reading to the Official Community Plan Amendment Bylaw;
 - e. That Council refer the Official Community Plan Bylaw Amendment Bylaw for consideration at a Public Hearing.
2. That Council direct staff to prepare the *Zoning Regulation Bylaw Amendment* Bylaw that would authorize the proposed development outlined in Rezoning Application #00435 for 1310 Gladstone, subject to:
- a. registration on the relevant property title of the following:
 - i. Section 219 Covenant to the satisfaction of the City Solicitor and Director of Sustainable Planning and Community Development for an easement through the driveway of the property located at 2009 Fernwood Road,
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 - b. securing the requisite monetary deposit to the Victoria Car Share Co-op to be held in trust by the applicant's lawyer, to the satisfaction of the City Solicitor and Director of Engineering and Public Works.
3. Following consideration of the Official Community Plan Amendment Bylaw and

Rezoning Application #00435, that Council approve a Development Permit for 1310 Gladstone Avenue, in accordance with:

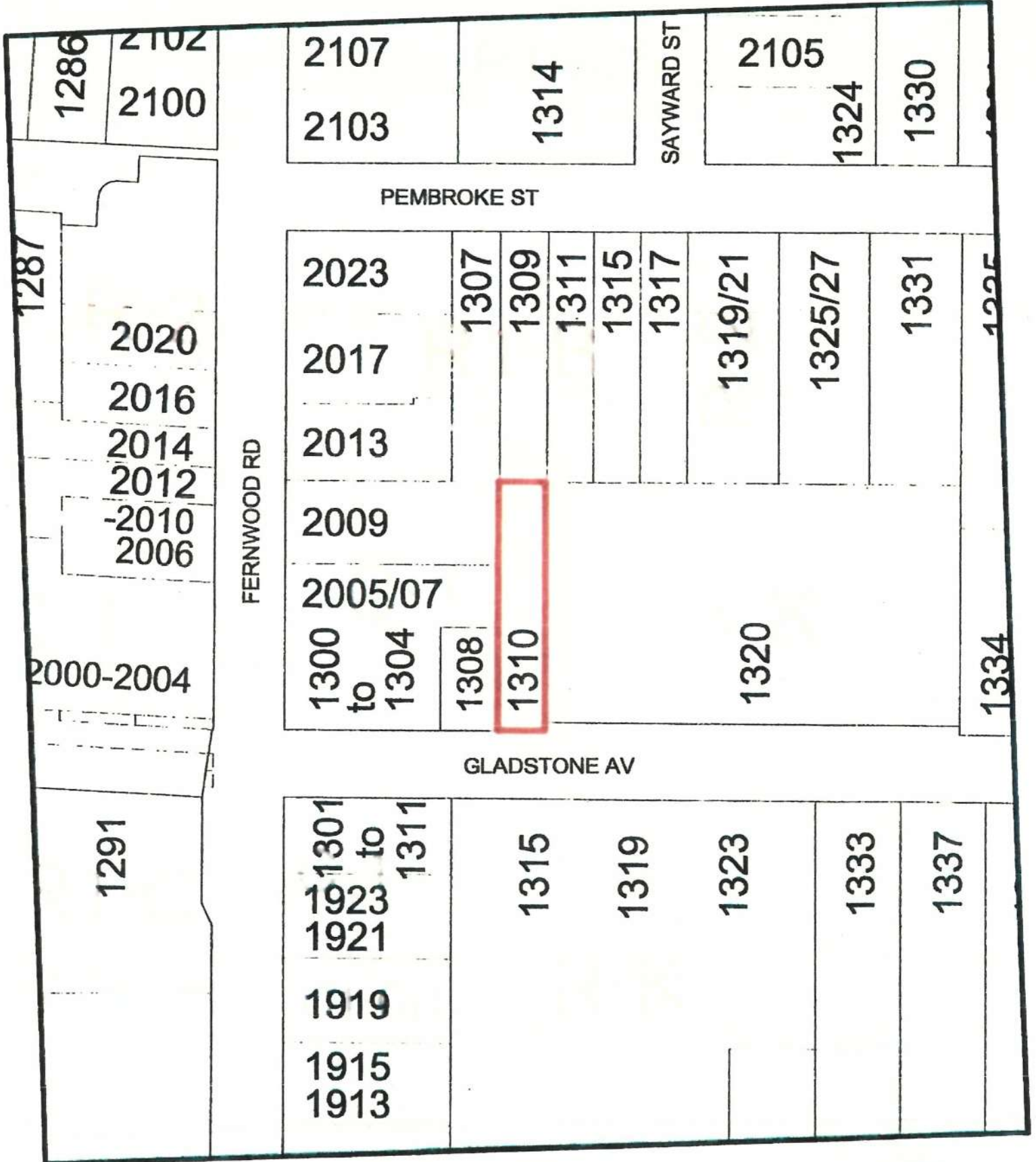
- a. Plans for Rezoning Application #00435 and Development Permit Application #000354, stamped August 11, 2014;
- b. Development meeting all *Zoning Regulation Bylaw* requirements;
- c. Final plans to be generally in accordance with plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

7.2 Alternate Recommendations (Decline)

That Council decline Rezoning Application #00435 and Development Permit Application #000354 for the property located at 1310 Gladstone Avenue.

8.0 List of Attachments

- Aerial map
- Zoning map
- Letters from Lee Herrin, Fernwood Neighbourhood Resource Group, stamped August 14, 2014, and March 7, 2014
- Plans for Rezoning Application #00435 and Development Permit Application #00354, stamped August 11, 2014
- Arborist Report, Talbot & Mackenzie & Associates, dated June 12, 2014
- Letter from Fernwood Community Association Land Use Committee, stamped March 7, 2014.



1310 Gladstone Avenue
Rezoning #00435
Bylaw #





1310 Gladstone Avenue
Rezoning #00435
Bylaw #



Fernwood NRG

August 11, 2014

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



RE: 1310 Gladstone Avenue revised proposal for Official Community Plan Amendment, Rezoning and Development Permit Application.

In response to the Application Review Summary dated Wednesday, March 26, 2014, we are pleased to submit our revised proposal for the above noted development. The subject of this letter is to provide an itemized update and clarification of new information on the proposal and should be reviewed in conjunction with the revised, bubbled drawings.

Specifically, the conditions to be met prior to the Planning and Land Use Committee are:

- 1. Consider the registration of an easement on the property at 2009 Fernwood Road to provide off-street parking as well as access and egress to the rear of the subject site.***

Fernwood NRG is prepared to register an easement on the property at 2009 Fernwood Road for the purposes of providing vehicle and pedestrian access to the rear yard of 1310 Gladstone Avenue. An inventory of 7 off-street parking stalls will be accessed, including the inclusion of 2 stalls on the 1310 Gladstone Avenue property.

- 2. Update Landscape Plan to include hard surface materials.***

The Site Plan & Landscape Plan on Sheet A0.00 has been updated with annotations identifying the hard surface materials.

- 3. Please provide at least one colour elevation plan.***

The two primary public elevations on Sheet A3.01 have been resubmitted in colour.

- 4. Letter to Mayor and Council to provide updated/new information on the proposal.***

This document is included to provide updated/new information on the proposal.

5. ***No justification for the proposed parking variance has been provided. Providing no parking for this proposed development is not supportable. An on-site shortfall in parking for residents and their guests, employees and customers will have an impact on-street parking availability for residents and businesses of the neighbourhood.***

As noted in item 1, above, 2 off-street parking stalls have been accommodated in the rear yard of the property. These parking stalls will require an access agreement across the 2009 Fernwood Road site, which has an existing, non-conforming driveway access onto Fernwood Road. This existing access would service the existing 5 off-street parking stalls on 2009 Fernwood Road, plus the 2 proposed off-street parking stalls on 1310 Gladstone Avenue. The inclusion of these stalls emerged in response to a determination by a qualified arborist recommending removal of the existing tree on site which will enable the overall building to shift south on the property and facilitate the creation of the stalls.

In rationalizing the vehicle parking provisions for this proposal, we would like to solidify the case for Fernwood's urban village designation and, pending a successful OCP amendment, the inclusion of the 1310 Gladstone Avenue site within the village, as a vibrant neighbourhood village focused on pedestrian activity. There is precedent within the City of Victoria, such as the Old Town zoning guidelines, which acknowledge a less vehicle-centered form and character. We believe that it is this form and character that is envisioned in the OCP for the urban village. Unfortunately, meeting the Schedule C off-street parking requirements for vehicle parking impedes the realization of this form and character.

We submit that the rezoning of 1310 Gladstone Avenue, as part of an expanded urban village, should establish a comprehensive zoning standard which establishes the parking in perpetuity, one which more accurately reflects the form and character of Fernwood Village. The 2 off-street stalls proposed make provision for vehicle parking, albeit modestly, but without detracting from the village fabric. In fact, the proposal affords scheduling opportunities relative to the use of both properties (2009 Fernwood Road and 1310 Gladstone Avenue) such that an inventory of 7 stalls is available for use for the different tenancies during a typical week. Today, 2009 Fernwood Road is in use as an office which requires daytime parking during the work week, while for 1310 Gladstone Avenue we envision retail, restaurant and/or recreation as the primary parking demand generators, all of which create the highest demand on evenings and weekends.

To provide context, we have evaluated the maximum parking demand range based on the uses envisioned for the project and have determined, referencing Schedule C, that the upper floor would require between 2 and 3 vehicle parking stalls (office or residential use), the main floor would require between 5 and 10 vehicle parking stalls (retail or restaurant use, assuming 50 seats maximum), and the lower floor would require between 3 and 11 vehicle parking stalls (retail or recreational uses), for a total on-site, Schedule C requirement of between 10 and 24 vehicle stalls. A summary matrix of the various vehicle parking demand generation is as follows:

Schedule C, Potential Off Street Parking Calculations Based on Potential Tenancies

Potential Uses	Calculation	# of Parking Spaces Req'd
Lower Floor (108 sq.m.)		
Yoga Studio	1 space per 9.5 sq.m.	11
Treatment Studio/Spa Rooms	1 space per 37.5 sq.m.	3
Retail	1 space per 37.5 sq.m.	3
Bicycle Repair Shop	1 space per 37.5 sq.m.	3
Main Floor (175 sq.m.)		
Eating & Drinking Establishment (40-50 seat)	1 space per 5 seats	10
Retail	1 space per 37.5 sq.m.	5
Clothing Shop/Furniture Shop	1 space per 37.5 sq.m.	5
Hair Salon	1 space per 37.5 sq.m.	5
Services	1 space per 37.5 sq.m.	5
Bakery	1 space per 37.5 sq.m.	5
Upper Floor (148.9 sq.m.)		
Residential use in CA-3 zone	0.7 space per dwelling unit	3
Local Offices (assuming all 4 spaces occupied)	1 space per 65 sq.m.	2

On a final note, we would anticipate that the neighbourhood village with this proposed addition would continue to serve the local neighbourhood. That is, the principle patronage and proprietors for all of the proposed uses would be the Fernwood neighbourhood. Our proposal seeks to encourage pedestrian and alternative transportation modes, including bicycles, which are accommodated in the front yard, the rear yard, and as secured space within the building on the lower floor. This provision of excess bicycle parking is envisioned as an additional mitigation of the more modest vehicle parking provisions noted above.

6. ***The proposed rezoning and potential increase in density for this property may contribute to an overtaxing of the sanitary sewer system. Attenuation may be required to reduce the additional load on the sanitary sewer. Discharge rates provided by a qualified Engineer are to be submitted to the Engineering Department including the intended means to attenuate sewage.***

Discharge rates and the intended means to attenuate sewage are provided in the attached as prepared by engineer Peter Ferguson of McElhanney.

- 7. An Arborist report, by an ISA Certified Arborist, is required to provide an inventory of the trees impacted by the proposal. The Tree Preservation Bylaw 05-106 protected Big Leaf Maple is indicated as retained. The report is to detail the construction impacts and the required mitigation measures required to successfully retain this tree. A detail of the proposed tree well around the Big Leaf Maple is required as part of the arborist report. A Terms of Reference for the arborist report is available by contacting the Parks Development Officer.**

A report addressing the condition of the on-site Big Leaf Maple was prepared by ISA Certified Arborist, Tom Talbot of Talbot Mackenzie & Associates, Consulting Arborists, recommending removal of this tree. We propose to work closely with the Parks Department to determine the suitability of reinstating a specimen street tree that will meet the City of Victoria guidelines.

Additional review comments were included in the Application Review Summary and are noted as follows:

1. The requested Statutory Right-of-Way of 1.524 meters is acceptable and the proposal reflects consideration of this provision. A formal response to this request by Engineering will be provided prior to submitting a Building Permit application.
2. Additional Engineering information provided is noted and will be addressed prior to Public Hearing and/or a Building Permit application as itemized.
3. All items noted from Permits and Inspections have been acknowledged and addressed through the resubmission of a Code Analysis, with annotations as appropriate included on the resubmitted plans.
4. All items noted from the Fire Department have been acknowledged and addressed through the resubmission of a Code Analysis, the proposed access provisions across 2009 Fernwood Road, or will be provided prior to submitting a Building Permit application.

As per our original submission and letter to Mayor and Council dated March 6, 2014 (attached for reference), we reiterate our request for the establishment of a site specific zone for the proposed 1310 Gladstone Avenue project. We submit that the Zoning Plan Check of the proposal to a C-1 Zone is not aligned with the form and character of the proposed development within the Fernwood urban village. We note that the CA-3 Zoning Bylaw is an existing bylaw that substantially reflects the nature of this heritage conservation area/urban village and as such, we have referenced this Bylaw on our revised cover sheet for comparison.

We trust that the above responses to the Application Review Summary further support the proposal for this sensitive, neighbourhood-scaled building. We welcome the opportunity to appear before the Planning and Land Use Committee and to continue our work with staff to realize this important project.

Sincerely,



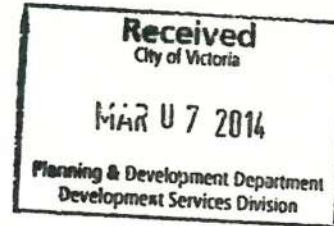
Lee Herrin
Executive Director



Fernwood NRG

March 6, 2014

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



RE: 1310 Gladstone Avenue proposal for Official Community Plan Amendment, Rezoning and Development Permit Application

Fernwood NRG is an enterprising non-profit based in Fernwood. Originally incorporated in 1979 to manage the Fernwood Community Centre, our mandate has grown significantly since our acquisition of the Cornerstone Building (1301 Gladstone Avenue) in 2005. At that time, we received significant media attention for our efforts to revitalize the core of our neighbourhood through renovation of the then derelict building. Looking back, we can certainly say that our project was a tremendous success. Now, Fernwood is a vital and thriving neighbourhood that has attracted significant international attention to the City of Victoria, including an article in the *New York Times* in 2012 (), and just last month in the *Oregonian* (). Working with our partners and supporters in the neighbourhood, we have transformed Fernwood Village from a serious civic liability and embarrassment into a tremendous asset to the City's image and reputation. It is our great pleasure to put before you the following proposal which we believe will begin the process of moving Fernwood Village into the 21st century, laying down the foundation for the continued growth and health of our neighbourhood long into the future.

Description of Proposal

The proposal seeks to rezone the existing R1-B designated site at 1310 Gladstone Avenue to a site specific zone to support the development of a three storey mixed use project in the heart of Fernwood Village. The proposal will change the current land use to ones which are consistent with those uses existing in the village core, increase density at a neighbourhood node, create lease space for neighbourhood oriented commercial activities at the street and below, with up to four rental accommodations and/or small scale workplaces above.

Government Policies

The site is adjacent to the designated development permit area DPA 6B (HC): Small Urban Villages Heritage. The proposed development complements the special features, characteristics and conditions of the designation including:

- Development of "commercial and community services that support adjacent Traditional and Urban Residential areas";
- "revitalization through infill";
- "residential mixed use development with active commercial at the street level";
- "low rise commercial...and residential mixed-use development...with built form and place character appropriate to a node punctuating a surrounding residential area";

- And meeting the objective of enhancing “the area through infill...with a high quality of architecture, landscape and urban design that responds to its heritage setting through sensitive and innovative interventions.”

With respect to Neighbourhood Directions for Fernwood, Section 21 of the OCP, the proposal is consistent with the strategic direction which considers “expanding Fernwood Village to provide capacity for a broader range of business and community services for residents within walking distance.”

Further, with respect to the OCP, the placemaking policies in the plan are reflected in the development proposal, specifically:

- “That new buildings and features contribute to the sense of place in development permit areas and heritage conservation areas through sensitive and innovative responses to existing form and character”;
- And “that social vibrancy is fostered and strengthened through human scale design of buildings, streetscapes and public spaces”.

Project Benefits and Amenities

The proposal would create additional neighbourhood oriented commercial space on two levels, complementing activities and uses supported in the village core. In replacing an ageing single family dwelling, the proposal increases density in an appropriate location in the neighbourhood, with the intent that the uses would support the local market, thereby reducing transportation impacts, and enriching neighbourhood livability. The project frontage will preserve a mature specimen tree at the street and introduce a meaningful, south facing patio along the commercial streetscape. Quality detailing throughout the project is intended to complement the existing Fernwood character, achieving appropriate “fit”.

Need and Demand

The proposal affords additional commercial use space serving the local neighbourhood and small scale rental housing in the village core. Space demand in the village core is high for small scale commercial uses, both merchants and offices, including space to serve small scale proprietors and not for profit organizations. The intent is that the proposal would serve, over time, a variety of uses and tenures, reflecting the vibrancy of a village and the culture of the neighbourhood.

Neighbourhood

The proposed uses are consistent with those existing in the village, effectively expanding the village core on an adjacent site. The existing lot and use is marooned between village commercial and multi-family residential uses. The lot is dimensionally and topographically challenged, necessitating a clever, site specific form that continues the commercial streetscape along Gladstone Avenue, resolves through block vistas from adjacent parcels, particularly from Fernwood Road, invites connectivity to the street on three levels, and affords a complementary massing, proportionate in scale, fenestration and materiality to the village core.

Impacts

The proposal both complements the Village core and improves the streetscape, providing animation through the proposed uses and density. The immediate neighbours will benefit from a betterment of the current site conditions – including the erection of a new structure, the inclusion of landscape areas which complement the streetscape and the introduction of mixed uses transitioning the village to multi-family residential.

Design and Development Permit Guidelines

The proposal will conform to the referenced applicable guidelines for DPA 6B (HC) including the advisory design guidelines for buildings, signs and awnings and guidelines for fences, gates and shutters. In addition, the proposal meets the guideline which encourages the building “to have shop windows and building entrances that are oriented to face the street”.

In addition, the project will also reflect the objectives of DPA 16: General Form and Character, specifically:

- “To support commercial...and multi-unit residential developments that provide a sensitive transition to adjacent and nearby areas with built form that is often three storeys, or lower”;
- “To integrate commercial...and multi-unit residential buildings in a manner that is complementary to established place character in a neighbourhood...including its heritage character”;
- “To enhance the place character of established areas and their streetscapes through high quality architecture, landscape and urban design that responds to each distinctive setting through sensitive and innovative interventions”;
- And “to achieve more livable environments through considerations for human-scaled design, quality of open spaces, privacy impacts, [and] safety”.

Safety and Security

The proposal embraces key CPTED principles. The massing and its orientation to the street and adjacent sites promotes natural surveillance. Walkways, fencing, lighting and signage promote movement to and from the building’s entrances, creating strong connections to the street, overlook and visibility. Public and private is clearly delineated through paving treatments, signage and building edge, reinforcing ownership/control thereby discouraging trespassing or nuisance behavior. Finally, the project benefits from local ownership and the presence of the owner in the community ensuring that the project is maintained, not neglected, thereby discouraging negative activity.

Transportation

The project does not meet the vehicle parking standards of Schedule C. The proposal reinforces the promotion of neighbourhood oriented services within an existing village core, prioritizing a pedestrian and bicycle culture over vehicle users. Within the context of the dimensional and topographical constraints of the physical site, the provision of onsite parking is impractical. It is understood that a broader community wide plan is necessary to address street parking for transient visitors to the neighbourhood.

The project meets the bicycle parking standards of Schedule C with provisions for residents and visitors/customers.

The proposal is situated along the Gladstone Avenue Greenway. The proposed project enhances the greenway with the inclusion of a gracious patio, animating the commercial activity of the street while preserving an existing mature specimen tree.

Heritage

The existing single family house on the property has no heritage status. No heritage buildings will be impacted by the proposed development.

Green Building Features

The proposed development occurs on an existing developed site within an urban village, therefore the ecological footprint of the larger community is not expanded. Socially, the project reflects demand in the immediate community for local commercial activities and small scale commercial office/residential flexible units.

While no specific metric or green rating system will be pursued on the project, best practices with respect to durability, energy efficiency, water conservation, construction waste management, and the specification of quality, low toxicity materials will be applied. The project, if financially feasible, will endeavor to incorporate solar hot water pre-heat panels to offset domestic water heating uses within the building.

Infrastructure

Preliminary review of engineering infrastructure confirms adequate capacity for sewer, storm and water for the proposed development. It is anticipated that a detailed design and review will confirm the necessary capacity.

As the proposal is located within an existing village, the project will benefit from direct access to pedestrian and bicycle infrastructure, as well as a significant park space, access to a community centre and local commercial services.

Summary

We believe that our proposal represents a sensitive, neighbourhood-scaled building that meets many civic goals while also strengthening the fabric of our neighbourhood. Our organization owns the building across the street (the Cornerstone Building), and an adjacent office building at 2009 Fernwood Road. We also have an option to purchase two further nearby properties at 2013 and 2017 Fernwood Road. We will be coming back to Council later this year with a further proposal to redevelop those properties as affordable housing for families. Our organization has been a vital part of Fernwood for 35 years and our interests lie in building sensitive, attractive, functional and efficient buildings that will become Fernwood landmarks for generations to come.

Sincerely,



Lee Herrin
Executive Director

APPLICATION FOR REZONING, DEVELOPMENT PERMIT & OCP AMENDMENT



State Apartments				
	1	2	3	4
Room	101	102	103	104
Room	105	106	107	108
Room	109	110	111	112
Room	113	114	115	116
Room	117	118	119	120
Room	121	122	123	124
Room	125	126	127	128
Room	129	130	131	132
Room	133	134	135	136
Room	137	138	139	140
Room	141	142	143	144
Room	145	146	147	148
Room	149	150	151	152
Room	153	154	155	156
Room	157	158	159	160
Room	161	162	163	164
Room	165	166	167	168
Room	169	170	171	172
Room	173	174	175	176
Room	177	178	179	180
Room	181	182	183	184
Room	185	186	187	188
Room	189	190	191	192
Room	193	194	195	196
Room	197	198	199	200

[illegible][illegible]

A0.00

BC Land Surveyors Site Plan of
1310 Gladstone Avenue

Legal - The West 1/2 of Lot 7, Section 75, Victoria District, Plan 277

Parcel Identifier: 009-192-026

Scale - 1:200



All distances are shown in metres

The intended print size is 11" by 17"

Tree diameters are in centimetres

Can date photographs taken 10-06-2013

Site Area = 362 m2

November 6 2013

File: 11_541 Site 115

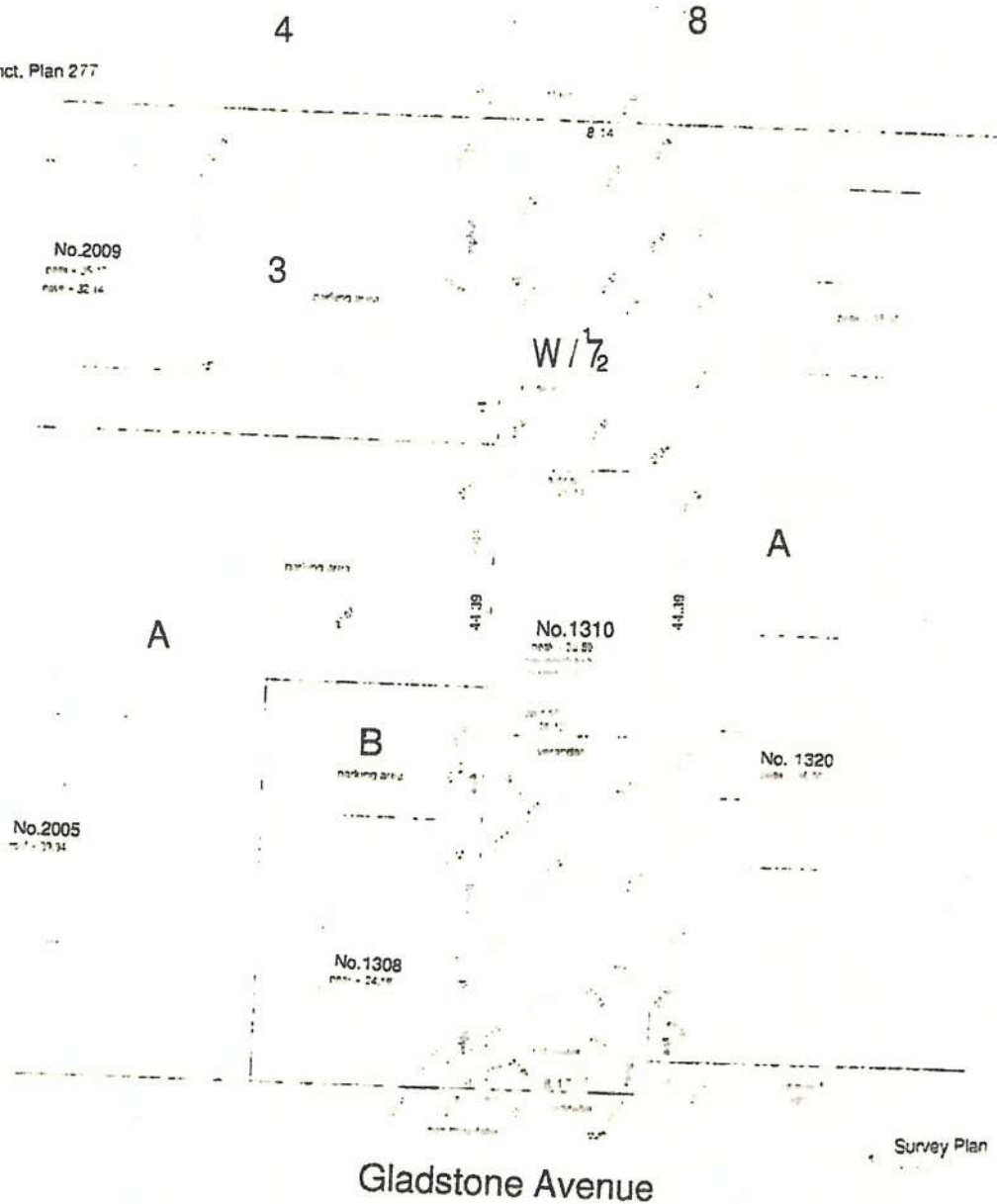
POWELL & ASSOCIATES

BC Land Surveyors

201-9950 Douglas Street

Victoria, BC V8T 4N4

phone (250) 382-9855



CHRISTINE
ARCHITECT

Proposed
Development

1310 Gladstone Avenue
Victoria, BC

Survey Plan

A1.00



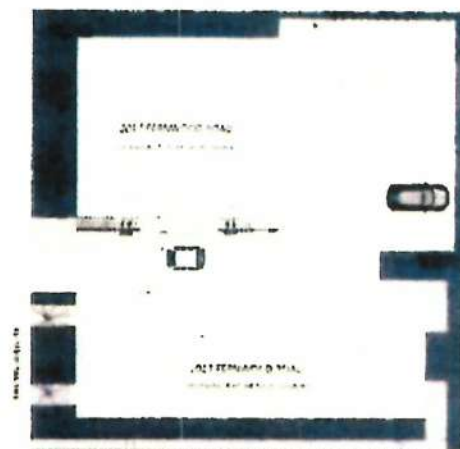
PROPOSED DEVELOPMENT LOCATION
1310 GLADSTONE AVENUE

Proposed Development

2310 Gladstone Avenue
Victoria BC

Use Control Plan

A1.01



FERNWOOD ROAD



● 中国书画函授大学肇庆分校

1920 CLAIM NO. 451

1 Overall Site Context

GLADSTONE AVENUE

CHRISTIAN
INSTITUT
ARCHITECT



EXISTING GLADSTONE STREET ELEVATION



PROPOSED GLADSTONE STREET ELEVATION



EXISTING FERNWOOD STREET ELEVATION



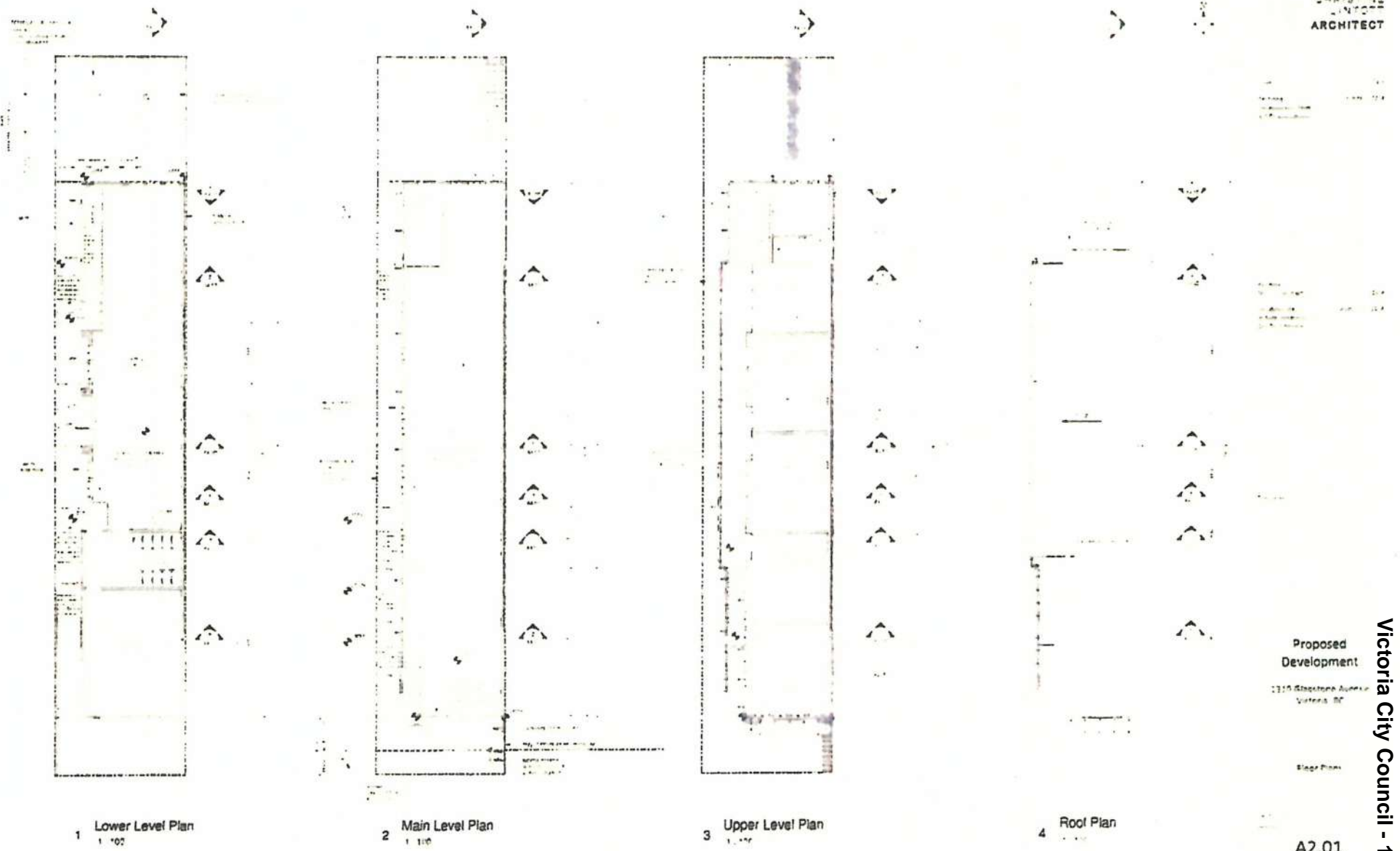
PROPOSED FERNWOOD STREET ELEVATION

Proposed
Development
1310 Gladstone Avenue
Victoria, BC

Context Street Elevations

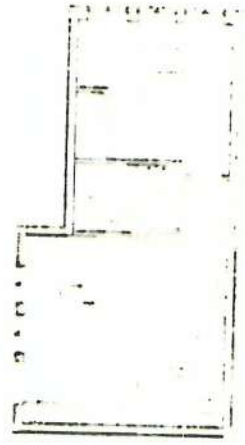
A1.02

CHRISTINE
LINTOTT
ARCHITECT

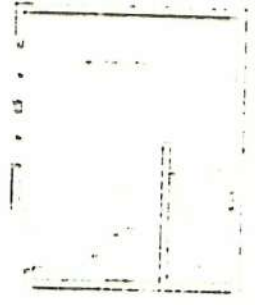


A2.01

CHRISTINE
ARCHITECT



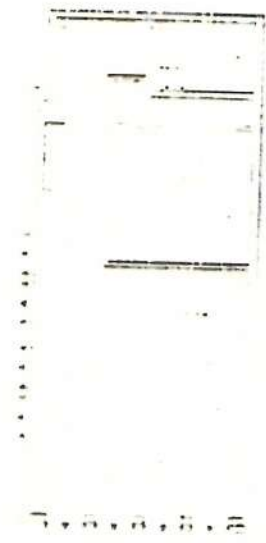
1 Unit 1 Plan



3 Unit 2 Plan



5 Unit 3 Plan



7 Unit 4 Plan



2 Unit 1 Plan



4 Unit 2 Plan



6 Unit 3 Plan

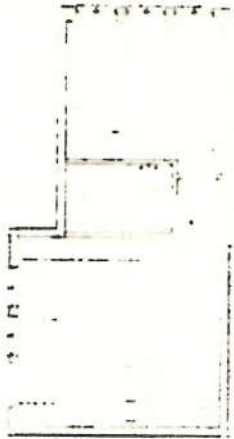


8 Unit 4 Plan

Proposed
Development
1115 Sandstone Avenue
Victoria BC

Enlarged Residential Plans

A2.02



1 Unit 1 Office Plan



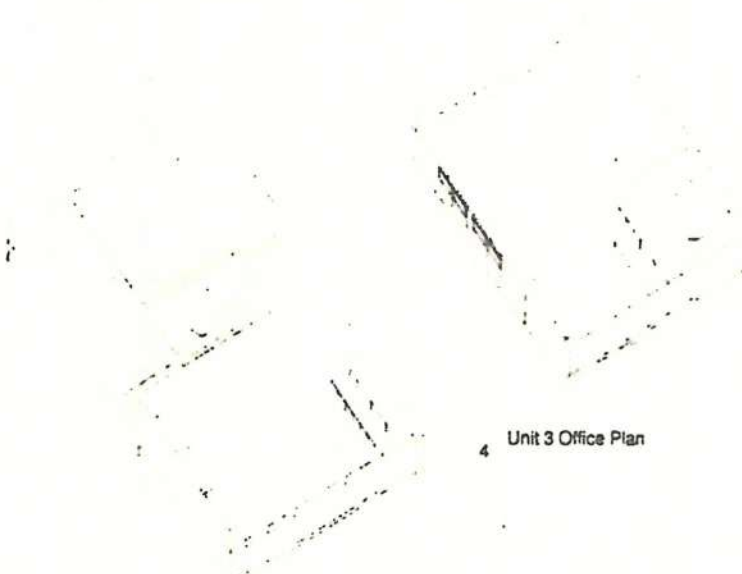
3 Unit 2 Office Plan



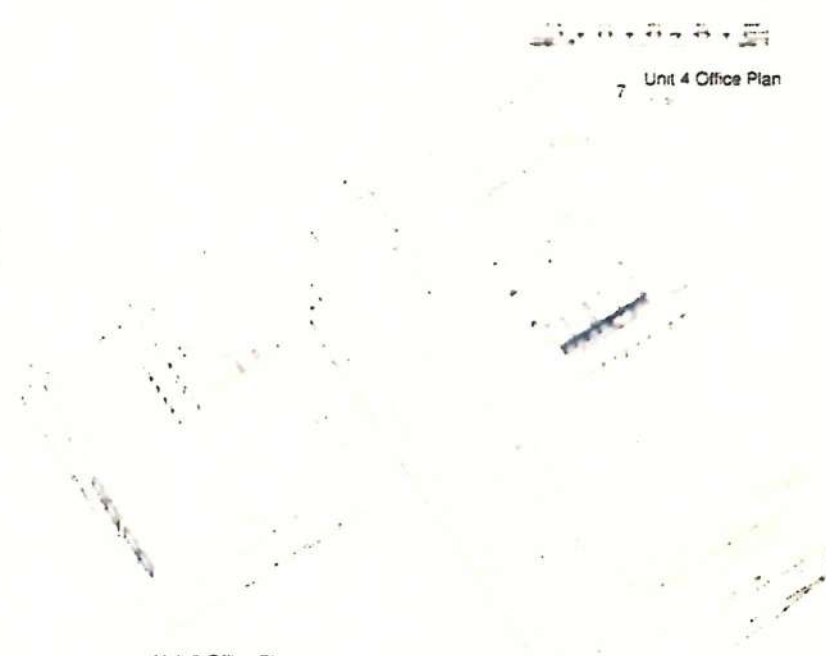
5 Unit 3 Office Plan



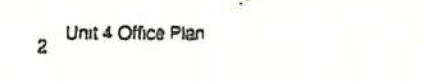
7 Unit 4 Office Plan



4 Unit 3 Office Plan



6 Unit 2 Office Plan



2 Unit 4 Office Plan



8 Unit 1 Office Plan

Proposed
Development

1800 Glenhurst Avenue
Victoria BC

Unit 1 Office Plan

A2.03

CHRISTIAN
ARCHITECT

2 South Elevation

West Elevation

3 Guardrail Section

Window & Door Schedule

Proposed
Development

1310 Gladstone Avenue
Victoria BC

Exterior Elevations

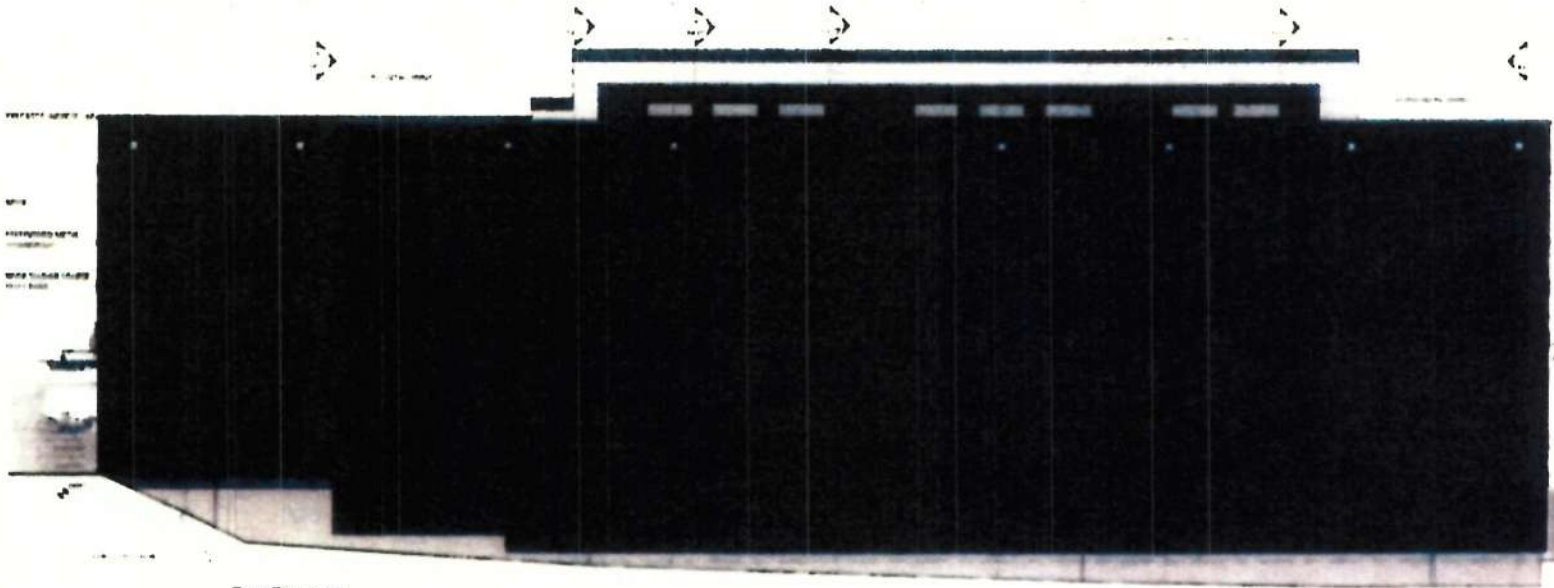
A3.01

CHRISTINE
LINTO
ARCHITECT

2 North Elevation



1 East Elevation



Proposed
Development

1310 Glenora Avenue
Victoria BC

Exterior Elevations

A3.02

CHRISTINE
ARCHITECT

1 Spatial Separation South

2 Spatial Separation North

3 Spatial Separation East

4 Spatial Separation West

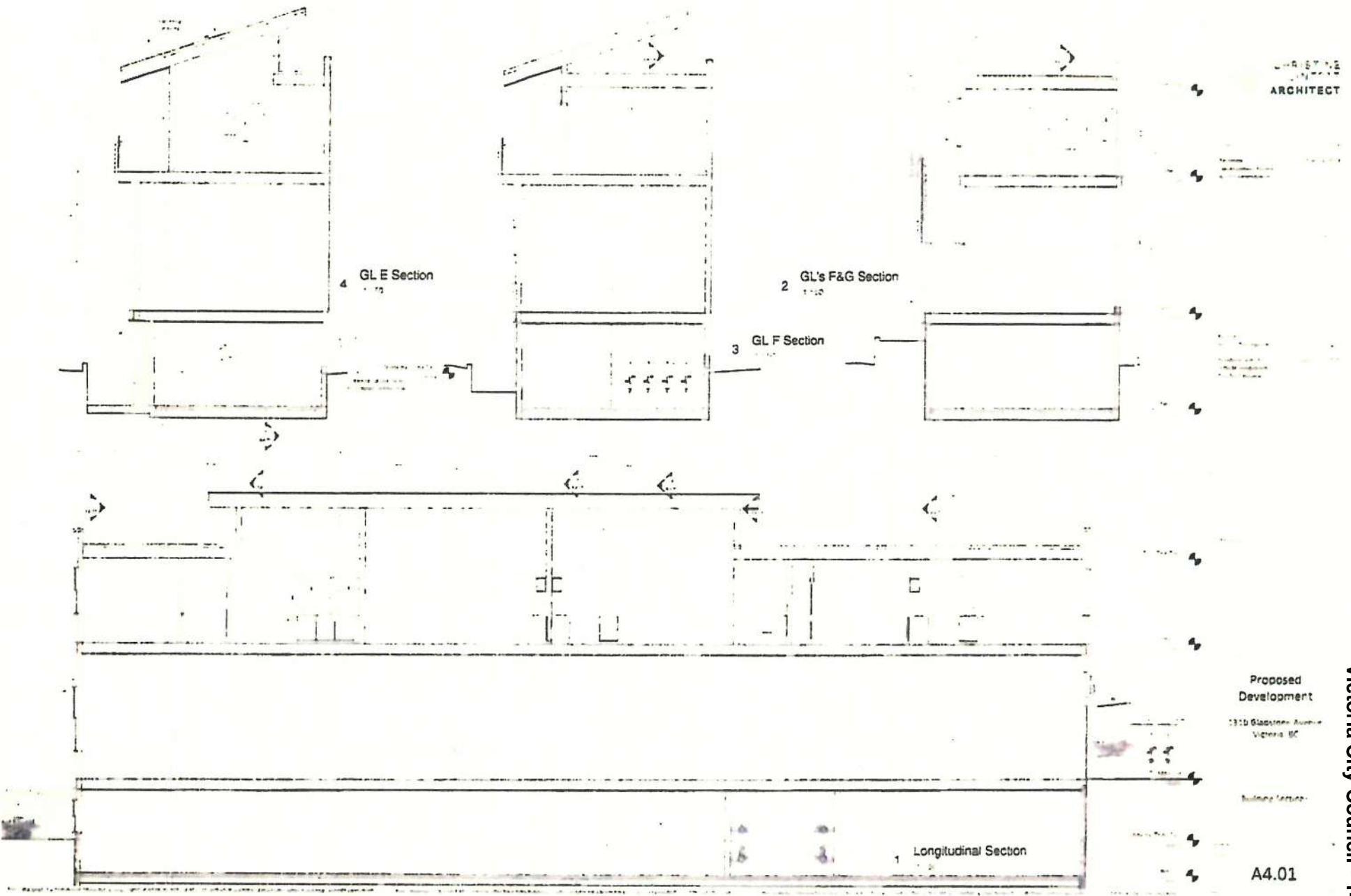
Proposed
Development

1310 Glenview Avenue
Lumby BC

Existing Boundary - Town Centre

A0.01

CHRISTINE
ARCHITECT



CHRISTINE
ARCHITECT

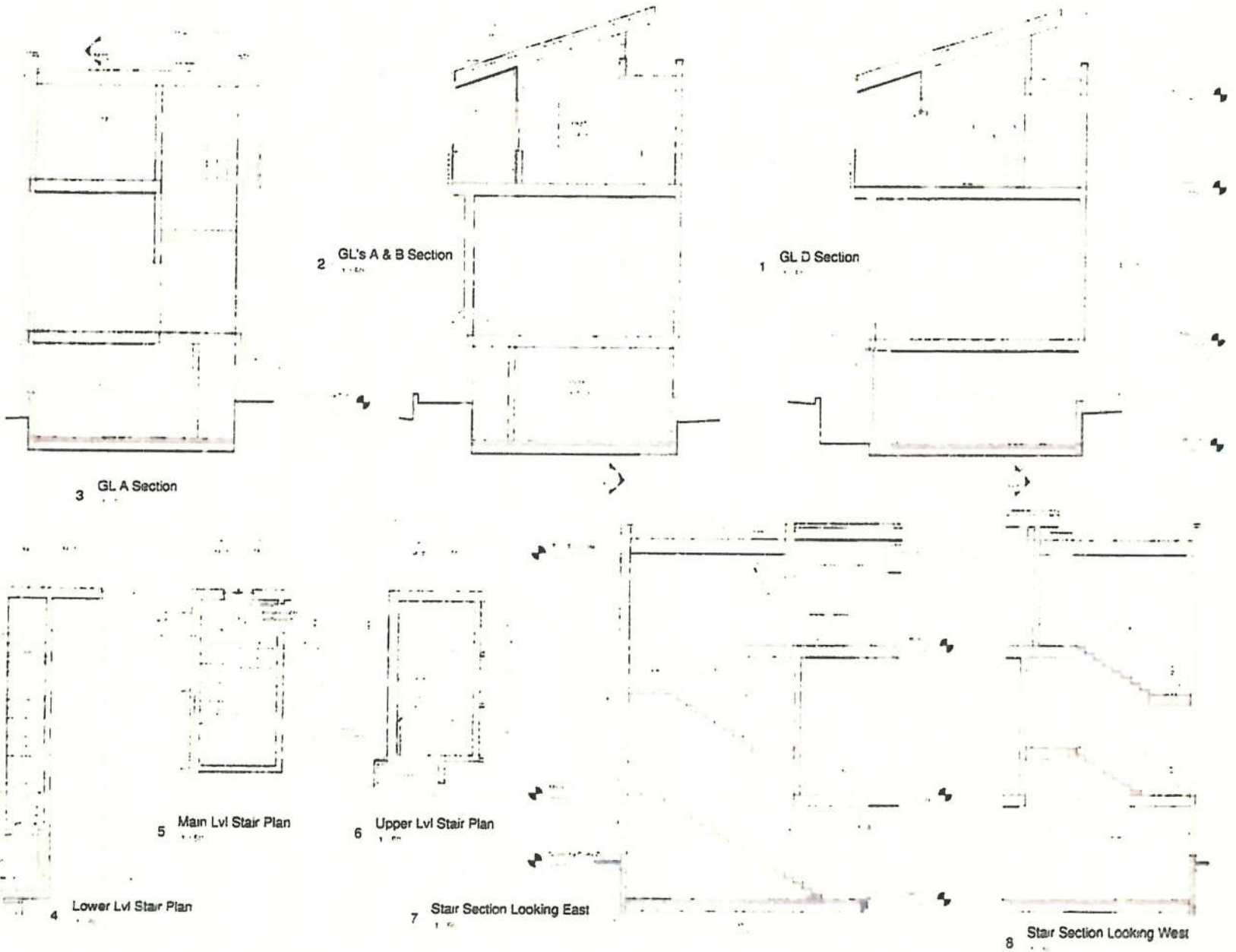
Proposed
Development

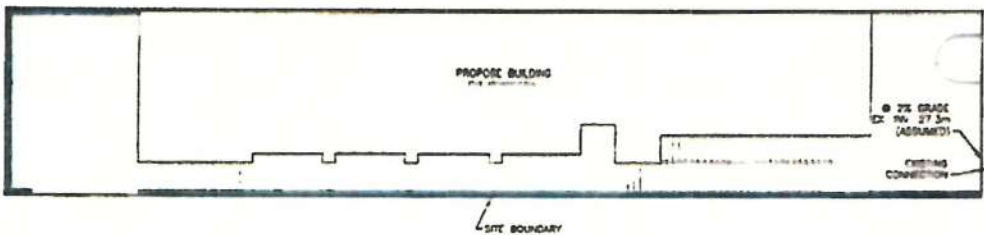
1312 Glenstone Avenue
Victoria, BC

Building Formwork & Staircase

A4.02

Victoria City Council - 14 Jul 2016





GLASSING AND NEW

EX. 10. 17.0m
(INTERPOLATED)

EX. 10. 17.0m
(ASSUMED)
PROPOSED
CONNECTION

PRELIMINARY

LEGAL PLAN & AND SURVEY
INFORMATION PROVIDED BY POWELL &
MCCOY & CO. LAND SURVEYORS

SEE ARCHITECTURAL, LANDSCAPE,
MECHANICAL & ELECTRICAL DRAWINGS
FOR ADDITIONAL INFORMATION



McElhanney
McElhanney Consulting Services Ltd

1311 CLADSTONE AVENUE

ST. HAN

10-12-10



Talbot Mackenzie & Associates

Consulting Arborists

June 12, 2014

Fernwood Neighbourhood
Resource Development Group
1310 Gladstone Avenue
Victoria, BC

Attention: Lenore Rankin

Re: 1310 Gladstone Avenue

During our June, 06, 2014 site visit, at your request, we were assigned to visually examine the health and structural characteristics of the above-ground portions, trunk, crown and root collar of a 100 cm d.b.h. Big Leaf maple tree located in the front garden of the property at 1310 Gladstone Avenue. For the purpose of detecting internal cavities and decay, we also took resistograph readings from the lower trunk and root collar and inspected cavities and pruning wounds in the canopy, at the location where the tree was previously topped.

The following information and observations were compiled during this site visit:

1. The tree is located in a relatively high use commercial/residential neighbourhood with street parking, and frequent foot traffic that passes beneath its canopy.
2. The root system of this tree is confined to a relatively small planting location bounded by the adjacent buildings and a concrete retaining wall along the street.
3. A hydro primary conductor and communication service lines pass through and conflict with the canopy growth.
4. It appears that the tree may have been topped or radically pruned historically to address these service conflicts, and the tree canopy has since grown above this topping/pruning location. Large occluded and open wounds are also visible at this location. A large open cavity is visible on the lowest scaffold limb that extends to the east over the sidewalk and neighbouring property.
5. The visual indicators in the tree canopy, i.e. foliage size, colour and density and annual growth shoot elongation indicate that the tree is reasonably healthy.
6. Fruiting bodies of the *Kretzschmaria deusta* wood decay pathogen are visible and attached to the lower trunk at the root collar. *Kretzschmaria deusta* is a disease pathogen that breaks down both cellulose and lignin in the wood tissues, causing a white rot that attacks the trunks, root collar and structural roots in many deciduous tree species. The disease is difficult to diagnose visually or through sampling as there is seldom evidence of a decline in tree health, and internal cavities may not form within the trunk tissues as the strength of the wood degrades. Infected trees may fail as a result of the infection and deterioration of the structural roots, without any evidence of decline in the tree canopy.

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

.../2

7. The resistograph readings taken detected an internal cavity within the root collar; however, there may not be a large cavity opening present within the trunk even though the strength of the wood tissues have degraded. Decay within the root collar was found to be extensive and a large cavity present. The readings were generally low on all sides of the trunk, which indicates infected wood tissues that are dead or have lost structural strength. Increment core samples were also taken to confirm the resistograph findings. The samples show a narrow band of live wood tissues surrounding the circumference of the trunk that is bordered by a zone line. The tissues beyond this zone line show evidence of infection by the decay pathogen and a progressive deterioration in tissue quality and structure toward the centre of the trunk.

The two main risk factors identified for this tree are the large cavity in the low scaffold limb, and the decay and cavity associated with the infection by the identified decay pathogen. This risk assessment will span over a three year time frame, and, as such, it is our opinion that within this period there is a moderate to high risk that either the low scaffold limb or the entire tree will fail as a result of the defects that were detected.

The options to mitigate this risk are:

1. To remove the tree entirely which will remove the existing and any residual risk associated with retaining the tree.
2. To prune the canopy to reduce its overall size and spread by approximately 30% of its present size and reduce the length and size of the low scaffold limb. This will lower the existing and residual risk; however, as this decay pathogen is known to cause whole tree failure due to the deterioration of the root system, or trunk shearing as a result of weakened brittle wood tissues, the tree's function in the landscape will be short term and, ultimately, its removal will be required.

In our opinion, from the information compiled during our examination, this is not a tree that you can retain in the landscape in the long term. Theoretically, it could possibly survive as long as ten to twenty years if crown reduction pruning is completed on a cyclical basis to control the height and spread of its canopy and if the decay pathogen does not spread rapidly within the root system. The rate that the decay pathogen spreads within the tissues is likely to increase if the vitality of the tree is impacted by the proposed construction on the property. The risk of failure will also increase in future years as the decay continues to spread and consume wood tissues.

Given the modifications to the proposed building entrance and access from the street that will be required, and the precautions that will have to be adhered to during this construction period, it may be more beneficial to remove the tree prior to the construction and replant it with a healthy structurally sound specimen that can be retained as a permanent part of the landscape.

Should you decide to retain this tree, we recommend that it be examined on a three year cycle.

1310 Gladstone Avenue

June 12, 2014

Page 3

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

Yours truly,
Talbot Mackenzie & Associates



Tom Talbot & Graham Mackenzie
ISA Certified & Consulting Arborists

Disclosure Statement

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

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

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

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



1923 Fernwood Road
Victoria, BC V8T 2Y6

Phone: (250) 384-7441
Email: landuse@fernwoodvic.ca

March 7, 2014

Mayor and Council
City of Victoria

Re: 1310 Gladstone Avenue

The proposal to rezone 1310 Gladstone Avenue from R1-B to a Site-Specific zone - allowing construction of a three-storey multi-use building - was formally presented at the Fernwood Community Association Land Use Committee meeting January 8, 2014. 35 people attended this meeting. (A preliminary community meeting had been held on November 6, 2013.)

Comments and questions were plentiful, especially regarding how this development would relate to future development of three other nearby properties recently purchased by the Neighbourhood Resource Group (2009, 2013 and 2017 Fernwood Rd), and the potential total impact on the surrounding area. The allotted time proved inadequate, so a follow-up meeting was held on February 4, 2014 to allow a more fulsome discussion.

This proposed mixed-use building will be primarily commercial with four residential rental units - two bachelor and two one-bedroom. The proponent may be requesting permission to rent some of the residential units as commercial units. A total variance to the number of parking spaces is being requested.

At the community meetings, supporters endorsed more commercial space and generally didn't think the proposed full parking variance is an issue. Those opposed believe we have enough commercial activity in the area and that parking is a chronic problem that this proposal will only exacerbate. The strongest concerns come from those people living in the same block of Gladstone Avenue

The Fernwood Neighbourhood Plan recommends that R1-B zoned lands on Gladstone be retained. This is consistent with the 2012 Official Community Plan (OCP), which does not include this property in the designated Small Urban Village Development Permit Area (Map 49, page 200). 1310 Gladstone Avenue, along with the remainder of the block, remains 'Traditional Residential'. The description of 'Traditional Residential' (6.1.5 page 35) includes '...mixed-use buildings up to three stories in height located along arterial and secondary arterial roads'. The OCP does not identify Gladstone Avenue as either an arterial or secondary arterial road. (Map 4 Page 54).

The OCP envisions the population in the 'Traditional Residential' areas increasing over time through infill and redevelopment, consistent with density and use ranges set out in the document (6.22, page 49).

Anticipating this eventual population increase, the OCP's strategic direction for Fernwood's Small Urban Village includes the following: "Consider expanding Fernwood Village to provide capacity for a broader range of businesses and services for residents within walking distance." (21.8.4 page 145). The OCP's vision for Fernwood's Small Urban Village in the citywide context has commercial activity primarily serving local people (21.7.2 page 145).

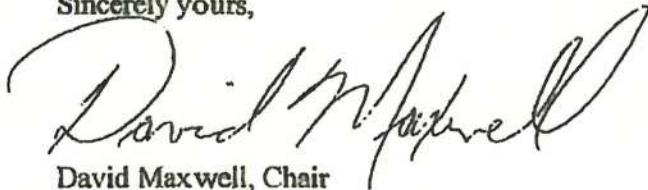
Of the identified Small Urban Villages in the OCP, Fernwood's Small Urban Village currently has the largest number of commercial and arts activities that serve both local residents and the greater Victoria area; the Belfry Theater, Theater Inconnu, Fernwood Inn, Stage Wine Bar, a methadone clinic, dentist, CaVa Restaurant, Pandora Arts, a Yoga Studio, hairdresser and others. To be consistent with the vision expressed in the OCP, it could be argued that Fernwood's Small Urban Village should not be expanded until the population in the area has increased. Current commercial and arts activities in Fernwood's Small Urban Village contribute to parking concerns that are expressed regularly by neighbouring residents.

If this property were to be included in Fernwood's Small Urban Village Development Permit Area the current proposals FSR is greater than the FSR of 1.5:1 shown for Small Urban Villages in the OCP (p 39).

The OCP is a thirty-year vision document, a road map of sorts, allowing for changes to occur incrementally over time. This proposal places the burden of increasing commercial development, somewhat unexpectedly, on the remaining residential section of Gladstone Avenue. This contradicts the stated position and spirit of the OCP concerning developments in 'Traditional Residential' areas. (6.22, page 49).

In light of the above, a proposal to develop a creative duplex or triplex with parking underneath would be more in keeping with both the Fernwood Neighbourhood Plan and the OCP.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'David Maxwell', is written over a horizontal line.

David Maxwell, Chair
Land Use Committee
Fernwood Community Association

Pc: Development Services Division, Sustainable Planning and Community Development
Department, City of Victoria



Planning and Land Use Committee Report

For the Meeting of October 16, 2014

To: Planning and Land Use Committee **Date:** October 2, 2014

From: Helen Cain, Senior Planner, Development Services Division

Subject: Official Community Plan Amendment Application, Rezoning Application #00435 and Development Permit Application #000354 for the property located at 1310 Gladstone Avenue

Executive Summary

The purpose of this report is to provide Council with information, analysis and recommendations regarding an Official Community Plan Amendment Application, a Rezoning Application and a Development Permit Application for the property located at 1310 Gladstone Avenue. The proposal is for a new three-storey building with commercial uses at street level, and commercial or residential use on the upper storey with a floor space ratio (FSR) of 1.49:1.

The following points were considered in assessing these applications:

- The OCP designates the subject property as Traditional Residential, but the lot is adjacent to Fernwood Village, where the OCP envisions densities up to 1.5:1 FSR with potential bonus density up to a total of approximately 2.5:1 FSR. This proposal is aligned with objectives and policies in the OCP and *Fernwood Neighbourhood Plan 1994*.
- A list of potential commercial and residential uses are proposed that together would require between 11 and 26 parking stalls depending on the actual uses located on the site. The proposal includes two parking stalls in the rear yard, bicycle racks and storage spaces in compliance with Schedule C of the *Zoning Regulation Bylaw*. To further offset the on-site parking shortfall, the applicant has agreed to provide one Car Share membership per residential unit and commercial unit.
- The applicant has also agreed to secure four rental housing units in perpetuity and to provide a Statutory Right-of-Way to support the implementation of the Gladstone People-Priority Greenway.
- Staff consider the proposed design to align with objectives for the Development Permit Area and Heritage Conservation Area 6B Small Urban Villages Heritage, DPA 6B (HC).

Staff recommend that Council amend the OCP to designate the subject property as Small Urban Village and to include the lot in DPA 6B (HC), and to advance the applications to a Public Hearing.

Recommendations

1. That Council direct staff to prepare the necessary Official Community Plan Amendment Bylaw and that concurrent with the Rezoning Application advance to a Public Hearing:
 - a. That Council give first reading to the Official Community Plan Amendment Bylaw;

- b. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2012-2016 Financial Plan and the *Capital Regional District Liquid Waste Management Plan* and *Capital Regional District Solid Waste Management Plan* pursuant to Section 882(3)(a) of the *Local Government Act* and deem those plans to be consistent with the proposed *Official Community Plan Amendment Bylaw*;
 - c. That Council consider consultation under Section 879(2) of the *Local Government Act* and determine that no referrals are necessary with the Capital Regional District Board; Councils of Oak Bay, Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District Board; and the provincial and federal governments and their agencies due to the nature of the proposed amendments;
 - d. That Council give second reading to the Official Community Plan Amendment Bylaw;
 - e. That Council refer the Official Community Plan Bylaw Amendment Bylaw for consideration at a Public Hearing.
2. That Council direct staff to prepare the *Zoning Regulation Bylaw* Amendment Bylaw that would authorize the proposed development outlined in Rezoning Application #00435 for 1310 Gladstone, subject to:
- a. registration on the relevant property title of the following:
 - i. Section 219 Covenant to the satisfaction of the City Solicitor and Director of Sustainable Planning and Community Development for an easement through the driveway of the property located at 2009 Fernwood Road;
 - ii. Housing Agreement to the satisfaction of the City Solicitor and Director of Sustainable Planning and Community Development to ensure that the self-contained dwelling units are rental in perpetuity;
 - iii. Statutory Right-of-Way of 1.524 m along Gladstone Avenue to the satisfaction of the City Solicitor and Director of Engineering and Public Works,
 - iv. Section 219 Covenant for sewage attenuation, as required, to the satisfaction of the City Solicitor and Director of Engineering and Public Works;
 - v. Car Share Agreement for each residential and commercial unit to the satisfaction of the City Solicitor, Director of Sustainable Planning and Community Development, and the Director of Engineering and Public Works.
 - b. securing the requisite monetary deposit to the Victoria Car Share Co-op to be held in trust by the applicant's lawyer, to the satisfaction of the City Solicitor and Director of Engineering and Public Works.
3. Following consideration of the Official Community Plan Amendment Bylaw and Rezoning Application #00435, that Council approve a Development Permit for 1310 Gladstone Avenue, in accordance with:
- a. Plans for Rezoning Application #00435 and Development Permit Application #000354, stamped August 11, 2014;
 - b. Development meeting all Zoning Regulation Bylaw requirements;

- c. Final plans to be generally in accordance with plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

Respectfully submitted,

Helen Cain

Helen Cain
Senior Planner
Development Services Division

AM

D.E. Day

Deb Day, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

Date:

[Signature]

Jason Johnson
October 14, 2014

HC:lw/aw

S:\TEMPEST_ATTACHMENTS\PROSPERO\PLUREZ\REZ00435\PLUC_OCT16_GLADSTONE_1310.DOC

1.0 Purpose

The purpose of this report is to present Council with information, analysis and recommendations regarding an Official Community Plan Amendment Application, a Rezoning Application and a Development Permit Application for the property located at 1310 Gladstone Avenue.

2.0 Background

2.1 Description of Proposal

The proposal is to rezone from the R1-B Zone (Single Family Dwelling District) to a new zone to permit a three-storey mixed-use building with commercial uses on the first and second storeys, and either office or four housing units on the third storey. These applications also include a request to amend the Official Community Plan (OCP) to include the subject site in Fernwood Village, which would require changing the land designation from Traditional Residential to Small Urban Village.

As stated in the applicant's letter (August 14, attached), the Fernwood Neighbourhood Resource Group (FNRG) is requesting a list of uses to accommodate potential tenants:

- retail
- office
- bakery
- hair salon
- yoga studio
- spa treatment
- bicycle repair shop
- food and drinking establishment.

The applicant's letter has also identified the potential location in the building and floor space for the uses as summarized in the chart below.

Proposed Use	Maximum Floor Space	Schedule C Requirements
First storey (108 m² in total)		
Athletic instruction (yoga studio) or	108 m ²	11
Retail	108 m ²	3
Second storey (175 m² in total)		
Food and drinking establishment or	175 m ²	10
Retail	175 m ²	5
Third storey (149 m² in total)		
Office or	149 m ²	3
Multiple dwelling (four units)	4 (149 m ²)	5

For these proposed commercial and residential uses, Schedule C requirements for vehicle parking would range between 11 and 26 stalls. The proposal includes two parking stalls at the rear of the proposed building with access through an easement along the driveway on the property located at 2009 Fernwood Road, which the FNRG owns. Compared to Schedule C, there would be a shortfall in parking stalls ranging from nine and 24 parking stalls depending on

the actual uses on the site at any given time. To help offset the potential impact on the availability of street parking in the vicinity of the subject site, the applicant has agreed to provide a Car Share membership for each residential and commercial unit, and would meet the Schedule C requirements for bicycle racks and bicycle storage spaces.

The proposed site plan, architecture and landscape design would include:

- building form and massing that is narrow, long, and set back from the street with space for a patio connecting the private to the public realm
- large storefront windows and exterior stairs and balconies on the third storey to connect activity in the building to people on the street
- exterior finishes of brick siding on the west, north and south elevations, horizontal wood siding on the east elevation and a metal roof
- decorative paving stones with landscape strips in the rear parking lot.

2.2 Green Building Features

The applicant's letter (March 7, 2014, attached) states that the Building Permit phase would endeavour to follow best practices with respect to energy and water conservation, construction waste management and use of high quality, durable materials with low toxicity.

2.3 Existing Site Development and Development Potential

The data table (below) compares the proposal with the neighbouring C-1 Zone (Restricted Commercial District). The proposal is less stringent than the zone standards for criteria identified with an asterisk.

Zoning Criteria	Proposal	Zone Standard C-1 Zone
Site area (m ²) – minimum	362.00	n/a
Total floor area (m ²) – maximum	540.23	n/a
Residential location	None on ground floor	None on ground floor
Density (Floor Space Ratio) – maximum	1.49:1*	1.4:1
Height (m) – maximum	10.56	12.00
Site coverage (%) – maximum	62	n/a
Open site space (%) – minimum	32	n/a
Storeys – maximum	3	n/a
Setbacks (m) – minimum		
North (rear)	7.50	6.00
South (south)	3.50*	6.00
East	0.00*	2.64
West	1.10*	3.00

Zoning Criteria	Proposal	Zone Standard C-1 Zone
Parking – minimum	2*	11 to 26 (actual uses would dictate parking requirement. 26 stalls indicates the highest parking requirement based on the combination of uses)
Visitor parking – minimum	1*	1 to 2 (actual uses would dictate parking requirement. Two stalls indicates the highest visitor parking requirement based on the combination of uses)
Bicycle storage – minimum	12	12
Bicycle rack – minimum	6*	12

2.4 Land Use Context

The immediately adjacent land uses are:

- North: three single-family dwellings
- South: townhouses
- West: one commercial building and a commercial and residential mixed-use building
- East: townhouses.

2.5 Legal Description

The west ½ of Lot 7, Section 75, Victoria District, Plan 277.

2.6 Consistency with City Policy

2.6.1 Official Community Plan, 2012

The proposal is aligned with objectives and policies in the OCP related to complete villages, placemaking, and strategic directions for the Fernwood neighbourhood. OCP Objective 6(f) provides direction to progress towards complete villages over time and Policy 6.1.7 states that Small Urban Villages should have commercial and community services in low-rise, ground-oriented, mixed-use buildings of up to four storeys on arterials and three storeys in other locations. Policy 21.8.4 provides direction to consider the expansion of Fernwood Village.

The proposed mixed-use building would require an OCP amendment because the subject property is designated Traditional Residential, where ground-oriented housing is the norm with apartment and mixed-use buildings on arterial and secondary arterial roads. Given the location of this lot adjacent to Fernwood Village and the overall fit of the proposal with OCP policies, staff recommend that Council change the land designation to Small Urban Village.

On a related matter, new development in Fernwood Village is subject to control and regulation in the Development Permit Area and Heritage Conservation Area 6B Small Urban Village Heritage, DPA 6B (HC). Staff consider this proposal to be aligned with DPA 6B (HC) objectives for revitalization of Fernwood Village through infill that is sensitive to existing place character. Accordingly, an OCP amendment to include the subject site in DPA 6B (HC) and to apply the associated guidelines in review and consideration of the proposed design would be appropriate.

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

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

2.6.2 Fernwood Neighbourhood Plan, 1994

The *Fernwood Neighbourhood Plan, 1994*, emphasizes the revitalization of Fernwood Village as the commercial hub of the neighbourhood. This plan contains a "summary map" that illustrates land uses and related policies, including the boundaries of Fernwood Village and the associated Development Permit Area and Heritage Conservation Area. As the map can be interpreted to show the subject property as located within Fernwood Village, the proposed mixed-use building is compatible with the local area plan.

2.8 Community Consultation

In accordance with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning Applications*, the applicant consulted with the Fernwood CALUC on January 8, 2014 and February 4, 2014. A letter from the CALUC is attached to this report.

3.0 Issues

The main issues related to these applications are:

- Fernwood Village expansion
- design review and analysis
- loss of front yard Maple tree
- vehicle parking shortfall.

4.0 Analysis

4.1 Fernwood Village Expansion

This proposal is aligned with key directions in the OCP and *Fernwood Neighbourhood Plan* to expand Fernwood Village as a commercial area. The OCP amendment to designate the subject property as located in a Small Urban Village is a logical extension of this neighbourhood hub. Moreover, the new mixed-use building would contribute to DPA 6B (HC) objectives to revitalize

Fernwood Village and the proposed design is well-suited to the character of this historic district. Should Council advance these applications to a Public Hearing, staff recommend another OCP amendment to expand DPA 6B (HC) to include the subject property within this DPA.

4.2 Design Review and Analysis

The proposed design for the new mixed-use building has been reviewed in relation to DPA 6B (HC), where form, character and finishes and landscaping details are controlled and regulated primarily in relation to the *Buildings, Signs and Awnings Advisory Design Guidelines, 1981*. Staff review and analysis of the design of the proposal are summarized below:

- building form, massing and scale are complementary to the adjacent one-storey commercial building and the three-storey townhouses
- architectural features, such as window openings, and exterior finishes (e.g. brick) that acknowledge the heritage character of Fernwood Village are appropriate
- connections between activity in the building and the street are fostered with shop windows, building entrances and an outdoor balcony on the upper storey.

Overall, staff consider the proposed design to comply with the guidelines for DPA 6B (HC).

4.3 Loss of Front Yard Maple Tree

In an early version of the proposal, the building was set back from the street in the southeast corner of the lot to take advantage of the canopy of the mature Maple tree. In response to staff's request for information, the applicant completed an Arborist Report (attached) which determined that the tree would not survive the construction stage of the development. Accordingly, the Maple tree is removed from the landscape plan, and the site plan was changed to bring the building closer to the street in order to connect the outdoor patio to the public realm.

4.4 Vehicle Parking Shortfall

Based on the current regulations in Schedule C of the *Zoning Regulation Bylaw*, the proposal would require a maximum of 26 vehicle parking stalls. However, some of the proposed uses (fitness facility, eating and drinking establishment) require a high number of stalls. If the list of uses were narrowed to retail on two storeys and housing above, 13 stalls would be required. Should the uses be limited to retail with third-storey offices, the requirement would be 11 stalls. Given the proposed development includes two stalls in the rear yard of the building, the parking shortfall compared to the bylaw requirements would, therefore, range from nine to 24 stalls, based on the current regulations. Residents and visitors of the building would also potentially compete for limited and frequently used two hour on-street parking stalls and would not be permitted to park within the Gladstone Avenue Residential Only Parking Zone, as the subject property is not adjacent to the designated area.

Staff requested a Parking Impact Study from the applicant to help determine the impact of the new mixed-use building on street parking near the Fernwood Avenue and Gladstone Avenue intersection. The applicant has chosen to not provide this report for the following reasons:

- the proponent would prefer to apply the resources required for the Parking Impact Study to the provision of Car Share Membership for all residential and

- commercial units, and
- the applicant is in the process of undertaking an informal study with observational data on street parking conditions, which would be provided to staff, prior to a Public Hearing, should Council decide to move the application forward.

Staff have explored a variety of additional transportation demand management (TDM) measures with the applicant to address the on-site shortfall in parking stalls. These include five year transit passes for residential and commercial units and an end-of-trip facility (showers), as well as the possibility of narrowing the range of uses to retail and residential, or retail and office, to remove the proposed uses with high parking requirements. The applicant has indicated that neither the cost of transit passes or the accommodation of a shower facility within the small building would be feasible, and that a yoga studio and a food and drinking establishment would be essential for the business model for their project.

It should also be noted that, in 2008, staff entered into a community-led engagement process with the Fernwood CALUC and residents, businesses and community groups to address the issue of parking congestion in the vicinity of the Gladstone Avenue and Fernwood Avenue intersection. These efforts resulted in the reduction of an existing resident-only parking zone and expansion of restricted two-hour parking for visitors to shops and community amenities in Fernwood Village. Should the proposal increase the pressure on street parking, and community members wish to extend the restricted parking and/or residential parking zone, staff would further consult with the area stakeholders on options for parking management.

Staff recommend support for the proposal as presented. While the availability of street parking near the subject site is an important issue, the proposed new mixed-use building would contribute to the revitalization of Fernwood Village. The informal study that the applicant is undertaking, in advance of the Public Hearing, would contribute valuable information to help assess the situation, and staff have on-going consultation with the community in efforts to address issues related to parking congestion. Should Council wish to address the parking shortfall more extensively, Council has the option to require additional TDM measures, such as transit passes and/or an end-of-trip facility.

5.0 Resource Impacts

There are no resource impacts anticipated with these applications.

6.0 Conclusions

This proposal for a mixed-use building is aligned with policy direction in the OCP and local area plan to revitalize and expand the area identified as Fernwood Village and the proposed design is well-suited to this historic commercial district. Staff recommend that Council amend the OCP to designate the subject property is part of a Small Urban Village area and within DPA 6B (HC) and advance these applications to a Public Hearing.

7.0 Recommendations

7.1.1 Staff Recommendations

1. That Council direct staff to prepare the necessary Official Community Plan Amendment Bylaw and that concurrent with the Rezoning Application advance to

a Public Hearing:

- a. That Council give first reading to the Official Community Plan Amendment Bylaw;
 - b. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2012-2016 Financial Plan and the *Capital Regional District Liquid Waste Management Plan* and *Capital Regional District Solid Waste Management Plan* pursuant to Section 882(3)(a) of the *Local Government Act* and deem those plans to be consistent with the proposed *Official Community Plan Amendment Bylaw*;
 - c. That Council consider consultation under Section 879(2) of the *Local Government Act* and determine that no referrals are necessary with the Capital Regional District Board; Councils of Oak Bay, Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District Board; and the provincial and federal governments and their agencies due to the nature of the proposed amendments;
 - d. That Council give second reading to the Official Community Plan Amendment Bylaw;
 - e. That Council refer the Official Community Plan Bylaw Amendment Bylaw for consideration at a Public Hearing.
2. That Council direct staff to prepare the *Zoning Regulation Bylaw Amendment Bylaw* that would authorize the proposed development outlined in Rezoning Application #00435 for 1310 Gladstone, subject to:
- a. registration on the relevant property title of the following:
 - i. Section 219 Covenant to the satisfaction of the City Solicitor and Director of Sustainable Planning and Community Development for an easement through the driveway of the property located at 2009 Fernwood Road,
 - ii. Housing Agreement to the satisfaction of the City Solicitor and Director of Sustainable Planning and Community Development to ensure that the self-contained dwelling units are rental in perpetuity,
 - iii. Statutory Right-of-Way of 1.524 m along Gladstone Avenue to the satisfaction of the City Solicitor and Director of Engineering and Public Works,
 - iv. Section 219 Covenant for sewage attenuation, as required, to the satisfaction of the City Solicitor and Director of Engineering and Public Works,
 - v. Car Share Agreement for each residential and commercial unit to the satisfaction of the City Solicitor, Director of Sustainable Planning and Community Development, and the Director of Engineering and Public Works;
 - b. securing the requisite monetary deposit to the Victoria Car Share Co-op to be held in trust by the applicant's lawyer, to the satisfaction of the City Solicitor and Director of Engineering and Public Works.
3. Following consideration of the Official Community Plan Amendment Bylaw and

Rezoning Application #00435, that Council approve a Development Permit for 1310 Gladstone Avenue, in accordance with:

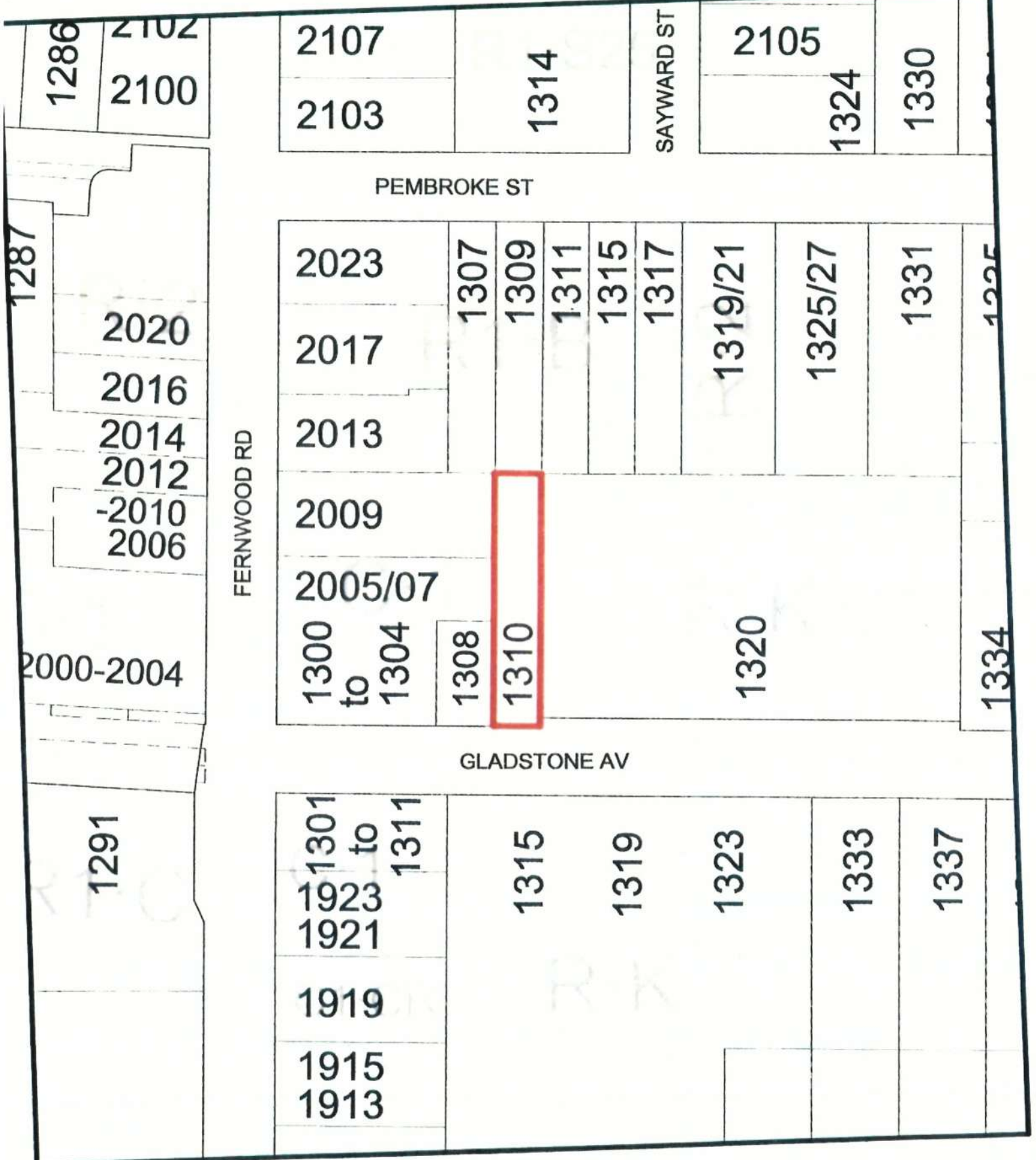
- a. Plans for Rezoning Application #00435 and Development Permit Application #000354, stamped August 11, 2014;
- b. Development meeting all *Zoning Regulation Bylaw* requirements;
- c. Final plans to be generally in accordance with plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

7.2 Alternate Recommendations (Decline)

That Council decline Rezoning Application #00435 and Development Permit Application #000354 for the property located at 1310 Gladstone Avenue.

8.0 List of Attachments

- Aerial map
- Zoning map
- Letters from Lee Herrin, Fernwood Neighbourhood Resource Group, stamped August 14, 2014, and March 7, 2014
- Plans for Rezoning Application #00435 and Development Permit Application #00354, stamped August 11, 2014
- Arborist Report, Talbot & Mackenzie & Associates, dated June 12, 2014
- Letter from Fernwood Community Association Land Use Committee, stamped March 7, 2014.



1310 Gladstone Avenue
 Rezoning #00435
 Bylaw #





1310 Gladstone Avenue

Rezoning #00435

Bylaw #





Fernwood NRG

August 11, 2014

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



RE: 1310 Gladstone Avenue revised proposal for Official Community Plan Amendment, Rezoning and Development Permit Application.

In response to the Application Review Summary dated Wednesday, March 26, 2014, we are pleased to submit our revised proposal for the above noted development. The subject of this letter is to provide an itemized update and clarification of new information on the proposal and should be reviewed in conjunction with the revised, bubbled drawings.

Specifically, the conditions to be met prior to the Planning and Land Use Committee are:

1. ***Consider the registration of an easement on the property at 2009 Fernwood Road to provide off-street parking as well as access and egress to the rear of the subject site.***

Fernwood NRG is prepared to register an easement on the property at 2009 Fernwood Road for the purposes of providing vehicle and pedestrian access to the rear yard of 1310 Gladstone Avenue. An inventory of 7 off-street parking stalls will be accessed, including the inclusion of 2 stalls on the 1310 Gladstone Avenue property.

2. ***Update Landscape Plan to include hard surface materials.***

The Site Plan & Landscape Plan on Sheet A0.00 has been updated with annotations identifying the hard surface materials.

3. ***Please provide at least one colour elevation plan.***

The two primary public elevations on Sheet A3.01 have been resubmitted in colour.

4. ***Letter to Mayor and Council to provide updated/new information on the proposal.***

This document is included to provide updated/new information on the proposal.

- 5. *No justification for the proposed parking variance has been provided. Providing no parking for this proposed development is not supportable. An on-site shortfall in parking for residents and their guests, employees and customers will have an impact on-street parking availability for residents and businesses of the neighbourhood.***

As noted in item 1, above, 2 off-street parking stalls have been accommodated in the rear yard of the property. These parking stalls will require an access agreement across the 2009 Fernwood Road site, which has an existing, non-conforming driveway access onto Fernwood Road. This existing access would service the existing 5 off-street parking stalls on 2009 Fernwood Road, plus the 2 proposed off-street parking stalls on 1310 Gladstone Avenue. The inclusion of these stalls emerged in response to a determination by a qualified arborist recommending removal of the existing tree on site which will enable the overall building to shift south on the property and facilitate the creation of the stalls.

In rationalizing the vehicle parking provisions for this proposal, we would like to solidify the case for Fernwood's urban village designation and, pending a successful OCP amendment, the inclusion of the 1310 Gladstone Avenue site within the village, as a vibrant neighbourhood village focused on pedestrian activity. There is precedent within the City of Victoria, such as the Old Town zoning guidelines, which acknowledge a less vehicle-centered form and character. We believe that it is this form and character that is envisioned in the OCP for the urban village. Unfortunately, meeting the Schedule C off-street parking requirements for vehicle parking impedes the realization of this form and character.

We submit that the rezoning of 1310 Gladstone Avenue, as part of an expanded urban village, should establish a comprehensive zoning standard which establishes the parking in perpetuity, one which more accurately reflects the form and character of Fernwood Village. The 2 off-street stalls proposed make provision for vehicle parking, albeit modestly, but without detracting from the village fabric. In fact, the proposal affords scheduling opportunities relative to the use of both properties (2009 Fernwood Road and 1310 Gladstone Avenue) such that an inventory of 7 stalls is available for use for the different tenancies during a typical week. Today, 2009 Fernwood Road is in use as an office which requires daytime parking during the work week, while for 1310 Gladstone Avenue we envision retail, restaurant and/or recreation as the primary parking demand generators, all of which create the highest demand on evenings and weekends.

To provide context, we have evaluated the maximum parking demand range based on the uses envisioned for the project and have determined, referencing Schedule C, that the upper floor would require between 2 and 3 vehicle parking stalls (office or residential use), the main floor would require between 5 and 10 vehicle parking stalls (retail or restaurant use, assuming 50 seats maximum), and the lower floor would require between 3 and 11 vehicle parking stalls (retail or recreational uses), for a total on-site, Schedule C requirement of between 10 and 24 vehicle stalls. A summary matrix of the various vehicle parking demand generation is as follows:

Schedule C, Potential Off Street Parking Calculations Based on Potential Tenancies

Potential Uses	Calculation	# of Parking Spaces Req'd
Lower Floor (108 sq.m.)		
Yoga Studio	1 space per 9.5 sq.m.	11
Treatment Studio/Spa Rooms	1 space per 37.5 sq.m.	3
Retail	1 space per 37.5 sq.m.	3
Bicycle Repair Shop	1 space per 37.5 sq.m.	3
Main Floor (175 sq.m.)		
Eating & Drinking Establishment (40-50 seat)	1 space per 5 seats	10
Retail	1 space per 37.5 sq.m.	5
Clothing Shop/Furniture Shop	1 space per 37.5 sq.m.	5
Hair Salon	1 space per 37.5 sq.m.	5
Services	1 space per 37.5 sq.m.	5
Bakery	1 space per 37.5 sq.m.	5
Upper Floor (148.9 sq.m.)		
Residential use in CA-3 zone	0.7 space per dwelling unit	3
Local Offices (assuming all 4 spaces occupied)	1 space per 65 sq.m.	2

On a final note, we would anticipate that the neighbourhood village with this proposed addition would continue to serve the local neighbourhood. That is, the principle patronage and proprietors for all of the proposed uses would be the Fernwood neighbourhood. Our proposal seeks to encourage pedestrian and alternative transportation modes, including bicycles, which are accommodated in the front yard, the rear yard, and as secured space within the building on the lower floor. This provision of excess bicycle parking is envisioned as an additional mitigation of the more modest vehicle parking provisions noted above.

6. *The proposed rezoning and potential increase in density for this property may contribute to an overtaxing of the sanitary sewer system. Attenuation may be required to reduce the additional load on the sanitary sewer. Discharge rates provided by a qualified Engineer are to be submitted to the Engineering Department including the intended means to attenuate sewage.*

Discharge rates and the intended means to attenuate sewage are provided in the attached as prepared by engineer Peter Ferguson of McElhanney.

7. *An Arborist report, by an ISA Certified Arborist, is required to provide an inventory of the trees impacted by the proposal. The Tree Preservation Bylaw 05-106 protected Big Leaf Maple is indicated as retained. The report is to detail the construction impacts and the required mitigation measures required to successfully retain this tree. A detail of the proposed tree well around the Big Leaf Maple is required as part of the arborist report. A Terms of Reference for the arborist report is available by contacting the Parks Development Officer.*

A report addressing the condition of the on-site Big Leaf Maple was prepared by ISA Certified Arborist, Tom Talbot of Talbot Mackenzie & Associates, Consulting Arborists, recommending removal of this tree. We propose to work closely with the Parks Department to determine the suitability of reinstating a specimen street tree that will meet the City of Victoria guidelines.

Additional review comments were included in the Application Review Summary and are noted as follows:

1. The requested Statutory Right-of-Way of 1.524 meters is acceptable and the proposal reflects consideration of this provision. A formal response to this request by Engineering will be provided prior to submitting a Building Permit application.
2. Additional Engineering information provided is noted and will be addressed prior to Public Hearing and/or a Building Permit application as itemized.
3. All items noted from Permits and Inspections have been acknowledged and addressed through the resubmission of a Code Analysis, with annotations as appropriate included on the resubmitted plans.
4. All items noted from the Fire Department have been acknowledged and addressed through the resubmission of a Code Analysis, the proposed access provisions across 2009 Fernwood Road, or will be provided prior to submitting a Building Permit application.

As per our original submission and letter to Mayor and Council dated March 6, 2014 (attached for reference), we reiterate our request for the establishment of a site specific zone for the proposed 1310 Gladstone Avenue project. We submit that the Zoning Plan Check of the proposal to a C-1 Zone is not aligned with the form and character of the proposed development within the Fernwood urban village. We note that the CA-3 Zoning Bylaw is an existing bylaw that substantially reflects the nature of this heritage conservation area/urban village and as such, we have referenced this Bylaw on our revised cover sheet for comparison.

We trust that the above responses to the Application Review Summary further support the proposal for this sensitive, neighbourhood-scaled building. We welcome the opportunity to appear before the Planning and Land Use Committee and to continue our work with staff to realize this important project.

Sincerely,



Lee Herrin
Executive Director



Fernwood NRG

March 6, 2014

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



RE: 1310 Gladstone Avenue proposal for Official Community Plan Amendment, Rezoning and Development Permit Application

Fernwood NRG is an enterprising non-profit based in Fernwood. Originally incorporated in 1979 to manage the Fernwood Community Centre, our mandate has grown significantly since our acquisition of the Cornerstone Building (1301 Gladstone Avenue) in 2005. At that time, we received significant media attention for our efforts to revitalize the core of our neighbourhood through renovation of the then derelict building. Looking back, we can certainly say that our project was a tremendous success. Now, Fernwood is a vital and thriving neighbourhood that has attracted significant international attention to the City of Victoria, including an article in the *New York Times* in 2012 (<http://nyti.ms/1fbwqf8>), and just last month in the *Oregonian* (<http://bit.ly/1Cv9v5d>). Working with our partners and supporters in the neighbourhood, we have transformed Fernwood Village from a serious civic liability and embarrassment into a tremendous asset to the City's image and reputation. It is our great pleasure to put before you the following proposal which we believe will begin the process of moving Fernwood Village into the 21st century, laying down the foundation for the continued growth and health of our neighbourhood long into the future.

Description of Proposal

The proposal seeks to rezone the existing R1-B designated site at 1310 Gladstone Avenue to a site specific zone to support the development of a three storey mixed use project in the heart of Fernwood Village. The proposal will change the current land use to ones which are consistent with those uses existing in the village core, increase density at a neighbourhood node, create lease space for neighbourhood oriented commercial activities at the street and below, with up to four rental accommodations and/or small scale workplaces above.

Government Policies

The site is adjacent to the designated development permit area DPA 6B (HC): Small Urban Villages Heritage. The proposed development complements the special features, characteristics and conditions of the designation including:

- Development of "commercial and community services that support adjacent Traditional and Urban Residential areas";
- "revitalization through infill";
- "residential mixed use development with active commercial at the street level";
- "low rise commercial...and residential mixed-use development...with built form and place character appropriate to a node punctuating a surrounding residential area";

- And meeting the objective of enhancing “the area through infill...with a high quality of architecture, landscape and urban design that responds to its heritage setting through sensitive and innovative interventions.”

With respect to Neighbourhood Directions for Fernwood, Section 21 of the OCP, the proposal is consistent with the strategic direction which considers “expanding Fernwood Village to provide capacity for a broader range of business and community services for residents within walking distance.”

Further, with respect to the OCP, the placemaking policies in the plan are reflected in the development proposal, specifically:

- “That new buildings and features contribute to the sense of place in development permit areas and heritage conservation areas through sensitive and innovative responses to existing form and character”;
- And “that social vibrancy is fostered and strengthened through human scale design of buildings, streetscapes and public spaces”.

Project Benefits and Amenities

The proposal would create additional neighbourhood oriented commercial space on two levels, complementing activities and uses supported in the village core. In replacing an ageing single family dwelling, the proposal increases density in an appropriate location in the neighbourhood, with the intent that the uses would support the local market, thereby reducing transportation impacts, and enriching neighbourhood livability. The project frontage will preserve a mature specimen tree at the street and introduce a meaningful, south facing patio along the commercial streetscape. Quality detailing throughout the project is intended to complement the existing Fernwood character, achieving appropriate “fit”.

Need and Demand

The proposal affords additional commercial use space serving the local neighbourhood and small scale rental housing in the village core. Space demand in the village core is high for small scale commercial uses, both merchants and offices, including space to serve small scale proprietors and not for profit organizations. The intent is that the proposal would serve, over time, a variety of uses and tenures, reflecting the vibrancy of a village and the culture of the neighbourhood.

Neighbourhood

The proposed uses are consistent with those existing in the village, effectively expanding the village core on an adjacent site. The existing lot and use is marooned between village commercial and multi-family residential uses. The lot is dimensionally and topographically challenged, necessitating a clever, site specific form that continues the commercial streetscape along Gladstone Avenue, resolves through block vistas from adjacent parcels, particularly from Fernwood Road, invites connectivity to the street on three levels, and affords a complementary massing, proportionate in scale, fenestration and materiality to the village core.

Impacts

The proposal both complements the Village core and improves the streetscape, providing animation through the proposed uses and density. The immediate neighbours will benefit from a betterment of the current site conditions – including the erection of a new structure, the inclusion of landscape areas which complement the streetscape and the introduction of mixed uses transitioning the village to multi-family residential.

Design and Development Permit Guidelines

The proposal will conform to the referenced applicable guidelines for DPA 6B (HC) including the advisory design guidelines for buildings, signs and awnings and guidelines for fences, gates and shutters. In addition, the proposal meets the guideline which encourages the building “to have shop windows and building entrances that are oriented to face the street”.

In addition, the project will also reflect the objectives of DPA 16: General Form and Character, specifically:

- “To support commercial...and multi-unit residential developments that provide a sensitive transition to adjacent and nearby areas with built form that is often three storeys, or lower”;
- “To integrate commercial...and multi-unit residential buildings in a manner that is complementary to established place character in a neighbourhood...including its heritage character”;
- “To enhance the place character of established areas and their streetscapes through high quality architecture, landscape and urban design that responds to each distinctive setting through sensitive and innovative interventions”;
- And “to achieve more livable environments through considerations for human-scaled design, quality of open spaces, privacy impacts, [and] safety”.

Safety and Security

The proposal embraces key CPTED principles. The massing and its orientation to the street and adjacent sites promotes natural surveillance. Walkways, fencing, lighting and signage promote movement to and from the building’s entrances, creating strong connections to the street, overlook and visibility. Public and private is clearly delineated through paving treatments, signage and building edge, reinforcing ownership/control thereby discouraging trespassing or nuisance behavior. Finally, the project benefits from local ownership and the presence of the owner in the community ensuring that the project is maintained, not neglected, thereby discouraging negative activity.

Transportation

The project does not meet the vehicle parking standards of Schedule C. The proposal reinforces the promotion of neighbourhood oriented services within an existing village core, prioritizing a pedestrian and bicycle culture over vehicle users. Within the context of the dimensional and topographical constraints of the physical site, the provision of onsite parking is impractical. It is understood that a broader community wide plan is necessary to address street parking for transient visitors to the neighbourhood.

The project meets the bicycle parking standards of Schedule C with provisions for residents and visitors/customers.

The proposal is situated along the Gladstone Avenue Greenway. The proposed project enhances the greenway with the inclusion of a gracious patio, animating the commercial activity of the street while preserving an existing mature specimen tree.

Heritage

The existing single family house on the property has no heritage status. No heritage buildings will be impacted by the proposed development.

Green Building Features

The proposed development occurs on an existing developed site within an urban village, therefore the ecological footprint of the larger community is not expanded. Socially, the project reflects demand in the immediate community for local commercial activities and small scale commercial office/residential flexible units.

While no specific metric or green rating system will be pursued on the project, best practices with respect to durability, energy efficiency, water conservation, construction waste management, and the specification of quality, low toxicity materials will be applied. The project, if financially feasible, will endeavor to incorporate solar hot water pre-heat panels to offset domestic water heating uses within the building.

Infrastructure

Preliminary review of engineering infrastructure confirms adequate capacity for sewer, storm and water for the proposed development. It is anticipated that a detailed design and review will confirm the necessary capacity.

As the proposal is located within an existing village, the project will benefit from direct access to pedestrian and bicycle infrastructure, as well as a significant park space, access to a community centre and local commercial services.

Summary

We believe that our proposal represents a sensitive, neighbourhood-scaled building that meets many civic goals while also strengthening the fabric of our neighbourhood. Our organization owns the building across the street (the Cornerstone Building), and an adjacent office building at 2009 Fernwood Road. We also have an option to purchase two further nearby properties at 2013 and 2017 Fernwood Road. We will be coming back to Council later this year with a further proposal to redevelop those properties as affordable housing for families. Our organization has been a vital part of Fernwood for 35 years and our interests lie in building sensitive, attractive, functional and efficient buildings that will become Fernwood landmarks for generations to come.

Sincerely,



Lee Herrin
Executive Director

APPLICATION FOR REZONING, DEVELOPMENT PERMIT
& OCP AMENDMENT

View Across Gladstone

REZONING PROJECT INFORMATION TABLE[illegible]

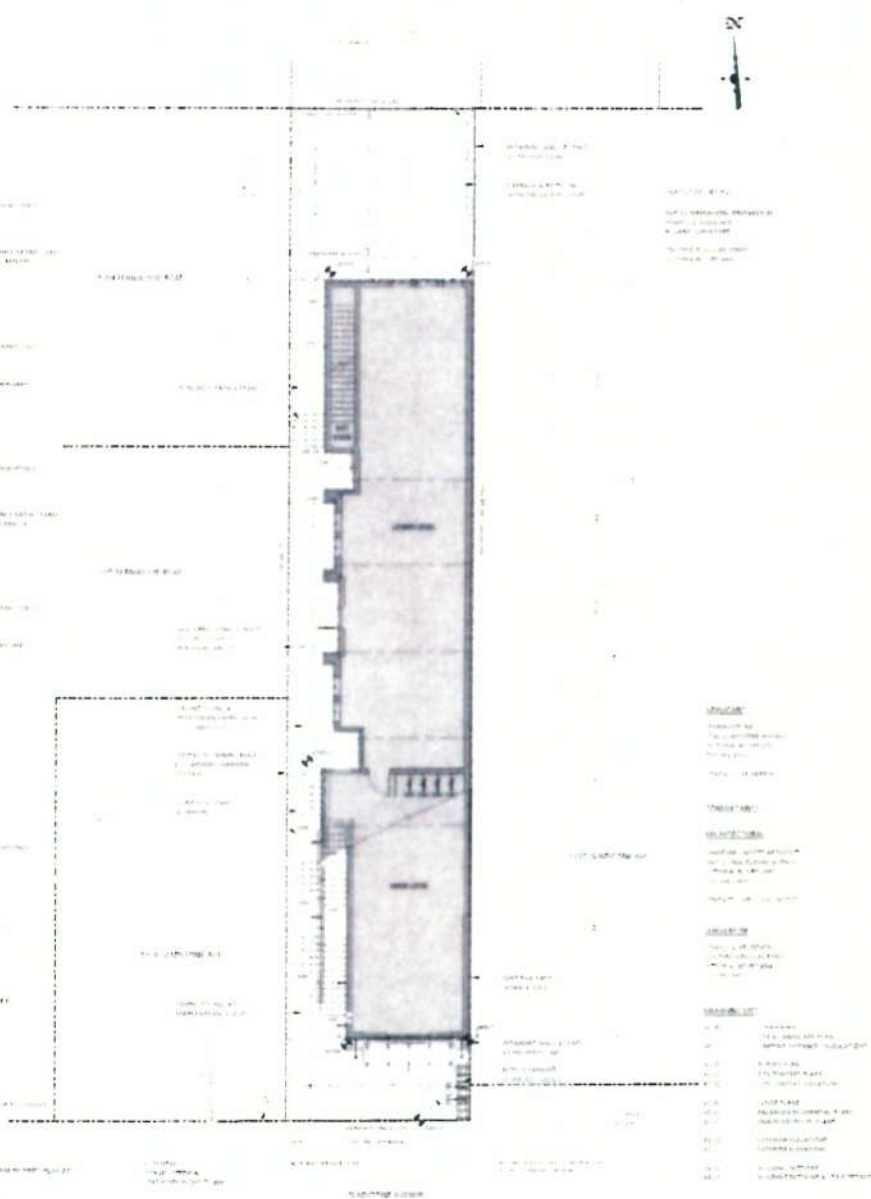
© 2000 Blackwell Science Ltd
Journal of Internal Medicine 247: 105–112

GRAPHICAL ABSTRACT

[illegible]

7-14307-01 (1) = 14. 9000

1. What is the purpose of the study?	To investigate the effect of the new curriculum on the learning outcomes of the students.
2. What is the research design?	Quasi-experimental design.
3. What is the sample size?	100 students.
4. What is the data collection instrument?	Questionnaire.
5. What is the data analysis technique?	Descriptive statistics.
6. What is the conclusion?	The new curriculum has a positive effect on the learning outcomes of the students.
7. What are the limitations of the study?	Small sample size, lack of control group.
8. What are the recommendations?	Further research with a larger sample size and a control group.
9. What is the significance of the study?	It provides valuable information for the curriculum developers and the teachers.
10. What is the title of the study?	The Effect of the New Curriculum on the Learning Outcomes of the Students.

[illegible]

2 Site Plan & Landscape Plan
1:100

CHRISTINE
LINTOTT
ARCHITECT

Name	Type
Abbildung:	$M_2 \oplus M_1 \rightarrow M_2 \oplus M_1$
Verzweigungswert (normal)	
in M_2 = Abbildungswert	

[illegible]

Proposed
Development

1310 Gladstone Avenue
Victoria, BC

Cover Sheet/ Site & Land Use Plan

A0.00

Victoria City Council - 14 Jul 2016

BC Land Surveyors Site Plan of 1310 Gladstone Avenue

Legal - The West 1/2 of Lot 7, Section 75, Victoria District, Plan 277

Parcel Identifier: 009-192-026

Scale - 1:200



All distances are shown in metres.

The intended print size is 11" by 17".

Tree diameters are in centimetres.

Geodetic elevations shown (in METRICS)

Site Area = 362 m2

November 6, 2013

File: 11,641 Site (16)

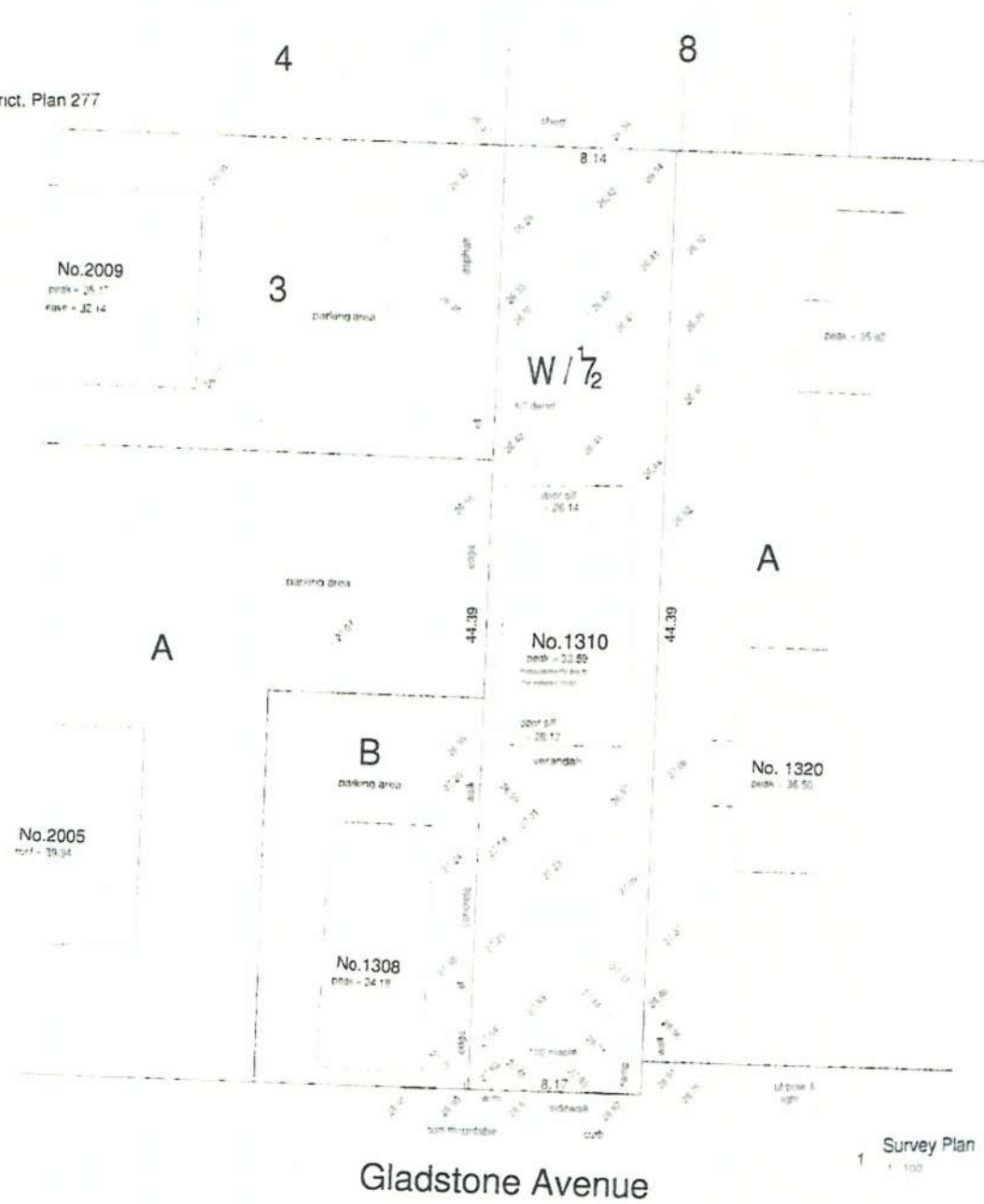
POWELL & ASSOCIATES

BC Land Surveyors

250-2950 Douglas Street

Victoria, BC V8T 4N4

phone (250) 382-8855



CHRISTINE
LINTOTT
ARCHITECT

Proposed
Development

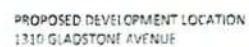
1310 Gladstone Avenue
Victoria, BC

Survey Plan

A1.00

Gladstone Avenue

Survey Plan
1:100

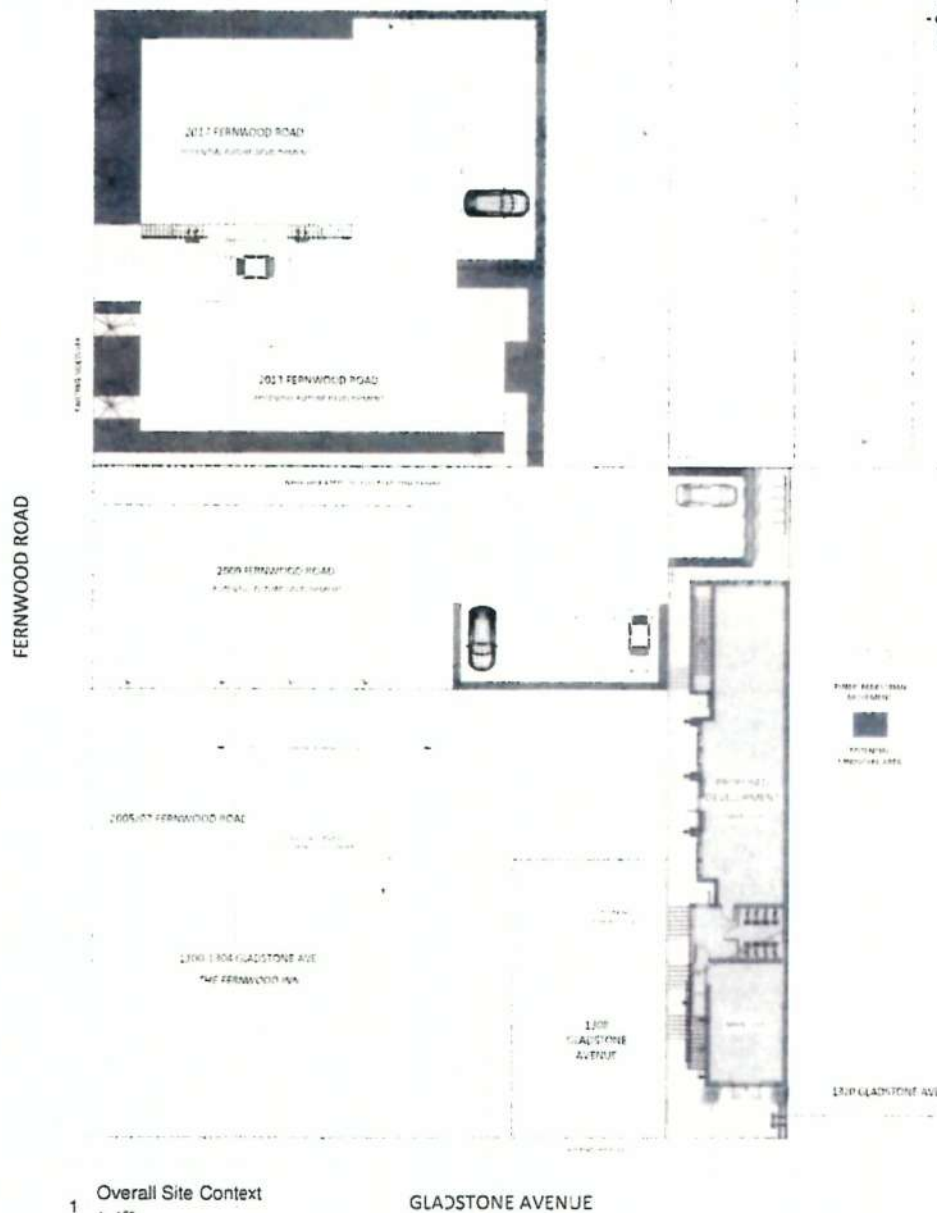


PROPOSED SITE CONTEXT PLAN

1310 Gladstone Avenue
Victoria, BC

Site Context Plans:

A1.01



CHRISTINE
LINTOTT
ARCHITECT



EXISTING GLADSTONE STREET ELEVATION



PROPOSED GLADSTONE STREET ELEVATION



EXISTING FERNWOOD STREET ELEVATION



PROPOSED FERNWOOD STREET ELEVATION

Project: 1310 Gladstone Avenue
Location: Victoria, BC
Date: March 2016

Project: 1310 Gladstone Avenue
Location: Victoria, BC
Date: March 2016

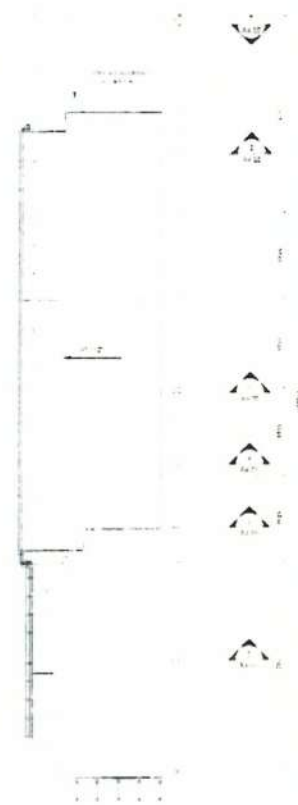
Project:

Proposed
Development

1310 Gladstone Avenue
Victoria, BC

Context Street Elevation

A1.02



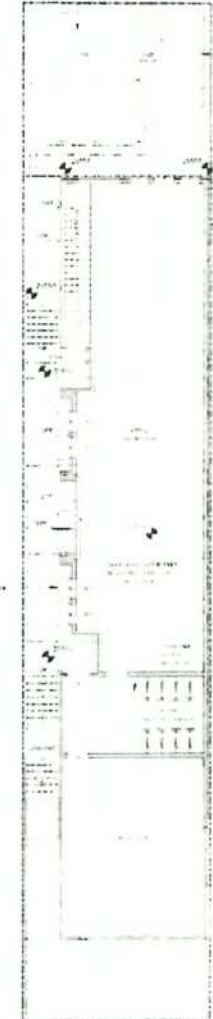
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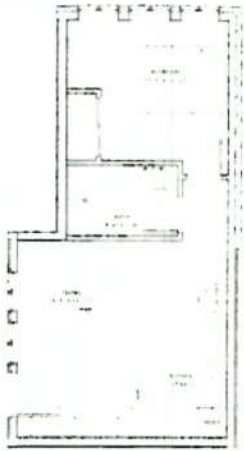
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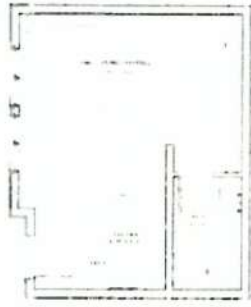
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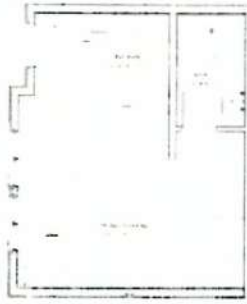
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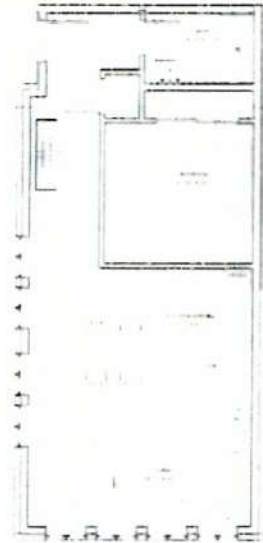
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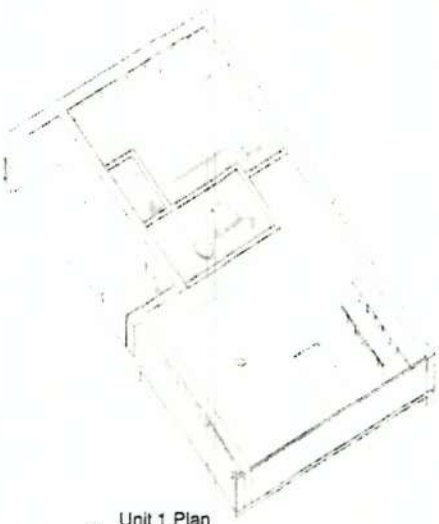
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5 Unit 3 Plan
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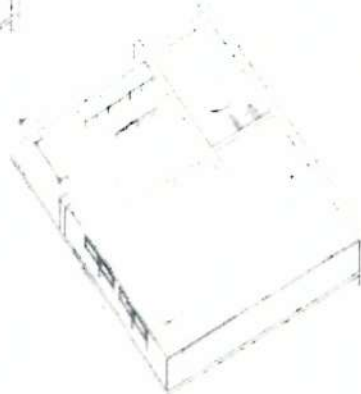
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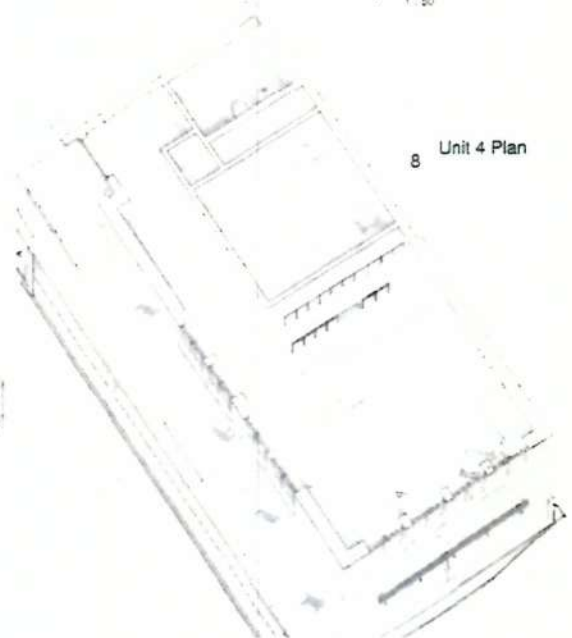
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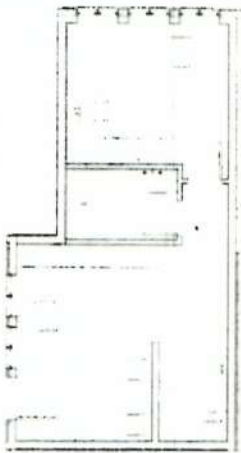
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6 Unit 3 Plan



8 Unit 4 Plan



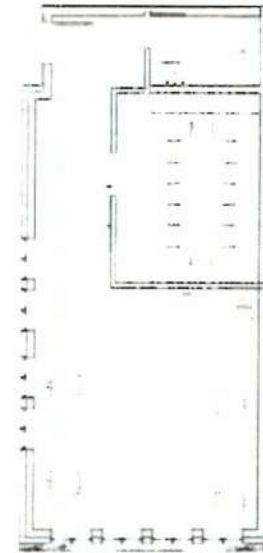
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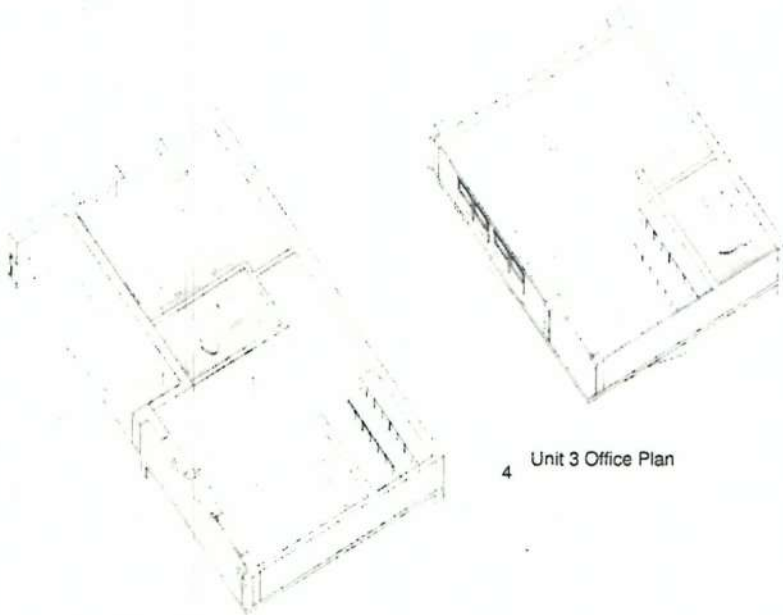
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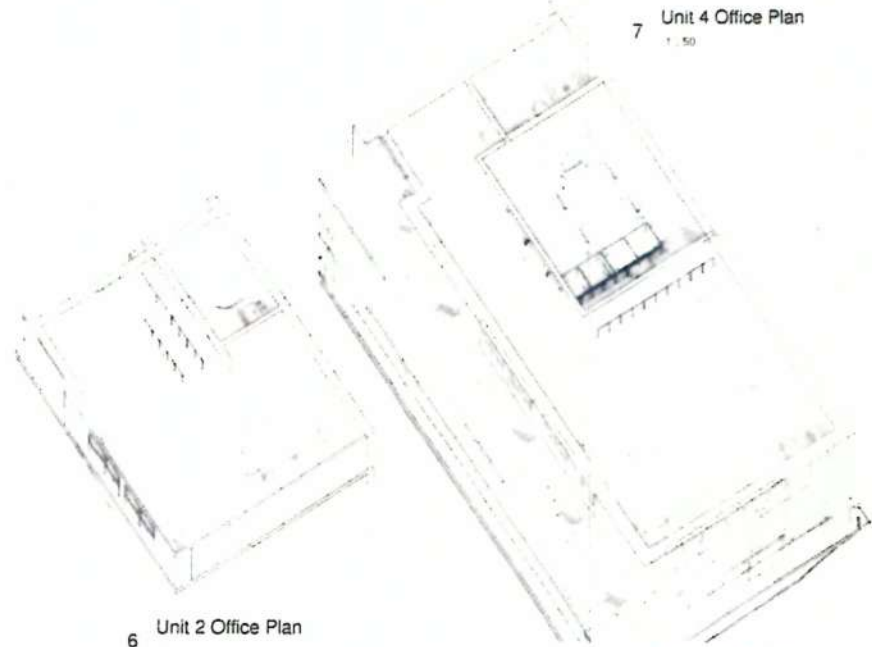
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7 Unit 4 Office Plan
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4 Unit 3 Office Plan



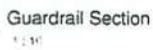
6 Unit 2 Office Plan

8 Unit 1 Office Plan

² <http://www.elsevier.com>



1 West Elevation
1-50



2

1 East

1510 Gladstone Avenue
Victoria, BC

A3.02

1. 20



CHRISTINE
LINTOTT
ARCHITECT

Date:
March 6, 2016

Project:
Residential Conversion
& JCV Amendment

Date:
August 11, 2016

Project:
Residential Conversion
Amendments to
The Staff House

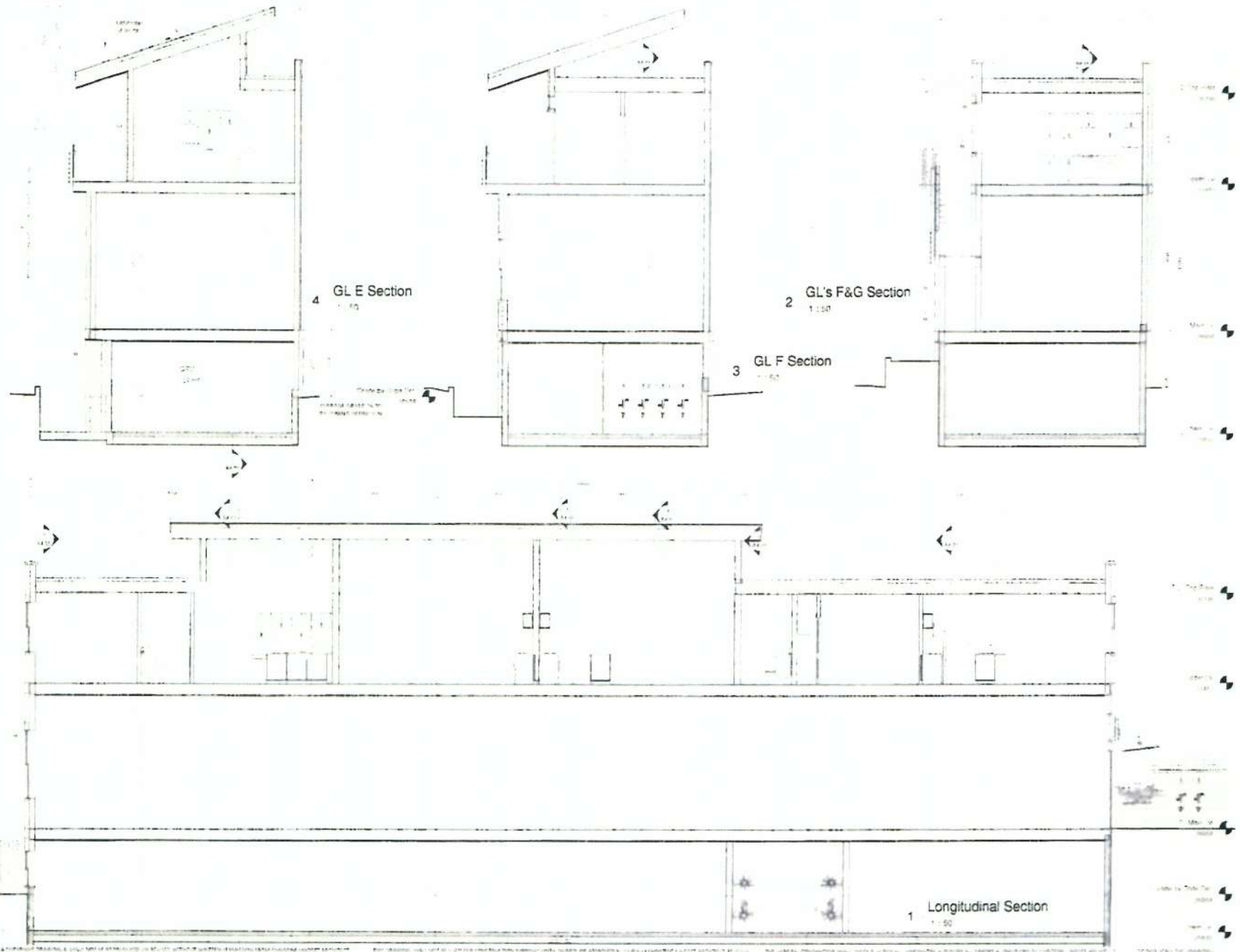
Proposed
Development

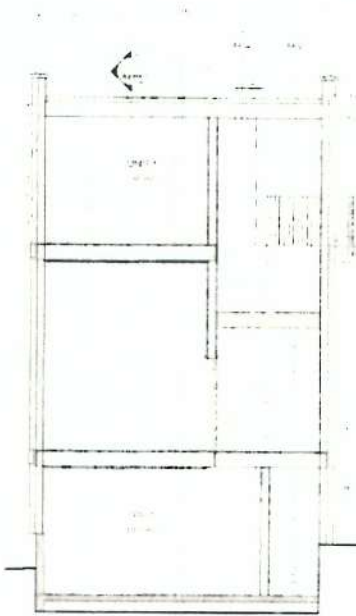
1310 Gladstone Avenue
Victoria, BC

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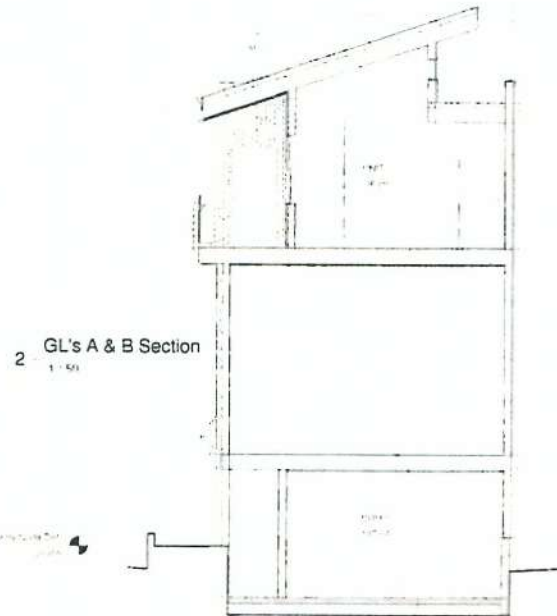
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Victoria City Council - 14 Jul 2016

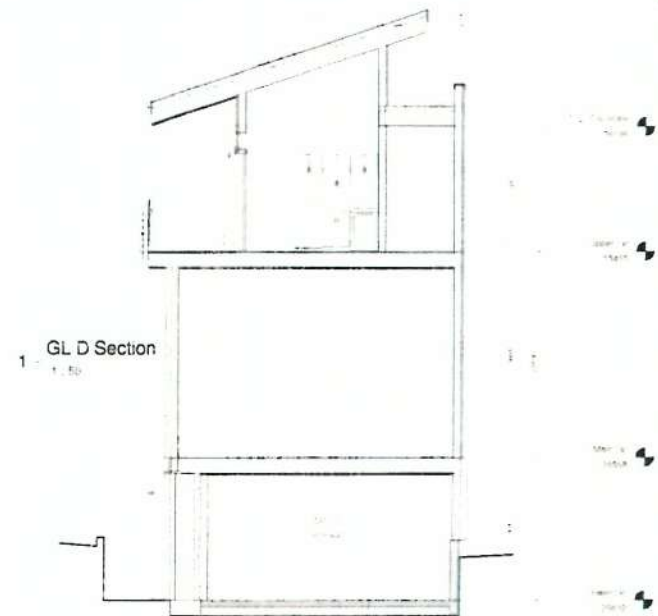




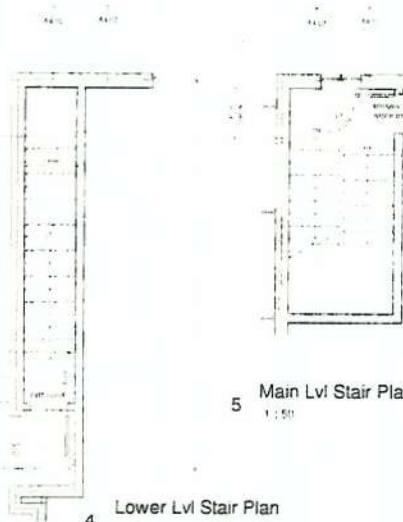
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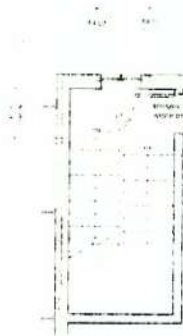
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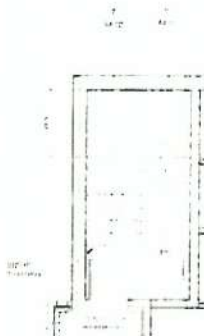
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4 Lower Lvl Stair Plan
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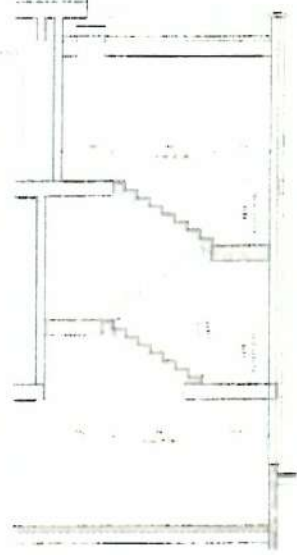
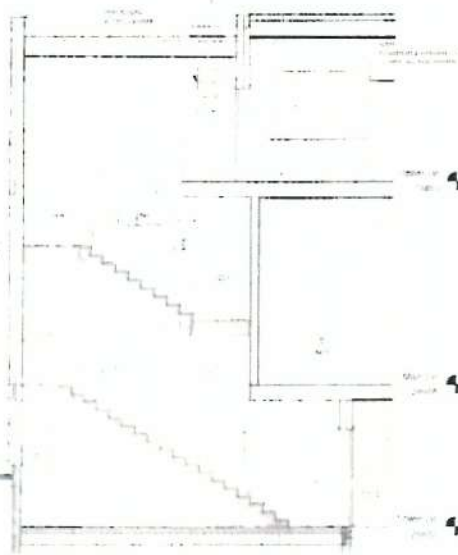
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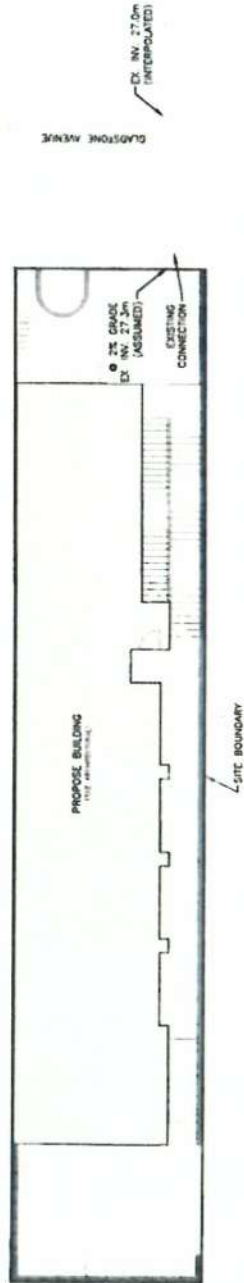
6 Upper Lvl Stair Plan
1:50



7 Stair Section Looking East
1:50



8 Stair Section Looking West
1:50



PRELIMINARY
FOR DISCUSSION
PURPOSES ONLY

SEE ARCHITECTURAL, LANDSCAPING,
MECHANICAL & ELECTRICAL DRAWINGS
FOR ADDITIONAL INFORMATION

LEGAL PLAN & AND SURVEY
INFORMATION PROVIDED BY POWELL &
ASSOCIATES B.C. LAND SURVEYORS



McElhanney
McElhanney Consulting Services Ltd

1310 GLASTONE AVENUE

SITE PLAN

14-278-00



Talbot Mackenzie & Associates

Consulting Arborists

June 12, 2014

Fernwood Neighbourhood
Resource Development Group
1310 Gladstone Avenue
Victoria, BC

Attention: Lenore Rankin

Re: 1310 Gladstone Avenue

During our June, 06, 2014 site visit, at your request, we were assigned to visually examine the health and structural characteristics of the above-ground portions, trunk, crown and root collar of a 100 cm d.b.h. Big Leaf maple tree located in the front garden of the property at 1310 Gladstone Avenue. For the purpose of detecting internal cavities and decay, we also took resistograph readings from the lower trunk and root collar and inspected cavities and pruning wounds in the canopy, at the location where the tree was previously topped.

The following information and observations were compiled during this site visit:

1. The tree is located in a relatively high use commercial/residential neighbourhood with street parking, and frequent foot traffic that passes beneath its canopy.
2. The root system of this tree is confined to a relatively small planting location bounded by the adjacent buildings and a concrete retaining wall along the street.
3. A hydro primary conductor and communication service lines pass through and conflict with the canopy growth.
4. It appears that the tree may have been topped or radically pruned historically to address these service conflicts, and the tree canopy has since grown above this topping/pruning location. Large occluded and open wounds are also visible at this location. A large open cavity is visible on the lowest scaffold limb that extends to the east over the sidewalk and neighbouring property.
5. The visual indicators in the tree canopy, i.e. foliage size, colour and density and annual growth shoot elongation indicate that the tree is reasonably healthy.
6. Fruiting bodies of the *Kretzschmaria deusta* wood decay pathogen are visible and attached to the lower trunk at the root collar. *Kretzschmaria deusta* is a disease pathogen that breaks down both cellulose and lignin in the wood tissues, causing a white rot that attacks the trunks, root collar and structural roots in many deciduous tree species. The disease is difficult to diagnose visually or through sampling as there is seldom evidence of a decline in tree health, and internal cavities may not form within the trunk tissues as the strength of the wood degrades. Infected trees may fail as a result of the infection and deterioration of the structural roots, without any evidence of decline in the tree canopy.

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

.../2

7. The resistograph readings taken detected an internal cavity within the root collar; however, there may not be a large cavity opening present within the trunk even though the strength of the wood tissues have degraded. Decay within the root collar was found to be extensive and a large cavity present. The readings were generally low on all sides of the trunk, which indicates infected wood tissues that are dead or have lost structural strength. Increment core samples were also taken to confirm the resistograph findings. The samples show a narrow band of live wood tissues surrounding the circumference of the trunk that is bordered by a zone line. The tissues beyond this zone line show evidence of infection by the decay pathogen and a progressive deterioration in tissue quality and structure toward the centre of the trunk.

The two main risk factors identified for this tree are the large cavity in the low scaffold limb, and the decay and cavity associated with the infection by the identified decay pathogen. This risk assessment will span over a three year time frame, and, as such, it is our opinion that within this period there is a moderate to high risk that either the low scaffold limb or the entire tree will fail as a result of the defects that were detected.

The options to mitigate this risk are:

1. To remove the tree entirely which will remove the existing and any residual risk associated with retaining the tree.
2. To prune the canopy to reduce its overall size and spread by approximately 30% of its present size and reduce the length and size of the low scaffold limb. This will lower the existing and residual risk; however, as this decay pathogen is known to cause whole tree failure due to the deterioration of the root system, or trunk shearing as a result of weakened brittle wood tissues, the tree's function in the landscape will be short term and, ultimately, its removal will be required.

In our opinion, from the information compiled during our examination, this is not a tree that you can retain in the landscape in the long term. Theoretically, it could possibly survive as long as ten to twenty years if crown reduction pruning is completed on a cyclical basis to control the height and spread of its canopy and if the decay pathogen does not spread rapidly within the root system. The rate that the decay pathogen spreads within the tissues is likely to increase if the vitality of the tree is impacted by the proposed construction on the property. The risk of failure will also increase in future years as the decay continues to spread and consume wood tissues.

Given the modifications to the proposed building entrance and access from the street that will be required, and the precautions that will have to be adhered to during this construction period, it may be more beneficial to remove the tree prior to the construction and replant it with a healthy structurally sound specimen that can be retained as a permanent part of the landscape.

Should you decide to retain this tree, we recommend that it be examined on a three year cycle.

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

Yours truly,
Talbot Mackenzie & Associates



Tom Talbot & Graham Mackenzie
ISA Certified & Consulting Arborists

Disclosure Statement

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

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

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

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



1923 Fernwood Road
Victoria, BC V8T 2Y6

Phone: (250) 384-7441

Email: landuse@fernwoodvic.ca

March 7, 2014

Mayor and Council
City of Victoria

Re: 1310 Gladstone Avenue

The proposal to rezone 1310 Gladstone Avenue from R1-B to a Site-Specific zone - allowing construction of a three-storey multi-use building - was formally presented at the Fernwood Community Association Land Use Committee meeting January 8, 2014. 35 people attended this meeting. (A preliminary community meeting had been held on November 6, 2013.)

Comments and questions were plentiful, especially regarding how this development would relate to future development of three other nearby properties recently purchased by the Neighbourhood Resource Group (2009, 2013 and 2017 Fernwood Rd), and the potential total impact on the surrounding area. The allotted time proved inadequate, so a follow-up meeting was held on February 4, 2014 to allow a more fulsome discussion.

This proposed mixed-use building will be primarily commercial with four residential rental units - two bachelor and two one-bedroom. The proponent may be requesting permission to rent some of the residential units as commercial units. A total variance to the number of parking spaces is being requested.

At the community meetings, supporters endorsed more commercial space and generally didn't think the proposed full parking variance is an issue. Those opposed believe we have enough commercial activity in the area and that parking is a chronic problem that this proposal will only exacerbate. The strongest concerns come from those people living in the same block of Gladstone Avenue

The Fernwood Neighbourhood Plan recommends that R1-B zoned lands on Gladstone be retained. This is consistent with the 2012 Official Community Plan (OCP), which does not include this property in the designated Small Urban Village Development Permit Area (Map 49, page 200). 1310 Gladstone Avenue, along with the remainder of the block, remains 'Traditional Residential'. The description of 'Traditional Residential' (6.1.5 page 35) includes '...mixed-use buildings up to three stories in height located along arterial and secondary arterial roads'. The OCP does not identify Gladstone Avenue as either an arterial or secondary arterial road. (Map 4 Page 54).

The OCP envisions the population in the 'Traditional Residential' areas increasing over time through infill and redevelopment, consistent with density and use ranges set out in the document (6.22, page 49).

Anticipating this eventual population increase, the OCP's strategic direction for Fernwood's Small Urban Village includes the following: "Consider expanding Fernwood Village to provide capacity for a broader range of businesses and services for residents within walking distance." (21.8.4 page 145). The OCP's vision for Fernwood's Small Urban Village in the citywide context has commercial activity primarily serving local people (21.7.2 page 145).

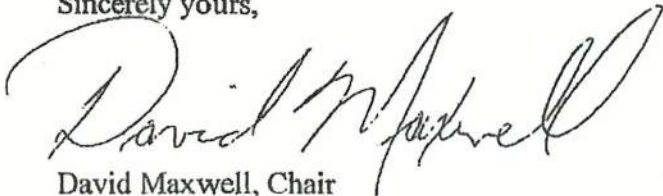
Of the identified Small Urban Villages in the OCP, Fernwood's Small Urban Village currently has the largest number of commercial and arts activities that serve both local residents and the greater Victoria area; the Belfry Theater, Theater Inconnu, Fernwood Inn, Stage Wine Bar, a methadone clinic, dentist, CaVa Restaurant, Pandora Arts, a Yoga Studio, hairdresser and others. To be consistent with the vision expressed in the OCP, it could be argued that Fernwood's Small Urban Village should not be expanded until the population in the area has increased. Current commercial and arts activities in Fernwood's Small Urban Village contribute to parking concerns that are expressed regularly by neighbouring residents.

If this property were to be included in Fernwood's Small Urban Village Development Permit Area the current proposals FSR is greater than the FSR of 1.5:1 shown for Small Urban Villages in the OCP (p 39).

The OCP is a thirty-year vision document, a road map of sorts, allowing for changes to occur incrementally over time. This proposal places the burden of increasing commercial development, somewhat unexpectedly, on the remaining residential section of Gladstone Avenue. This contradicts the stated position and spirit of the OCP concerning developments in 'Traditional Residential' areas. (6.22, page 49).

In light of the above, a proposal to develop a creative duplex or triplex with parking underneath would be more in keeping with both the Fernwood Neighbourhood Plan and the OCP.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'David Maxwell', with a large, stylized flourish at the end.

David Maxwell, Chair
Land Use Committee
Fernwood Community Association

Pc: Development Services Division, Sustainable Planning and Community Development
Department, City of Victoria

REPORTS OF THE COMMITTEES

3. Planning and Land Use Committee – February 5, 2015

3. Official Community Plan Amendment Application and Rezoning Application No. 00435 for 1310 Gladstone Avenue

It was moved by Councillor Madoff, seconded by Councillor Coleman,

1. That Council direct staff to prepare the necessary *Official Community Plan Amendment Bylaw* and that concurrent with the Rezoning Application advancing to a Public Hearing:
 - a. That Council determine, pursuant to Section 879(1) of the *Local Government Act*, that the affected persons, organizations and authorities are those property owners and occupiers within a 200m radius to the subject properties; determine that the appropriate consultation measures would include a mailed notice of the proposed OCP Amendment to the affected persons; posting of a notice on the City's website inviting affected persons, organizations and authorities to ask questions of staff and provide written or verbal comments to Council for their consideration.
 - b. That Council determine, pursuant to section 879(2)(a) of the *Local Government Act*, that having regard to the previous Community Association Land Use Committee (CALUC) Community Meeting, the consultation proposed at this stage is an adequate opportunity for consultation.
 - c. That Council consider consultation under Section 879(2)(b) of the *Local Government Act* and determine that no referrals are necessary with the Capital Regional District Board; Councils of Oak Bay, Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District Board; and the provincial and federal governments and their agencies due to the nature of the proposed amendments.
 - d. That Council give first reading to the Official Community Plan Amendment Bylaw.
 - e. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2012-2016 Financial Plan and the *Capital Regional District Liquid Waste Management Plan* and *Capital Regional District Solid Waste Management Plan* pursuant to Section 882(3)(a) of the *Local Government Act* and deem those plans to be consistent with the proposed *Official Community Plan Amendment Bylaw*.
 - f. That Council give second reading to the Official Community Plan Amendment Bylaw.
 - g. That Council refer the Official Community Plan Bylaw Amendment Bylaw for consideration at a Public Hearing.
2. That Council direct staff to prepare the Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00435 for 1310 Gladstone, subject to:
 - a. Registration on the relevant property title of the following:
 - i. Section 219 Covenant to the satisfaction of the City Solicitor and Assistant Director of Sustainable Planning and Community Development for an easement through the driveway of the property located at 2009 Fernwood Road;
 - ii. Housing Agreement to the satisfaction of the City Solicitor and Assistant Director of Sustainable Planning and Community Development to ensure that the self-contained dwelling units are rental in perpetuity;
 - iii. Statutory Right-of-Way of 1.524m along Gladstone Avenue to the satisfaction of the City Solicitor and Director of Engineering and Public Works,
 - iv. Section 219 Covenant for sewage attenuation, as required, to the satisfaction of the City Solicitor and Director of Engineering and Public Works; and
 - v. Car Share Agreement for each residential and commercial unit to the satisfaction of the City Solicitor, Assistant Director of Sustainable Planning and Community Development, and the Director of Engineering and Public Works.
 - b. Securing the requisite monetary deposit to the Victoria Car Share Co-op to be held in trust by the applicant's lawyer, to the satisfaction of the City Solicitor and Director of Engineering and Public Works.

3. Following consideration of the Official Community Plan Amendment Bylaw and Rezoning Application No. 00435, that Council approve a Development Permit for 1310 Gladstone Avenue, in accordance with:
 - a. Plans for Rezoning Application No. 00435 and Development Permit Application #000354, stamped August 11, 2014.
 - b. Development meeting all *Zoning Regulation Bylaw* requirements.
 - c. Final plans to be generally in accordance with plans identified above to the satisfaction of the Assistant Director of Sustainable Planning and Community Development.

Carried Unanimously

Council Meeting
February 12, 2015

4.3 Official Community Plan Amendment Application and Rezoning Application No. 00435 for 1310 Gladstone Avenue

Committee received a report regarding Official Community Plan Amendment and Rezoning Application No. 00435 for 1310 Gladstone Avenue.

The purpose of this report is to provide Council with new information, analysis and recommendations regarding a request for an *Official Community Plan 2012* (OCP) amendment, a Rezoning Application and a Development Permit Application for the property located at 1310 Gladstone Avenue. The proposal is for a new three-storey building with commercial uses at street level, and commercial or residential use on the upper storey with a floor space ratio (FSR) of 1.49:1.

On October 23, 2014, Council (minutes attached) advanced these Applications to a Public Hearing in a motion that included Council consideration of consultation for the OCP amendment as recommended in an earlier staff report (dated October 2, 2014, attached).

The report provides an expanded recommendation that addresses statutory obligations for consultation on the proposal to amend the Urban Place Designation of the subject properties from Traditional Residential to Small Urban Village. Specifically, staff recommends that notice of the proposed OCP Amendment be provided to the adjacent property owners and occupiers and that notice be posted on the City's website in advance of first and second reading of the OCP Amendment. The notice will invite affected persons, organizations and authorities to ask questions of staff and to provide any written or verbal comments to Council for their consideration.

Committee discussed:

- The 200m notification area for CALUC meetings is a specific distance that has set in the *Land Use Procedures Bylaw*. The Public Hearing notification area for OCP amendments and rezoning applications remains at 100m.

Action: It was moved by Councillor Madoff, seconded by Mayor Helps, that Committee recommends:

1. That Council direct staff to prepare the necessary Official Community Plan Amendment Bylaw and that concurrent with the Rezoning Application advancing to a Public Hearing:
 - a. That Council determine, pursuant to Section 879(1) of the *Local Government Act*, that the affected persons, organizations and authorities are those property owners and occupiers within a 200m radius to the subject properties; determine that the appropriate consultation measures would include a mailed notice of the proposed OCP Amendment to the affected persons; posting of a notice on the City's website inviting affected persons, organizations and authorities to ask questions of staff and provide written or verbal comments to Council for their consideration.
 - b. That Council determine, pursuant to section 879(2)(a) of the *Local Government Act*, that having regard to the previous Community Association Land Use Committee (CALUC) Community Meeting, the

- consultation proposed at this stage is an adequate opportunity for consultation.
- c. That Council consider consultation under Section 879(2)(b) of the *Local Government Act* and determine that no referrals are necessary with the Capital Regional District Board; Councils of Oak Bay, Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District Board; and the provincial and federal governments and their agencies due to the nature of the proposed amendments.
 - d. That Council give first reading to the Official Community Plan Amendment Bylaw.
 - e. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2012-2016 Financial Plan and the *Capital Regional District Liquid Waste Management Plan* and *Capital Regional District Solid Waste Management Plan* pursuant to Section 882(3)(a) of the *Local Government Act* and deem those plans to be consistent with the proposed *Official Community Plan* Amendment Bylaw.
 - f. That Council give second reading to the Official Community Plan Amendment Bylaw.
 - g. That Council refer the Official Community Plan Bylaw Amendment Bylaw for consideration at a Public Hearing.
2. That Council direct staff to prepare the Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00435 for 1310 Gladstone, subject to:
 - a. Registration on the relevant property title of the following:
 - i. Section 219 Covenant to the satisfaction of the City Solicitor and Assistant Director of Sustainable Planning and Community Development for an easement through the driveway of the property located at 2009 Fernwood Road;
 - ii. Housing Agreement to the satisfaction of the City Solicitor and Assistant Director of Sustainable Planning and Community Development to ensure that the self-contained dwelling units are rental in perpetuity;
 - iii. Statutory Right-of-Way of 1.524m along Gladstone Avenue to the satisfaction of the City Solicitor and Director of Engineering and Public Works,
 - iv. Section 219 Covenant for sewage attenuation, as required, to the satisfaction of the City Solicitor and Director of Engineering and Public Works; and
 - v. Car Share Agreement for each residential and commercial unit to the satisfaction of the City Solicitor, Assistant Director of Sustainable Planning and Community Development, and the Director of Engineering and Public Works.
 - b. Securing the requisite monetary deposit to the Victoria Car Share Co-op to be held in trust by the applicant's lawyer, to the satisfaction of the City Solicitor and Director of Engineering and Public Works.
 3. Following consideration of the Official Community Plan Amendment Bylaw

and Rezoning Application No. 00435, that Council approve a Development Permit for 1310 Gladstone Avenue, in accordance with:

- a. Plans for Rezoning Application No. 00435 and Development Permit Application No. 000354, stamped August 11, 2014.
- b. Development meeting all *Zoning Regulation Bylaw* requirements.
- c. Final plans to be generally in accordance with plans identified above to the satisfaction of the Assistant Director of Sustainable Planning and Community Development.

CARRIED UNANIMOUSLY 15/PLUC038

PLUC meeting
February 5, 2015

REPORTS OF THE COMMITTEE

2. Planning and Land Use Committee – October 16, 2014

Councillor Isitt excused himself from the meeting at 10:37 p.m. as he is the on the Board for the Capital Region Housing Corporation which owns and operates an adjacent building to 1310 Gladstone Avenue, which creates a pecuniary conflict of interest with the following item.

1. Official Community Plan Amendment Application, Rezoning Application No. 00435 and Development Permit Application No. 000354 for the property located at 1310 Gladstone Avenue:

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

1. That Council direct staff to prepare the necessary Official Community Plan Amendment Bylaw and that concurrent with the Rezoning Application advance to a Public Hearing:
 - a. That Council give first reading to the Official Community Plan Amendment Bylaw;
 - b. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2012-2016 Financial Plan and the *Capital Regional District Liquid Waste Management Plan* and *Capital Regional District Solid Waste Management Plan* pursuant to Section 882(3)(a) of the *Local Government Act* and deem those plans to be consistent with the proposed *Official Community Plan Amendment Bylaw*;
 - c. That Council consider consultation under Section 879(2) of the *Local Government Act* and determine that no referrals are necessary with the Capital Regional District Board; Councils of Oak Bay, Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District Board; and the provincial and federal governments and their agencies due to the nature of the proposed amendments;
 - d. That Council give second reading to the Official Community Plan Amendment Bylaw;
 - e. That Council refer the Official Community Plan Bylaw Amendment Bylaw for consideration at a Public Hearing.
1. That Council direct staff to prepare the *Zoning Regulation Bylaw* Amendment that would authorize the proposed development outlined in Rezoning Application #00435 for 1310 Gladstone, subject to:
 - a. Registration on the relevant property title of the following:
 - i. Section 219 Covenant to the satisfaction of the City Solicitor and Director of Sustainable Planning and Community Development for an easement through the driveway of the property located at 2009 Fernwood Road;
 - ii. Housing Agreement to the satisfaction of the City Solicitor and Director of Sustainable Planning and Community Development to ensure that the self-contained dwelling units are rental in perpetuity;
 - iii. Statutory Right-of-Way of 1.524 m along Gladstone Avenue to the satisfaction of the City Solicitor and Director of Engineering and Public Works;
 - iv. Section 219 Covenant for sewage attenuation, as required, to the satisfaction of the City Solicitor and Director of Engineering and Public Works;
 - v. Car Share Agreement for each residential and commercial unit to the satisfaction of the City Solicitor, Director of Sustainable Planning and Community Development, and the Director of Engineering and Public Works.
 - b. Securing the requisite monetary deposit to the Victoria Car Share Co-op to be held in trust by the applicant's lawyer, to the satisfaction of the City Solicitor and Director of Engineering and Public Works

Carried Unanimously

Council meeting
October 23, 2014

3. DECISION REQUEST

3.1 Official Community Plan Amendment Application, Rezoning Application No. 00435 and Development Permit Application No. 000354 for the property located at 1310 Gladstone Avenue

Committee received a report dated October 2, 2014 which provided information, analysis and recommendations regarding an Official Community Plan Amendment Application, a Rezoning Application and a Development Permit Application for the property located at 1310 Gladstone Avenue. The proposal is for a new three-storey building with commercial uses at street level, and commercial or residential use on the upper storey with a floor space ratio (FSR) of 1.49:1.

Councillor Isitt excused himself at 9:11 a.m. due to a pecuniary conflict.

Action:

It was moved by Councillor Helps, seconded by Councillor Alto, that Committee recommends:

1. That Council direct staff to prepare the necessary Official Community Plan Amendment Bylaw and that concurrent with the Rezoning Application advance to a Public Hearing:
 - a. That Council give first reading to the Official Community Plan Amendment Bylaw;
 - b. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2012-2016 Financial Plan and the *Capital Regional District Liquid Waste Management Plan* and *Capital Regional District Solid Waste Management Plan* pursuant to Section 882(3)(a) of the *Local Government Act* and deem those plans to be consistent with the proposed *Official Community Plan Amendment Bylaw*;
 - c. That Council consider consultation under Section 879(2) of the *Local Government Act* and determine that no referrals are necessary with the Capital Regional District Board; Councils of Oak Bay, Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District Board; and the provincial and federal governments and their agencies due to the nature of the proposed amendments;
 - d. That Council give second reading to the Official Community Plan Amendment Bylaw;
 - e. That Council refer the Official Community Plan Bylaw Amendment Bylaw for consideration at a Public Hearing.
2. That Council direct staff to prepare the *Zoning Regulation Bylaw* Amendment Bylaw that would authorize the proposed development outlined in Rezoning Application #00435 for 1310 Gladstone, subject to:
 - a. Registration on the relevant property title of the following:
 - i. Section 219 Covenant to the satisfaction of the City Solicitor and Director of Sustainable Planning and Community Development for an easement through the driveway of the property located at 2009 Fernwood Road;
 - ii. Housing Agreement to the satisfaction of the City Solicitor and Director of Sustainable Planning and Community Development to ensure that the self-contained dwelling units are rental in perpetuity;
 - iii. Statutory Right-of-Way of 1.524 m along Gladstone Avenue to the

- satisfaction of the City Solicitor and Director of Engineering and Public Works,
- iv. Section 219 Covenant for sewage attenuation, as required, to the satisfaction of the City Solicitor and Director of Engineering and Public Works;
 - v. Car Share Agreement for each residential and commercial unit to the satisfaction of the City Solicitor, Director of Sustainable Planning and Community Development, and the Director of Engineering and Public Works.
- b. Securing the requisite monetary deposit to the Victoria Car Share Co-op to be held in trust by the applicant's lawyer, to the satisfaction of the City Solicitor and Director of Engineering and Public Works.
3. Following consideration of the Official Community Plan Amendment Bylaw and Rezoning Application #00435, that Council approve a Development Permit for 1310 Gladstone Avenue, in accordance with:
- a. Plans for Rezoning Application #00435 and Development Permit Application #000354, stamped August 11, 2014;
 - b. Development meeting all Zoning Regulation Bylaw requirements;
 - c. Final plans to be generally in accordance with plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

Committee discussed:

- The OCPs recognition of the possible expansion of this urban village.
- The neighbourhood plan does not favour commercial expansion.
- Fernwood Community Association's preference for residential use in this area and not mixed-use, which is not supported in the OCP.
- Although the lot is zoned single-family dwelling the proposal fits into its context of taller buildings and buildings of commercial use.
- Parking demand impacts on the street and whether the bike parking requirements help reduce parking demand.
- Accessibility of the building as it is three-storeys with no elevator.
- The priorities for the Local Area Plan update which has Fernwood Village as Priority #4.

For: Mayor Fortin, Councillors Alto, Coleman, Helps, Thornton-Joe
Against: Councillors Gudgeon, Madoff, Young

CARRIED 14/PLUC0258

PLUC meeting
October 16, 2014

Leanne Taylor

Subject: RE: 1310 Gladstone OCP

From: Kathryn Juricic [REDACTED]
Sent: Thursday, Jul 2, 2015 11:31 AM
To: Helen Cain
Subject: 1310 Gladstone OCP

Dear Ms. Cain,

Thank you for your hard work on our Official Community Plan.

I am writing (late) to send my support support for the proposed rezoning at 1310 Gladstone Avenue. I am a resident at #5 - 1414 Gladstone Avenue, a few doorsteps away. I am excited to be a part of a vibrant neighbourhood, and look forward to the redevelopment. I can easily walk to Fernwood Village, and support another amenity within walking distance.

I understand the proposed redevelopment is being undertaken by our local organization, Fernwood Neighbourhood Resource Group Society. As a fellow pole-painter, FernFester, and a frequent customer at the Cornerstone, I trust the changes that are proposed at this site.

Furthermore, the current state of the house and garden at 1310 Gladstone needs some renewal.

My apologies for the late notice and thank you for your consideration.

Thank you,

Kathryn

Leanne Taylor

Subject: RE: 1310 Gladstone Ave

From: izabela zawadzki [REDACTED]

Sent: Sunday, Jun 28, 2015 10:56 AM

To: Helen Cain

Subject: 1310 Gladstone Ave

I support the proposed development at 1310 Gladstone Ave

Izabela Zawadzki
#3 1303 Gladstone Ave
Victoria V8R 1R9

Laura Wilson

From: Helen Cain
Sent: Monday, Jun 22, 2015 11:25 AM
To: Laura Wilson
Subject: FW: 1310 Gladstone ave.

Hi Laura,

Please attach this correspondence to the REZ file in Prospero. I've already printed a hard copy for my file.

Thanks,

Helen

From: Helen Cain
Sent: Monday, Jun 22, 2015 11:24 AM
To: 'David Holme'
Subject: RE: 1310 Gladstone ave.

Hi David,

Thank you for your e-mail on the proposed OCP amendment for 1310 Gladstone Avenue. This correspondence will be provided to Council in advance of the Public Hearing.

Sincerely,

Helen Cain MCIP RPP
Senior Planner
Community Planning and Sustainable Development
City of Victoria
1 Centennial Square, Victoria BC V8W 1P6

T 250.361.0282 F 250.361.0388



From: David Holme [REDACTED]
Sent: Thursday, Jun 18, 2015 5:24 PM
To: Helen Cain
Subject: 1310 Gladstone ave.

Hi Helen

I live across the street at 1315 Gladstone in a strata complex.

I have lived here for approx. 20 years.

The problem i see with more shops and offices in the area is that there is and always has been a problem with parking.

It has helped since the city changed the parking law's on Gladstone ave. but there really is no parking in the area.

We at the strata have always had problems with persons visiting the pub and other business's in the area parking in our strata. We give them two notices and then we call for a tow. Also the lane behind the F.C.A. beside our strata is our property and a fire lane. Nobody gives a second thought of parking on it and running into a business for ten or twenty minutes. Often the fire lane is blocked for a period of time till someone decides to come back to their vehicle.

Thanks
David Holme

Leanne Taylor

Subject: RE: Official Community Plan (OCP) Bylaw for 1310 Gladstone Avenue

From: Mike Demers [REDACTED]

Sent: Friday, Jun 26, 2015 9:32 AM

To: Helen Cain

Subject: Official Community Plan (OCP) Bylaw for 1310 Gladstone Avenue

Re: Official Community Plan (OCP) Bylaw for 1310 Gladstone Avenue

To whom it may concern,

My name is Mike Demers and I have lived at 1913 Fernwood for the past 4 years and have lived in the Fernwood Community for most of the past 30 years. I am in support of the Community Plan for 1310 Gladstone. I can be reached through this email or at [REDACTED]

Mike Demers
1913 Fernwood Road

Leanne Taylor

Subject: RE: Gladstone development

From: Tara Fraser [REDACTED]

Sent: Friday, Jun 26, 2015 5:48 PM

To: Helen Cain

Subject: Gladstone development

Hello,

I support the proposed development at 1310 Gladstone Avenue.

Thank you

Tara Fraser

Resident of Fernwood NRG

Sent from my iPhone

Leanne Taylor

Subject: RE: OCP Review - Fernwood Nrg

From: Ivan Habel [REDACTED]
Sent: Friday, Jun 26, 2015 6:45 PM
To: Helen Cain
Subject: OCP Review - Fernwood Nrg

I'm writing on behalf of the Belfry Theatre to express our strong support for the proposed development at 1310 Gladstone Ave. The NRG plays an important role in the city and local community. The Belfry has benefited greatly from the support and partnership of the NRG in their careful and thoughtful development and activity in the Fernwood neighborhood. As a leading cultural institution in Victoria we believe that the development by the NRG of this property will be an important contribution to Fernwood and to the City as a whole. The inclusion of housing, further commercial activity and social investment brought by this development will certainly increase the value of the local neighborhood, improve quality of life and help nurture further development of existing and new businesses that will be sympathetic to the personality of Fernwood.

I would be pleased to provide further commentary and support for what we believe can be an invaluable contribution to our neighborhood

Sincerely

Ivan Habel
Executive Director
Belfry Theatre

www.belfry.bc.ca
office: 250.385.6835
[REDACTED]

2014-15 Season on sale Now
The Rez Sisters//Venus in Fur
Best Brothers & How To Disapeear Completely
Vanya and Sonia and Masha and Spike
Plus in Studio – Spring Awakening a Belfry presentation of CCPA

Leanne Taylor

Subject: RE: OCP amendment 1310 Gladstone Avenue

From: Lee Herrin [REDACTED]
Sent: Friday, Jun 26, 2015 11:01 AM
To: Helen Cain
Subject: OCP amendment 1310 Gladstone Avenue

I represent the Fernwood Neighbourhood Resource Group Society (the proponent of the project). However, we also have a legitimate interest as a stakeholder as the owners of 2009 Fernwood Road (adjacent) and 1301-13 Gladstone Avenue (across the street) from the proposed development. We also operate a civic facility (the Fernwood Community Centre) at 1240 Gladstone Avenue which may be just on the edge of the 200m circle.

As an organization, we are committed to improving the quality of life for all Fernwood residents. We believe that in order to be a healthy, walkable neighbourhood, Fernwood requires more mixed use buildings in the core. The additional commercial space will provide room for residents to access more goods and services in the core of their neighbourhood—most residents access the core of the neighbourhood by bicycle or by walking. The additional residential or office space provides more housing and room for businesses that do not require storefront to operate in the neighbourhood. These in turn help support public transit, civic and educational facilities, and local businesses.

We are in support of the proposal, but would support a proposal from any property owner to increase mixed use space immediately adjacent to the village core.

Lee

Lee Herrin
Executive Director
Fernwood NRG
[REDACTED]
www.fernwoodnrg.ca

Laura Wilson

From: Helen Cain
Sent: Monday, Jun 22, 2015 11:25 AM
To: Laura Wilson
Subject: FW: 1310 Gladstone

Hi Laura,

Please attach this correspondence to the REZ file in Prospero. I've already printed a hard copy for my file.

Thanks,

Helen Cain MCIP RPP
Senior Planner
Community Planning and Sustainable Development City of Victoria
1 Centennial Square, Victoria BC V8W 1P6

T 250.361.0282 F 250.361.0388

-----Original Message-----

From: Kathryn Ogg [REDACTED]
Sent: Thursday, Jun 18, 2015 9:03 PM
To: Helen Cain
Cc: Fernwood Land Use Committee; Robbie Clarke; Douglas Berg; Tony Braid; V C; Joanne Murray; BOBBIE WILLIAMS; K8
Subject: 1310 Gladstone

Helen Cain, Senior Planner
City of Victoria

Dear Helen:

Re: the proposal to rezone 1310 Gladstone Avenue.

Thank you for your letter of June 15th.


I am writing to address my concerns about this proposal. As a long-time resident of Fernwood I am not in favour of this proposal. This proposal asks for so many variances that almost every box is checked. This property - which is half the size of many lots in this neighbourhood - is currently zoned single-family. It is a big leap to go from that to multi-use commercial and residential.

At the community land use meeting, the neighbours had many questions about the proposed use, height and density of 1310 Gladstone. We are very concerned about the question of what uses (as yet unspecified) the building is to have. It is not okay to ask for approval for a project without knowing the parameters. How many residences are they proposing? How many offices? What would the main floor be used for? Is there on-site parking for tenants and customers? Would it be wheel-chair accessible? These questions were not answered by the proponents at the meeting.

As the corner of Gladstone and Fernwood has developed over the past decade, parking variances have been made to accommodate the businesses in Fernwood Village. Only the Fernwood Inn has off-street parking. The owner of Aubergine Foods store is on record, pushing for residential parking to be eliminated on Gladstone Avenue, which is 80% residential. As residents, we use on-street parking as many homes on this street are two- and three-family residences. Additional residences and offices with no off-street parking would add to the parking burden already experienced by this neighbourhood.

We are concerned about more delivery trucks and more traffic. Although the proponents assert that this will be a walking destination, we know that many people drive to Fernwood. Due to the rapid growth that has taken place at the corner of Gladstone and Fernwood in the past few years, traffic has increased and the corner of Fernwood and Gladstone is often blocked with vehicles. We also have large food supply and beverage trucks parked in the middle of the street to unload supplies to the restaurants, pub and store, blocking the west end of Gladstone Avenue throughout the day and causing traffic hazards at the corner.

I want to point out that Fernwood is not Chinatown - which was the architect's explanation of why the proposal for 1310 Gladstone is built out to the edges with no greenery. We don't aspire to have our neighbourhood look like Chinatown. The proposed building looks like a tenement, unimaginative and bleak. This is a residential neighbourhood and this small lot really should remain residential. A two-family residence with off-street parking is really the best option here.

Sincerely,
Kathryn Ogg
1351 Gladstone Ave
Victoria BC


Leanne Taylor

Subject: RE: 1310 Gladstone Ave

-----Original Message-----

From: Jacqueline Rogers [REDACTED]

Sent: Friday, Jun 26, 2015 2:17 PM

To: Helen Cain

Subject: 1310 Gladstone Ave

To whom it may concern,

I have been a long term resident/ business owner in the heart of Fernwood for 17 yrs. I'm in favour of the 1310 Gladstone re-zoning and development.

Great things are happening in our vibrant community, let's keep it happening!

Jacqueline Rogers
1313 Gladstone Ave
Victoria

Leanne Taylor

Subject: RE: 1310 Gladstone

From: Alain Vincent [REDACTED]
Sent: Friday, Jun 26, 2015 9:21 AM
To: Helen Cain
Subject: 1310 Gladstone

As a pharmacist working in Fernwood since 2 years , I highly support the project underway at 1310 Gladstone.

I believe it will be a tremendous addition to our community and I wish to be involved as much as I can in the project.

Alain Vincent, pharmacist
STS Pain pharmacy

Leanne Taylor

Subject: RE: Proposed Rezoning of 1310 Gladstone Avenue

From: STEVE ASHTON [REDACTED]
Sent: Thursday, Jun 25, 2015 4:43 PM
To: Helen Cain
Subject: Proposed Rezoning of 1310 Gladstone Avenue

Re: Proposed Changes to Zoning for 1310 Gladstone Avenue

Thank you for the opportunity to provide feedback on the proposed rezoning of the lot at 1310 Gladstone.

We are residents of Fernwood in the area listed as Traditional Residential and we are involved with a business in the area included within the existing Small Urban Village.

The 2012 Official Community Plan indicates in Section 21: Neighborhood Directions (Map 22 Fernwood Strategic Directions) that consideration should be given to “expanding Fernwood village to provide a broader range of business and community services.” The request by the Neighborhood Resource Group (Fernwood NRG) – the developer of this proposed change – is not on the surface contrary to the 2012 Official Community Plan.

However, the Small Urban Village designation is intended to serve the neighborhood and not be a commercial hub for residents from outside the Fernwood Community. Rezoning to increase the size of the Small Urban Village needs to minimize any negative impact on the immediate neighborhood and look at the needs of the entire community. When the Fernwood NRG presented its ideas for the redevelopment of the lot at 1310 Gladstone, their presentations suggested some "reasonable accommodation residences" and some commercial (retail/offices/services), but no specifics about the type of businesses they were hoping to encourage and how this would complement the existing businesses and support the community. What was evident was the number of variances that would be needed to fit their proposal within this lot.

One key point about this lot is its size and orientation. To meet the zoning of Small Urban Village, most of the access should be pointed towards the street. However, the narrowness of this lot, currently occupied by a single residence, is not capable of being developed with multiple residences/business and still maintain the primary access at Gladstone Avenue.

This lot has only street-parking now, and one of the variances being asked for is for an exception for the on-site parking requirement for multi-commercial and residential uses. Parking is already a critical issue for the residents and existing businesses of Gladstone Street and adjacent streets. Replacing a single residence with a multiple-use building will place an additional strain. Unlike the Downtown Core, Fernwood does not have parking garages or metered street parking.

I appreciate that there is a process to the proposed planning for 1310 Gladstone, and looking at rezoning to Small Urban Village is the step in the process that we as community members are being asked to address now. However, to ask community members to support rezoning without knowing the end result is rather like asking people to provide a blank cheque.

Steve Ashton and Barbara Williams

1335 Pembroke Street (Residence)

1919 Fernwood Road (Business)

Leanne Taylor

Subject: RE: Proposed Changes to 1310 Gladstone Avenue

From: Douglas Berg [REDACTED]
Sent: Thursday, Jun 25, 2015 1:20 AM
To: Helen Cain
Cc: Fernwood Land Use Committee; Robbie Clarke; Tony Braid; V C; Joanne Murray; BOBBIE WILLIAMS; K8; Cathy S
Subject: Proposed Changes to 1310 Gladstone Avenue

Dear Helen,

Re: Proposed Changes to 1310 Gladstone Avenue

As a long-time resident of Fernwood, I am not in favour of this proposal.

Residents of the 1300 Bock Gladstone Avenue support existing zoning and Victoria's Official Community Plan (2012), which promotes: "local-serving commercial" (21.7.2), "business and community services for residents within walking distance" (21.8.4) and retaining "neighbourhood heritage character" (21.8.7).

The 2012 Official Community Plan boundaries for Fernwood Village do not include 1310 Gladstone Avenue or any of the 1300 block. After years of OCP reviews and revisions, the 1300 block remains 'Traditional Residential'. This is not by accident or oversight; the Official Community Plan, developed with input from city planners, neighbourhood representatives and commercial interests, foresaw the need to protect and retain the character of Fernwood.

The designation and boundaries of Fernwood's Small Urban Village are meant specifically to serve the neighbourhood rather than to be a commercial hub for the city. Unfortunately, growing commercial operations have resulted in a chronic - and worsening - parking problem, drivers (with questionable blood-alcohol levels) racing through our neighbourhood, and proposals to expand our commercial footprint well beyond current guidelines.

Rather than work with immediate neighbours to help reduce these problems, the Fernwood NRG proposes destroying a single family home and replacing it with a 3 storey, primarily commercial building, requiring variances for land use and parking.

This proposal does not meet the spirit or intent of the OCP guidelines. In fact, it will only exacerbate current problems. The developer - and Fernwood NRG is effectively a developer - is clearly asking for changes to meet their own needs, not the needs of our neighbourhood. To quote Lee Herrin, Executive Director of Fernwood NRG, in the Village Vibe (Feb. 2013):

- "there are simply not enough people within walking distance to make many of these amenities (including the 280 seat Belfry Theatre) economically viable"
- "we need to welcome people to our neighbourhood no matter how they choose to get here"
- "parking on the street is a privilege, not a right"

As well as being inaccurate, these are not the statements of someone who supports the best interests of our neighbourhood or the concept of local-serving businesses. Indeed, the Belfry Theatre has been a long-time success and has worked with neighbours to reduce the impact of their patrons.

I encourage Council to review the 2012 OCP for Fernwood and also the recommendations of the Fernwood Community Association, Land Use Committee, submitted to Council March 7, 2014, which concludes:

"The OCP is a thirty-year vision document, a road map of sorts, allowing for changes to occur incrementally over time. This proposal places the burden of increasing commercial development, somewhat unexpectedly, on the remaining residential section of Gladstone Avenue. This contradicts the stated position and spirit of the OCP concerning developments in 'Traditional residential' areas. (6.22, page 49)."

(Note: although the Land Use Committee document mentions additional Fernwood NRG-related developments on Fernwood Road, the conclusion solely reflects the proposal for 1310 Gladstone Avenue.)

Mayor Helps, as a former Chair of the Fernwood NRG, is in a conflict of interest and must recuse herself from these discussions and any subsequent vote(s) on this matter.

Sincerely,

- Douglas Berg
- 1337 Gladstone Ave
- Victoria BC V8R 1R9
[REDACTED]

Leanne Taylor

Subject: RE: 1310 Gladstone avenue

-----Original Message-----

From: michael [REDACTED]
Sent: Thursday, Jun 25, 2015 11:12 PM
To: Helen Cain
Subject: 1310 Gladstone avenue

Hello Helen,

I am the operating partner of the Fernwood Inn at 1302 Gladstone. I am writing to show my support for the proposed development at 1310 Gladstone Avenue.

Cheers
Mike Colwill
[REDACTED]

Sent from my iPhone



Head Office: 2009 Fernwood Road, Victoria BC V8T 2Y8

June 25, 2015

Helen Cain, Senior Planner
City of Victoria
1 Centennial Square
Victoria BC, V8W 1P6

Dear Helen Cain,

Re: 1310 Gladstone Avenue and amendments to the OCP.

M'akola Group of Societies supports the proposed changes to 1310 Gladstone Avenue and the potential amendments to the Official Community Plan.

As owners of the 2013 and 2017 Fernwood Road properties we support the opportunities this development could bring to the community and the possibility of expanding the Fernwood Village Boundaries.

If you have any questions or would like more information please call me at [REDACTED]

Yours truly,

A handwritten signature in black ink, appearing to read "Kevin A. Albers".

Kevin A. Albers, CGA, CAFM
Chief Executive Officer - M'akola Group of Societies

Leanne Taylor

Subject: RE: 1310 Gladstone - OCP Amendment

From: Lisa Matthaus [REDACTED]
Sent: Thursday, Jun 25, 2015 5:12 PM
To: Helen Cain
Subject: 1310 Gladstone - OCP Amendment

Dear Ms. Cain - I received one of your notices for the requested OCP Amendment for the proposed development at 1310 Gladstone, and I'm fully in support of the development and the related change to the OCP. For full disclosure, I'm a volunteer director on the board of Fernwood Neighbourhood Resources Group, the project proponent, but I also live in proximity to the development and have fully considered the impact it would have on my neighbourhood and consider it to be a positive one.

Lisa Matthaus
2201 Fernwood Rd.,
Victoria, BC

Leanne Taylor

Subject: RE: Fernwood NRG

-----Original Message-----

From: Rachel Sadava [REDACTED]

Sent: Thursday, Jun 25, 2015 9:04 AM

To: Helen Cain

Subject: Fernwood NRG

Hello,

I am writing in support of Fernwood NRG's proposed project on Gladstone Avenue. As a resident and small business owner in Fernwood, I am excited to see the community grow in innovative ways. Fernwood NRG has been crucial in creating an inclusive and safe community for our local families, business owners, employees, and residents. I am fully in support of more affordable housing and businesses in the area so we can continue to thrive.

Thank you,
Rachel Sadava
Owner- Fernwood Yoga Den
1313 Gladstone Ave

Sent from my iPhone

Leanne Taylor

Subject: RE: 1310 Gladstone Avenue, Small Urban Village designation support

-----Original Message-----

From: Kristin Scott [REDACTED]

Sent: Thursday, Jun 25, 2015 7:24 PM

To: Helen Cain

Subject: 1310 Gladstone Avenue, Small Urban Village designation support

I support the change for 1310 Gladstone Ave. from Traditional Residential to Small Urban Village designation, with respect to rezoning application #00435.

We've been kept well apprised of the development throughout the application so far, and other Fernwood NRG has contributed much to our village over the years.

The bedroom in unit four (A2.02) needs a little more door I think :)

Sincerely,

Kris Scott

7-1275 Pembroke St

Leanne Taylor

Subject: RE: Support for 1310 gladstone

-----Original Message-----

From: Finnegan Silke [REDACTED]
Sent: Thursday, Jun 25, 2015 5:46 PM
To: Helen Cain
Subject: Support for 1310 gladstone

I support the proposed development at 1310 Gladstone Avenue.

Finn Silke and Tara fraser
1-1303 gladstone avenue
[REDACTED]

Sent from Finnegan's iPhone

Leanne Taylor

Subject: RE: 1310 Gladstone OCP changes

From: Matt Takach [REDACTED]
Sent: Thursday, Jun 25, 2015 7:38 PM
To: Helen Cain
Subject: 1310 Gladstone OCP changes

Hi there,

Just writing to express my support for the rezoning application and the changes to the OPC for 1310 Gladstone Ave. This is exactly the type of development that attracted my wife and I to move to Fernwood in 2007. This proposed development will make our neighbourhood more vibrant and walkable with more small business activity in Fernwood square.

By providing more services within walking distance in Victoria neighbourhoods we'll help reduce the need for trips by car and our impact on global climate change. I hope that City Council will support this rezoning and will look for further opportunities to expand the commercial areas within our neighbourhood villages.

Thank you,
Matt Takach
1321 Pembroke Street
[REDACTED]

Leanne Taylor

Subject: RE: Rezoning for 1310 Gladstone

From: Kimberley Colpman [REDACTED]
Sent: Wednesday, Jun 24, 2015 9:35 AM
To: Helen Cain
Subject: Rezoning for 1310 Gladstone

HI Helen,

I am responding to a request for feedback on this proposal (I am a home owner in the area at 2035 Stanley). I fully support this proposal. With the City's vision to support/expand urban villages and provide housing next/close to such villages, this project makes great sense.

Cheers
Kim

Kim Colpman
Director of Development
[REDACTED]
w: www.largeandco.com


607 Vancouver St,
Victoria, BC V8V 3T9
[REDACTED]

Leanne Taylor

To: Helen Cain
Subject: RE: Support for 1310 Gladstone rezoning

From: Amy Zidulka [mailto:[REDACTED]]
Sent: Wednesday, Jun 24, 2015 4:51 PM
To: Helen Cain
Cc: Lee Herrin
Subject: Support for 1310 Gladstone rezoning

Hi Helen,

I am writing in support of the development at 1310 Gladstone. I live at 1287 Pembroke, which is under 200 metres away. I am in support of a vibrant and walkable neighbourhood core for Fernwood and see the development at 1310 Gladstone as one step toward achieving that vibrancy. I appreciate having amenities in my neighbourhood and perceive 1310 as being well-suited to contribute to the neighbourhood's development, especially given that it is adjacent to the current core and not currently well-used.

I am also a board member of the Fernwood NRG. I became a board member because Fernwood NRG's vision for the neighbourhood aligns with my own, and I appreciate the work the organization does to foster community. I have lived in Fernwood since 1996, when I was a university student. This means that I have seen how, both through property development and other community-building activities, Fernwood NRG has impacted positive change and, moreover, helped make Fernwood into the type of neighbourhood where I feel great about raising my kids. I perceive the redevelopment of 1310 Gladstone as an appropriate locale for Fernwood NRG to continue doing its good work.

Thank you for your consideration of this perspective, Amy

Amy Zidulka, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Leanne Taylor

Subject: RE: Proposed reasoning at 1310 Gladstone

-----Original Message-----

From: Thom McCann [REDACTED]

Sent: Wednesday, Jun 24, 2015 3:48 PM

To: Helen Cain

Subject: Proposed reasoning at 1310 Gladstone

Good afternoon

I have reviewed the plan and am writing in support of this development. It's design and proposed use fits the property in a positive way adding value to my community.

Sincerely

Thom McCann

1. 1925 Gladstone

Victoria BC

V8R3x5

Sent from my iPad



Fernwood Community Association

1923 Fernwood Road,
Victoria, B.C., V8T 2Y6
(250) 384-7441
Email: landuse@thefca.ca

June 26, 2015

City of Victoria
Victoria, BC

Re: Fernwood's Small Urban Village and Official Community Plan Amendment
Application, Rezoning Application #00435.

Mayor and Council,

The City's 1994 Fernwood Neighbourhood Plan recommended a comprehensive review of the area around the intersection of Fernwood Road and Gladstone Avenue including Victoria High School (Fernwood Neighbourhood Plan, pages 7-10). To amend the 2012 Official Community Plan (OCP) to accommodate the redevelopment of 1310 Gladstone Avenue is premature until this review is completed and presumes that changing the boundaries of Fernwood's Small Urban Village would be included in recommendations coming from the broader review. With the proposed 1310 Gladstone redevelopment and the planned redevelopment of Victoria High School's track now underway – and the latter being actively supported by the City - this seems like the appropriate time to conduct the review recommended in 1994.

Having spot rezoning pick away at the OCP and Neighbourhood Plan places the burden of uncertainty on both developers and residents and fails to capitalize on the potential to create a predictable and sustainable vision for this area of our community.

We do not agree that inviting people to comment in writing concerning this specific proposal respects the spirit and tone of the 2012 OCP when it says to "consider expanding the Fernwood Village" (OCP, 21.8.4, page 145). Rather we believe the following excerpts are consistent with the vision and goals expressed in the OCP concerning effective public participation and transparency:

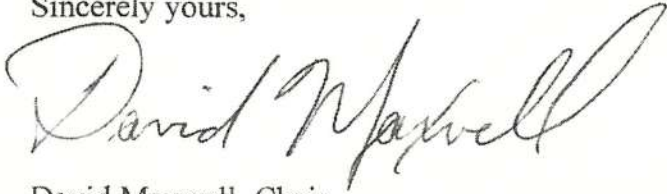
"That public engagement is central to local area planning" (OCP, 20(f), page 131)

"Corporate and community decision-making processes are clear and open to the public" (OCP, 19 (A), page 127)

"The rationale for future OCP amendments is clear and transparent." (OCP, 19(b), page 127)

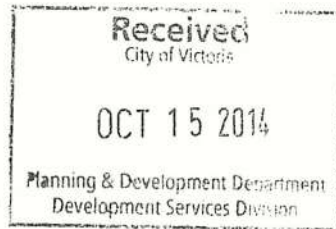
As 1310 Gladstone Avenue, currently zoned R1-B, is currently being used as office space we suggest this proposed redevelopment be placed on hold until the comprehensive review mentioned above is completed.

Sincerely yours,

A handwritten signature in black ink, reading "David Maxwell". The signature is fluid and cursive, with the first name "David" and last name "Maxwell" clearly legible.

David Maxwell, Chair
Land Use Committee
Fernwood Community Association

Pc: Development Services Division, Sustainable Planning and Community Development
Department, City of Victoria



Fernwood Community Association
1923 Fernwood Road
Victoria, BC V8T 2Y6

Phone: (250) 384-7441
Email: landuse@fernwoodvic.ca

October 14, 2014

City of Victoria
Victoria, BC

Re: Fernwood's Small Urban Village and Official Community Plan Amendment Application, Rezoning Application #00435.

Mayor and Council,

Further to the letter sent from the Fernwood Community Association Land Use Committee on March 7, 2014, concerning the proposal to redevelop 1310 Gladstone Avenue, we wish to add the following to the discussion of the recommendation from staff to amend the 2012 Official Community Plan (OCP) to accommodate this development.

The Fernwood Community Association supports the position that the current boundaries of Fernwood's Small Urban Village are those set out in the City's 2012 Official Community Plan (OCP, Map 49, page 200), which are consistent with the boundaries described in the text of the 1994 Fernwood Neighbourhood Plan.

This position is being put forward to clarify confusion caused by the Summary Map included in the 1994 Fernwood Neighbourhood Plan, which lacks sufficient detail to pinpoint individual properties and was not intended to be seen as an accurate representation of boundaries. Those hard boundaries are shown in the zoning map included in the Plan's appendices. In the same document, sections of the text clearly recommend that R1-B zoned lands on the 1300 block of Gladstone and the 2000 block of Fernwood Roads retain R1-B status.

The proposed Official Community Plan amendment would expand the boundaries of Fernwood's Small Urban Village and represents a significant change to the 2012 OCP and the 1994 Fernwood Neighbourhood Plan. As such, this warrants a community consultation as recommended in the 1994 Fernwood Neighbourhood Plan, rather than the seemingly piecemeal approach before you now.

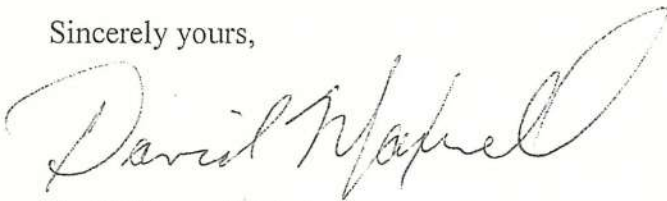
Although one of the strategic directions identified in the 2012 OCP is to “consider expanding the Fernwood Village” (OCP, 21.8.4, page 145), it is vague on how this is to be done. In our opinion, a public hearing concerning a specific property is not the appropriate vehicle for such a significant change and is not consistent with the vision and goals expressed in the OCP concerning effective public participation and transparency. The following excerpts from the Plan convey this expectation:

“That public engagement is central to local area planning” (OCP, 20(f), page 131)

“Corporate and community decision-making processes are clear and open to the public” (OCP, 19 (A), page 127)

“The rationale for future OCP amendments is clear and transparent.” (OCP, 19(b), page 127)

Sincerely yours,

A handwritten signature in cursive script, appearing to read 'David Maxwell', written in dark ink.

David Maxwell, Chair
Land Use Committee
Fernwood Community Association

Pc: Development Services Division, Sustainable Planning and Community Development
Department, City of Victoria

VICTORIA LAND TITLE OFFICE



LAND TITLE ACT
FORM C (Section 233) CHARGE

May-26-2016 10:08:39.001

CA5206756 CA5206758

GENERAL INSTRUMENT - PART 1 Province of British Columbia

PAGE 1 OF 11 PAGES

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

Laylee Rohani
2LZHK2

Digitally signed by Laylee Rohani
2LZHK2
DN: c=CA, cn=Laylee Rohani
2LZHK2, o=Lawyer, ou=Verify ID at
www.juricert.com/LKUP.cfm?
id=2LZHK2
Date: 2016.05.26 09:24:51 -0700

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

COOK ROBERTS LLP

BARRISTERS & SOLICITORS

7TH FLOOR, 1175 DOUGLAS STREET

VICTORIA

BC V8W 2E1

PHONE: 250-385-1411

FILE: 34632/LR/nm

Document Fees: \$214.74

Deduct LTSA Fees? Yes ☒

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[LEGAL DESCRIPTION]

009-192-026

THE WEST 1/2 OF LOT 7 SECTION 75 VICTORIA DISTRICT PLAN 277

STC? YES ☐

3. NATURE OF INTEREST

SEE SCHEDULE

CHARGE NO.

ADDITIONAL INFORMATION

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) ☐ Filed Standard Charge Terms D.F. No.(b) ☒ Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

FERNWOOD NEIGHBOURHOOD RESOURCE GROUP SOCIETY (INC. NO. S-14959)

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

THE CORPORATION OF THE CITY OF VICTORIA

#1 CENTENNIAL SQUARE

VICTORIA

BRITISH COLUMBIA

V8W 1P6

CANADA

7. ADDITIONAL OR MODIFIED TERMS:

SEE SCHEDULE

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

Laylee Rohani

Barrister - Solicitor - Notary Public

7th Floor, 1175 Douglas Street

Victoria, BC V8W 2E1

Execution Date

Y	M	D
15	12	09

Transferor(s) Signature(s)

Fernwood Neighbourhood Resource
Group Society (Inc. No. S-14959) by
its authorized signatory(ies):

Lee Herrin

Print Name:

(as to all signatures)

OFFICER CERTIFICATION:

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

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

PAGE 1 OF 10 PAGES

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

COOK ROBERTS LLP
BARRISTERS & SOLICITORS
7TH FLOOR, 1175 DOUGLAS STREET
VICTORIA BC V8W 2E1

PHONE: 250-385-1411
FILE: 34632/LR/nm

Deduct LTSA Fees? Yes ☒

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
 [PID] [LEGAL DESCRIPTION]

009-190-026 THE WEST 1/2 OF LOT 7 SECTION 75 VICTORIA DISTRICT PLAN 277

STC? YES ☐

3. NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

SEE SCHEDULE

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) ☐ Filed Standard Charge Terms D.F. No.

(b) ☒ Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

FERNWOOD NEIGHBOURHOOD RESOURCE GROUP SOCIETY (INC. NO. S-14959)

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

THE CORPORATION OF THE CITY OF VICTORIA

#1 CENTENNIAL SQUARE

VICTORIA

BRITISH COLUMBIA

V8W 1P6

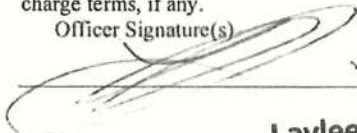
CANADA

7. ADDITIONAL OR MODIFIED TERMS:

SEE SCHEDULE

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)



Laylee Rohani
Barrister - Solicitor - Notary Public
7th Floor, 1175 Douglas Street
Victoria BC V8W 2E1

Execution Date

Y	M	D
	12	09

Transferor(s) Signature(s)

Fernwood Neighbourhood Resource Group Society (Inc. No. S-14959) by its authorized signatory(ies):

Print Name: **LEE HERLIN**

Print Name:

(as to all signatures)

OFFICER CERTIFICATION:

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

LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

PAGE 2 of 10 PAGES

Officer Signature(s)



Carrie Hunter
Commissioner for Taking Affidavits for British Columbia
Expiration Date July 31, 2016
1-13 Victoria Cres, Nanaimo, BC V9R 5B9
250-741-3200

Execution Date

Y	M	D
16	02	12

Transferor / Borrower / Party Signature(s)

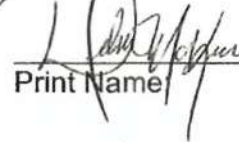
Coastal Community Credit Union

by its authorized signatory(ies):



Adela Sharrow
Lending Clerk
Central Operations

Print Name:



Print Name:

Debra McKim
Lending Clerk
Central Operations

(as to all signatures)

OFFICER CERTIFICATION:

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

Officer Signature(s)



CHRISTOPHER D. COATES

Commissioner for Taking Affidavits in British Columbia

#1 Centennial Square
Victoria, BC V8W 1P6

Execution Date

Y	M	D
16	05	19

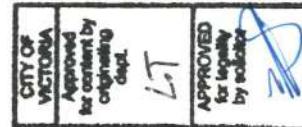
Transferor / Borrower / Party Signature(s)

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



MAYOR LISA HELPS

MAYOR LISA HELPS
#1 Centennial Square
Victoria BC V8W 1P6



OFFICER CERTIFICATION:

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

MAYOR LISA HEPPS
 81 Centennial Square
 Victoria BC V8W 1P8

RECEIVED CITY OF VICTORIA OFFICE OF THE CITY CLERK	RECEIVED CITY OF VICTORIA OFFICE OF THE CITY CLERK	RECEIVED CITY OF VICTORIA OFFICE OF THE CITY CLERK
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FORM_E_V21

LAND TITLE ACT
FORM E

SCHEDULE

PAGE ⁴/₈ OF 10 PAGES

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

Statutory Right of Way

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

Priority Agreement

Granting the Statutory Right of Way herein priority
over CA3437598

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

Priority Agreement

Granting the Statutory Right of Way herein priority
over CA3437599

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

Statutory Right of Way - Highway

TERMS OF INSTRUMENT - PART 2

WHEREAS:

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

The West ½ of Lot 7 Section 75 Victoria District Plan 277
PID: 009-192-026

(the "Lands")

B. The Transferee is The Corporation of the City of Victoria;

C. This Right of Way is necessary for the operation and maintenance of the Transferee's undertaking as described in Recital D;

D. The Transferee wishes to be able to construct, operate and maintain a public highway and other works including but not limited to a system of roadways, sidewalks and utility services in perpetuity over a portion of the Lands; and

E. To facilitate the construction and use by the Transferee and the public of a public highway, and to facilitate the installation and use of works that may be placed by the Transferee on, under or over the highway including pavements, sidewalks, boulevards, curbs, gutters, drains, sewers, utility poles, wires, fences, overhead and underground cables, traffic signals, transit shelters, and landscaping including but not limited to trees, shrubs, flowers and grass, and irrigation works required for the maintenance of that landscaping, and any other works, facilities or appurtenants necessary for the use of the Right of Way as a public highway (collectively the "**Works**"), the Transferor has agreed to grant the Right of Way in this Agreement.

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

1.0 THE TRANSFEROR:

1.1 Pursuant to Section 218 of the Land Title Act, hereby grants, conveys, confirms and transfers, in perpetuity, to the Transferee, its officers, employees, contractors, licensees and invitees, including without limitation the general public, the full, free and uninterrupted right, licence, liberty, privilege, permission and right of way to use as a public highway, including but not limited to the right to enter onto, use, go, return, pass over and across for highway purposes, that portion of the Lands described in Schedule "A" (the "**Right of Way**");

1.2 Covenants and agrees to and with the Transferee that in connection with the grant under Section 1.1 of this Agreement, the Transferee and its officers, employees, contractors, licensees and invitees shall have the full, free and uninterrupted right, licence, liberty, privilege, permission and right of way to lay down, install, construct, entrench, operate, maintain, inspect, alter, repair, remove, replace, bury, cleanse, string, and otherwise establish one or more system of Works upon the Right of Way;

1.3 Covenants and agrees to and with the Transferee that the Transferee shall:

- (a) for itself and its agents, workers, contractors and all other licensees of the Transferee;
- (b) together with machinery, vehicles, equipment, and materials;
- (c) upon, over, under and across the Right of Way;
- (d) as may be necessary, useful, or convenient for the purposes in Section 1.1 and Section 1.2; and
- (e) in connection with the operations of the Transferee in relation to the Works;

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

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

1.5 Transfers, assigns and conveys to the Transferee all right, title and interest in and to any Works that the Transferee, or the Transferor have prior to this Agreement

established or constructed or maintained or operated within the Right of Way or in relation to any similar Works previously constructed by any party whatsoever within the Right of Way.

2.0 THE TRANSFEROR COVENANTS:

2.1 Not, and not to permit or allow any other person, to erect, place, install or maintain any building, structure, addition to a building or structure, mobile home, pipe, wire or other conduit on, over or under any portion of the Right of Way

2.2 Not to do anything or to permit any act or thing which in the opinion of the Transferee in any way interferes with or damages or prevents access to or use of the Right of Way or is likely to cause harm to the Works installed in or upon the Right of Way;

3.0 SECTION 219 COVENANT

Under section 219 of the *Land Title Act* there may be registered as annexed to any land a condition or covenant in favour of the City, that the land, or any specified portion of it, is not to be built upon or is to be or is not to be used in a particular manner.

3.1 The Transferor covenants, promises and agrees that, notwithstanding the uses permitted from time to time by the City's zoning bylaw, the Lands shall not be used except in strict accordance with this covenant.

3.2 The Transferor covenants under section 219 of the *Land Title Act*:

- (a) to trim or, if the Transferee determines it is necessary, cut down any tree or other growth on the Lands which in the opinion of the Transferee, constitutes or may constitute a danger or obstruction to the Right of Way or the Works or those using same;
- (b) from time to time and at all times at the reasonable request and at the cost of the Transferee to do and execute or cause to be made, done or executed any further and other lawful acts, deeds, things, devices, conveyances and assurances in law required to ensure the Transferee of its rights under this Agreement; and
- (c) to permit the Transferee to peaceably hold and enjoy the rights hereby granted;
- (d) that it shall, after execution hereof by it at the expense of the Transferor, do or cause to be done all acts necessary to grant priority to this Agreement over all financial charges and encumbrances which are registered, or pending registration, against the Title to the Lands in the

Land Title Office save and except those as have been specifically approved in writing by the Transferee or have been granted in favour of the Transferee

3.3 If the Transferor defaults in observance or performance of its obligations hereunder, the Transferee, after 10 days prior written notice to the Transferor specifying the default and at any time in case of emergency, may (but is not obligated to) rectify the default, and the Transferor shall pay to the Transferee, on demand, its reasonable costs in connection with so rectifying;

4.0 THE TRANSFEE COVENANTS:

4.1 As far as reasonably possible, to carry out all work in a timely, proper and workmanlike manner so as to do as little injury to the Lands as possible; and

4.2 To make good at its own expense damage or disturbance which may be caused to the Lands in the exercise by the Transferee of its rights under this Agreement except as permitted under this Agreement.

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

5.1 The Transferor shall not diminish or increase the soil cover over any pipe installed in the Right of Way without the Transferee's prior written consent;

5.2 No right herein granted to or reserved by the Transferee shall require the Transferee to clear, repair or maintain the Works or the Right of Way unless the Transferee is expressly required herein to perform such cleaning, repairing or maintenance;

5.3 Waiver of any default by either party shall not be deemed to be a waiver of any subsequent default by that party;

5.4 Whenever this Agreement creates a power or obligation of the Transferee to make a decision or to exercise any contractual right or remedy, the Transferee may do so in accordance with the provisions of this Agreement and no public law duty, whether arising from the principals of fairness or the rules of natural justice, shall have any application;

5.5 Notwithstanding anything herein contained, the Transferee reserves all rights and powers of expropriation otherwise enjoyed by the Transferee;

5.6 Without limiting Section 4.7, nothing contained or implied in this Agreement will derogate from the obligations of the Transferor under any other agreement with the Transferee or prejudice or affect the Transferee's rights, powers, duties or obligations in the exercise of its functions under all public and private statutes, by-laws, orders and

regulations, which may be as fully and effectively exercised in relation to the Lands as if this Agreement had not been executed and delivered by Transferor and the Transferee;

5.7 In spite of any rule of law or equity to the contrary, the Works brought on to, set, constructed, laid, erected in, upon or under the Right of Way by the Transferee shall at all times remain the property of the Transferee, even if the Works are annexed or affixed to the freehold, and the Works shall at any time and from time to time be removable in whole or in part by the Transferee;

5.8 No part of the title in fee simple to the Lands of the Transferor shall pass to or be vested in the Transferee under or by virtue of this Agreement, and the Transferor may fully use and enjoy all of the Lands of the Transferor subject only to the rights and restrictions in this Agreement;

5.9 If any section, subsection, sentence, clause or phrase in this Agreement is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of the Agreement;

5.10 This Agreement shall attach to and run with the Lands and each and every part to which the Lands may be divided or subdivided whether by subdivision plan, strata plan or otherwise howsoever;

5.11 The Transferor acknowledges that (a) these Covenants are enforceable against the Transferor and his successors in title, but (b) the Transferor is not personally liable for breach of these Covenants where such liability arises by reason of an act or omission occurring after the Transferor named herein or any future owner ceases to have a further interest in the Lands;

5.12 If at the date hereof the Transferor is not the sole registered owner of the Lands of the Transferor, this Agreement shall nevertheless bind the Transferor to the full extent of his interest therein, and if he acquires a greater or the entire interest in fee simple, this Agreement shall likewise extend to such after-acquired interests;

5.13 Where the expression "Transferor" includes more than one person, all covenants made by the Transferor shall be construed as being several as well as joint with respect to all persons constituting the Transferor;

5.14 This Agreement shall continue to benefit and be binding upon the Transferor and Transferee, and their respective heirs, administrators, executors, successors and permitted assigns, as the case may be;

5.15 Gender specific terms include both genders and corporations, and the singular and plural forms are interchangeable, according to the context; and

5.16 This Agreement will be governed and construed according to the laws of the Province of British Columbia.

5.17 Nothing contained or implied in this Agreement shall prejudice or affect the rights and powers of the Transferee in the exercise of its functions under any public or private statutes, bylaws, order and regulations, all of which may be fully and effectively exercised in relation to the Land as if this Agreement had not been executed and delivered by the parties.

6.0 PRIORITY AGREEMENT

6.1 Coastal Community Credit Union, as the registered holder of a charge by way of a Mortgage of Land and Assignment of Rents against the within described property, which said charge is registered in the Land Title Office at Victoria, British Columbia, under numbers CA3437598 and CA3437599 respectively, for and in consideration of the sum of One Dollar (\$1.00) paid by the Transferee to the said Chargeholder (the receipt whereof is hereby acknowledged), agrees with the Transferee, its successors and assigns, that the within Right of Way shall be an encumbrance upon the within described property in priority to the said charge in the same manner and to the same effect as if it had been dated and registered prior to the said charge.

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

Schedule "A"

All that part of The West $\frac{1}{2}$ of Lot 7 Section 75 Victoria District Plan 277 lying southerly of a line and its productions parallel to and perpendicularly distant 1.524 meters from the southerly boundary of said lot.

**LAND TITLE ACT
FORM DECLARATION**

Related Document Number: CA5206756

PAGE 1 OF 1 PAGES

Your electronic signature is a representation that: you are a subscriber as defined by the Land Title Act, RSBC 1996, C.250, the original or where designated by the Director, a true copy of the supporting document is in your possession and that the summary of the material facts set out in this declaration accurately reflects the material facts set out in each supporting document and if a supporting document is evidenced by an imaged copy the material facts of the supporting document are set out in the imaged copy of it attached. Each term used in the representation and declaration set out above is to be given the meaning ascribed to it in Part 10.1 of the Land Title Act.

Laylee
Rohani
2LZHK2

Digitally signed by Laylee Rohani
2LZHK2
DN: c=CA, cn=Laylee Rohani
2LZHK2, o=Lawyer, ou=Verify ID at
www.juricert.com/LKUP.cfm?
id=2LZHK2
Date: 2016.06.06 10:51:31 -07'00'

I, Laylee Rohani, declare that the following changes are required to be made with respect to Document Numbers CA5206756 through CA5206758:

1. Add Coastal Community Credit Union to Item 5 - Transferor(s)
2. Delete "See Schedule" from Item 7 - Additional or Modified Terms
3. Add "Covenant" to Item 3 - Nature of Interest and "s. 219" to Item 3 - Additional Information

Laylee Rohani

NOTE:

A Declaration cannot be used to submit a request to the Registrar for the withdrawal of a document.

Fee Collected for Document: \$84.46

VICTORIA LAND TITLE OFFICE

May-26-2016 10:06:26.001



CA5206743 CA5206744

1464282154 PAGE 1 OF 7 PAGES

LAND TITLE ACT
FORM-C (Section 233) CHARGE

GENERAL INSTRUMENT - PART 1 Province of British Columbia

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

Laylee Rohani
2LZHK2

Digitally signed by Laylee Rohani
2LZHK2
DN: c=CA, cn=Laylee Rohani
2LZHK2, o=Lawyer, ou=Verify ID at
www.juricert.com/LKUP.cfm?
id=2LZHK2
Date: 2016.05.26 10:03:02 -0700

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

COOK ROBERTS LLP
BARRISTERS & SOLICITORS
7TH FLOOR, 1175 DOUGLAS STREET
VICTORIA BC V8W 2E1

PHONE: 250-385-1411
FILE: 34632/LR/nm

Document Fees: \$143.16

Deduct LTSA Fees? Yes ☒

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
-
- [PID] [LEGAL DESCRIPTION]

009-192-115 LOT 3 SECTION 75 VICTORIA DISTRICT PLAN 277

STC? YES ☐

3. NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

Easement
Covenant

s. 219

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) ☐ Filed Standard Charge Terms D.F. No.(b) ☒ Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

FERNWOOD NEIGHBOURHOOD RESOURCE GROUP SOCIETY (INC. NO. S-14959)

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

FERNWOOD NEIGHBOURHOOD RESOURCE GROUP SOCIETY

1240 GLADSTONE AVENUE

VICTORIA

V8T 1G6

BRITISH COLUMBIA

CANADA

Incorporation No

S-14959

7. ADDITIONAL OR MODIFIED TERMS:

SEE SCHEDULE

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

Laylee Rohani
Barrister - Solicitor - Notary Public
7th Floor, 1175 Douglas Street
Victoria, BC V8W 2E1

(as to all signatures)

Execution Date

Y	M	D
15	12	09

Transferor(s) Signature(s)

Fernwood Neighbourhood Resource
Group Society (Inc. No. S-14959) by
its authorized signatory(ies):

Lee Herrin

Print Name:

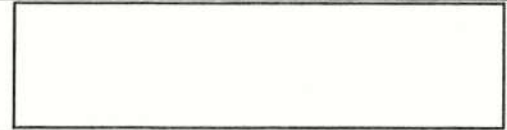
OFFICER CERTIFICATION:

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

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

PAGE 1 OF 7 PAGES

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.



1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

COOK ROBERTS LLP
BARRISTERS & SOLICITORS
7TH FLOOR, 1175 DOUGLAS STREET
VICTORIA BC V8W 2E1

PHONE: 250-385-1411
FILE: 34632/LR/nm

Deduct LTSA Fees? Yes ☒

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID] [LEGAL DESCRIPTION]

009-192-115 LOT 3 SECTION 75 VICTORIA DISTRICT PLAN 277

STC? YES ☐

3. NATURE OF INTEREST

Easement

CHARGE NO.

ADDITIONAL INFORMATION

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) ☐ Filed Standard Charge Terms D.F. No.

(b) ☒ Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

FERNWOOD NEIGHBOURHOOD RESOURCE GROUP SOCIETY (INC. NO. S-14959)

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

FERNWOOD NEIGHBOURHOOD RESOURCE GROUP SOCIETY

1240 GLADSTONE AVENUE
VICTORIA

V8T 1G6

BRITISH COLUMBIA
CANADA

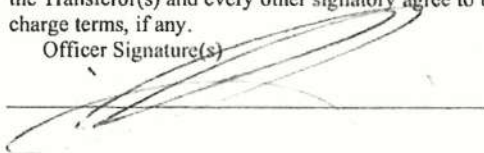
Incorporation No
S-14959

7. ADDITIONAL OR MODIFIED TERMS:

SEE SCHEDULE

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)



Laylee Rohani
Barrister - Solicitor - Notary Public
7th Floor, 1175 Douglas Street
Victoria BC V8W 2E1

(as to all signatures)

Execution Date

Y	M	D
15	12	09

Transferor(s) Signature(s)

Fernwood Neighbourhood Resource Group Society (Inc. No. S-14959) by its authorized signatory(ies):

Print Name:

LEE HERMAN

Print Name:

OFFICER CERTIFICATION:

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

LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

PAGE 2 of 7 PAGES

Officer Signature(s)



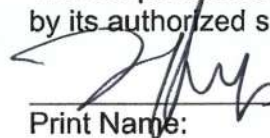
CHRISTOPHER D. COATES
A Commissioner for taking Affidavits
For British Columbia
#1 Centennial Square
Victoria BC V8W 1P6

Execution Date

Y	M	D
2016	05	19

Transferor / Borrower / Party Signature(s)

The Corporation of the City of Victoria
by its authorized signatory(ies):

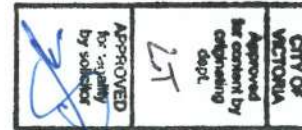


Print Name:

Print Name:

MAYOR LISA HELPS
#1 Centennial Square
Victoria BC V8W 1P6

(as to all signatures)



OFFICER CERTIFICATION:

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

**PART 2 – TERMS OF INSTRUMENT
EASEMENT and COVENANT**

THIS AGREEMENT dated for reference effective the 9th day of December, 2015.

BETWEEN:

FERNWOOD NEIGHBOURHOOD RESOURCE GROUP SOCIETY

1240 Gladstone Avenue

Victoria, B.C. V8T 1G6

(the "Transferor")
OF THE FIRST PART

AND:

FERNWOOD NEIGHBOURHOOD RESOURCE GROUP SOCIETY

1240 Gladstone Avenue

Victoria, B.C. V8T 1G6

(the "Transferee")
OF THE SECOND PART

AND:

THE CORPORATION OF THE CITY OF VICTORIA,
1 Centennial Square, Victoria, BC, V8W 1P6

("City of Victoria")
OF THE THIRD PART

WHEREAS:

- A. The Transferor is the registered owner of lands and premises located at 2009 Fernwood Road, in the City of Victoria, Province of British Columbia, legally described as:

PID: 009-192-115

Lot 3 Section 75 Victoria District Plan 277

(the "Servient Tenement").

- B. The Transferee is the registered owner of lands and premises located at 1310 Gladstone Avenue, in the City of Victoria, Province of British Columbia, legally described as:

PID: 009-192-026

The West ½ of Lot 7 Section 75 Victoria District Plan 277

(the "Dominant Tenement").

- C. The Transferor has agreed to grant an Easement over that part of the Servient Tenement described in Schedule A (the "Easement Area") for access purposes for the benefit of the Dominant Tenement.
- D. The Transferor and Transferee have agreed with the City of Victoria that this Easement and Covenant Agreement shall not be modified or discharged without prior written consent and approval of the City of Victoria; and
- E. Section 219 of the *Land Title Act* provides, inter alia, that a covenant, whether of a negative or positive nature, in respect of the use of land in favour of the City of Victoria, may be registered as a charge against the title to the land.

NOW THEREFORE THIS AGREEMENT WITNESSETH that is consideration of the sum of \$1.00 now paid by the Transferee to the Transferor and by the City of Victoria to each of the Transferor and the Transferee (the receipt and sufficiency whereof is hereby acknowledged) the parties hereto agree as follows:

1. The Transferor hereby grants in perpetuity to the Transferee, its servants, agents, invitees and licensees, in common with the Transferor, the right and easement at all times and from time to time to pass and repass as pedestrians or with vehicles for the purpose of ingress and egress to and from the Dominant Tenement over the Easement Area (the "Easement").
2. The Transferor hereby covenants with the Transferee not to make, place, erect or maintain, subsequent to the date hereof, any vehicle, building, structure, excavation, pile of material or obstruction upon the Easement Area which would reasonably interfere with the Transferee's Easement rights herein, without the written consent of the Transferee first having been obtained.

3. It is mutually agreed by and between the parties that:
 - (a) the Transferor and the Transferee shall share equally in the costs for the repair, maintenance and upkeep of the driveway to be located on the Easement Area;
 - (b) no impediments shall be left so as to restrict the free flow of ingress and egress over the Easement Area;
 - (c) no vehicles shall be allowed to park or stop unnecessarily upon or in the Easement Area;
 - (d) the Easement shall be construed as running with the Servient Tenement, that no part of the fee shall pass to or be vested in the Transferee under or by these presents;
 - (e) the expressions "Transferee" and "Transferor" herein contained shall be deemed to include the executors, administrators, successors and assigns of such parties wherever the context so admits.
4. The Transferor, for itself and its successors and assigns, covenants and agrees under s. 219 of the Land Title Act (being the intention of the parties that this covenant will be annexed to the Servient Tenement) that the Servient Tenement shall only be used in compliance with the Easement and without limiting the foregoing, that the Transferor will not use any portion of the Easement area or allow the Servient Tenement to be used for any purpose which would detract from or interfere with the enjoyment and purpose of the Easement.
5. The Transferor and the Transferee covenant and agree with the City of Victoria that this Agreement may be modified or discharged only with the written consent of the City of Victoria.
6. The Transferor and the Transferee agree with the City of Victoria that they will do and execute or cause to be made, done or executed, any further and other lawful acts, deeds, things, devices, conveyances and assurances in law required to ensure the City of Victoria of its rights under this Agreement.
7. The covenants set forth in this Agreement shall charge the Dominant Tenement and the Servient Tenement under s. 219 of the *Land Title Act* and shall be covenants, the burden of which shall run with the lands.
8. Wherever the singular or masculine are used in this Agreement, they shall be construed as meaning the plural or feminine or the body politic and vice versa where the context or the parties so require.
9. The Transferor and the Transferee agree with the City of Victoria that enforcement of this Agreement shall be entirely within the discretion of the City of Victoria and that the execution and registration of this Agreement against title to the Dominant Tenement and Servient Tenement shall not be interpreted as creating any duty on the part of the City of Victoria to the Transferor, the Transferee or to any other person to enforce any provision or prevent or restrain the breach of any provision of this Agreement.

10. The Transferor and the Transferee hereby releases and forever discharges the City of Victoria of and from any claim, cause of action, suit, demand, expenses, costs and legal fees whatsoever which the Transferor or the Transferee can or may have against the City of Victoria for any loss or damage or injury that the Transferor or the Transferee may sustain or suffer arising out of this Agreement.
11. Nothing contained or implied herein will derogate from the obligations of the Transferor or the Transferee under any other agreement with the City of Victoria or prejudice or affect the City of Victoria's rights, powers, duties or obligations in the exercise of its functions under any enactment and the rights, powers, duties and obligations of the City of Victoria under all public and private statutes, by-laws, orders and regulations, which may be as fully and effectively exercised in relation to the Dominant Tenement and the Servient Tenement as if this Agreement had not been executed and delivered by each of the Transferor, the Transferee and the City of Victoria.

IN WITNESS WHEREOF the parties hereto have executed this Indenture, intending the attached Land Title Office Forms C, D and E to be the first four pages of this Indenture.

Schedule 'A'

ALL AND SINGULAR that certain piece, parcel, or tract of land and premises situate, lying and being in the City of Victoria, in the Province of British Columbia and comprising part of

Lot 3 Section 75 Victoria District Plan 277

More particularly described as:

All that part of Lot 3 Section 75 Victoria District Plan 277 lying northerly of a line and its productions drawn parallel to and perpendicularly distant 2.64 metres from the northerly boundary of the said lot.

**LAND TITLE ACT
FORM DECLARATION**

Related Document Number: CA5206743

PAGE 1 OF 1 PAGES

Your electronic signature is a representation that: you are a subscriber as defined by the Land Title Act, RSBC 1996, C.250, the original or where designated by the Director, a true copy of the supporting document is in your possession and that the summary of the material facts set out in this declaration accurately reflects the material facts set out in each supporting document and if a supporting document is evidenced by an imaged copy the material facts of the supporting document are set out in the imaged copy of it attached. Each term used in the representation and declaration set out above is to be given the meaning ascribed to it in Part 10.1 of the Land Title Act.

**Laylee
Rohani
2LZHK2**

Digitally signed by Laylee Rohani
2LZHK2
DN: c=CA, cn=Laylee Rohani
2LZHK2, o=Lawyer, ou=Verify ID at
www.juricert.com/LKUP.cfm?
id=2LZHK2
Date: 2016.06.07 09:36:49 -07'00'

I, Laylee Rohani, declare that the following information is required to be added to Item 3 - Nature of Interest - Additional Information:

"over that part of Lot 3 Plan 277 described in Part 2 - Schedule 'A' Dominant Lands 009-192-026 The West 1/2 of Lot 7 Plan 277"

Laylee Rohani

NOTE:

A Declaration cannot be used to submit a request to the Registrar for the withdrawal of a document.

AGREEMENT

This Agreement dated this 18th day of September, 2015, is made

BETWEEN:

FERNWOOD NEIGHBOURHOOD RESOURCE GROUP SOCIETY,

a company incorporated under the laws of British Columbia,

(the "Developer")

OF THE FIRST PART

AND:

MODO CO-OPERATIVE,

a Cooperative Association incorporated pursuant to
the *Cooperative Association Act* of British Columbia

("MODO")

OF THE SECOND PART

WHEREAS:

A. The Developer proposes to develop a building containing four (4) Unit rental housing units and two (2) commercial units, on the property currently known by its civic address as:

1310 Gladstone Avenue, Victoria, B.C.

and more particularly known and described by its four property identifying descriptions as:

PID: 009-192-026

The West ½ of Lot 7, Section 75, Victoria District Plan 277

(the "Development")

B. The Developer and Modo wish to ensure that the occupiers of the development, as renters or leaseholders, are able to become members of Modo by virtue of their rental or lease of the Units or Commercial Units of the Development.

WHEREFORE in consideration of the premises and the mutual covenants and agreements herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties covenant and agree as follows:

I. DEFINITIONS

"Agreement" means this agreement, any Schedules attached hereto which are referred to in this agreement, and every properly executed instrument which by its terms amends, modifies, supplements, or extends this agreement;

"Arbitrator" means a member in good standing of the Arbitrators Association of British Columbia;

"Commercial Units" means the individual commercial units available for lease in the Development;

"Developer" means the parties of the first part to this agreement and any heirs, administrators, successors, assigns, subsidiaries or nominees of the parties of the first part who may assume the right, title or interest in the Development and/or this agreement from the parties of the first part, and expressly includes any party which may manage or operate the Development from time to time;

"Development" means the rental housing development referred to in Article A of the recitals herein, and includes the property and the buildings being developed during and after the development has been completed;

"Development Permit" means the development permit issued in respect of the construction of the Development by the City of Victoria or applicable local government authority prior to the construction of the Development;

"Lease" means any agreement between a commercial party or parties and the Developer for a possessory interest in a Commercial Unit or Units of the Development for a fixed period of time;

"Leaseholder" means the first and subsequent commercial party or parties to any agreements providing for an interest in a Commercial Unit or Units of the Development for a fixed period of time;

"Mediator" means a member in good standing of the Arbitrators Association of British Columbia or Mediate BC;

"Membership Obligations" means and includes any and all obligations or liabilities that a member of the Modo or other person who participates in MODO's activities, including any Renter, may have or incur to MODO or any other member of Modo or

any other person as a result of or in connection with such membership in MODO, participation in the activities of MODO, use of MODO's vehicles, or otherwise associated with the ownership of shares of MODO including, without limiting the generality of the foregoing, the obligation to pay any fee, monthly administrative fee, charge, fine or other cost to MODO or any other person;

"Occupancy Date" means the date that the City of Victoria issues the first occupancy permit for a Unit in the Development;

"Occupancy Permit" means the Occupancy Permit issued by the City of Victoria or applicable local government on completion of the construction of the Development;

"Renter" means the first and each subsequent party renting a Unit in the Development, from time to time;

"Rental Agreement" means any agreement between a party and the Developer for the occupancy of a Unit in the Development for any length of time;

"Subject Shares" means the specific membership shares in MODO purchased by the Developer for the benefit of the Renters of the Development from time to time;

"Units" means the individual accommodation units available for rent in the Development; and

II. OBLIGATIONS OF THE DEVELOPER

1. The Developer will be the owner and developer of the Development, upon which there is to be built a rental building, which building will contain four (4) Residential Units and two (2) Commercial Units.
2. On the date this Agreement is executed, the Developer will forthwith pay MODO a non-refundable legal/administration fee of \$200. The Developer further agrees that the payment of the legal/administration fee is a reasonable estimate of damages suffered by MODO if this Agreement is terminated.
3. On the issuance by the City of Victoria of the appropriate and approved Occupancy Permit or Permits or similar purpose document for the Development, the Developer will forthwith:
 - (a) tender payment of \$2,000 to MODO, representing the price to purchase Fifty (50) MODO Subject Shares on behalf of each and every Unit to be occupied by the Renters of the Development (4 Units). (The price of each Subject Share will be \$10, for a total price \$2,000.).

- (b) tender payment of \$1,000 to Modo, representing the price to purchase Fifty (50) Modo Subject Shares on behalf of each and every Commercial Unit to be occupied by the Leaseholders of the Development (2 Commercial Units). (The price of each Subject Share will be \$10, for a total price \$1,000.).
- 4. Subject to Article 15 herein, the Developer will ensure that binding Rules in the form attached hereto as Schedule A will be included with the Rules and Regulations of any and all Rental Agreements and Leases that the Developer or its subsidiaries or any successors or assigns may enter into with Renters or Leaseholders for Units or Commercial Units in the Development respectively, from time to time.
- 5. The Developer warrants that it will be the owner and manager of the Development upon completion, and further warrants that it will cause its subsidiaries and any successors or assigns of the Developer or of its interests to be bound by the terms of this Agreement.
- 6. The Developer agrees that MODO will not be under any obligation whatsoever to provide share equity or services for use at the Development if MODO has not received full payment from the Developer by the required deadlines of the sums owing in Articles 2 and 3 of this Agreement.
- 7. The Fifty (50) Subject Shares allotted for each Unit in the Development, and the Fifty (50) Subject Shares issued for each Commercial Unit in the Development, will be registered in the name of and held by the Developer. The Developer is the legal owner of all the Subject Shares, and the beneficial interest vests in the Renters and Leaseholders. For clarity, all Subject Shares are held and owned by the Developer for the benefit of the Renters and Leaseholders of the designated Unit and Commercial Unit in the Development.
- 8. In dealing with the Subject Shares, the Developer agrees that:
 - (a) each of the Subject Shares will have a notation indicating that it is issued and to be held by the Developer or its subsidiaries or any successors or assigns pursuant to this Agreement; and
 - (b) there are no other obligations associated with the holding of these Subject Shares beyond that which is contemplated in this Agreement, in the rules and policies of MODO regarding its shares, or at law.
- 9. Any Rules or Regulations that the Developer or its subsidiaries or any successors or assigns may oblige the Renters or Leaseholders to follow with respect to MODO vehicles or participation in the benefits of membership, in addition to those outlined in Schedule A, will include, *inter alia*, the following:

- (a) a Renter or Leaseholder of a designated Unit or Commercial Unit in the Development who wishes to participate in the benefits of membership in MODO must apply to MODO, satisfy MODO's requirements for membership and enter into such agreements with MODO that MODO may require from its members generally;
 - (b) a Renter or Leaseholder of a designated Unit or Commercial Unit in the Development may only have the benefit of membership in MODO attached to the Fifty (50) Subject Shares associated with each Unit or Commercial Unit, allotted for the Renter's Unit or the Leaseholder's Commercial Unit for as long as the Renter or Leaseholder is entitled to hold the Unit or Commercial Unit by the terms of the Rental Agreement or Lease;
 - (c) no Renter or Leaseholder has any right to require MODO to redeem any Subject Shares per Unit or Commercial Unit held by the Developer for the benefit of such Renter or Leaseholder or to receive any amount that may be payable upon the redemption thereof;
 - (d) on a record date the Developer will be entitled to receive any dividend on the Subject Shares of each Unit held by the Developer for the benefit of such Renter or Leaseholder which may be declared by MODO as being payable to the owners of its shares on such Record Date; and
 - (e) each Renter or Leaseholder of a Unit of the Development will be responsible for and will save the Developer or its subsidiaries or any successors or assigns harmless from any and all Membership Obligations incurred by such Renter or Leaseholder and any and all actions, causes of action, costs or claims of whatsoever type or nature levied or made by MODO or by any other person as a result of or in connection with such Renter's or Leaseholder's participation in the activities of MODO, use of MODO vehicles or otherwise associated with the Subject Shares of, or membership in, MODO held by the Developer or its subsidiaries or any successors or assigns for the benefit of such Renter or Leaseholder.
10. The Developer will notify MODO when there is a change in the occupancy of one of the Units or Commercial Units, or when a Renter or Leaseholder ceases to be a Renter or Leaseholder in the Development.

III. OBLIGATIONS OF VICTORIA CAR SHARE CO-OPERATIVE

11. MODO will provide the Developer with marketing materials to promote active car share membership to potential Renters and Leaseholders.

12. MODO will provide orientation and membership activation services to all Renters and Leaseholders wishing to participate in the MODO or use MODO vehicles.
13. When requested by a new Renter or Leaseholder, or when notified by the Developer of a change in occupancy of a Unit or Commercial Unit of the Development, cancel the Subject Shares issued for the benefit of the previous Renter or Leaseholder and reissue shares for the benefit of new Renter or Leaseholder, as the case may be, and amend the MODO share register accordingly.

IV. TERMINATION AND MODIFICATION

14. The Developer and MODO agree that, if after execution of this Agreement, through no fault of their own, the Developer does not receive the Development Permit from the City of Victoria and/or appropriate public body then this Agreement shall be terminated and both parties will be relieved of their obligations hereunder. However, the Developer agrees that the sums the Developer has paid pursuant to Article 2 of this Agreement are non-refundable even if it does not receive the Development Permit.
15. MODO reserves the right to modify the Rules governing membership as set out in Schedule A. Upon any modification, MODO shall immediately notify the Developer in writing.
16. If the Development is destroyed and not rebuilt in a form substantially similar to the original buildings, then MODO may cancel all membership shares held by the Developer for the benefit of the Renters or Leaseholders of the Development, and the Developer will not be entitled to a refund of the share purchase price.
17. Either party shall have the right to terminate this Agreement forthwith on the dissolution, winding up or bankruptcy of the other party.
18. Neither party shall transfer or assign this Agreement to any other party without the prior written consent of the parties to this Agreement, which consent shall not be unreasonably withheld.

V. DEFAULT

19. A party claiming default under the terms of this Agreement must provide defaulting party with thirty (30) days written notice of the default. If the defaulting party fails to correct the default within 30 days of receipt of the

written notice, the party claiming default may proceed with the dispute resolution procedures provided for herein.

VI. DISPUTE RESOLUTION

20. Within thirty (30) calendar days after either party notifies the other of a dispute concerning this Agreement, its interpretation or any performance thereunder, the parties shall agree upon and appoint a Mediator for the purpose of mediating such dispute. The appointment of the Mediator shall be carried out in accordance with the terms and conditions of an agreement to be entered into between the parties and the Mediator which will set out the terms of reference for the engagement of the Mediator. The parties shall divide the cost of the Mediator equally. If the parties fail or neglect to agree upon a Mediator within the 30 calendar day period, the Mediator shall be appointed by reference to a Judge of the Supreme Court of British Columbia. No one shall act as a Mediator who has any direct or indirect interest in the subject matter of the Project or any direct or indirect interest in the parties to this Agreement.
21. The party initiating the dispute shall send a notice of dispute in writing to the other party which notice shall contain the particulars of the matter in dispute and the relevant provisions of the Agreement. The responding party shall send a notice of reply in writing to the other party to the dispute within ten (10) days after receipt of the notice of dispute, setting out particulars of its response and any relevant provisions of the Agreement.
22. After a period of ten (10) days following receipt of a responding party's written notice of reply, the parties shall request the Mediator to assist the parties to reach agreement on any unresolved dispute. The Mediator shall conduct a non-binding mediation of the dispute according to the rules and procedures as determined by the Mediator.
23. If the dispute has not been resolved within ten (10) days after the Mediator was requested under Article 30 to assist the parties to reach agreement, or within such further period agreed to by the parties, the Mediator shall terminate the mediated negotiations by giving notice in writing to both parties.
24. Except for claims for injunctive relief, all claims, disputes and other matters in question between the parties to the Agreement arising out of or relating to this Agreement which are not resolved by use of the Mediator, shall be decided by final and binding arbitration before a single Arbitrator in accordance with the *Commercial Arbitration Act* of British Columbia. The parties shall agree upon the Arbitrator within fifteen (15) days of the Mediator terminating the mediated negotiations. Failing such agreement

between the parties, such Arbitrator shall be finally chosen by reference to a Judge of the Supreme Court of British Columbia. The Arbitrator shall not have any direct or indirect interest in the subject matter of the Project or any direct or indirect interest in either party or subsidiaries of the parties to this Agreement. No arbitration arising out of or relating to this Agreement shall include, by consolidation or joinder or in any other manner, an additional person not a party to this Agreement, except by written consent containing specific reference to this Agreement and signed by the Owner, the Contractor and any other person sought to be joined. This provision shall be specifically enforceable in any Court of competent jurisdiction.

25. The parties covenant and agree that an arbitrator appointed hereunder has the power, among other things, to specifically declare that a party to this Agreement is in default of the terms of the Agreement and, in appropriate circumstances, declare that the Agreement is terminated and award damages for breach of contract or otherwise.
26. The award rendered by the Arbitrator shall be final and binding upon the parties, and Judgment may be entered upon it in accordance with applicable law in any Court having jurisdiction within the Province of British Columbia.
27. Unless otherwise agreed in writing by the parties, the parties shall continue to meet their obligations under this Agreement unless frustrated while the mediation and arbitration processes are continuing.
28. The dispute resolution provisions herein shall survive completion or termination of this Agreement.

NOTICES

29. Notices under this Agreement shall be given to the following addresses:

Fernwood Neighbourhood Resource Group Society

1240 Gladstone Avenue,
Victoria, BC, V8T 1G6

Modo Co-operative

200 – 470 Granville Street
Vancouver, BC, V6C 1V5

30. All notices are deemed to have been delivered on the next business day following its posting, faxing or emailing.
31. Addresses for Notice may be amended by written notice from one party to the other.

GENERAL

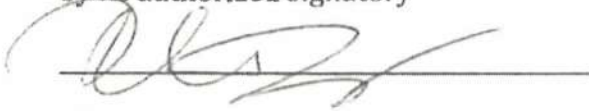
32. Time is of the essence in this Agreement.
33. If any provision of this Agreement, or the application therefore in any circumstances shall be held to be invalid or unenforceable, then the remaining provisions or the application thereof to other circumstances shall not be effected thereby and shall be held valid and enforceable to the full extent permitted by Law.
34. For the purposes of the interpretation and application of this Agreement and where required the singular number shall be deemed to include the plural.
35. This Agreement is governed by, and to be interpreted in light of, the laws of the Province of British Columbia.

IN WITNESS WHEREOF:

The parties have executed this Agreement on the 18th day of September, 2015.

MODO CO-OPERATIVE

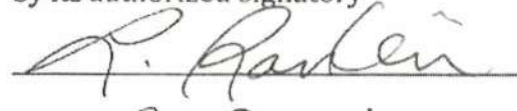
doing business as MODO The Car Co-op
by its authorized signatory



Pamela Hocking
Print Name

**FERNWOOD NEIGHBOURHOOD
RESOURCE GROUP SOCIETY**

by its authorized signatory



P. Rankin
Print Name

SCHEDULE A

RULES ATTACHING TO THE MEMBERSHIP SHARES IN THE MODO CO-OPERATIVE

1. The Developer, **Fernwood Neighbourhood Resource Group Society**, or its subsidiary or assignee, has entered into an Agreement with Modo Co-operative (MODO) whereby MODO has issued fifty shares for each of four partnership memberships and two business memberships for the benefit of the current Renter and Leaseholder of each Unit and Commercial Unit in the Development (the "Agreement").
2. The Developer is the legal owner of the shares. Renters and Leaseholders may enjoy the benefits of those shares subject to obtaining membership in MODO. Each Renter and Leaseholder is entitled to the benefit of the shares of the MODO without payment. If there is more than one Renter or Leaseholder of a Unit or Commercial Unit, the shares will be held jointly. For the purposes of these Rules and where required the singular number shall be deemed to include the plural.
3. Renters and Leaseholders may make use of vehicles provided by MODO pursuant to the Agreement, and pursuant to the Policies and Rules of membership in the MODO.
4. In order for a Renter or Leaseholder to make use of the Vehicles, the Renter or Leaseholder must apply to use them, such application including but not limited to the following:
 - a. The Renter or Leaseholder must provide written notice to the MODO of the name of the occupant that is to exercise the benefits of MODO membership;
 - b. The Renter or Leaseholder must provide contact information and any other information required by the MODO regarding the Renter or Leaseholder that would allow MODO to determine if the Renter or Leaseholder qualifies to exercise the rights and benefits of membership as provided herein and by the Rules and policies of the MODO.
5. The Developer will immediately inform the MODO in writing when a Renter or Leaseholder who applied to use a vehicle under Rule 4 above has ceased to be a Renter or Leaseholder.
6. Each Renter or Leaseholder eligible for a membership in the MODO may only exercise the rights and benefits of membership if the person would otherwise qualify and /or meet the requirements for those rights and benefits as they are from time to time.

7. If at any time a Renter or Leaseholder does not meet the criteria for the rights and benefits of membership, then the Renter or Leaseholder may not exercise any MODO membership rights and benefits until such time that the Renter or Leaseholder may again qualify for the rights and benefits of membership according to the rules for such membership as set out herein and in the Rules and policies of MODO.
8. Each member may exercise all rights and remedies available to shareholders of the MODO, including voting rights, subject to the Rules of the MODO.
9. Except as provided in these Rules herein, the benefits of MODO membership may only be exercised by the Renters or Leaseholders of the Development when they have an interest in the Development, and may not under any circumstances be assigned, transferred or sold by them except as provided herein.
10. Shares in the MODO attach to the rental Unit or Commercial Unit in the Development, and belong to the current Renter or Leaseholder of the Unit or Commercial Unit. Any transfer in the interests or rights in the Unit or Commercial Unit will also include, as a benefit of that transfer, a transfer of the benefit of those shares in the MODO to the new Renter or Leaseholder.
11. Upon termination of the term of a Rental Agreement or Lease, the Developer will forthwith notify MODO of the impending change in occupancy of the Unit or Commercial Unit, and notify MODO of:
 - (a) the proposed termination date; and
 - (b) the name(s) of any proposed occupant.
12. Unless otherwise advised, MODO will cancel the outgoing Renter's or Leaseholder's beneficial ownership in the Developer's share on the final date of occupancy, and issue a new share for the benefit of the new Renter or Leaseholder of the Unit or Commercial Unit.
13. No Renter or Leaseholder is entitled to compensation or a refund of share purchase price upon the transfer of any share or benefit as provided herein, and no Renter or Leaseholder may demand or otherwise require MODO to refund or redeem the share issued by MODO.
14. If these Rules are not attached to a Rental Agreement or Lease, then any benefits of membership in MODO are suspended indefinitely until such time as the Rules form part of the Rental Agreement or Lease.

July 05, 2016

Development Services Division
Leanne Taylor, Area Planner
Corporation of the City of Victoria
1 Centennial Square
Victoria, B.C. V8W 1P6

RE: Rezoning Application 1310 Gladstone

I am writing to indicate my continued support of the proposal for the two-storey mixed use building at 1310 Gladstone in the Fernwood Village. (I had submitted a letter in 2015).

As a property owner in the area, I understand how desirable this neighbourhood has become. Fernwood offers a unique opportunity for residents to live/work/play within their community and this proposal addresses all aspects of a sought after style of living by offering retail, office and living spaces in the heart of the village.

I look forward to seeing this project move forward.

Sincerely,



Kim Colpman
2035 Stanley

Pamela Martin

From: Public Hearings
Subject: FW: 1310 Gladstone: Support

From: Jeremy Caradonna [REDACTED]
Sent: Thursday, July 07, 2016 12:25 PM
To: Leanne Taylor <ltaylor@victoria.ca>
Subject: 1310 Gladstone: Support

Dear Leanne,

This is Dr. Jeremy L. Caradonna writing to you. I'm writing this letter in support of the proposed development on 1310 Gladstone Avenue. I write to you in two capacities. The first is as a homeowner and resident on the 1300 block of Gladstone. I live at 1334 Gladstone Avenue, with my wife and two daughters, which is only steps from the 1310 property. The second capacity is as a professor of environmental studies at Uvic, where I teach courses on sustainable development, urban sustainability, history, and organic agriculture. I'm very well versed in the study and literature of urban sustainability efforts, and I think that the development at 1310, in light of this body of knowledge, makes a lot of sense.

I support the development at 1310 for the following reasons. First, it is an infill development that doesn't require undeveloped land to become developed. The proposal works with the current lot and adds character and utility to a high-density urban area. Second, it's mixed use. I support very strongly the use of mixed-use urban structures, which have become a cornerstone of not only New Urbanism, but any serious urban sustainability strategy. The idea is to add affordable housing (NOT high-end condos) to the neighborhood, which I strongly support, as well as one or two more small businesses. Third, I think the development will add character to the block and to the neighborhood. The current house is old and dilapidated, and the new structure will breathe some new life into the area. I like very much that Fernwood Square is a thriving neighborhood hub, and in fact, this is the reason that we chose to buy a home here. Adding a few more businesses will add more convenience and commerce to the block, and I don't think the parking situation will be vastly different. (Everyone is always in a panic about parking!)

The one, minor comment I will add concerns the need for a speed bump on Gladstone. I have discussed the idea with NRG and with many of my neighbors, and I've found almost universal support. I've also been in touch with the City about the idea, and they've promised to conduct another traffic survey. Fernwood Square is a hub of activity, and we can handle the traffic and the traffic volumes, but there must be a way of easing the speeding on Gladstone, since taxis and tipsy bar-goers routinely zip up and down the block. Just two days ago, another cat was killed outside of my house by a speeding vehicle. Also, there is a high number of children on this block, in and around the CRD housing complex. It simply makes sense, and costs very little to install.

So this is my one hold-up. If Fernwood Square is going to get more housing and more commercial -- which I generally support -- then a speed bump needs to be put in place to slow things down a bit.

Thanks very much.

Sincerely yours,

Dr. Jeremy L. Caradonna

Pamela Martin

From: Public Hearings
Subject: FW: In support of the proposal to redevelop 1310 Gladstone Avenue

-----Original Message-----

From: Marianne at Mudstudio [REDACTED]
Sent: Tuesday, July 05, 2016 2:31 PM
To: Leanne Taylor <ltaylor@victoria.ca>
Subject: In support of the proposal to redevelop 1310 Gladstone Avenue

Hello Leanne,

I am writing to voice my support of the proposal to redevelop 1310 Gladstone Ave.

I am a resident of Fernwood, and have been since the late 90s. I have seen the neighbourhood languish, and then come alive in the past 10 years. It's exciting to live here! The reason Fernwood is alive, exciting, and safe to live in, is in large part because Fernwood NRG has put its resources into making it so. They understand that when the residents of a neighbourhood have a say in the shaping of the neighbourhood, it can only lead to a strong, cohesive neighbourhood. The proposal to redevelop 1310 Gladstone is another such initiative. It's for us, the residents – housing, businesses, in a thriving village centre.

Also, the proposal is fully in line with Victoria's Strategic Plan, and the Official Community Plan – for Victoria to be made up of strong, resilient village centres.

Thank you for listening.

Marianne Unger
1619 Camosun Street
Victoria

Marianne Unger
Mud Studio | 250.598.9765 | mudstudio.ca

Alicia Ferguson

From: Public Hearings
To: Leanne Taylor
Subject: RE: 1310 Gladstone proposal

From: Mike Demers
Sent: Thursday, July 07, 2016 1:04 PM
To: Leanne Taylor <ltaylor@victoria.ca>
Subject: 1310 Gladstone proposal

I am writing to express my unqualified support for the above proposal. I have lived at 1913 Fernwood Rd for over five years and have lived in this community since 1987. I will be in attendance next Thursday to support this proposal in person. Thank you for considering this letter.

Mike Demers
1913 Fernwood Road

Sent from my iPad

Alicia Ferguson

From: Public Hearings
To: Leanne Taylor
Subject: RE: 1310 Gladstone Rezoning

From: Michael Pardy
Sent: Friday, July 08, 2016 8:10 PM
To: Leanne Taylor <ltaylor@victoria.ca>; Public Hearings <PublicHearings@victoria.ca>
Subject: 1310 Gladstone Rezoning

To Leanne Taylor

I am writing in support of the rezoning application for 1310 Gladstone Avenue in Fernwood.

My family and I are long time residences of Victoria, first moving to the city in 1994, and settling in Fairfield for 17 years. Last year, my wife and I decided to move to Fernwood. We were drawn to the neighbourhood, and especially the streets near the village centre, for their diversity of residences, range of services, and sense of community. A year later, we are very happy with our decision; our initial impressions have been confirmed by our lived experiences in the village.

Our new home nearly backs onto the property at 1310 Gladstone. We are likely to be affected by the noise of the construction and the increase in traffic caused by the new businesses. Nevertheless, we fully support the Fernwood NRG to develop this property because we see the results of their other social enterprises and believe this addition to the mosaic of the village will strengthen the NRG and more importantly, the community they support.

Unfortunately, I am travelling at the time of the presentation to council; otherwise, I would ask to speak on behalf of this proposal in person. In lieu of my voice, I ask that my written words speak to council about my support for the project.

Thanks in advance for your consideration in adding my voice to this hearing. I can be contacted via this email or my phone should you require.

Michael Pardy

1317 Pembroke Street

Victoria, BC

V8R 1V2

Alicia Ferguson

From: Public Hearings
To: Victoria Mayor and Council
Subject: RE: Mayor and Council email RE 1310 Gladstone Avenue

-----Original Message-----

From: webforms@victoria.ca [<mailto:webforms@victoria.ca>]
Sent: Monday, July 11, 2016 2:03 PM
To: Victoria Mayor and Council <mayorandcouncil@victoria.ca>
Subject: Mayor and Council email

From: Kathryn Ogg

Dear Mayor and Council:

I am writing you regarding the proposal to rezone 1310 Gladstone Avenue which, is coming to a Public Hearing this Thursday, to permit a three-story, mixed-use development. Due to a prior commitment, I am unable to attend this Public Hearing, so I am submitting this letter to you.

I am opposed to this development for the following reasons:

1. 1310 Gladstone is narrower than most lots in Fernwood and has a smaller overall square footage. It has been a single-family dwelling until recently. It is unsuitable for the increased density proposed by the proponent. The number of variances applied for is evidence of this.
2. The corner of Fernwood and Gladstone is very popular and has a number of commercial venues, including a restaurant, a pub, a wine bar, a coffee-shop and residences on three corners, as well as two popular theatres. These existing businesses and residences already bring numerous commercial vehicles into our neighbourhood, blocking traffic and causing safety hazards. A new building with no off-street parking or loading area for retail, offices, customers and/or residents and visitors is not being respectful of the neighbourhood. How much development should this small area be expected to support?
3. The beautiful, healthy maple tree (at least 75 years old) that currently shades the yard and surrounding area would be destroyed by this development. This tree is a living, vibrant part of Fernwood and should be designated a heritage tree.
4. The appearance of the proposed building is bland and not aesthetically pleasing. It does not fit with the character of the neighbourhood.
5. The uncertainty about the proposed usage of the building is of concern to the neighbourhood. To go from a single family dwelling to a multi-unit building of unspecified use is overly-ambitious and unnecessary.

I ask that you send this proposal back to the drawing board and see that it gets a proper community consultation, looking at all the ramifications of such a development.

Sincerely,

Kathryn Ogg
1351 Gladstone Ave
Victoria, BC



July 12th, 2016

Delivered via email to Ltyalor@victoria.ca

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

RE: Petition in support of 1310 Gladstone redevelopment proposal

Mayor and Council,

It is my pleasure to submit the attached petition with 255 signatures, with 165 of those signatures from neighbours we canvassed directly within a 200m radius of 1310 Gladstone Avenue. Our volunteer Board of Directors has been actively canvassing neighbours within 200m since early June in anticipation of this Public Hearing. Despite a number of attempts, we have not reached people at all addresses, but we have found overwhelming support in the canvass area.

We also had an information booth at FernFest (June 19th), and obtained signatures from 90 residents who live nearby in Fernwood and across the city and region.

The map (page over) shows the distribution of signatures closest to 1310 Gladstone, with the blue shaded circle representing the canvass area, a 200m radius from the middle of 1310 Gladstone.

Sincerely,

Lee Herrin
Executive Director



I support the proposed redevelopment of 1310 Gladstone Avenue in Fernwood Village to a two-storey mixed-use building with a basement level.

Name	Street Address	Signature
Mike Connell	1302 Gladstone owner / operator	
Elena Roberts	#7, 1302 Gladstone Ave	
Nicholas Lohse	#17 1302 Gladstone Ave	
Chad Martin	#1 1302 Gladstone Ave	
Craig Park	#1 1302 Gladstone Ave	
Cam Smith	#4 1302 GLADSTONE AVE	
Joe Esnouf	#4 1302 Gladstone Ave	
Andrew Stacey	#6 1302 GLADSTONE AVE	
Bryce Spindler	#6 1302 Gladstone Ave	

*Fernwood NRG will only contact you with information related to this project unless you opt to join our mailing li



I support the proposed redevelopment of 1310 Gladstone Avenue in Fernwood Village to a two-storey mixed-use building with a basement level.

Name	Street Address	Signature
J. L. Cervantes	1334 Gladstone Ave	[Signature]
Maureen	1000 Fernwood Rd.	[Signature]
Loren Rose	#2-1364 GLADSTONE	[Signature]
Simon Fugot	1278 Gladstone Ave	[Signature]
in [unclear]	1276 Gladstone Ave	[Signature]
Maddy Gwathney	1909 Fernwood Rd.	[Signature]
Maggie Fraser	#1-1875 Fernwood Rd V8T 2Y5	[Signature]
Alberto Callo	1343 Vining St. V8R 1P5	[Signature]
Esther Callo	1343 Vining St. V8R 1P5	[Signature]
Frances Backhouse	1347 Vining St. V8R 1P5	[Signature]

*Fernwood NRG will only contact you with information related to this project unless you opt to join our mailing li



I support the proposed redevelopment of 1310 Gladstone Avenue in Fernwood Village to a two-storey mixed-use building with a basement level.

Name	Street Address	Signature
Morrell Hanson	9-1290 Gladstone	Morrell
Doreen Shore	3-1319 Gladstone	Doreen
Narah Alfred	2 1319 Gladstone	Narah Alfred
Marion Morgan	#1-1323 Gladstone Ave	Marion
Judy Wilson	#3-1323 Gladstone Ave	Judy Wilson
John Campbell	#2-1323 Gladstone Ave	John Campbell
John Green	2-1323 Gladstone Ave	John Green
Paul Hunter	513 Gladstone Ave	Paul Hunter
Paul Allen	1-1347 Gladstone Ave	Paul Allen
John Lee	1353 Gladstone Ave	John Lee

* Fernwood NRG will only contact you with information related to this project unless you opt to join our mailing li



I support the proposed redevelopment of 1310 Gladstone Avenue in Fernwood Village to a two-storey mixed-use building with a basement level.

Name	Street Address	Signature
Sandra Collins	1276-1278 Gladstone	[Signature]
Sandra Collins	1266 Gladstone Ave.	[Signature]
GLD Kelly	✓	[Signature]
Quinn Argen	1264/117 Gladstone Ave	[Signature]
Eva Shum	1258 Gladstone	[Signature]
Milda Hys	1258 Gladstone	[Signature]
Shannon Craig	1270 Gladstone Avenue	[Signature]
Karen McMillan	612-1281 Gladstone Ave	[Signature]
Adam W	#1-1290 Gladstone	[Signature]
Julia Turner	#3 Gladstone Ave	[Signature]

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I support the proposed redevelopment of 1310 Gladstone Avenue in Fernwood Village to a two-storey mixed-use building with a basement level.

Name	Street Address	Signature
Matt Takach	1321 Pembroke Street V8R1V2	
Kelly Zehner	1321 Pembroke Street	
Olympe Caron	2203 Seymour St	
Robert Bell	2121 SEWARD ST	
Angela Moore	2115 Seymour Street	
Daphna Mills	1324 Pembroke St	
Adam Mills	1324 Pembroke St	
Richard Gellera	1324 Pembroke St	
James Gellera	1324 Pembroke St	
John Gellera	1324 Pembroke St	

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I support the proposed redevelopment of 1310 Gladstone Avenue in Fernwood Village to a two-storey mixed-use building with a basement level.

Name	Street Address	Signature
Lloyd Martin	1413 Tranter St	L. Martin
Michael Parry	1317 Pembroke St	M. Parry
James Butters	2403 Fernwood Rd Unit C	J. Butters
Andrew Holburn	2403 Fernwood Rd Unit A	A. Holburn
CARRIL Ann Smedley	2107 Fernwood Rd	C. Smedley
Michael Morash	2117 Fernwood Rd	M. Morash
Margen Roca	2117 Fernwood Rd	M. Roca
SULUMIYE PERJIAL	1356 PEMBROKE ST	S. PERJIAL
Joe [unclear]	1356 Pembroke St	J. [unclear]
Heather [unclear]	1356 Pembroke St	H. [unclear]

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I support the proposed redevelopment of 1310 Gladstone Avenue in Fernwood Village to a two-storey mixed-use building with a basement level.

Name	Street Address	Signature
Sean Sullivan	1307 Pembroke St, Basement Suite	
Margo McIlroy	2109 Fernwood Rd	
Erica Heyman	2207 Fernwood Road	
Barbel Zedova	1311 Gladstone Ave.	
Hou Yu Hsu (Lizzy)	2017 FERNWOOD RD	
Nathan Martell	2017 Fernwood Rd	
G. MECKLING	1307 GLADSTONE AVE	

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I support the proposed redevelopment of 1310 Gladstone Avenue in Fernwood Village to a two-storey mixed-use building with a basement level.

Name	Street Address	Signature
Angela Farley	#1-1320 Gladstone Ave	Angela Farley
Shirley	#3-1320 Gladstone Ave	Shirley
Jenni	10-1320 Gladstone Ave	Jenni
Hana Hebert	#7-1320 Gladstone Ave	Hana Hebert
Robert Mills	2-1320 Gladstone Ave	Robert Mills
Bert Hony Limak	6-1320 Gladstone Ave	Bert Hony Limak
Jesse Douglas	#6-1320 Gladstone Ave.	Jesse Douglas
Charlette Hughes	8-1320 Gladstone Ave	Charlette Hughes
Cedar Elviss	9-1320 Gladstone Ave	Cedar Elviss
Rosalia Furdie	#1320 Gladstone	Rosalia Furdie

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I support the proposed redevelopment of 1310 Gladstone Avenue in Fernwood Village to a two-storey mixed-use building with a basement level.

Name	Street Address	Signature
Schmidt David	1113-132 Gladstone Ave	
Kristin Morrison	5 1320 Gladstone Ave	

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I support the proposed redevelopment of 1310 Gladstone Avenue in Fernwood Village to a two-storey mixed-use building with a basement level.

Name	Street Address	Signature
Robin Stevenson	1327 Pembroke St	[Signature]
Don Johnson	2226 Oregon Ave	[Signature]
Shondan Candiana	1315 Pembroke St	[Signature]
Neil McCreath	1310 Pembroke St	[Signature]
Samuel Idun	1290 Pembroke St	[Signature]
Kim Shortreed	1275 Pembroke St	[Signature]
Lea Monro	5-1275 Pembroke St	[Signature]
Peggy Hale	1263 Pembroke	[Signature]
Sybil Macklem	1311 Pembroke St	[Signature]
John Reid	2102 Fernwood Rd	[Signature]

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I support the proposed redevelopment of 1310 Gladstone Avenue in Fernwood Village to a two-storey mixed-use building with a basement level.

Name	Street Address	Signature
Char Restino	1330 Pembroke St.	Char Restino
Lily Lynn	2114 OREGON AVE.	Lily Lynn
Oliver Holmsbush	1339 Pembroke St.	Oliver Holmsbush
Robert Williams	1335 Pembroke St.	Robert Williams
Debra Williams	1919 Fernwood Rd.	Debra Williams
Jason Hest	1331 Pembroke St.	Jason Hest
Karen Topelko	1331 Pembroke St.	Karen Topelko
Peter Haas	1316 Pembroke St.	Peter Haas
Nick Forrest	2013 FERNWOOD ROW	Nick Forrest
John Tanteiro	2120 Oregon	John Tanteiro

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I support the proposed redevelopment of 1310 Gladstone Avenue in Fernwood Village to a two-storey mixed-use building with a basement level.

Name	Street Address	Signature
Lisa Matthews	2201 Fernwood Rd.	
Al Yan Lee	2203 Fernwood	
Simone Richard	2214 Sayward St	
Effie Richard	2214 Sayward St	
Stephanie Milne	2210 Sayward St.	
Brian Tucker	2206 Sayward St.	
Georgina Hope	2200 Sayward St	
Imeli Halpern	2118 Sayward St	
Till Lier	2110 Sayward St	
Brad Dawson	1330 Pembroke St	

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I support the proposed redevelopment of 1310 Gladstone Avenue in Fernwood Village to a two-storey mixed-use building with a basement level.

Name	Street Address	Signature
Tom Nelson	1309 Vining St Victoria, BC	[Signature]
Rosalie & Werner Schmidtseder	1311 Vining St.	[Signature]
Mike Deming	1315 Vining St.	[Signature]
^{DW} Kirstina Skelton	1321 Vining St.	[Signature]
TRISTAN GETHING	1337 Vining St.	[Signature]
Tracy Campbell	1359 Vining Street	[Signature]
Christine Lake	1904 Stanley Ave	[Signature]
Mark Vinnikov	1916 Stanley Ave	[Signature]
Jelena Putnik	1924 Stanley Ave	[Signature]
John Page	2035 Stanley Ave	[Signature]

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I support the proposed redevelopment of 1310 Gladstone Avenue in Fernwood Village to a two-storey mixed-use building with a basement level.

Name	Street Address	Signature
Chelsea Vanda	1306 Vining St.	Chelsea Vanda
Brendan Buchanan	#2 1318 Vining St	B. Buchanan
Yoshi Konomoto	#4 1871 Fernwood Rd	Yoshi Konomoto
Patricia Macdonald	1355 Vining St.	Patricia Macdonald
Paloma Catto	1343 Vining St	Paloma Catto
Michael Macdonald	1341 Vining St	
Michael Macdonald	1307 Vining St	M. Macdonald
Nancy Dard	1307 Vining St	Nancy Dard
Shirley Macdonald	1307 Vining St	Shirley Macdonald
Teresa Macdonald	1307 Vining St	Teresa Macdonald

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I support the proposed redevelopment of 1310 Gladstone Avenue in Fernwood Village to a two-storey mixed-use building with a basement level.

Name	Street Address	Signature
Bill Blythe	4305 Fernwood Rd	[Signature]
Greg Brown	2008 Fernwood Rd	[Signature]
Anna Brown	1111 Fernwood Rd	[Signature]
Donna Dunn	1284 Centre Rd	[Signature]
Brandy Lewis	4-1278 Centre Rd	[Signature]
# Phil Horvath	1283 Centre Rd	[Signature]
Ryan Jones	1276 Centre Rd	[Signature]
Judy Welser	1275 Centre Rd	[Signature]
+ Edna Johnson	774 Centre Rd	[Signature]
John Johnson	1274 Centre Rd	[Signature]

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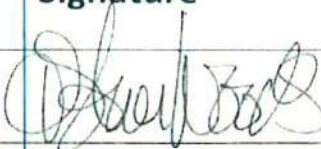

I support the proposed redevelopment of 1310 Gladstone Avenue in Fernwood Village to a two-storey mixed-use building with a basement level.

Name	Street Address	Signature
<i>[Faint handwritten name]</i>	<i>[Faint handwritten address]</i>	<i>[Faint handwritten signature]</i>
Adynna Adgner	1208 Pembroke St	<i>[Signature]</i>
<i>[Faint handwritten name]</i>	<i>[Faint handwritten address]</i>	<i>[Faint handwritten signature]</i>
Richard Zylstra	1282 Pembroke St	<i>[Signature]</i>
<i>[Faint handwritten name]</i>	1281 Pembroke St	<i>[Signature]</i>
<i>[Faint handwritten name]</i>	1261 Pembroke St	<i>[Signature]</i>
<i>[Faint handwritten name]</i>	1261 Pembroke St	<i>[Signature]</i>
CORINNE MAH	1281 Pembroke St	<i>[Signature]</i>
Sharon Johnson	#8-1275 Pembroke St	<i>[Signature]</i>
<i>[Faint handwritten name]</i>	PRAIRIE ESCALLIER 1261 Pembroke	<i>[Signature]</i>
Mona Braschuk	1253 Pembroke St	<i>[Signature]</i>

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I support the proposed redevelopment of 1310 Gladstone Avenue in Fernwood Village to a two-storey mixed-use building with a basement level.

Name	Street Address	Signature
Cristina Woods	1265 Pembroke St.	
Eleni Gibson	1287 Centre Rd	

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I support the proposed redevelopment of 1310 Gladstone Avenue in Fernwood Village to a two-storey mixed-use building with a basement level.

Name	Street Address	Signature
Mark Zuchke	1342 Living St	Mark Zuchke
Kevin Clark	1900 Stanley Ave	Kevin Clark
CASEY JORDAN	2027 STANLEY AVE	CASEY JORDAN
Cole Polly	1555 Gladstone Ave	Cole Polly
Lee Hearn	13-1 Gladstone 20-9 Fernwood 13-13 Gladstone 13-10 Gladstone	Lee Hearn
KIRSTY BENKINS	1414 LIVING ST	KIRSTY BENKINS

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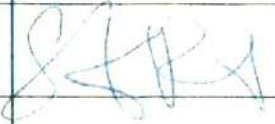
I support the proposed redevelopment of 1310 Gladstone Avenue in Fernwood Village to a two-storey mixed-use building with a basement level.

Name	Street Address	Signature
RACHEL McBRIDE	1400 GLADSTONE AVE	
CATHLIN DAVIES	2621 AVEBURY AVE	
HARVEY SPENCER	1252 GARDEN ST	
Georgina Spinks	1252 Gladstone	

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I support the proposed redevelopment of 1310 Gladstone Avenue in Fernwood Village to a two-storey mixed-use building with a basement level.

Name	Street Address	Signature
James Gagne	#1425 STANLEY AVE	
Sarah Amyot	1277 Denison	

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Fernwood NRG

I support the proposed redevelopment of 1310 Gladstone Avenue in Fernwood Village to a two-storey mixed-use building with a basement level.

Name	Street Address	Signature
Bob	1310 Gladstone Ave	[Signature]

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I support the proposed redevelopment of 1310 Gladstone Avenue in Fernwood Village to a two-storey mixed-use building with a basement level.

Name	Street Address	Signature
Ayano	1026 Greenidge Cres	Ayano
KARL-ANNE BARIC	45-700 GRENVILLE AVE. 1246 ST	K. Baric
Danna Sereda	2730 Asquith St Victoria	D. Sereda
Paula DeBeck	2636 Rosberry Ave	P. DeBeck
Ana Simeon	1703 B Fernwood Road	A. Simeon
Harvie Hashizume	1551 Pembroke Street	H. Hashizume
Rea Hashizume	" " "	R. Hashizume
BENJAMIN JONES	#3, 1222 YUKON ST.	B. Jones
Mikala Montgomery	26 Linden Ave.	M. Montgomery
Candyn E	1041 Richardson St.	C. E.

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I support the proposed redevelopment of 1310 Gladstone Avenue in Fernwood Village to a two-storey mixed-use building with a basement level.

Name	Street Address	Signature
Jaclyn Emery	1554 Pembroke St. Victoria, BC	Jaclyn Emery
NICK VAN BUREN	1554 Pembroke St Victoria BC	Nick Van Buren
Mike Wallis	1080 Belmont Ave Victoria	Mike Wallis
Dudman Munge	11-1241 Balmaral V8T 1B2	Dudman Munge
Pat Katz	3005 Baynes Rd	Pat Katz
Chris Stribling	208-575 Muriel Ave	Chris Stribling
Julia Thompson	1106 Balmaral Rd V8	Julia Thompson
GREGG ELIGH	2544 Panges St	Gregg Eligh
Aaron Lammert	2544 Panges St	Aaron Lammert
Jasper de Sma	1427 Pembroke St	Jasper de Sma

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I support the proposed redevelopment of 1310 Gladstone Avenue in Fernwood Village to a two-storey mixed-use building with a basement level.

Name	Street Address	Signature
Carina Foran	812 Old Esquimaux	Carina Foran
Nicole Potho	27 Olympic Ave	Nicole Potho
Marianne Unger	1615 Camosun	Marianne Unger
Klara Leeb	1343 Pembroke	Klara Leeb
Carmen Spagnola	1312 Balmoral Rd	C. Spagnola
Gloria Prescott	1831 Oak Bay Ave	Gloria Prescott
L. Prescott	1831 Oak Bay Ave	L. Prescott
David McInnes	1075 Penderwiche Victoria	David McInnes
George Logan	3167 Stevenson Pl	George Logan
Charlith Logan	3167 Stevenson Pl	Charlith Logan

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I support the proposed redevelopment of 1310 Gladstone Avenue in Fernwood Village to a two-storey mixed-use building with a basement level.

Name	Street Address	Signature
John [unclear]	[unclear]	[unclear]
[unclear]	2541 Fernwood	[unclear]
Ruben Anderson	1312 BALMOER	Ruben Anderson
Cameron Dersohn	517 Fisgard	[Signature]
Alana Fedruk	517 Fisgard	[Signature]
Finn Silke	1303 Gladstone Ave	[Signature]
Kelvin Martin	#3-1320 BACKLAND	Kelvin Martin
Andrew Kerr	2320 Vancouver St.	[Signature]
M.A. Curtis	1575 Pembroke St	[Signature]
Sullivan De Zen	952 Gree St	[Signature]

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I support the proposed redevelopment of 1310 Gladstone Avenue in Fernwood Village to a two-storey mixed-use building with a basement level.

Name	Street Address	Signature
Shawn Russell	1322 Yukon St	Shawn Russell
Megan Spedding	403-3460 Quadra Street	Megan Spedding
John Threlfall	1705-B FERNWOOD RD	John Threlfall
Eric Krake	1-1200 Pembroke	Eric Krake
Thea McDonagh	2631 Cedar Hill Rd	Thea McDonagh
Brian Bradley	2631 Cedar Hill Rd	Brian Bradley
Val Cortes	2636 Cedar Hill Rd	Val Cortes
Elysia Jessler	[REDACTED]	Elysia Jessler
Peter Fairley	[REDACTED]	Peter Fairley
Brian Compston	[REDACTED]	Brian Compston

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I support the proposed redevelopment of 1310 Gladstone Avenue in Fernwood Village to a two-storey mixed-use building with a basement level.

Name	Street Address	Signature
Gig. Yu	1233 Queens Ave	
Jeanette Sansterre	4061 Larchwood Dr.	
Jan McCardle	1-2109 Chambers St.	
Perena Ableson	1446 Pembroke St.	
LENNY BOX	#10, 1388 HILLSIDE AVE.	
HAROLD GILLIS	1360 GRANT ST.	
MaryBeth Hill	2129 Florence St.	
JESSE McBride	1925 STANLEY AVE	
J. Ann McBride	200 Dallas #137, Victoria	
ERICA GILES	2123 Chambers St. Victoria	

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I support the proposed redevelopment of 1310 Gladstone Avenue in Fernwood Village to a two-storey mixed-use building with a basement level.

Name	Street Address	Signature
Clare Eide	#3041630 Quadra	Clare Eide
Emil Caporan	3114 Luma St	Emil
JAKE MEYER	2003 QUADRA.	Jake Meyer
Matt Dell	1525 Fell St	Matt Dell
Monica Pozzolo	1449 Grant Street	Monica Pozzolo
Andrew Moyer	1449 Grant St.	Andrew Moyer
Melissa Hamer	1368 Pincher Ave	Melissa Hamer
Brendon Earl	2403 A Fernwood Rd.	Brendon Earl
GARY KNIGHT	1131 CONVILLE RD	Gary Knight
L. Saurberg-Gunn	181 Belmont Ave	L. Saurberg-Gunn

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I support the proposed redevelopment of 1310 Gladstone Avenue in Fernwood Village to a two-storey mixed-use building with a basement level.

Name	Street Address	Signature
Rhianna Nagel	#5-1222 Yukon St.	
Lisa Willott	1917 Highfield Rd Saanichton, BC	
Melissa Burton	6-1222 Yukon St.	
Tracey Rombough	2721 Fernwood	
Erika Yerry	4-442 Superior Street	
Jacob Bottom	4-442 Superior Street	
Kent Laforme	2023 Belmont Avenue	
Melissa Bandura	2632 Cedar Hill	
Marilyn Bandura	1448 Pembroke St.	
Denise Stouck	1410 Grant St.	

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I support the proposed redevelopment of 1310 Gladstone Avenue in Fernwood Village to a two-storey mixed-use building with a basement level.

Name	Street Address	Signature
Jody Sgriste	71 Gorge Road West	
Marratulla Ion	940 Falkland Rd	
ANDREA SCOTT	1966 Gladstone	
Tanja Delatter	1616 Belmont Ave.	
David MacKinnon	2614 Fernwood Rd.	
Jody Overduin	2614 Fernwood Rd	
Shawn Vinesen	1306 Villing St	
VINCENT WITTEVEN	2941 DORNIER RD	
Kelsey Louie	604 Wilson St.	
BETH THRELFALL	1705 B FERNWOOD RD	

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I support the proposed redevelopment of 1310 Gladstone Avenue in Fernwood Village to a two-storey mixed-use building with a basement level.

Name	Street Address	Signature
Timothy Richards	1176 Cavalier Ave	[Signature]
Jessica Duncan	2307 Victor St.	[Signature]

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Pamela Martin

From: Matt Takach [REDACTED]
Sent: Wednesday, July 13, 2016 8:48 PM
To: Leanne Taylor
Cc: Public Hearings
Subject: 1310 Gladstone Ave Rezoning

I'd like to express my support for the rezoning of 1310 Gladstone Ave. The development proposal put forward by Fernwood NRG is exactly the type of project that should be happening in Fernwood village. A neighbourhood where you can walk to restaurants and others shops was one of the key things that attracted us to buy a house in Fernwood close to 10 years ago. We couldn't imagine living anywhere else and hope to see this small commercial expansion of the village as well as others in the future be approved by city council.

If we hope to encourage people to get out of their cars and walk and bike we need to provide services right in the neighbourhood and this new mixed use property is a step in the right direction. The proposed development will also fit nicely with the character of the community and is a logical expansion of the village.

I hope that council will approve this zoning change and in doing so increase the vibrancy of one of Victoria's best neighbourhoods.

Thanks,
Matt Takach
1321 Pembroke Street
Victoria BC V8R1V2

NO. 16-002

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Official Community Plan to change the urban place designation of 1310 Gladstone Avenue from Traditional Residential to Small Urban Village as shown on Schedule 1.

Under its statutory powers, including sections 471 to 474, and 488 to 491 of the *Local Government Act*, the Council of the Corporation of the City of Victoria, in an open meeting assembled, enacts the following provisions:

- 1 This Bylaw may be cited as the "OFFICIAL COMMUNITY PLAN BYLAW, 2012, AMENDMENT BYLAW (NO. 18)".
- 2 Bylaw No. 12-013, the Official Community Plan Bylaw, 2012, is amended, in Schedule A, by:
 - (a) repealing Map 2 of section 6 and replacing it with the Map 2 attached to this bylaw as Schedule 2; and
 - (b) repealing Map 22 of section 21 and replacing it with the Map 22 attached to this bylaw as Schedule 3.

READ A FIRST TIME the **23rd** day of **June** 2016

READ A SECOND TIME the **23rd** day of **June** 2016

Public hearing held on the day of 2016

READ A THIRD TIME the day of 2016

ADOPTED on the day of 2016

CITY CLERK

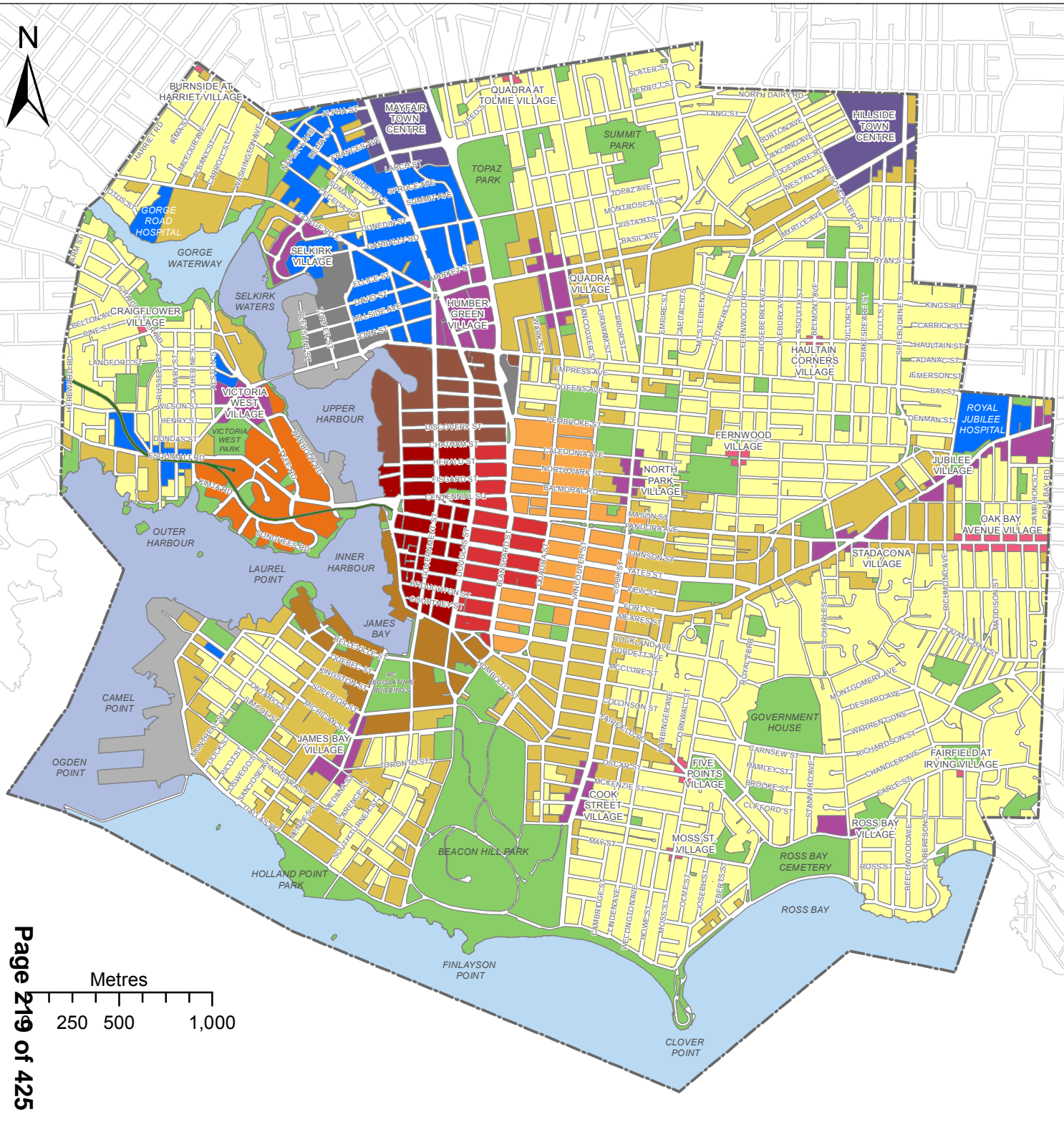
MAYOR



MAP 2

Urban Place Designations

- Core Historic
- Core Business
- Core Employment
- Core Inner Harbour/Legislative
- Core Songhees
- Core Residential
- General Employment
- Industrial
- Marine Industrial
- Town Centre
- Large Urban Village
- Small Urban Village
- Urban Residential
- Traditional Residential
- Public Facilities, Institutions, Parks and Open Space
- Rail Corridor
- Working Harbour
- Marine



Urban Place Designations extend to the centerline of adjacent streets.

MAP 22

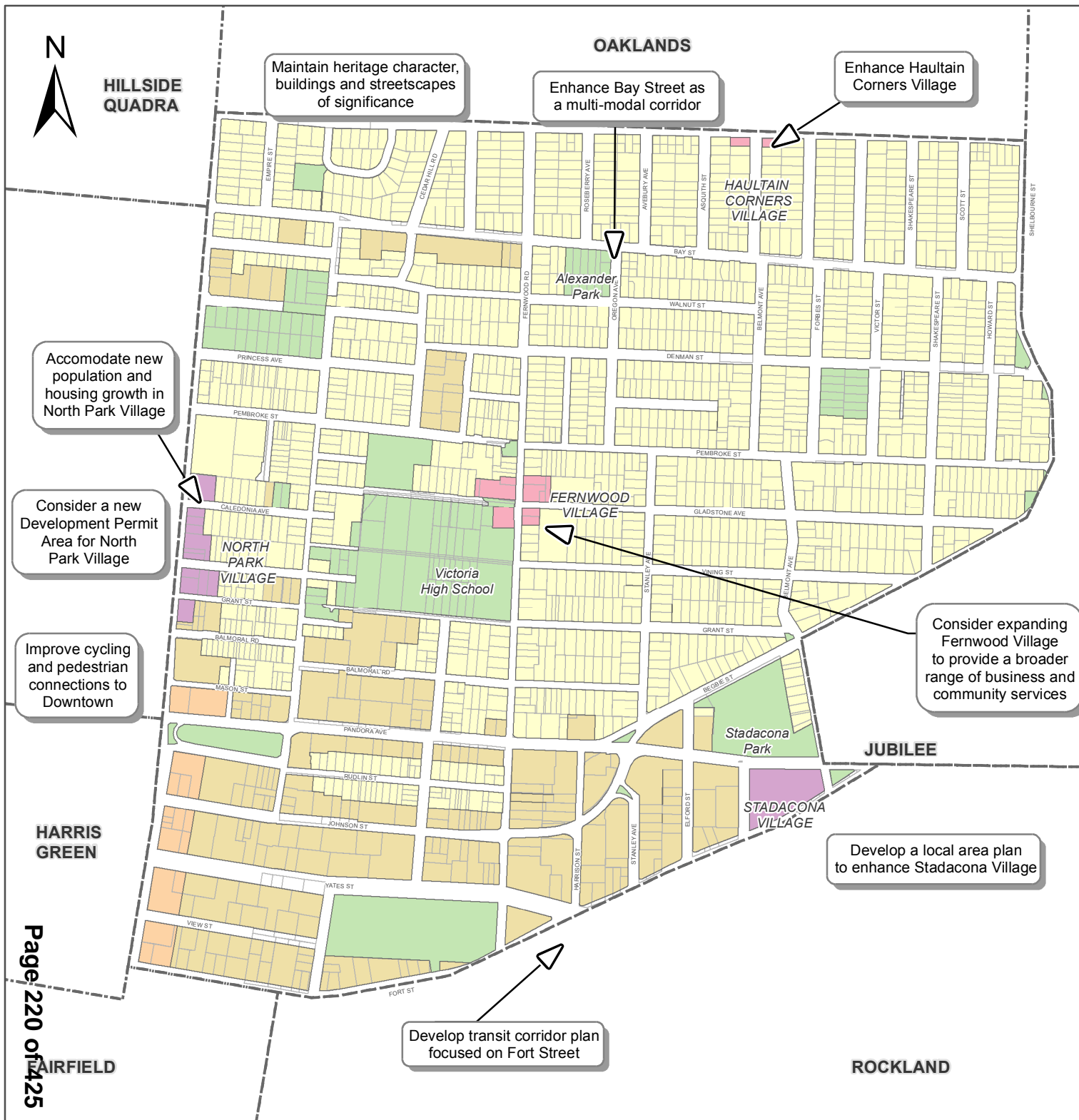
Fernwood Strategic Directions

Urban Place Designations*

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

Public Facilities

- Existing Public School
- Community Centre



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

NO. 16-001

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by creating the CR-6 Zone, Commercial Residential Fernwood Village District, and to rezone land known as 1310 Gladstone Avenue from the R1-B Zone, Single Family Dwelling District, to the CR-6 Zone, Commercial Residential Fernwood Village District.

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

- 1 This Bylaw may be cited as the "ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1048)".
- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in the Table of Contents of Schedule "B" under the caption PART 4 – GENERAL COMMERCIAL ZONES by adding the following words:

"4.79 CR-6, Commercial Residential Fernwood Village District".
- 3 The Zoning Regulation Bylaw is also amended by adding to Schedule B after Part 4.78 the provisions contained in Schedule 1 of this Bylaw.
- 4 The land known as 1310 Gladstone Avenue, legally described as the west ½ of Lot 7, Section 75, Victoria District, Plan 277 and shown hatched on the attached map, is removed from the R1-B Zone, Single Family Dwelling District, and placed in the CR-6 Zone, Commercial Residential Fernwood Village District.

READ A FIRST TIME the	23rd	day of	June	2016
READ A SECOND TIME the	23rd	day of	June	2016
Public hearing held on the		day of		2016
READ A THIRD TIME the		day of		2016
ADOPTED on the		day of		2016

CITY CLERK

MAYOR

PART 4.79 – CR-6 ZONE, COMMERCIAL RESIDENTIAL FERNWOOD VILLAGE DISTRICT

4.79.1 Permitted Uses in this Zone

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

- a. Uses and regulations permitted in the R1-B Zone
- b. Retail
- c. Bakery
- d. Restaurant
- e. Neighbourhood pub, restricted to 175m²
- f. Personal services
- g. Athletic instruction, restricted to 114m²
- h. Office, restricted to above the first storey
- i. Self-contained dwelling units, restricted to above the first storey

4.79.2 General

If the primary use of a Lot is a use permitted in the R1-B, Single Family Dwelling District:

- a. The regulations in the R1-B Zone, Single Family Dwelling District apply
- b. The regulations set out in sections 4.79.3- 4.79.8 do not apply

4.79.3 Lot Area

<u>Lot area</u> (minimum)	365.00m ²
---------------------------	----------------------

4.79.4 Floor Space Ratio

<u>Floor space ratio</u> (maximum)	1:1
------------------------------------	-----

4.79.5 Height

Principal <u>building height</u> (maximum)	10.60m
--	--------

4.79.6 Setbacks, Projections

- | | |
|---|-------|
| a. <u>Front yard setback</u> (minimum) | 3.50m |
| b. A <u>building</u> canopy which faces a <u>street boundary</u> may project into a <u>setback</u> (maximum) | 2.00m |
| c. <u>Rear yard setback</u> (minimum) | 7.50m |
| d. West <u>side yard setback</u> from the interior <u>lot line</u> (minimum) | 1.50m |
| e. Notwithstanding paragraph d, a deck and stairs above ground floor may project into the west <u>side yard setback</u> (maximum) | 0.50m |
| f. East <u>side yard setback</u> from the interior <u>lot line</u> (minimum) | 0.00m |

4.79.7 Site Coverage, Open Site Space

- | | |
|-------------------------------------|-----|
| a. <u>Site coverage</u> (maximum) | 63% |
| b. <u>Open site space</u> (minimum) | 30% |

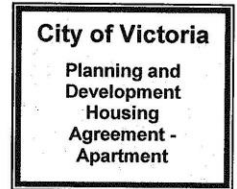
4.79.8 Vehicle and Bicycle Parking

- | | |
|----------------------------------|---|
| a. Vehicle parking (minimum) | 2 spaces, one of which is dedicated to visitor parking |
| b. Access/egress and drive aisle | Parking or loading spaces on a <u>lot</u> may be served by a driveway located on a lot in a different zone from the <u>lot</u> providing the parking or loading spaces, provided there is registered against title to the <u>lot</u> providing the driveway an easement appurtenant to the <u>lot</u> providing the parking or loading spaces and furthermore there is registered a covenant in favour of the City restricting the use of the easement area on the servient tenement to a driveway. |
| c. Bicycle parking (minimum) | 6 spaces |
| d. Bicycle storage (minimum) | Subject to the regulations in Schedule "C" except as otherwise specified by the regulations in this Part 4.79 |

 **CITY OF
VICTORIA**
Page 224 of 425

SCHEDULE A

**HOUSING AGREEMENT
(Pursuant to Section 483 of the *Local Government Act*)**



BETWEEN:

THE CORPORATION OF THE CITY OF VICTORIA

#1 Centennial Square
Victoria, B.C.
V8W 1P6

(the "**City**")

OF THE
FIRST PART

AND:

FERNWOOD NEIGHBOURHOOD RESOURCE GROUP SOCIETY

1240 Gladstone Avenue
Victoria, B.C. V8T 1G6

(the "**Owner**")

OF THE SECOND
PART

AND:

Coastal Community Credit Union

(as to priority)

OF THE THIRD
PART

WHEREAS:

- A. Under section 483 of the *Local Government Act* the City may, by bylaw, enter into a Housing Agreement with an owner regarding the occupancy of the housing units identified in the agreement, including but not limited to terms and conditions referred to in section 483(2) of the *Local Government Act*;

- 2 -

- B. The Owner is the registered owner in fee simple of lands in the City of Victoria, British Columbia, with a civic address of 1310 Gladstone Avenue, Victoria, B.C. and legally described as:

The West ½ of Lot 7 Section 75 Victoria District Plan 277
PID: 009-192-026

(the "Lands");

- C. The Owner has applied to the City to rezone the Lands to permit the development of a new three – storey building with commercial uses at street level and commercial/residential use on the upper levels (the "Building").
- D. The City and the Owner wish to enter into this Agreement, as a Housing Agreement pursuant to section 483 of the *Local Government Act*, to secure the agreement of the Owner that all Dwelling Units within the Development on the Lands will be used and held only as rental housing.

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

1.0 Definitions

1.1 In this Agreement:

"Development" means the development and use of the Lands as a commercial and residential building;

"Dwelling Unit" mean a residential dwelling unit within the Development and includes any residential dwelling unit that is developed on the Lands in future, whether as part of the Development or otherwise; for further clarity, commercial units in the Building are not included in the definition of "Dwelling Units".;

"Immediate Family" includes a person's husband, wife, child, mother, father, brother, sister, mother-in-law, father-in-law, grandparent, brother-in-law, sister-in-law, niece and nephew;

"Non-owner" means a person other than the Owner who occupies a Dwelling Unit for residential purposes;

- 3 -

"Owner" includes a person who acquires an interest in the Lands or any part of the Lands and is thereby bound by this Agreement, as referred to in section 5.3;

"Subdivision" means the division of land into two (2) or more parcels, whether by plan, strata plan, or otherwise, and includes subdivision under the Strata Property Act, and "Subdivide" has the corresponding meaning;

"Tenancy Agreement" has the same meaning as under the *Residential Tenancy Act*.

1.2 In this Agreement:

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

2.0 Dwelling Units to Be Used and Occupied Only as Rental Units

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

2.2 Without limiting the generality of section 2.1, the Owner covenants and agrees that it will not Subdivide nor make application for the Subdivision of the Lands or the Development.

2.3 Without limiting the generality of section 2.1, the Owner may at any time change the use of a unit from a Dwelling Unit to a commercial use, and for clarity, at all times during which the unit is not being used as a Dwelling Unit, the restrictions set out in section 2.1 do not apply.

3.0 Reporting

3.1 The Owner covenants and agrees that upon the written request of the City, to provide to the City's Director of Sustainable Planning and Development a report in writing confirming that all Dwelling Units are being rented to Non-owners.

- 4 -

- 3.2 The Owner hereby irrevocably authorizes the City to make such inquiries as it considers necessary in order to confirm that the Owner is complying with this Agreement.

4.0 Priority Agreements

- 4.1 Coastal Community Credit Union, the registered holder of a charge by way of a Mortgage of Land and Assignment of Rents against the within described property which said charge is registered in the Land Title Office at Victoria, British Columbia, under number CA3437598 and CA3437599 respectively, for and in consideration of the sum of One Dollar (\$1.00) paid by the City (the receipt whereof is hereby acknowledged), agrees with the City that upon filing of a Notice with the Land Title Office that the Lands are subject to this Agreement, pursuant to section 483(5) of the *Local Government Act* (the "Notice"), this Agreement shall be an encumbrance upon the Lands in priority to the said charge in the same manner and to the same effect as if Notice had been filed prior to the said charge.

5.0 Notice to be Registered in Land Title Office

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

6.0 Liability

- 6.1 The Owner agrees to indemnify and saves harmless the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from all claims, demands, actions, damages, costs and liabilities, which all or any of them shall or may be liable for or suffer or incur or be put to by reason of or arising out of failure of the Owner to comply with the terms and conditions of this Agreement.
- 6.2 The Owner hereby releases and forever discharges the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from any and all claims, demands, actions, damages, economic loss, costs and liabilities which the Owner now has or hereafter may have with respect to or by reason of or arising out of the fact that the Lands are encumbered by and affected by this Agreement.

7.0 General Provisions

- 5 -

7.0 General Provisions

Notice

7.1 If sent as follows, notice under this Agreement is considered to be received

- (a) seventy-two (72) hours after the time of its mailing (by registered mail) or faxing, and
- (b) on the date of delivery if hand-delivered,

to the City:

City of Victoria
#1 Centennial Square
Victoria, B.C. V8W 1P6

Attention: Director of Sustainable Planning and
Community Development
Fax: 250-361-0386

to the Owner:

1240 Gladstone Avenue
Victoria, B.C. V8T 1G6

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

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

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

Time

7.2 Time is of the essence of this Agreement.

- 6 -

successors, and permitted assignees. In accordance with section 483(6) of the *Local Government Act*, this Agreement is binding on all who acquire an interest in the Lands, and the Owner only during the Owner's ownership of any interest in the Lands, and with respect only to that portion of the Lands of which the Owner has an interest.

Waiver

- 7.4 The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar.

Headings

- 7.5 The headings in this Agreement are inserted for convenience and reference only and in no way define, limit or enlarge the scope or meaning of this Agreement or any provision of it.

Language

- 7.6 Wherever the singular, masculine and neuter are used throughout this Agreement, the same is to be construed as meaning the plural or the feminine or the body corporate or politic as the context so requires.

Equitable Remedies

- 7.7 The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement and that the public interest strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement.

Cumulative Remedies

- 7.8 No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.

Entire Agreement

- 7.9 This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.

Further Assurances

- 7 -

Entire Agreement

- 7.9 This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.

Further Assurances

- 7.10 Each of the parties will do, execute, and deliver, or cause to be done, executed, and delivered all such further acts, documents and things as may be reasonably required from time to time to give effect to this Agreement.

Amendment

- 7.11 This Agreement may be amended from time to time, by consent of the Owner and a bylaw duly passed by the Council of the City and thereafter if it is signed by the City and the Owner.

Law Applicable

- 7.12 This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.

No Derogation from Statutory Authority

- 7.13 Nothing in this Agreement shall:
- (a) limit, impair, fetter or derogate from the statutory powers of the City all of which powers may be exercised by the City from time to time and at any time to the fullest extent that the City is enabled and no permissive bylaw enacted by the City, or permit, licence or approval, granted, made or issued thereunder, or pursuant to statute, by the City shall estop, limit or impair the City from relying upon and enforcing this Agreement; or
 - (b) relieves the Owner from complying with any enactment, including the City's bylaws, or any obligation of the Owner under any other agreement with the City.

Joint and Several

- 7.14 The Owner, if more than one, are jointly and severally obligated to perform and observe each and every of the covenants, warranties and agreements herein contained by the Owner to be observed and performed.

- 8 -

Counterpart

7.15 This Agreement may be executed in counterparts, each of which will have the same effect as if all parties had signed the same document. Each counterpart shall be deemed to be an original. All counterparts shall be construed together and shall constitute one and the same Agreement.

7.16 This Agreement is effective as of the date of the signature of the last party to sign.

IN WITNESS WHEREOF the parties have hereunto set their hands as of the dates inscribed at a place within British Columbia:

THE CORPORATION OF THE CITY OF VICTORIA by its authorized signatories:

On the ___ day of _____, 20__

Mayor Lisa Helps

Corporate Administrator

Fernwood Neighbourhood Resource Group Society

by its authorized signatories:

On the 4 day of July, 2016

LEE MCPHIN
Print Name:

[Signature]
Print Name:

Coastal Community Credit Union

by its authorized signatories:

On the 19 day of August, 2016
**Derek Lewis, ABL
Regional Manager,
Commercial Services**

Print Name:

[Signature]
**Adam Fraser, BBA
Senior Business Relationship Manager
Nanaimo Business Centre**

Print Name:

4.1 Rezoning Application No. 00506 for 406 & 408 Wilson Street (Victoria West Neighbourhood)

Committee received a report dated May 12, 2016, from the Director of Sustainable Planning and Community Development providing information and recommendations for a Rezoning Application. The proposal is to rezone the property from the R-2 Zone, Two-Family Dwelling District, to a new zone in order to construct a duplex.

The Director of Sustainable Planning and Community Development, the Assistant Director of Development Services and the Senior Planner provided Committee with a presentation.

Motion: It was moved by Councillor Loveday, seconded by Councillor Alto, that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00506 for 406 and 408 Wilson Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

CARRIED UNANIMOUSLY 16/COTW

2. Committee of the Whole – May 26, 2016

1. Rezoning Application No. 00506 for 406 & 408 Wilson Street

Motion:

It was moved by Councillor Alto, seconded by Councillor Loveday, that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00506 for 406 and 408 Wilson Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

Carried Unanimously



Committee of the Whole Report

For the Meeting of May 26, 2016

To: Committee of the Whole **Date:** May 12, 2016

From: Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject: Rezoning Application No. 00506 for 406 and 408 Wilson Street

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00506 for 406 and 408 Wilson Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

LEGISLATIVE AUTHORITY

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

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

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application for the property located at 406 and 408 Wilson Street. The proposal is to rezone the property from the R-2 Zone, Two-Family Dwelling District, to a new zone in order to construct a duplex.

The following points were considered in assessing this application:

- The proposal is consistent with the Traditional Residential Urban Place Designation and objectives for sensitive infill in the *Official Community Plan, 2012* (OCP).
- The proposed lot area is 546m² and site area per dwelling unit is 273m². A new zone would be required as the size of the lot is slightly less than the minimum site area of 555m² and site area of 277.5 m² per dwelling unit required in the R-2 Zone. Given that the subject property is a corner lot, the majority of properties in the neighbourhood are

zoned R-2 and the area is characterized by a mix of duplexes and single family homes, a slightly reduced site area for a duplex at this location is supportable.

- The proposal is consistent with the *Victoria West Plan* (1986) and the policy direction contained in the *Neighbourliness Guidelines for Duplexes*.
- The proposed duplex would be constructed to the International Passive House standard and incorporate other elements of sustainability.

BACKGROUND

Description of Proposal

This Rezoning Application is to rezone the subject property from the R-2 Zone, Two-Family Dwelling District, to a new zone in order to construct a duplex.

The following differences from the current R-2 Zone are being proposed and would be accommodated in the new zone:

- reduce the minimum site area from 555m² to 546m²
- reduce the minimum site area for each dwelling unit from 277.5m² to 273m².

Affordable Housing Impacts

The applicant proposes the creation of two new residential units which would increase the overall supply of housing in the area.

Sustainability Features

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

Active Transportation Impacts

The Application proposes a secure bicycle storage space in an accessory building which supports active transportation.

Public Realm Improvements

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

Land Use Context

The area is characterized by a mix of duplexes, single family uses and a three-storey multiple dwelling.

Existing Site Development and Development Potential

The site is presently occupied by a single family home. Under the current R-2 Zone, the property could be developed as a single family dwelling with a secondary suite. The existing lot area is slightly less than 555m² and therefore a new duplex would not be permitted under the existing R-2 Zone.

Data Table

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

Zoning Criteria	Proposal	Zone Standard R-2 Zone
Site area (m ²) - minimum	546*	555
Site area per unit (m ²) - minimum	273*	277.5
Number of units - maximum	2	2
Density (Floor Space Ratio) - maximum	0.50:1	0.50:1
Total floor area (m ²) - maximum	273	280
Lot width (m) - minimum	18.27	15
Height (m) - maximum	7.60	7.60
Storeys - maximum	2	2
Site coverage % - maximum	37	40
Open site space % - minimum	52	30
Open site space (rear yard) % - minimum	52	30
Setbacks (m) - minimum Front (Wilson Street)	7.50 (building)/6.76(deck and stairs)	7.50 (building)/4.90 (deck and stairs)
Rear		
Side (west)	9.45*	10.70
Side (Mary Street)	2.25	1.82
Combined side yards	2.45*	3.50
	4.70	4.50
Parking - minimum	2	2
Accessory Building		
Location	Rear Yard	Rear Yard
Combined floor area (m ²) – maximum	8.13	37.00
Height (m) – maximum	2.82	3.50
Setbacks (m) – minimum		
Rear	0.74	0.60
Side (east)	8.06	0.60
Side (west)	8.32	0.60

Zoning Criteria	Proposal	Zone Standard R-2 Zone
Separation distance between principle dwelling and accessory building	3.50	2.40
Rear yard site coverage (%) - maximum	6.00	25.00

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the Victoria West CALUC at a Community Meeting held on January 14, 2016. A letter dated February 1, 2016 is attached to this report.

ANALYSIS

Official Community Plan

The OCP Urban Place Designation for the subject property is Traditional Residential. In accordance with the OCP, duplexes are subject to Development Permit Area 15D: Duplexes. The proposal is consistent with the objectives of DPA 15D to integrate more intensive residential development in the form of duplexes in a manner that respects the established character of a neighbourhood with respect to architecture, privacy, landscaping, and parking.

Neighbourliness Guidelines for Duplexes

The purpose of the *Neighbourliness Guidelines for Duplexes* is to foster and encourage a sense of neighbourliness by considering the character of buildings and properties that are adjacent to the subject property as well as those on the same block and street. The policy direction is to consider duplexes on lots that are at least 555m² with a lot width of 15m. The proposed lot area is slightly below the recommended site area at 546m² however, the lot width is 18.27m. Given that the subject property is a corner lot, the majority of properties in the neighbourhood are zoned R-2 and the area is characterized by a mix of duplexes and single family homes, a slightly reduced site area for a duplex at this location is supportable.

Local Area Plans

The subject property is located in the area identified as the Traditional Community of the *Victoria West Plan (1986)*. The Plan acknowledges that *it may be necessary to accept some new development; e.g. modern housing, in order to reinforce the sound residential character of the neighbourhood*. It further recognizes that where new development is warranted, site-specific rezoning for duplexes at duplex densities may be considered. The proposal is consistent with the policy direction with respect to use, density and design objectives outlined in the Plan.

Regulatory Considerations

To facilitate this development, a new zone would be required. The new zone would allow a minimum site area of 546m² and a minimum site area of 273m² per dwelling unit for a duplex lot. Other zoning regulations pertaining to height, density, setbacks, lot coverage and open space would be consistent with the R-2 Zone.

CONCLUSIONS

This proposal to rezone the subject property to a new zone and construct a duplex is consistent with the objectives in the OCP and the *Victoria West Plan* for sensitive infill residential development. Staff recommend that Council consider supporting this Application.

ALTERNATE MOTION

That Council decline Application No.00506 for the property located at 406 and 408 Wilson Street.

Respectfully submitted,



Leanne Taylor
Senior Planner
Development Services Division



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date: May 13, 2016

List of Attachments

- Zoning map
- Aerial photo
- Letter to Mayor and Council received February 2, 2016
- Updated Letter to Mayor and Council received May 5, 2016
- Letter from the Victoria West Land Use Committee received February 3, 2016
- Plans for Rezoning Application No. 00506 date stamped May 6, 2016.

July 11, 2016

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

Attention: Mayor and Council

Dear Mayor and Council

RE: Rezoning of 406/408 Wilson Street for the construction of a 'passive house' Duplex, by Bernhard Contracting Ltd.

The Victoria West Land Use meeting occurred June 21, 2016 at the Victoria West Community Hall.

The meeting was well attended as there is a keen interest in passive home development in Victoria West.

The only area of concern was if the contemporary design was appropriate in a traditional neighbourhood. Being an aesthetic and subjective issue, lively discussion occurred with no clear resolution.

The developer indicated a number of improvements to the design, including:

- Material and design improvements to the south and east facades;
- Inclusion of arbour structures;
- Improvements to the landscaping and the off street parking area.

The proposed variances to the east and north setbacks were also reviewed, with no concerns raised by committee members.

Generally, the Victoria West Community Association supports the development of sustainable housing in Victoria West, and looks forward to the continued improvement in the housing stock of our neighbourhood.

Yours truly,



Doran Musgrove, Chair
Land Use Committee,
Victoria West Community Association

Pamela Martin

From: Matt Taccogna [REDACTED]
Sent: Wednesday, July 13, 2016 9:21 AM
To: Rob Bernhardt
Cc: Leanne Taylor; Public Hearings
Subject: RE: Drawing update for 406 Wilson Street

Ok, thanks Rob. Have a good build.

-Matt

Subject: Re: Drawing update for 406 Wilson Street
From: rob@bernhardtcontracting.com
Date: Wed, 13 Jul 2016 06:07:50 -0700
CC: ltaylor@victoria.ca; publichearings@victoria.ca
To: [REDACTED]

Hi Matt,

Thanks for this reply.

The side yard setback will be 2.4 m from our joint property line. The existing house has almost no setback. We have started to remove the hazardous materials on the existing residence and anticipate removing the balance of building this month. Subject to receiving the required approvals and permits, we hope to begin construction of the new residence next month.

Regards,

Rob Bernhardt, BCom JD

Construction Management

BERNHARDT CONTRACTING Ltd.

1535 Oak Crest Dr.
Victoria, BC V8P 1K7
www.bernhardtcontracting.com
rob@bernhardtcontracting.com
[REDACTED]



On Jul 12, 2016, at 10:39 PM, Matt Taccogna [REDACTED] wrote:

Hi Rob and Leanne,

I've had a look at the plans and Rob has explained them to me before. Given that the house will be moved back from the lot line (in an easterly direction), I see it as being an overall improvement to the area. Can you tell me the setback distance on my side of the house (the west side)?

The new fence, landscaping, including the removal of the fir tree overhanging the fence will also be welcome additions.

Regards,

Matt Taccogna, MSc.
Mavi Innovations Inc.

[REDACTED]

From: rob@bernhardtcontracting.com
Subject: Drawing update for 406 Wilson Street
Date: Fri, 8 Jul 2016 06:22:32 -0700
To: [REDACTED]
CC: ltaylor@victoria.ca

Hello Mat,

I hope you are keeping well and am writing to provide an update on our application for permission to build a new duplex next door.


We have had to reduce the window area on the west facade of our proposed duplex to comply with fire safety requirements in the building code limiting the amount of glazing between adjacent residences. This particular regulation is intended to reduce the ability of fire to spread between residences. Reduced glazing is also felt to improve privacy between neighbours, but is not a building code requirement. Attached are revised elevation drawings illustrating the change.

I am not certain how noticeable this change will be from your property given the proximity of the two residences, the new fence and the landscaping (neither of which are shown on the attached architectural drawings), but we would appreciate any input you have. I have copied Leanne Taylor, the planner responsible for the application, to enable you to include her in any comments. As the application is expected to be dealt with on Wednesday, it would be most helpful if your comments were received prior to then.

Please feel free to contact me for additional information on this or other aspects of the development.

Best regards,

Rob Bernhardt, BCom JD
Passive House Design
Construction Management
BERNHARDT CONTRACTING **Ltd.**

1535 Oak Crest Dr.
Victoria, BC V8P 1K7
www.bernhardtcontracting.com
rob@bernhardtcontracting.com




406 & 408 Wilson Street

Rezoning & Development Permit Application

Victoria City Council Public Hearing - July 14, 2016



The Site

- Currently Zoned R2
- Lot is 9m² smaller than R2 - less than 10cm around the lot, or 1.6% reduction in lot area
- Neighbourhood is a mix of single family, multi-family and duplex residences.



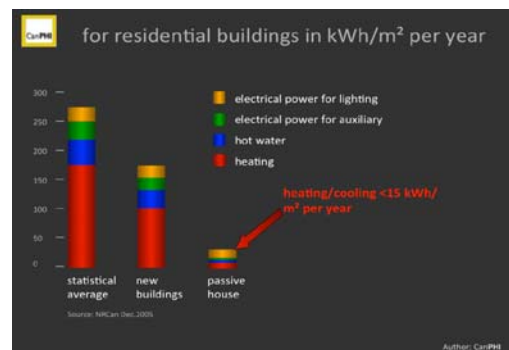
Existing Structure

- Single family
- Long term rental
- Asbestos, marijuana grow op, rodents
- Being removed



Passive House

- Energy target generates comfort, air quality, durability
- Higher level of design, components and construction
- The only building standard achieving this level of performance
- Reliable results
- Enhances neighbourhood



Design

- Performance requires:
 - Investment in design, components & construction
 - Thoughtful, detailed design essential
- Financial viability requires:
 - Attractive to the market
 - Contextual
- Projects of this quality signal of neighbourhood renewal and are a step in market transformation



Community Consultation - Process

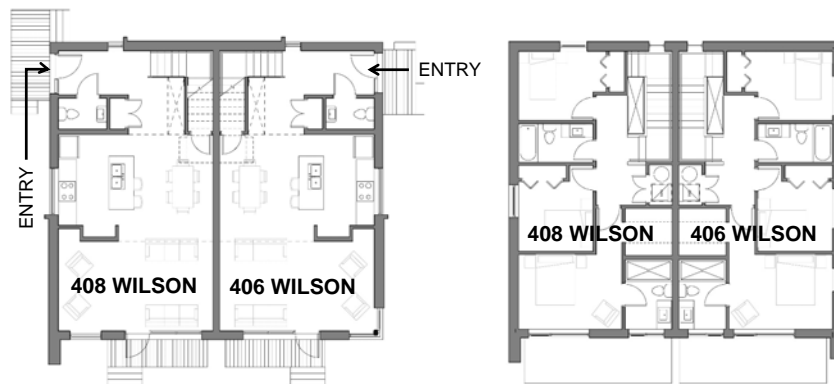
- Pre-application:
 - Numerous informal discussions with neighbours
 - Planning staff
 - Discovered resistance to town home concept
- Post application:
 - 2 meetings with CALUC & related communications
 - No issues from immediate neighbours
 - Broad support, some concerns
 - Letter from CALUC lists concerns raised



Site Plan



Floor Plans



Level 1 Plan

Level 2 Plan



Landscape Plan



Community Consultation - Comments

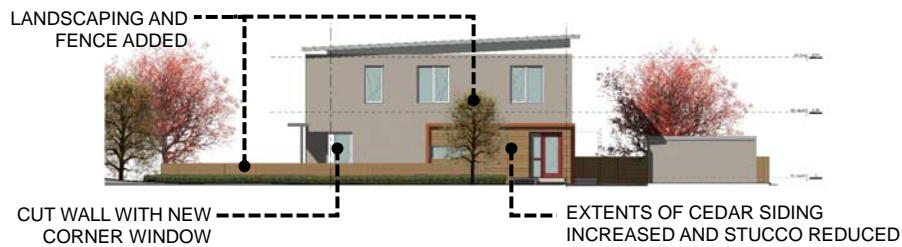
- Contemporary design may not fit in a traditional neighbourhood
- This design will be a positive addition to the neighbourhood
- New driveway crossings will reduce street parking
- Provide more green space at the rear yard
- Building Façade along Mary Street does not have enough variety
- Soften landscaping & save existing boulevard tree
- More passive houses in the neighbourhood will be a positive thing
- New development will help revitalize the neighbourhood



Community Consultation - Comments



Street Elevation along Mary St. – As presented to CALUC



Revised Street Elevation along Mary St.



Project Rendering



Pamela Martin

Subject: RE: 406-408 Wilson Street Vic West

From: Sheila Hodgson [REDACTED]

Date: July 14, 2016 at 8:30:08 AM PDT

To: <jloveday@victoria.ca>

Cc: Pam Madoff <pmadoff@victoria.ca>

Subject: 406-408 Wilson Street Vic West

Hello Jeremy Loveday:

As a long time resident of Vic West, I have enjoyed the modest ambience of the built environment in my particular area and wish to register my dislike and objection to the development that is currently being proposed for the north west corner of Wilson and Mary Streets In Victoria West. The supposed environmental sensitivity of the unit next door to this proposal does nothing to mitigate its unsuitable size and character for that area and if this new proposal is similar in design, then it will a visual disaster . I sincerely hope that some modification can be made to lessen the impact of its size and design.

Thank you for your interest in Victoria West.

Regards,

Sheila C. Hodgson

4.2 Development Permit with Variances Application No. 00506 for 406 & 408 Wilson Street (Victoria West Neighbourhood)

Committee received a report dated May 12, 2016, from the Director of Sustainable Planning and Community Development providing information and recommendations for a Development Permit with Variances Application to allow for the construction of a duplex.

The Director of Sustainable Planning and Community Development, the Assistant Director of Development Services and the Senior Planner provided Committee with a presentation.

Committee discussed:

- The various issues raised in the letter from the Victoria West Community Association and concerns and the ability to receive staff information on these issues at the public hearing.

Motion: It was moved by Councillor Loveday, seconded by Councillor Alto, that Council after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00506, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00506 for 406 and 408 Wilson Street in accordance with:

1. Plans date stamped May 6, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the rear yard setback from 10.70m to 9.45m
 - ii. reduce the side (east) yard setback from 3.50m to 2.45m
3. The Development Permit lapsing two years from the date of this resolution."

Committee discussed:

- Various issues identified by the residents and concerns about the response to these issues.
- Minimal impacts the requested variances would have.

CARRIED UNANIMOUSLY 16/COTW

2. Development Permit with Variances Application No. 00506 for 406 & 408 Wilson Street

Motion:

It was moved by Councillor Coleman, seconded by Councillor Alto, that Council, after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00506, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00506 for 406 and 408 Wilson Street in accordance with:

1. Plans date stamped May 6, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the rear yard setback from 10.70m to 9.45m
 - ii. reduce the side (east) yard setback from 3.50m to 2.45m
3. The Development Permit lapsing two years from the date of this resolution."

Carried Unanimously



Committee of the Whole Report

For the Meeting of May 26, 2016

To: Committee of the Whole **Date:** May 12, 2016

From: Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject: Development Permit with Variances Application No. 00506 for 406 and 408 Wilson Street

RECOMMENDATION

That Council after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00506, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00506 for 406 and 408 Wilson Street in accordance with:

1. Plans date stamped May 6, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the rear yard setback from 10.70m to 9.45m
 - ii. reduce the side (east) yard setback from 3.50m to 2.45m
3. The Development Permit lapsing two years from the date of this resolution."

LEGISLATIVE AUTHORITY

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

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit with Variances Application for the property located at 406 and 408 Wilson Street. The proposal is to construct a duplex.

The following points were considered in assessing this application:

- The proposal is generally consistent with the design guidelines contained in Development Permit Area 15D: Intensive Residential - Duplexes.

- The proposal is generally consistent with the *Victoria West Plan (1986)*.
- The proposal is generally consistent with the design guidelines contained in the *Neighbourliness Guidelines for Duplexes*.
- The proposal is a form of infill development that is compatible with the existing Traditional Residential character of the neighbourhood.
- The variances are related to reducing the rear and side yard setbacks. Privacy concerns would be mitigated through the consideration of window placement and extensive privacy screening and landscaping along the property boundaries and through the consideration of window placement.

BACKGROUND

Description of Proposal

The proposal is for a duplex. Specific details include:

- two-storey, side-by-side duplex on a corner lot incorporating a gently sloping roofline, contemporary style windows and passive house design features to ensure the building is energy efficient
- the primary orientation of the larger windows is south-facing in order to harvest the sunlight required for space heating in the passive house as well as to mitigate privacy concerns
- exterior materials include: cedar siding, stucco, painted metal cladding, and metal roofing
- an accessory building with a flat roofline and a stucco exterior
- wood decks, south facing patio and yard space for each unit
- each unit would have direct pedestrian access to the street
- two surface parking spaces and driveway access off of Mary Street
- new landscaping and permeable paving materials integrated throughout the site
- the proposed duplex would target certification to the international Passive House standard.

The proposed variances are related to reducing the rear and side yard setbacks.

Sustainability Features

As indicated in the applicant's letter dated February 2, 2016, the following sustainability features are associated with this application:

- designed and built to the international Passive House standard resulting in up to a 90% reduction in heating energy requirements and high quality ventilation
- recycling of building materials
- photovoltaic electric-ready
- native and drought resistant landscaping
- onsite rainwater management.

Active Transportation Impacts

The application proposes to provide secure bicycle storage which supports active transportation.

Existing Site Development and Development Potential

The site is presently occupied by a single family dwelling.

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

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the Victoria West CALUC regarding the rezoning proposal at a Community Meeting held on January 14, 2016. A letter dated February 3, 2016 is attached to this report.

ANALYSIS

The *Official Community Plan (OCP)* identifies this property within Development Permit Area 15D: Intensive Residential – Duplex and is subject to the *Neighbourliness Guidelines for Duplexes*. DPA 15D encourages new duplex development to be integrated within existing Traditional Residential areas in a manner that respects the established character of the neighbourhood and achieves a high quality of architecture, landscape and urban design. The design guidelines also emphasize the importance of new development fitting in with the established streetscape and complimenting the existing building patterns and architectural rhythms. As an older, lower density residential neighbourhood, there is a mix of architectural styles in the area. The applicant has opted for a contemporary building design to allow for optimal energy efficiencies in order to achieve international Passive House standards in addition to ensuring the building fits in with the established character of the neighbourhood. The proposed building design incorporates some architectural design elements noticeable in other nearby residential buildings, such as a flat and gently sloping roofline, large windows, and exterior finishes including stucco and cedar siding. Each unit would have two ground floor entrances with the main entrance to each unit identified by way of painted metal cladding to frame the entryway and cedar siding.

To mitigate privacy concerns with respect to window placement, the windows are maximized on the south elevation and the window openings on the west side elevation are placed so that they do not directly align with those of the adjacent dwelling unit to the west.

The applicant is also proposing to introduce high quality hard and soft landscaping throughout the site. Each unit would have wood decks at the entryways and south facing patios that are at the level of the interior living space for a smooth connection between inside and outside. Maximizing the private open space on the south side of the property facing Wilson Street also helps mitigate privacy concerns. Planting materials include a mix of native, edible and drought tolerant species and all the hard surfaces are finished with permeable pavers. Fences, hedges and trees would provide privacy, visual context and summer shade to the outdoor areas. The applicant is also proposing to install contemporary-metal trellis structures at the south facing patios and entrance doors for the opportunity to plant food bearing vines.

Regulatory Considerations

The applicant is proposing to reduce the rear yard setback from 10.70m to 9.45m. A reduction in the rear yard setback would have minimal privacy impacts on the immediate neighbours to

the north. Extensive landscaping, privacy screening and parking would be provided in the rear yard to provide a sufficient privacy buffer between the two properties. The applicant is also proposing smaller and fewer windows on the north elevation.

The applicant is also proposing to reduce the exterior side yard setback from 3.50m to 2.45m. This would be the proposed setback from Mary Street. A reduced setback along this frontage would not vary significantly from the established streetscape pattern. The proposed duplex would be located at a similar setback as the duplex being constructed on the adjacent lot. Staff recommend that Council consider supporting these variances.

CONCLUSIONS

The Application to permit a duplex is consistent with the design guidelines outlined in DPA 15D. The proposed building design, exterior finishes and landscaping are in keeping with the established character of the neighbourhood. The proposed variances for rear and exterior side yard setbacks are supportable as they would not alter the character of the streetscape or adversely impact adjacent residential properties. Staff recommend that Council consider supporting this Application.

ALTERNATE MOTION

That Council decline DPV Application No. 00506 for the property located at 406 and 408 Wilson Street.

Respectfully submitted,



Leanne Taylor
Senior Planner
Development Services Division




Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

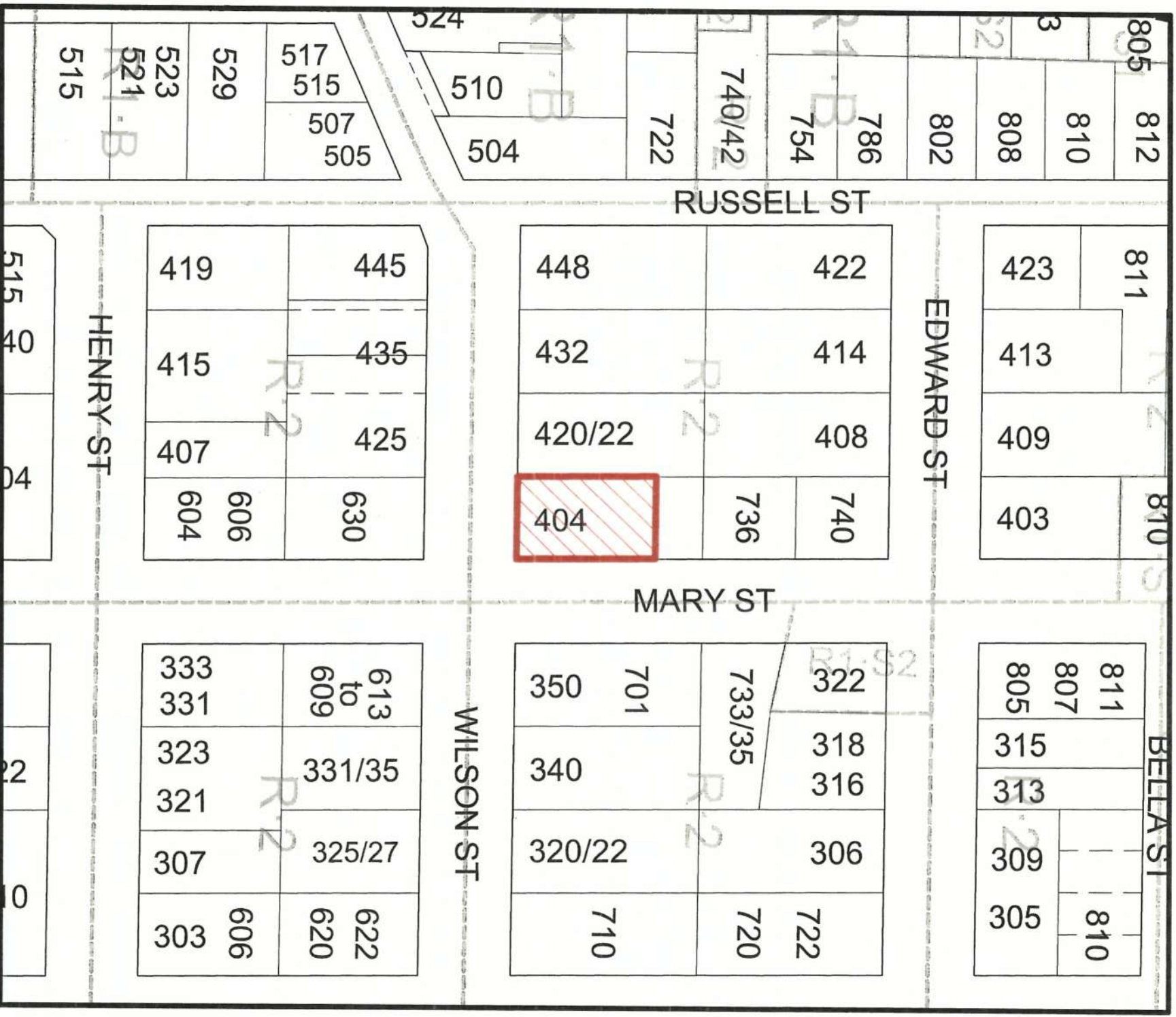
Report accepted and recommended by the City Manager:



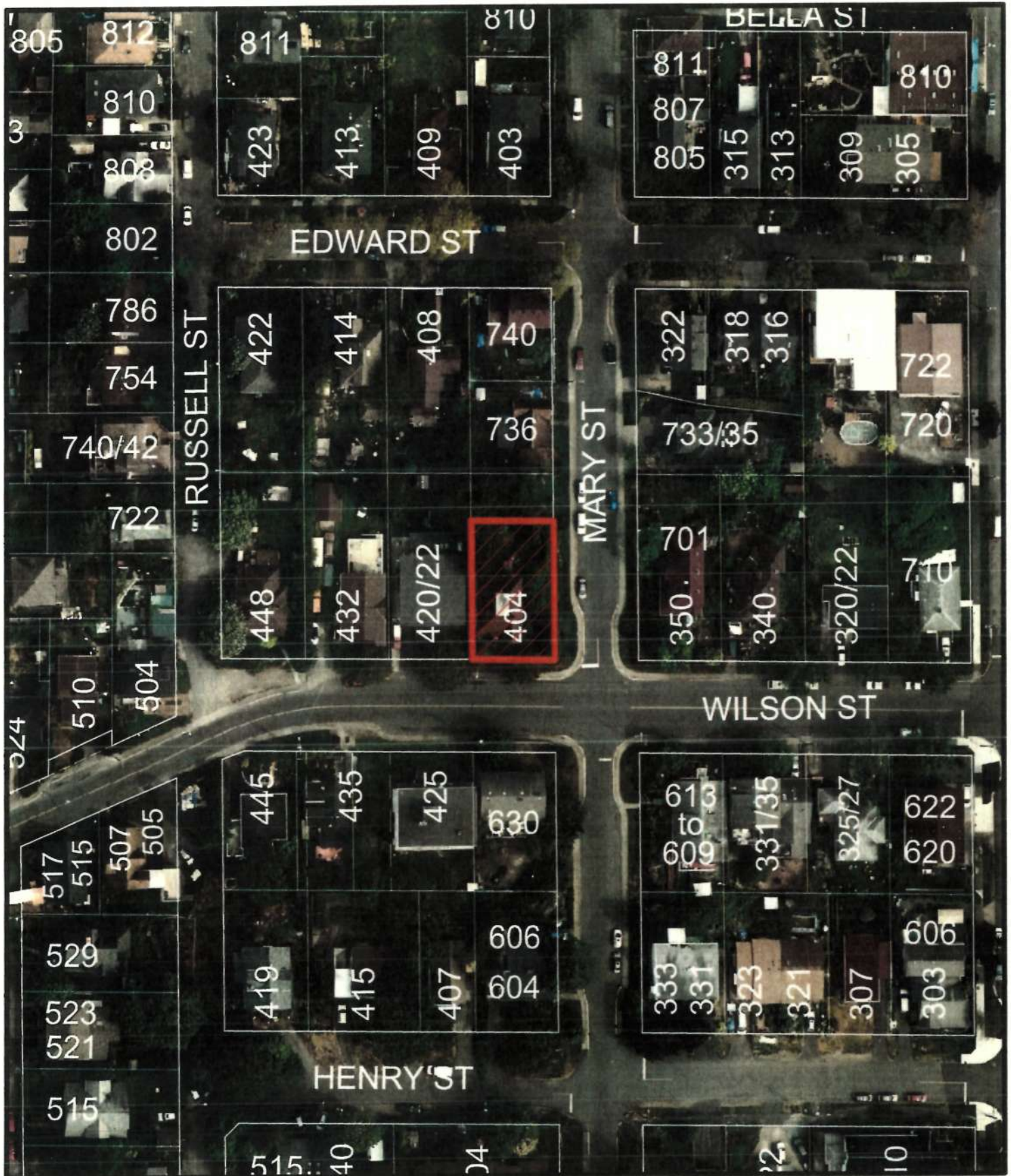
Date: May 18, 2016

List of Attachments

- Zoning map
- Aerial photo
- Letter to Mayor and Council received February 2, 2016
- Updated Letter to Mayor and Council received May 5, 2016
- Letter from the Victoria West Land Use Committee received February 3, 2016
- Plans for Rezoning Application No. 00506 date stamped May 6, 2016.



404 Wilson
Rezoning No.00506



404 Wilson

Rezoning No.00506





February 1, 2016

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



Dear Mayor Helps & Victoria City Council Members.

Re: Application for rezoning and development permit for 406 /408 Wilson St.

This letter summarizes our proposal to develop 406 /408 Wilson St. by constructing a duplex on the existing R-2 lot. Rezoning is required because the lot area is approximately 9m² smaller than the 555 m² current R2 zoning requires, equivalent to an 18-19 cm strip along the road frontage. The proposal also requires a rear yard and side yard set back variance. The proposed duplex targets certification to the international Passive House standard and incorporates other elements of sustainability.

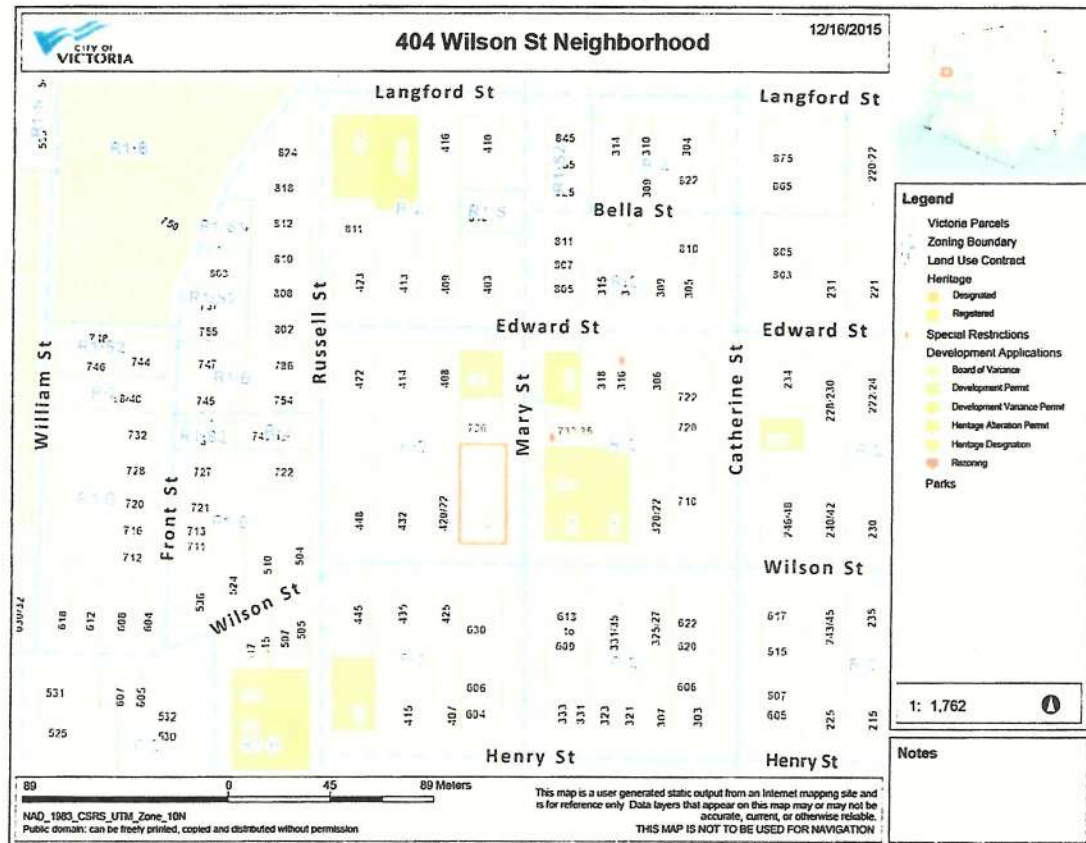
Proposal Description

The area of the project site is 546m² and is the northwest corner lot on the junction of Wilson St. and Mary St. Most of the neighbourhood is duplex zoned, with some multi family and mixed use near by.

Our proposal is to build a Passive House duplex to replace the existing single-family residence. The property is currently zoned R-2 and this proposal complies with R-2 zoning, other than the minimum lot size requirement and the rear yard and side yard set back variance. The existing residence has been a rental property for some time, and contained a marijuana grow op prior to our purchase of the property.

Project Rationale

We purchased the subject property and the adjoining lot (732/734 Mary St.) on Oct. 31, 2015. Neighbours were canvassed regarding the possibility of a townhouse development of the two lots, but that proposal met resistance. We elected to propose Passive House duplexes on each lot. The map inserted below illustrates the lot configuration at the time of purchase. 736 (now 732/734) Mary St. was a small lot with a vacant cottage and 404 Wilson was larger than required by R-2 zoning. The lot line between the two properties needed to be adjusted to accommodate the development plan and the former lots given two civic addresses each in contemplation of the duplexes to be constructed. Upon having a survey completed, it was determined the combined area of the two lots was slightly less than the area required for two R-2 lots. Either one or both lots would have to be slightly under size. In preliminary discussions with planning staff, it was felt the better option was to have 732/734 Mary St. meet the minimum size requirement, as it is an interior lot. The reduced lot area would be less visible, or invisible, on 404 (now 406/408) Wilson St., a corner lot. We have therefor applied to subdivide the two lots to make 732/734 Mary St. large enough to comply with R-2 zoning and applied for a building permit to construct a Passive House duplex on that site.



Project Design

The following section describes how the proposal complies with the Design and Development Permit Guidelines and responds to the neighbourhood character.

Layout

The proposed duplex consists of side-by-side units facing Wilson Street to the south, with a single driveway and off street parking from Mary Street at the north side. The two units are mirrored in floor plan and elevation, and are unified in the appearance of a single building on a single lot. The front doors

are clearly identified and visible by way of colour awning detail and doors. They are further articulated by freestanding metal trellises with climbing vines (Tuscani Star Jasmine). The west facing front door will be further marked on Wilson Street by a short landscape stair and trellis.

The primary orientation (larger windows) face the south in order to harvest the sunlight (required for space heating in the passive house), open to active outdoor living spaces on Wilson Street, while the east/west facing sides have smaller and fewer windows thereby providing privacy to the adjacent house to the west. The proposed duplex has been moved towards Mary Street in order to provide an increased side yard setback to the west, provide additional space for the neighbour and a more inviting entrance path. The east side yard setback on Mary Street will be similar to the proposed duplex to the north and the existing streetscape.

The Environmental Design Guidelines and Passive Solar Guidelines and Crime Prevention through Environmental Design Guidelines support the layout.

Scale

The scale of the proposed building is similar to other buildings in the neighbourhood and generally complies with R-2 zoning. The proposed duplex is two storeys in height, over a crawl space and has a footprint of 136.5 m² (1,469 ft²), fairly modest in size and in keeping with the neighbourhood. A crawl space is proposed in lieu of a full basement, providing additional storage space but no additional below grade living space. The result is that the main floor living spaces will sit close to the garden level, encouraging outdoor living.

The two sides of the duplex are unified under one single gently sloping roof that tilts towards the south. The southward orientation offers ease of harvesting the sun if the residents decide to install photo voltaic panels to achieve net-zero energy. The proposed building will include conduit and chases to facilitate future installations. Although the roof is modern in detailing, it will have broad sweeping soffits that will be carefully detailed and articulated above the wood and stucco walls.

Landscaping

Our landscape plan emphasizes native, edible and drought tolerant species and permeable paving. Fences, hedges and trees provide privacy, visual context and summer shade to outdoor areas. There has been effort to bring together the architecture and landscape as shown by the metal trellis structures at the south facing patios and entrance doors. The Trellis structures will have Tuscani Star Jasmine at the front doors, and there is opportunity to plant food bearing vines on the south facing trellises. The hardscape elements (retaining walls and fences) will be combined with planting (*Arbutus Unedo*) that will soon grow to 1.8m tall and be easily pruned to provide softer privacy.

Wood decks at the front doors and south facing patio doors are at the level of the living space for smooth connection between inside and outside. A combination of stairs and ramps will permit further easy movement to the garden level or sidewalk level. Grading will be adjusted so that obtrusive guardrails will not be necessary in these locations.

The driveway surface will be finished with permeable pavers and will be screened by soft landscaping.

Appearance

The appearance of the building will be of a contemporary, high quality development with deep-set windows, quality finishes and sheltered outdoor living areas. The primary finish materials are sand float finish stucco, natural finish cedar siding, large light coloured roof soffit and ample glass. In terms of material selection, the central idea of the design is to have the wood siding located in areas where the building 'opens up' to the neighbourhood at the south elevation and entrances. Additional architectural detailing (rain water leaders, shading elements, awnings, front door, landscaping) will reinforce this idea. The east/west and north elevations are fairly 'quite' in their detailing (simple deep set windows in stucco), providing a backdrop to the featured elements noted above, and the landscape design and further provide privacy to neighbours.

Neighborhood Consultation

Neighbours, the Neighbourhood Association, the design and construction team members, the area planner, and the engineering department have been included in the design process. A meeting was held with the Neighbourhood Association and neighbours on January 19, 2016. In general we believe the response has been positive.

Green Building Features

In addition to targeting certification to the international Passive House standard, this project will address the following sustainability objectives:

- Increased density through urban infill
- Recycling of building materials
- Waste reduction and landfill diversion
- Photovoltaic electric ready
- Native & drought resistant landscaping

Proposed Variances

- The R-2 zone specifies a minimum rear yard setback of 10.7m. The plan proposes a rear yard setback of 9.4m., or 1.3m less than the R-2 zone.
- The R-2 zone specifies a minimum side yard setback from interior lot lines of 1.5m or 10% of the lot width whichever is the greater. The lot width is 18.5m so 10% = 1.85m required setback. The plan proposes a 1.3m setback to the raised wood deck at the front door and 2.5m setback to the face of the house.
- The R-2 zone specifies a minimum Side yard setback on a flanking street of 3.5m or 10% of lot width, whichever is greater. The plan proposes a 1.3m setback to the raised wood deck at the front door and a 2.5m setback to the face of the house.

The two side yard setbacks are affected by the City's bylaw definition that raised wood decks are to be included as part of the setback calculation. The two wood decks that are affected by this definition could be changed to be pavers on fill to meet the bylaw requirements but would become overly complicated to build and still achieve the passive house building envelope requirements and good construction practices. Without having to consider the wood decks, the interior side yard setback would not require a variance and the flanking street setback variance would be reduced to 1.0m.

Project Benefits and Amenities

Economic benefits:

- Locally owned & financed building
- \$800,000 investment in building and local construction industry
-
- Project quality attractive to an emerging and important demographic in Victoria's economic development

Environmental benefits:

- Designed and built to the international Passive House standard resulting in up to a 90% reduction in heating energy requirements while providing a high quality, affordable residence. Such buildings are known for outstanding thermal comfort, quiet interiors and high quality ventilation providing a constant supply of fresh air.
- Native and drought tolerant landscaping
- Onsite rainwater management
- Convenient secure bicycle parking
- Infill development of under utilized site
- Building recycling and landfill diversion

Social benefits:

- High quality housing inventory added to community
- Improved streetscape
- Project will act as a beacon for future development, further demonstrating market demand for high quality, sustainable housing.

We believe this project will be a positive addition to the Vic West community and the City of Victoria. It will replace an older, small single-family residence with a contemporary duplex, which we hope will become an important part of Victoria's building heritage.

Sincerely yours,



Rob Bernhardt, President,
Bernhardt Developments Ltd.
rob@bernhardtcontracting.com
phone: 250-893-2514



May 5, 2016

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

Dear Mayor Helps & Victoria City Council Members.

Re: Application for rezoning and development permit for 406 /408 Wilson St.

This letter is supplemental to our letter of February 1, 2016 outlining our proposal to develop 406 /408 Wilson St. by constructing a duplex on the existing R-2 lot. Planning staff have reviewed the submission and provided feedback, which has resulted in a few modifications. We would also like to outline the reasons for the requested variances.

Revisions Resulting from Staff Review

Planning staff suggested a number of revisions we have incorporated in to a revised bubbled drawing set. Those revisions include:

1. The width of the driveway crossing has been increased to allow two side by side parking stalls, increasing green space on the west side of the property. The position of the accessory building has also been changed to align with the new parking area edge.
2. The east façade of the building along Mart Street has been redesigned to reduce the amount of stucco cladding in response to comments from the neighbors that it appeared as a monolithic wall with too little detail or variation.
3. Additional review of window placement on the west façade was undertaken, including a site visit to ascertain the window placement on the residence to the west and at a lower elevation on the hillside. The wall of the adjoining residence is largely blank, with a frosted glass bathroom window. Entry-level privacy will be provided by a new fence and landscaping. The proposed upper level windows look over the adjoining residence due to its lower elevation and do not directly align with windows on the adjacent building.
4. Additional details regarding fences and arbor structures have been provided on the landscape drawings.
5. Additional information documenting the varied building typologies that are found in the vicinity of the project has been added.

Variances

Our initial letter to Mayor & Council dated Feb. 1, 2016 identified three required variances. There are in fact two. Specifically:

1. East side yard - we have moved the building east, to get more light and space between the proposed building and the neighbour at 422 Wilson St. This benefits that neighbour, roughly aligns the two new duplex buildings along Mary St. and permit an entry on the west side. The combined side yard set back meets the Bylaw requirements; it has simply been re-allocated to fit

in the context. The R-2 zoning bylaw requires a 3.5m flanking street set back, our proposed setback is 2.6m.

2. North (rear yard) setback - the depth of the property does not permit a large rear yard setback in addition to a reasonable front yard set back. We have maintained the required setback at the front yard to keep the line of houses on the street consistent with other houses on Wilson, but have had to reduce the rear yard setback. The required rear yard set back is 35% of the lot depth, or 10.46m. The proposed set back is 9.45m.

Community Consultation

I understand the Vic West Community Association does not take a position on land use applications. The letter from the chair of the CALUC lists each concern that was raised at the January 14, 2016 community meeting, but does not record support expressed for the proposal. We have responded to the concerns raised by minimizing the number of driveways accessing the street and have added more detail to illustrate the finished look of the buildings. Many community members attending the meeting expressed support for the development and the large turn out for the meeting seemed to reflect an interest in Passive House. We were pleased not only with the turnout, but with the level of support the proposal received. Overall we believe the proposal will make a valuable contribution to the neighbourhood.

Sincerely yours,



Rob Bernhardt, President,
Bernhardt Developments Ltd.
rob@bernhardtcontracting.com
phone: 250-893-2514

February 1, 2016

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

Attention: Mayor and Council

Dear Mayor and Council

RE: Rezoning of 404 Wilson Street for the construction of a 'passive house' Duplex, by Bernhard Contracting Ltd.

The Victoria West Land Use meeting occurred January 14, 2016 at the Victoria West Community Hall. The meeting was very well attended, with over 35 individuals.

There were a number of concerns, including:

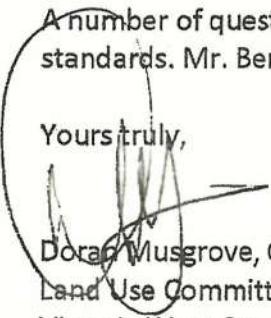
- Contemporary design in a traditional neighbourhood;
- Concern over blasting due to rock outcrops;
- Concern that the adjusting of lot lines to create larger lots may become a practice in Victoria West, to the detriment of the community;
- The two new driveway crossings for both 404 Wilson and 736 Mary Street will reduce parking on Mary Street;
- That the development (for both 404 Wilson and 736 Mary) allows for only 1 parking stall on site. If the purchaser has more than 1 car, additional cars will be parked on the street, further reducing street parking availability;
- That there be more variety to the exterior finishes; and
- That the landscaping be softened and existing boulevard trees be saved.

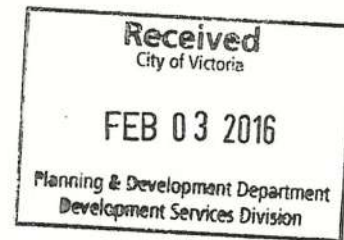
Another issue raised specifically involved parking.

- The yellow curb lines at the corner of Wilson and Mary Streets be extended further around the corners to extend sight lines; and
- That "Residential Parking Only" signs be installed on Mary Street.

A number of questions related to 'passive housing' and how this application meets those standards. Mr. Bernhard and his team were extremely helpful in explaining this concept.

Yours truly,


Doran Musgrove, Chair
Land Use Committee,
Victoria West Community Association





WILSON STREET PASSIVE HOUSE DUPLEX

406 & 408 WILSON STREET, VICTORIA BC V8A 3G5

REVISION 2 TO REZONING APPLICATION
APRIL 16, 2016

OWNER:
Bentley Development
1030 Glen Lake Dr
Victoria BC V8P 1K7
T (250) 657-2432

ARCHITECTURAL:
HCMA Architecture + Design
307 - 185 Belmont Street
Victoria BC V8V 1H2
T (250) 342-6550
F (250) 342-6552

ARCHITECTURAL DRAWING LIST

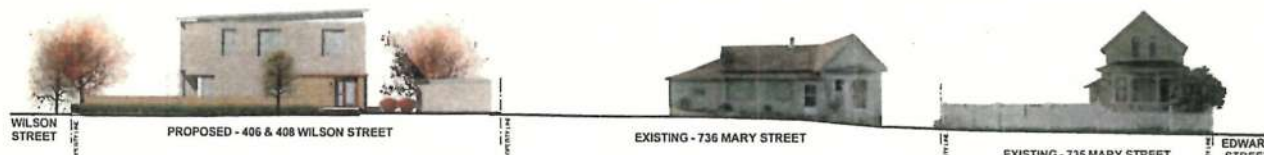
- A1.00 SITE PLAN
- A2.00 FLOOR PLANS
- A2.01 ROOF PLAN
- A3.00 ELEVATIONS
- A3.01 ELEVATIONS
- A3.10 BUILDING SECTIONS

LANDSCAPE DRAWING LIST

- L1.00 LANDSCAPE PLAN

VCMA

COPY



1 STREET ELEV. ALONG MARY ST. SHOWING EXISTING BUILDINGS



2 STREET ELEV. ALONG MARY ST. SHOWING ADJACENT NEW DEVELOPMENT



3 STREET ELEVATION ALONG WILSON STREET

BUILDING TYPOLOGIES IN THE NEIGHBOURHOOD



Wilson Street
Passive House Duplex

COVER SHEET



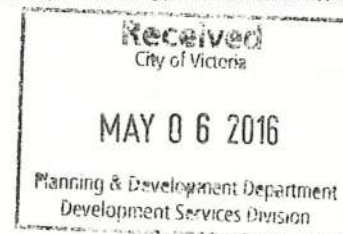
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SCALE: As indicated

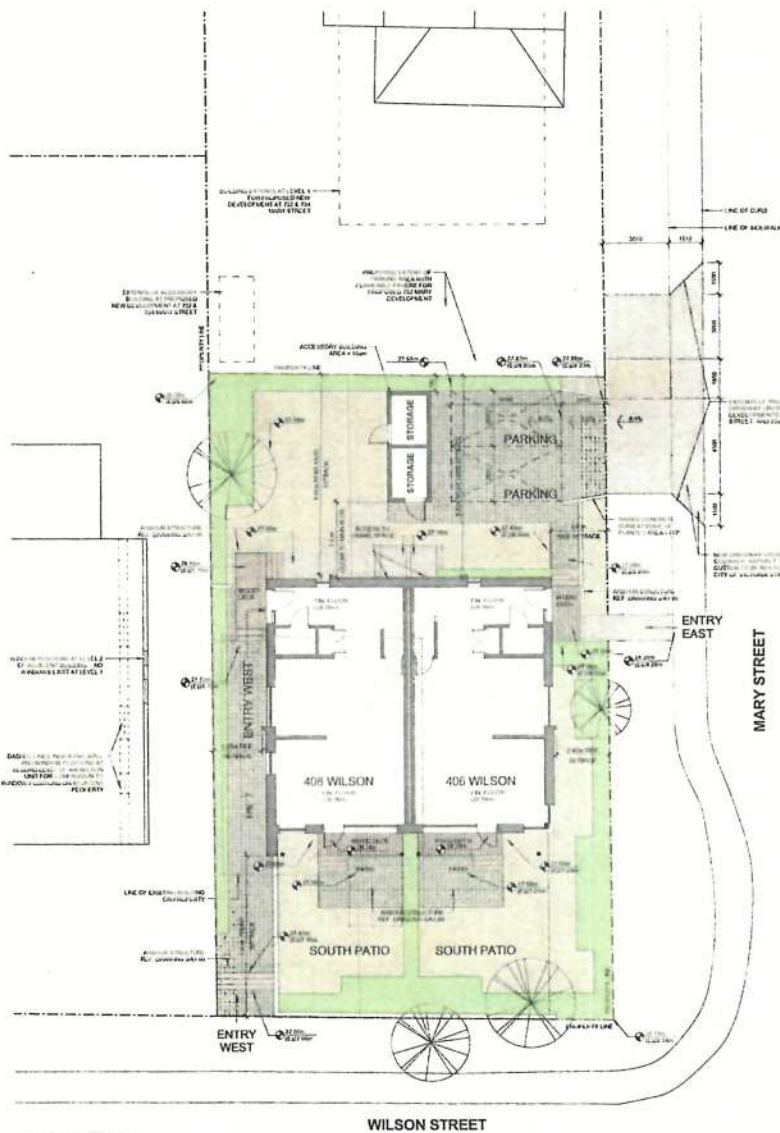
HCMA Architecture + Design
Suite 300 - 569 Johnson Street
Victoria BC, Canada V8W 1H2
T 250 382 6650
W hcma.ca

PROJECT: 1517 • DRAWN: 25

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Victoria City Council - 14 Jul 2016

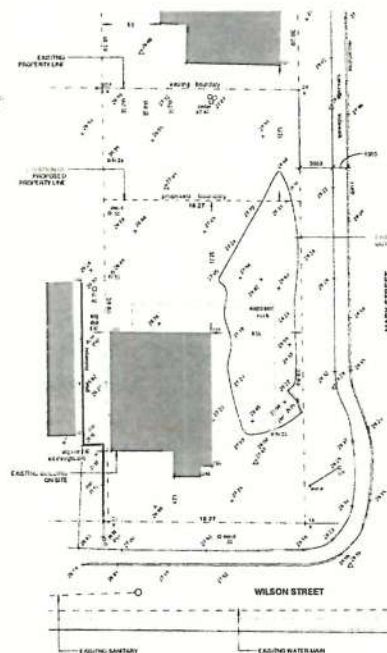


1 Site Plan
1:100

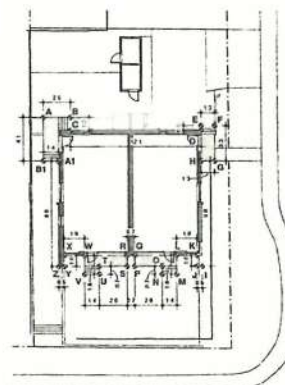
Site Plan Legend

- CONCRETE
- FUTURE DRIVE
- FUTURE SIDE
- FUTURE PLANTING - (to be installed prior to construction)
- FUTURE PLANTING - (to be installed prior to construction)

PROJECT INFORMATION TABLE	
Project Name	Wilson Street Passive House Duplex
Client	HCMA Architecture + Design
Location	406 & 408 Wilson Street, Victoria, BC
Site Area	1,200 sq. ft.
Building Area	2,400 sq. ft.
Number of Units	2
Year of Construction	2016
Architect	HCMA Architecture + Design
Engineer	HCMA Architecture + Design
Contractor	HCMA Architecture + Design
Permit Number	2016-000000
Scale	1:100
Date	May 06, 2016



4 Existing Site Plan
1:100



Average Grade Calculation	
Point	Area
1	1.00
2	1.00
3	1.00
4	1.00
5	1.00
6	1.00
7	1.00
8	1.00
9	1.00
10	1.00
11	1.00
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39	1.00
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41	1.00
42	1.00
43	1.00
44	1.00
45	1.00
46	1.00
47	1.00
48	1.00
49	1.00
50	1.00

2 Average Grade Calculation
1:100

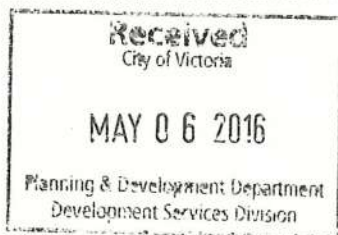
Arbour Structures

These structures are designed to provide a combination of shade and wind protection for the building. They are designed to be constructed from a combination of wood and metal. The structures are designed to be constructed from a combination of wood and metal. The structures are designed to be constructed from a combination of wood and metal.



3 Arbour Structures
1:50

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HCMA
CONTRACT LOGO

COPY

Wilson Street Passive House Duplex
SHEET NO. 1
PROJECT NO. 1547
DATE: 05/06/2016
DRAWN BY: [Name]
CHECKED BY: [Name]
APPROVED BY: [Name]

SITE PLAN



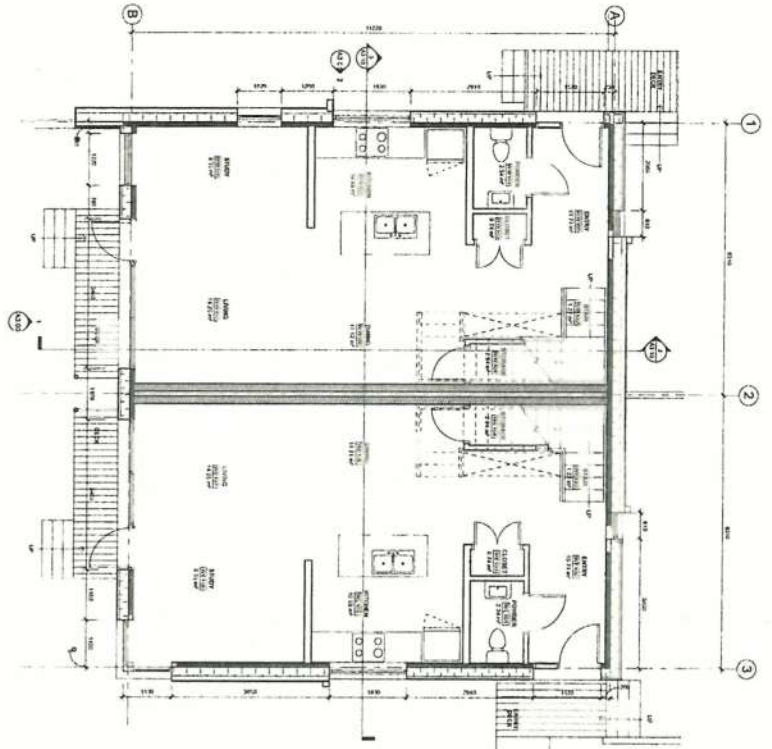
A1.00

SCALE: As indicated
HCMA Architecture + Design
Suite 300 - 569 Johnson Street
Victoria BC, Canada V8W 1M2
T: 250 382 6650
W: hcma.ca

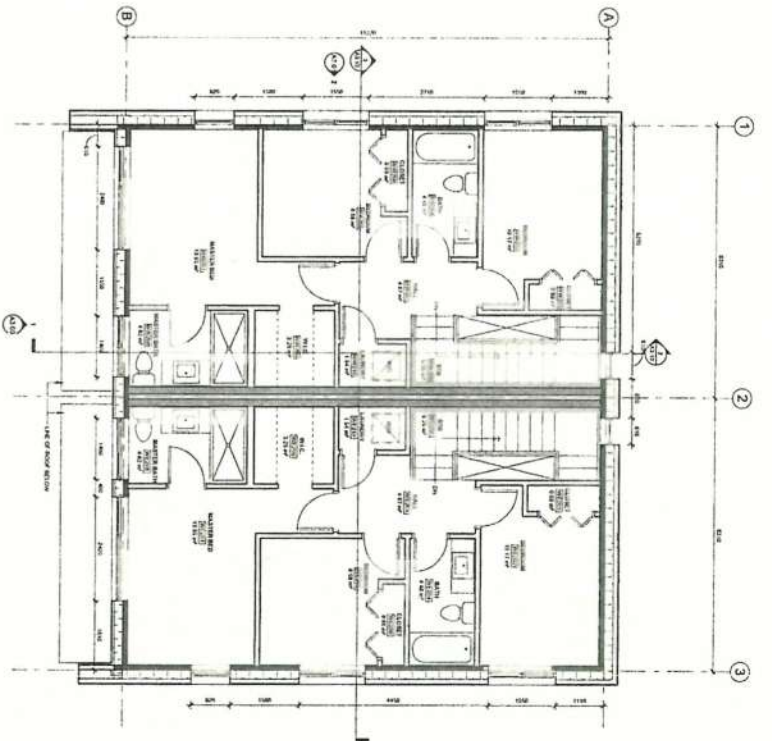
PROJECT: 1547 • DRAWN: 25

Victoria City Council - 14 Jul 2016

① Level 1 Plan - Wilson St. Units



② Level 2 Plan - Wilson St. Units



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PROJECT: 1547 - DRAWN: 25

Received
City of Victoria

MAY 06 2016

Planning & Development Department
Development Services Division

Wilson Street Passive House Duplex

REVISION: 01
DATE: 01/01/2016
REVISION: 02
DATE: 01/01/2016
REVISION: 03
DATE: 01/01/2016
REVISION: 04
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DATE: 01/01/2016

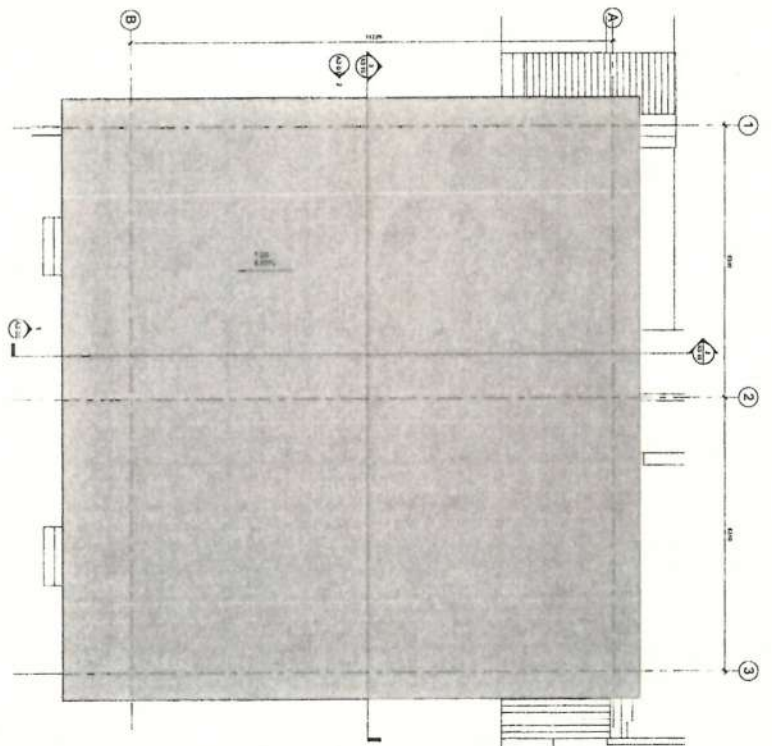
FLOOR PLANS

SCALE: 1:50
A2.00

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W hcma.ca

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1 Roof Plan - Wilson

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PROJECT: 1541 • DRAWN: ZS

SCALE: 1:50

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Victoria BC Canada V6B 1H2
W 780.663.6630

A2.01



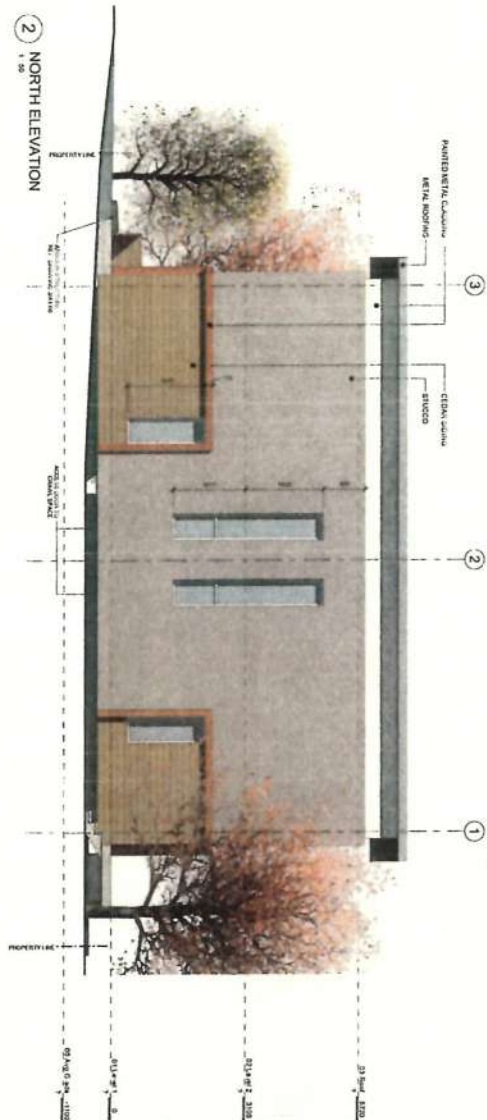
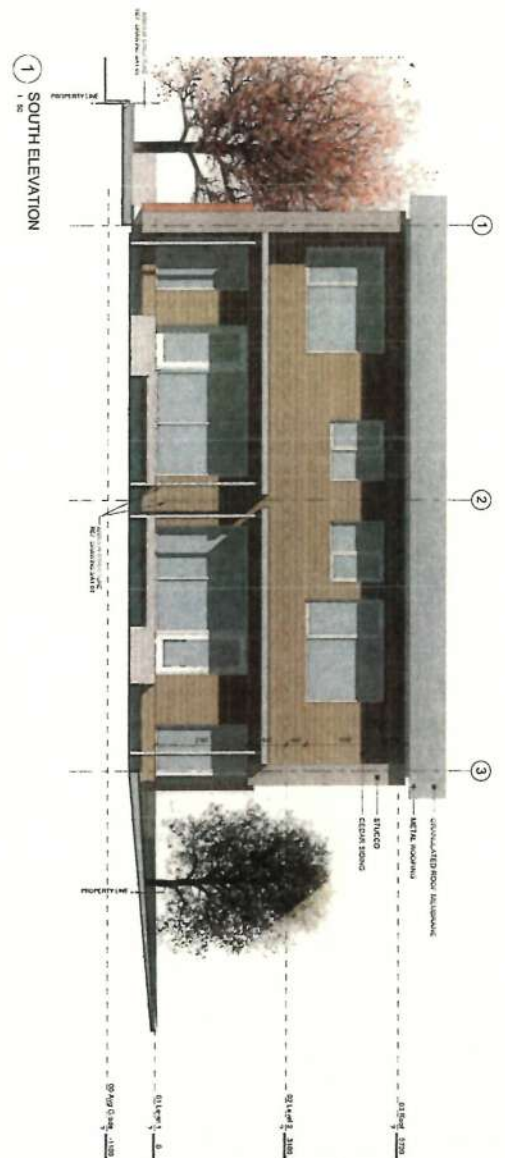
ROOF PLAN

Wilson Street
Passive House Duplex

REVISION	DESCRIPTION	DATE
1	VICTORIA WEST GAS VCC (2016) 11/11/16	2016 11 11
2	PROCESSED FOR THE COUNCIL APPROVAL	2016 11 11
3	REVISION 1 TO THE COUNCIL APPROVAL	2016 11 11
4	REVISION 2 TO THE COUNCIL APPROVAL	2016 11 11

COPY

HCMA



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PROJECT#1547 • DRAWN:25

City of Victoria

MAY 06 2016

Planning & Development Department
Development Services Division

COPY

HCMA

Page 275 of 425

Wilson Street Passive House Duplex

REVISION	DESCRIPTION	DATE
1	VICTORIA WEST CALLED (PH 011) TO	2/1/01
2	VALUED FOR HOLDING APPLICATION	2/1/01
3	REVISION 1 TO HOLDING DRAWINGS	2/1/01
4	REVISION 2 TO HOLDING	2/1/01

ELEVATIONS

A3.00
SCALE: 1:50

HCMa Architecture + Design
Suite 300 - 569 Johnson Street
Victoria BC, Canada V8W 1M2
T 250 382 6650
W hcmac.ca



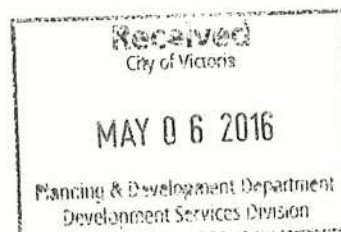
1 EAST ELEVATION
1:50



2 WEST ELEVATION
1:50

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PROJECT: 1547 • DRAWN: ZS



HCM⁺A

COPY

Wilson Street
Passive House Duplex

ELEVATIONS

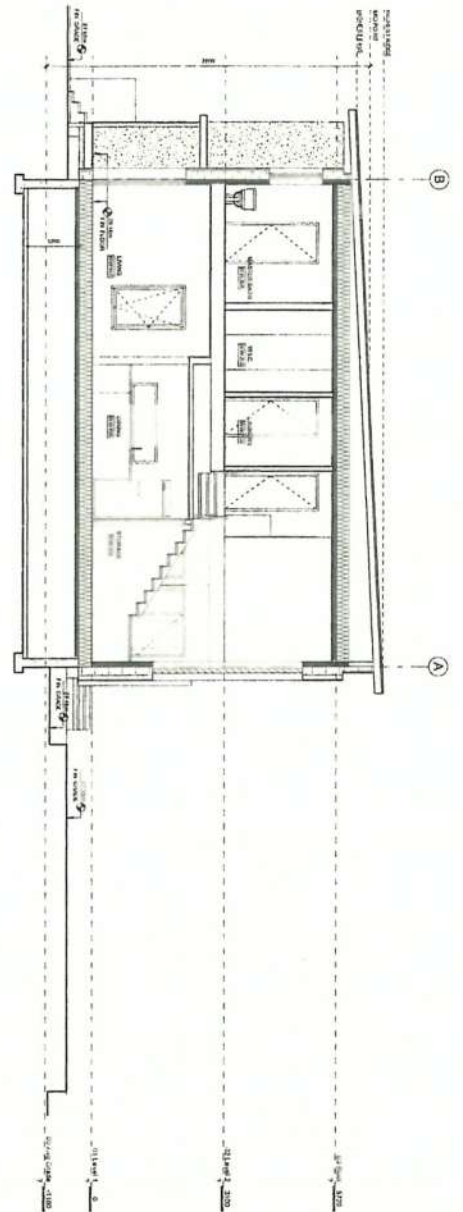


A3.01

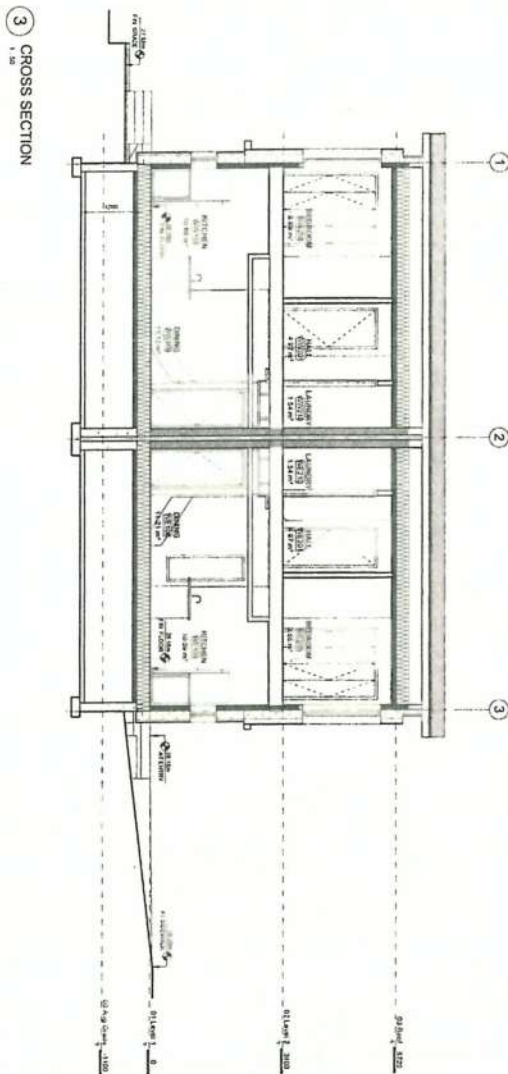
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Victoria City Council - 14 Jul 2016



2 WILSON ST. - LONG SECTION 1



3 CROSS SECTION

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City of Victoria

MAY 06 2016

Planning & Development Department
Development Services Division

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Page 277 of 425

Wilson Street
Passive House Duplex

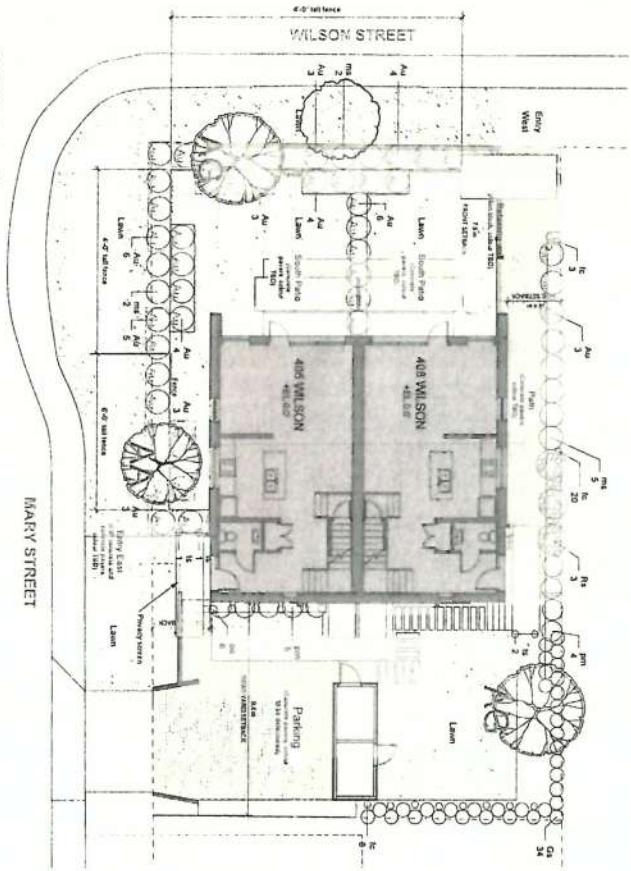
REVISION DESCRIPTION DATE
1.000 INITIAL CONCEPT APPLICATION
2.000 REVISION TO PERMITS SUBMISSION
3.000 REVISION TO PERMITS SUBMISSION

BUILDING
SECTIONS



SCALE: 1:50

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Victoria BC V8W 2H5
T 250 382 6650
W HCMA.CA



1 Landscape Plan
Scale: 1/8" = 1'-0"

Tree and Plant Schedule

Item	Quantity	Plant Name	Size
1	1	Large tree	12" DBH
2	1	Medium tree	8" DBH
3	1	Small tree	4" DBH
4	1	Shrub	6" DBH
5	1	Perennial	12" DBH
6	1	Shrub	6" DBH
7	1	Perennial	12" DBH
8	1	Shrub	6" DBH
9	1	Perennial	12" DBH
10	1	Shrub	6" DBH
11	1	Perennial	12" DBH
12	1	Shrub	6" DBH
13	1	Perennial	12" DBH
14	1	Shrub	6" DBH
15	1	Perennial	12" DBH
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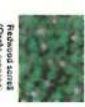
Trees



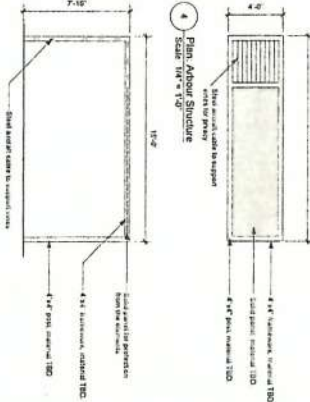
Shrubs



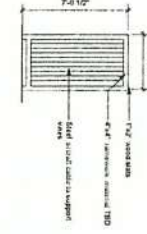
Perennials



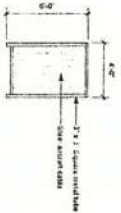
5 Elevation: Front of Above Structure
Scale: 1/4" = 1'-0"



6 Elevation: Side of Above Structure
Scale: 1/4" = 1'-0"



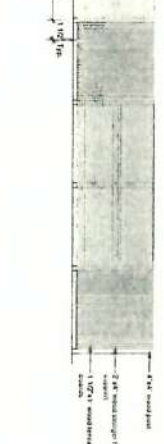
7 Elevation: Front of Privacy Screen
Scale: 1/4" = 1'-0"



2 Plan: Fence
Scale: 1/4" = 1'-0"



3 Elevation: Fence
Scale: 1/4" = 1'-0"



Revised
City of Victoria
MAY 06 2016
Planning & Development Services Division

**Wilson Street
Passive House Duplex**
REVISION DESCRIPTION DATE
2 Revision to Reworking 2016 04 18

ISSUE DESCRIPTION DATE



H1
ARCHITECTS



Council Report

For the Meeting of July 14, 2016

To: Council **Date:** July 8, 2016
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: Development Permit with Variances Application No. 00506 for 406 and 408 Wilson Street - Changes to the west and north elevations

RECOMMENDATION

That Council consider the following revised motion reflecting receipt of revised plans if, Rezoning Application No. 00506 is approved:

"That Council authorize the issuance of Development Permit Application No. 00506 for 406 and 408 Wilson Street, in accordance with:

1. Plans date stamped July 8, 2016
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the rear yard setback from 10.70m to 9.45m
 - ii. reduce the side yard setback from 3.50m to 2.45m
3. The Development Permit lapsing two years from the date of this resolution."

EXECUTIVE SUMMARY

As a result of building code requirements for unprotected openings (windows), the applicant must reduce the number of windows on the west elevation of the proposed two-family dwelling which was presented at the Committee of the Whole meeting on May 26, 2016 and will be considered by Council at the July 14, 2016 Council meeting. The west elevation is not visible from the street, and this change would not impact the visual identity or quality of streetscape. The applicant has notified the adjacent neighbours of this proposed change as per the revised plans (attached). To compensate for the loss of windows on the west elevation, the applicant has added one new window on the north elevation which faces 736 Mary Street and is currently under development by the same proponent. This additional window will have minimal impact on privacy.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "L. Taylor".

Leanne Taylor
 Senior Planner
 Development Services Division

A handwritten signature in blue ink, appearing to read "A. Tinney".

Jonathan Tinney, Director
 Sustainable Planning and Community
 Development Department

Report accepted and recommended by the City Manager:



Date: July 8, 2016

List of Attachments

- Revised plans received July 8, 2016.



WILSON STREET PASSIVE HOUSE DUPLEX

406 & 408 WILSON STREET, VICTORIA BC V9A 3G5

REVISION 2 TO ZONING APPLICATION
APRIL 18, 2016

OWNER:
Barclay Developments
1535 Oak Creek Ct
Victoria, BC V8P 1A7
T: (250) 857-2432

ARCHITECTURAL:
HCMA Architecture + Design
300 - 569 Johnson Street
Victoria BC V8W 1M2
T: (250) 382-6650
F: (250) 382-6652

ARCHITECTURAL DRAWING LIST

A1.00 SITE PLAN
A2.00 FLOOR PLANS
A2.01 ROOF PLAN
A3.00 ELEVATIONS
A3.01 ELEVATIONS
A3.10 BUILDING SECTIONS

LANDSCAPE DRAWING LIST

L1.00 LANDSCAPE PLAN



VCMA

CONSULTANT LOGO



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PROJECT:1547 • DRAWN:ZS

BUILDING TYPOLOGIES IN THE NEIGHBOURHOOD



Wilson Street
Passive House Duplex

COVER SHEET

A0.00

SCALE: As indicated

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Victoria City Council - 14 Jul 2016

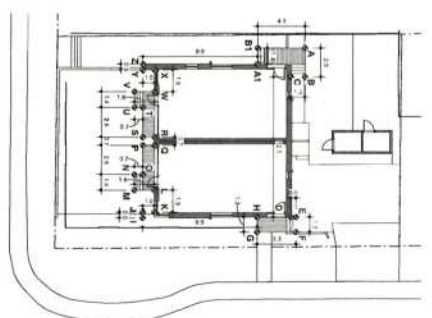
☐ **Formaldehyde-free**

☐ **Wood decks**

☒ **Weight/Starting - Refer to landscape plan for additional details**

☐ **Ground Cover - Refer to landscape plan for additional details**

QUESTION		ANSWER
1. A patient with a 10-year history of rheumatoid arthritis is prescribed a new medication. The patient reports feeling dizzy and lightheaded when standing up. What is the most likely cause of these symptoms?	10/10/2023	10/10/2023
2. A patient with a long-standing history of hypertension is prescribed a new medication. The patient reports feeling dizzy and lightheaded when standing up. What is the most likely cause of these symptoms?	10/10/2023	10/10/2023
3. A patient with a long-standing history of hypertension is prescribed a new medication. The patient reports feeling dizzy and lightheaded when standing up. What is the most likely cause of these symptoms?	10/10/2023	10/10/2023
4. A patient with a long-standing history of hypertension is prescribed a new medication. The patient reports feeling dizzy and lightheaded when standing up. What is the most likely cause of these symptoms?	10/10/2023	10/10/2023
5. A patient with a long-standing history of hypertension is prescribed a new medication. The patient reports feeling dizzy and lightheaded when standing up. What is the most likely cause of these symptoms?	10/10/2023	10/10/2023
6. A patient with a long-standing history of hypertension is prescribed a new medication. The patient reports feeling dizzy and lightheaded when standing up. What is the most likely cause of these symptoms?	10/10/2023	10/10/2023
7. A patient with a long-standing history of hypertension is prescribed a new medication. The patient reports feeling dizzy and lightheaded when standing up. What is the most likely cause of these symptoms?	10/10/2023	10/10/2023
8. A patient with a long-standing history of hypertension is prescribed a new medication. The patient reports feeling dizzy and lightheaded when standing up. What is the most likely cause of these symptoms?	10/10/2023	10/10/2023
9. A patient with a long-standing history of hypertension is prescribed a new medication. The patient reports feeling dizzy and lightheaded when standing up. What is the most likely cause of these symptoms?	10/10/2023	10/10/2023
10. A patient with a long-standing history of hypertension is prescribed a new medication. The patient reports feeling dizzy and lightheaded when standing up. What is the most likely cause of these symptoms?	10/10/2023	10/10/2023

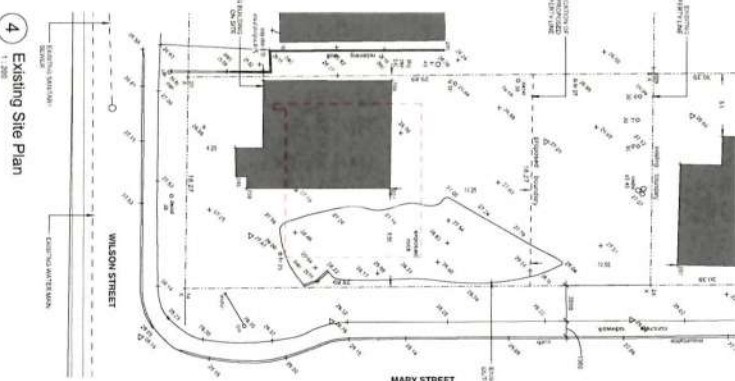


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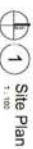
2 Average Grade Calculation



3 Arbour Structures



4 Existing Site Plan
1:2000



Wilson Street Passive House Duplex

Revision	Description	By
1	VICTORIA WEST CALC (2014-25 T3)	2
2	ISSUED FOR PERMITS APPLICATION	2
3	REVISION 1 TO REZONING DRAWINGS	2
4	REVISION 2 TO REZONING	2

DATE
2015.07.1
2015.07.1
2015.07.1
2015.07.1

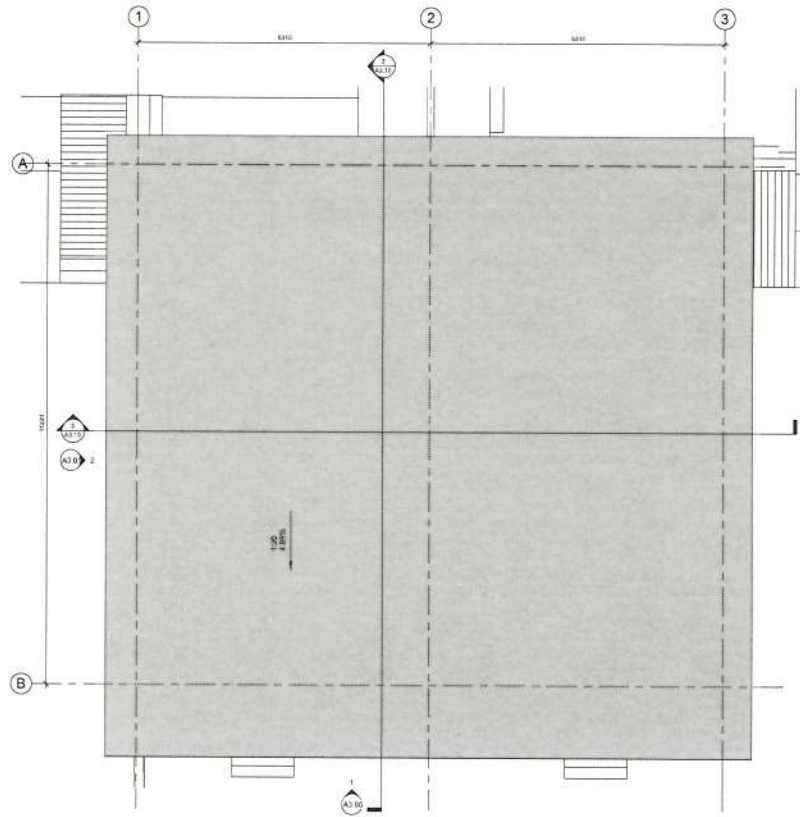
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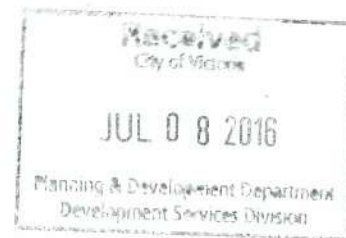
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Suite 300 - 569 Johnson Street
Victoria BC, Canada V8W 1M2
T 250 382 6650
W hcmad.ca



1 Roof Plan - Wilson
1:50



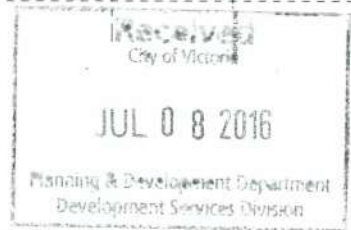
**Wilson Street
Passive House Duplex**

REVISION	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	2016 06 14
2	FOR CONSTRUCTION	2016 06 14
3	FOR CONSTRUCTION	2016 06 14
4	FOR CONSTRUCTION	2016 06 14

ROOF PLAN

A2.01

SCALE: 1:50
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Victoria BC, Canada V8W 1M2
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Wilson Street PH Duplex

REVISION	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	2016.07.08
2	ISSUED FOR PERMIT	2016.07.08
3	ISSUED FOR PERMIT	2016.07.08
4	ISSUED FOR PERMIT	2016.07.08
5	ISSUED FOR PERMIT	2016.07.08
6	ISSUED FOR PERMIT	2016.07.08

ELEVATIONS

A3.00

SCALE: 1:50
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 Victoria BC, Canada V8W 1M2
 T 250 382 6650
 W hcma.ca

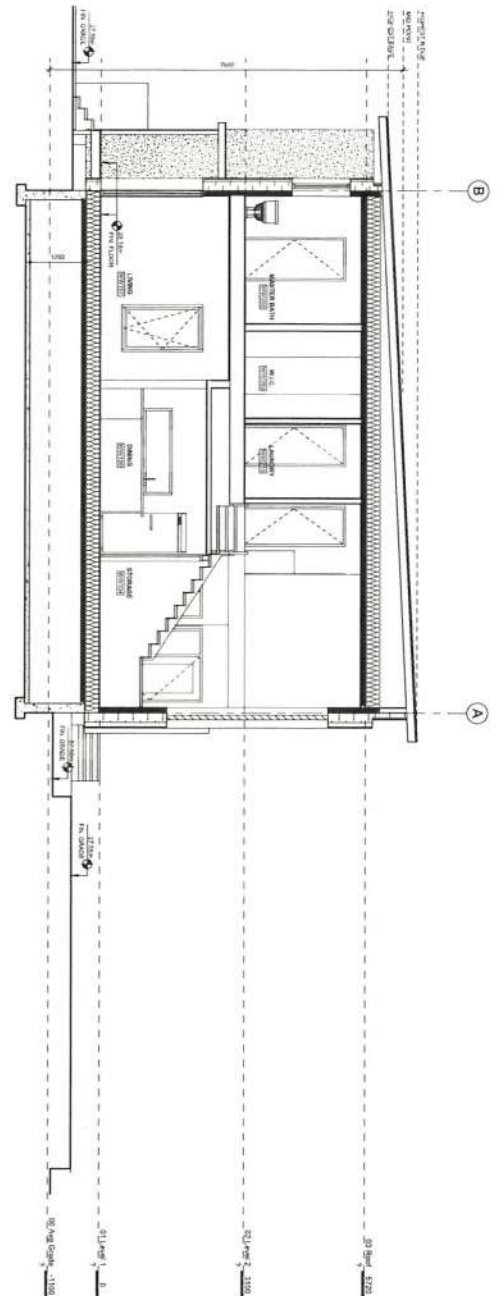
Victoria City Council - 14 Jul 2016



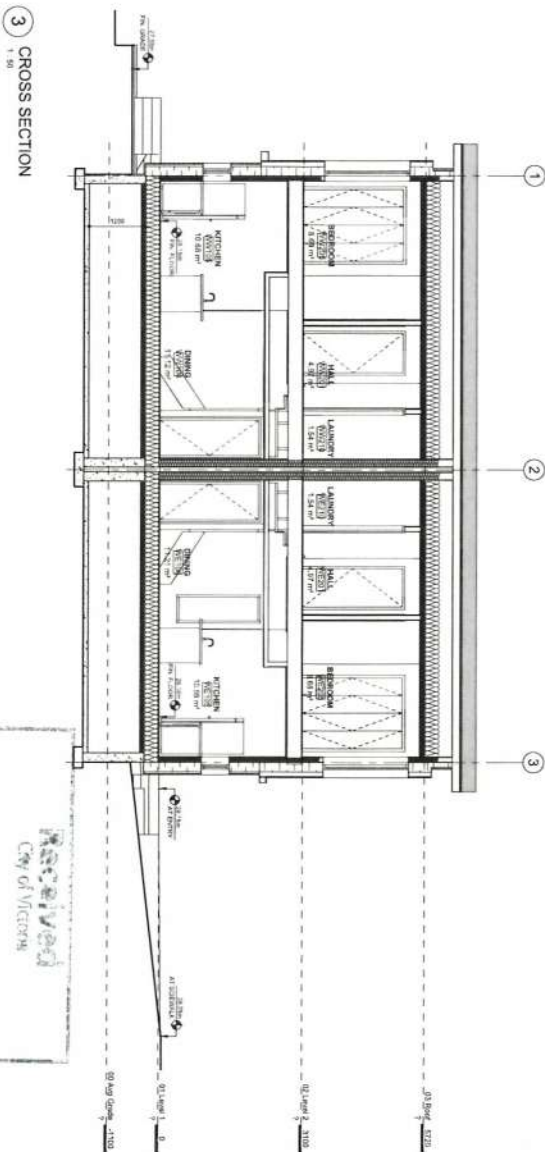
1 EAST ELEVATION
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2 WEST ELEVATION
1:50



2 WILSON ST. - LONG SECTION 1/16



3 CROSS SECTION 1/16

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City of Victoria
JUL 08 2016
Planning & Development Department
PROJECTS 1517 • DRAWN 25

Wilson Street Passive House Duplex

DATE: 2016 02 01
REVISION 1 TO REVISION 1.1
REVISION 2 TO REVISION 1.1

BUILDING SECTIONS

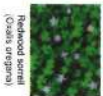
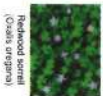
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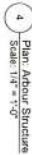


MARY STREET

Trees



2"x4" wood stringer for
support
- 4"x4" wood post
- 1 1/2"x1" wood fence
boards
brackets



1



DATE _____



NO. 16-056

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by creating the R2-53 Zone, Wilson Attached Dwelling, and to rezone land known as 406 and 408 Wilson Street from the R-2 Zone, Two Family Dwelling District to the R2-53 Zone, Wilson Attached Dwelling District.

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

- 1 This Bylaw may be cited as the "ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1069)".
- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in the Table of Contents of Schedule "B" under the caption PART 2 – Attached Dwelling Zones by adding the following words:

"2.142 R2-53, Wilson Attached Dwelling District"
- 3 The Zoning Regulation Bylaw is also amended by adding to Schedule B after Part 2.141 the provisions contained in Schedule 1 of this Bylaw.
- 4 The land known as 406 and 408 Wilson Street, legally described as Lot 2, Section 31, Esquimalt District, Plan EPP58321, and shown hatched on the map attached to and forming part of this Bylaw as Appendix 1, is removed from the R-2 Zone, Two Family Dwelling District, and placed in the R2-53 Zone, Wilson Attached Dwelling District.

READ A FIRST TIME the	23rd	day of	June	2016
-----------------------	------------------------	--------	-------------	------

READ A SECOND TIME the	23rd	day of	June	2016
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Public hearing held on the	day of	2016
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READ A THIRD TIME the	day of	2016
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ADOPTED on the	day of	2016
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CITY CLERK

MAYOR

PART 2.142 – R2-53 ZONE, WILSON ATTACHED DWELLING DISTRICT**2.142.1 Permitted Uses in this Zone**

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

- a. Two family dwelling
- b. Uses permitted in the R1-B Zone, Single Family Dwelling District

2.142.2 General

- a. If a lot has a single family dwelling use:
 - i. the regulations in the R1-B Zone, Single Family Dwelling District apply
 - ii. the regulations in sections 2.142.3 – 2.142.8 do not apply
- b. notwithstanding section 2.142.1, the only use permitted on a lot with a site area less than 230m² or with an average lot width less than 7.5m is a private garage

2.142.3 Site Area, Lot Width

- a. Site area (minimum) 546m²
- b. Site area for each dwelling unit (minimum) 273m²
- c. Lot width (minimum average) 15m

2.142.4 Floor area of the Principal Building

- a. Floor space ratio (maximum) 0.5:1
- b. Floor area per dwelling unit (minimum) 46m²
- c. Floor area, for the first and second storeys combined (maximum) 280m²
- d. Floor area, of all floor levels combined (maximum) 380m²

PART 2.142 – R2-53 ZONE, WILSON ATTACHED DWELLING DISTRICT**2.142.5 Height, Storeys, Roof Decks**

- | | |
|--|---|
| a. <u>Two family dwelling building</u> (maximum) | 7.6m in <u>height</u> and 2 <u>storeys</u> if the <u>building</u> does not have a <u>basement</u> |
| | 7.6m in <u>height</u> and 1 ½ <u>storeys</u> if the <u>building</u> has a <u>basement</u> |
| b. <u>Roof deck</u> | Not permitted |

2.142.6 Setbacks and Projections

- | | |
|---|---|
| a. <u>Front yard setback</u> (minimum) except for the following maximum projections into the <u>setback</u> : | 7.5m |
| • steps and <u>porch</u> (maximum) | 3.5m |
| • bay windows (maximum) | 0.6m |
| b. <u>Rear yard setback</u> (minimum) | 10.7m or 35% of <u>lot depth</u> whichever is greater |
| c. <u>Side yard setbacks</u> from interior <u>lot lines</u> (minimum) | 1.5m or 10% of the <u>lot</u> width whichever is greater |
| | 3.0m for one <u>side yard</u> when the lot is not serviced by a rear lane |
| d. Combined <u>side yard setbacks</u> (minimum) | 4.5m |
| e. <u>Side yard setbacks</u> on a flanking <u>street</u> for a <u>corner lot</u> (minimum) | 3.5m or 10% of the <u>lot</u> width whichever is greater |
| f. Eave projections into <u>setbacks</u> (maximum) | 0.75m |

2.142.7 Site Coverage, Open Site Space, Parking

- | | |
|-------------------------------------|--|
| a. <u>Site coverage</u> (maximum) | 40% |
| b. <u>Open site space</u> (minimum) | 30% of the <u>area</u> of the <u>lot</u> and 33% of the <u>rear yard</u> |
| c. Parking | Subject to the regulations in Schedule "C" |

PART 2.142 – R2-53 ZONE, WILSON ATTACHED DWELLING DISTRICT**2.142.8 Outdoor Features**

- a. The setbacks set out in section 2.142.6 apply to outdoor features, as though they are buildings
- b. Outdoor features may not exceed a height of 3.5m from natural grade or finished grade, whichever is lower



**CITY OF
VICTORIA**
Page 293 of 425

4.1 Rezoning Application No. 00507 for 155 Linden Avenue

Committee received a report dated May 19, 2016, from the Director of Sustainable Planning and Community Development regarding an application to rezone the property to allow for construction of a garden suite.

Motion: It was moved by Councillor Loveday, seconded by Councillor Thornton-Joe, that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00507 for 155 Linden Avenue, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

CARRIED UNANIMOUSLY 16/COTW

2. Committee of the Whole – June 9, 2016

3. Rezoning Application No. 005077 for 155 Linden Avenue

It was moved by Councillor Madoff, seconded by Councillor Loveday, that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00507 for 155 Linden Avenue, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

Carried Unanimously



Committee of the Whole Report

For the Meeting of June 9, 2016

To: Committee of the Whole **Date:** May 19, 2016

From: Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject: Rezoning Application No. 00507 for 155 Linden Avenue

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00507 for 155 Linden Avenue, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

LEGISLATIVE AUTHORITY

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

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application for the property located at 155 Linden Avenue. The proposal is to rezone from the current R1-B Zone, Single Family Dwelling, to the R1-B-GS Zone, Single Family Dwelling with Garden Suite, to permit the construction of a garden suite.

The following points were considered in assessing this Application:

- The proposal is consistent with the Urban Place Designation in the *Official Community Plan (OCP)* 2012.
- The proposal is consistent with the policies of the *Garden Suite Policy* (2011).

BACKGROUND

Description of Proposal

The proposal is to rezone from the R1-B Zone, Single Family Dwelling, to the R1-B-GS Zone, Single Family Dwelling with Garden Suite, in order to construct a garden suite. The proposed

garden suite would be located in the same position as the existing garage and would occupy a similar footprint. The property is considered a “plus site” as it exceeds the minimum lot size of 557m², although the proposal is for a modest garden suite with a combined floor area of 20m².

Affordable Housing Impacts

The applicant proposes the creation of one new residential unit which would increase the overall supply of housing in the area.

Sustainability Features

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

Active Transportation Impacts

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

Public Realm Improvements

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

Land Use Context

The area is predominantly characterized by single family dwellings and is two blocks from Beacon Hill Park to the west.

Existing Site Development and Development Potential

The site is presently a single family dwelling. Under the current R1-B Zone, Single Family Dwelling District, the property could be developed as a single family dwelling with a secondary suite. Should the rezoning proceed, a single family dwelling and garden suite will be permitted, thus precluding the use of the main dwelling for the inclusion of a secondary suite.

The subject site qualifies as a “plus site” as it exceeds the minimum lot size of 557m², which allows for garden suites up to 56m²; however, the proposal is for a modest garden suite and the applicant wishes to utilize the standard garden suite zone, which caps floor area at 37m² for garden suites. As noted earlier, the proposed garden suite in this instance is only 20m² in floor area and could therefore be accommodated in the standard garden suite zone.

Data Table

The following data table compares the proposal with the proposed R1-B-G Zone, Single Family Dwelling with a Garden Suite District. A double asterisk is used to identify existing legal non-conformities in relation to the principle dwelling. The proposed garden suite meets all the requirements of both the R1-B-GS (standard garden suite) and R1-B-GS2 (plus size garden suite) Zones.

Zoning Criteria	Proposal	Proposed Zone Standard R1-B-GS	Zone Standard R1-B-GS2 "Plus Site"
Principle Dwelling			
Site area (m ²) - minimum	673.54	460	557
Lot width (m) - minimum	15.24	15	15
Total floor area (m ²) - maximum	263.55	420	420
Storeys - maximum	2	2	2
Site coverage % - maximum	27.20	40.00	40.00
Setbacks (m) - minimum			
Front (Linden Avenue)	7.62	7.50	7.50
Rear (east)	18.75	11.05	11.05
Side (north)	0.90**	1.52	1.52
Side (south)	2.30**	3.00	3.00
Combined side yards	3.20**	4.50	4.50
Parking - minimum	1	1	1
Garden Suite			
Floor area (m ²) – maximum	20.06	37.00	56.00
Height (m) – maximum	3.25	3.50	5.50
Storeys - maximum	1	1.5	1.5
Rear yard setback (m) – minimum	10.20	0.60	0.60
Side yard setback (m) - minimum	1.20	0.60	0.60
Separation space between buildings (within the site) (m) - minimum	2.40	2.40	2.40
Rear yard site coverage (%) - maximum	7.27	25.00	25.00

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the Fairfield Gonzales Community Association CALUC at a Community Meeting held on November 16, 2015. At the time of writing this report, a letter from the CALUC had not been received.

ANALYSIS

Official Community Plan

The OCP Urban Place Designation for the subject property is Traditional Residential. In accordance with the OCP, garden suites are subject to DPA 15E: Intensive Residential – Garden Suites. The proposal is consistent with the objectives of DPA 15E to achieve new infill that respects the established character in residential areas.

Garden Suite Policy

The proposed development is consistent with the relevant land use policies of the *Garden Suite Policy* and all of the siting criteria are met.

CONCLUSIONS

This proposal to construct a garden suite is consistent with the OCP objectives and guidelines for sensitive infill in the form of garden suites within established residential areas. The garden suite creates an opportunity for an alternative form of rental housing. Staff recommend that Council consider supporting this Application.

ALTERNATE MOTION

That Council decline Application No. 00507 for the property located at 155 Linden Avenue.

Respectfully submitted,



Charlotte Wain
Senior Planner – Urban Design
Development Services Division



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date:

June 1, 2016

S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\REZ\REZ00507\REZ PLUC REPORT1.DOC



NOV. 6/15

I WILL BE OUT OF THE COUNTRY NOV. 16/15 SO I AM WRITING TO GIVE YOU MY OPINION.

THERE ARE MULTIFAMILY HOUSES AND 1 APARTMENT BUILDING NEARBY. SOME NEIGHBOURS HAVE DISABLED DRIVEWAYS AND GARAGES. THERE IS NOT ENOUGH PARKING FOR THE APARTMENT BUILDING AND IN A MULTIFAMILY HOUSE THEY HAVE NOT GOT ENOUGH PARKING OR CHOOSE NOT TO USE IT. THE RESULT IS VARIOUS PEOPLE PARK THEIR CARS AND TRUCKS IN FRONT OF MY HOUSE AND WHEN I GO TO GET A VEHICLE OUT OF MY GARAGE I AM NOWHERE TO PARK 2 VEHICLES ON THE STREET (1 FROM THE GARAGE 1 FROM THE DRIVEWAY). THIS PROPOSAL WILL MAKE IT WORSE WITH 1 MORE VEHICLE AND 1 LESS GARAGE. THEREFORE I AM OPPOSED TO THE RE-ZONING

I WOULD ADD THAT I DO NOT KNOW WHY THE CITY CREATES COMMUNITY PLAN THEN ENTERTAINS EVERYBODY THAT WANTS TO CHANGE IT TO SUIT THEMSELVES.

Will Bowman
MR. BOWMAN

138 LINDEN

V8V HE2

July 6, 2016

To: Council or Committee of Council

From: Susan Ross and Gary Utley
Residents of 125 Linden Avenue
Victoria, BC V8V 4E2

Sent by email to: publichearings@victoria.ca

Re: Application for garden suite rezoning at 155 Linden Avenue – public hearing July 14, 2016, at 6:30 pm

Please be advised that we **SUPPORT** our neighbour's application for garden suite rezoning at 155 Linden Avenue and hope that it will be summarily and expeditiously **ALLOWED**.

Thank you for this opportunity for input.

A handwritten signature in black ink, appearing to read 'Susan Ross', with a stylized, cursive script.

Susan Ross
on behalf of self and Gary Utley,
residents of 125 Linden Avenue

4.2 Development Permit Application No. 00507 for 155 Linden Avenue

Committee received a report dated May 19, 2016, from the Director of Sustainable Planning and Community Development regarding an application to authorize construction of a garden suite.

- Motion:** It was moved by Councillor Loveday, seconded by Councillor Thornton-Joe, that Council consider the following motion after the Public Hearing for Rezoning Application No. 00507, if it is approved:
- "That Council authorize the issuance of Development Permit Application No. 00507 for 155 Linden Avenue, in accordance with:
1. Plans date stamped April 15, 2016.
 2. Development meeting all *Zoning Regulation Bylaw* requirements.
 3. The Development Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY 16/COTW

2. **Committee of the Whole – June 9, 2016**

4. **Development Permit Application No. 00507 for 155 Linden Avenue**

It was moved by Councillor Madoff, seconded by Councillor Loveday, that Council consider the following motion after the Public Hearing for Rezoning Application No. 00507, if it is approved:

"That Council authorize the issuance of Development Permit Application No. 00507 for 155 Linden Avenue, in accordance with:

1. Plans date stamped April 15, 2016.
2. Development meeting all Zoning Regulation Bylaw requirements.
3. The Development Permit lapsing two years from the date of this resolution."

Carried Unanimously



Committee of the Whole Report

For the Meeting of June 9, 2016

To: Committee of the Whole **Date:** May 19, 2016

From: Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject: Development Permit Application No. 00507 for 155 Linden Avenue

RECOMMENDATION

That Council consider the following motion after the Public Hearing for Rezoning Application No. 00507, if it is approved:

"That Council authorize the issuance of Development Permit Application No. 00507 for 155 Linden Avenue, in accordance with:

1. Plans date stamped April 15, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. The Development Permit lapsing two years from the date of this resolution."

LEGISLATIVE AUTHORITY

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *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 proposal is to rezone the property located at 155 Linden Avenue from the current R1-B Zone, Single Family Dwelling, to the R1-B-GS Zone, Single Family Dwelling with Garden Suite, in order to construct a garden suite. The proposed garden suite would be located in the same position as the existing garage and would occupy a similar footprint. This report addresses the development permit application that is associated with the rezoning application.

The following points were considered in assessing this application:

- The proposal is consistent with the Urban Place Designation in the *Official Community Plan* (OCP) 2012 and related objectives for sensitive infill in Development Permit Area 15E: Intensive Residential Garden Suites.
- The proposal is generally consistent with the policies and design specifications of the *Garden Suite Policy* (2011).
- No variances are proposed as part of this application.

BACKGROUND

Description of Proposal

The proposal is to construct a garden suite. Specific details include:

- the garden suite incorporates architectural elements from the existing residence including a half-hipped roof
- the exterior materials include stucco siding, which is consistent with the principle dwelling
- the unit would have a covered entry that would be oriented towards the street
- windows would be minimized on the sides facing adjacent properties
- a new patio at the rear of the garden suite and new plantings would be added.

Sustainability Features

As indicated in the applicant's letter dated February 9, 2016 the proposal would include rainwater harvesting for irrigation purposes.

Active Transportation Impacts

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

Public Realm Improvements

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

Existing Site Development and Development Potential

The site is presently a single family dwelling.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the Fairfield Gonzales Community Association CALUC at a Community Meeting held on November 16, 2015. At the time of writing this report, a letter from the CALUC had not been received.

ANALYSIS

Development Permit Area and Design Guidelines

As supported in the *Garden Suite Design Guidelines*, the design of the building relates to the principal building on site and fits in with the traditional character of the neighbourhood. The garden suite has a covered front entry, a half hipped roofline, exterior light fixtures and stucco siding, consistent with the principle dwelling. The proposal does not include windows on the south elevation which ensures the privacy of the adjacent dwelling unit is maintained. Although a large patio window is proposed on the west (rear) elevation of the garden suite, the large lot and retention of existing landscaping will minimise the potential impact on existing dwellings to the rear.

The proposed garden suite would be clearly visible from the street as encouraged in the *Garden Suite Design Guidelines*. The proposed landscaping blends with the existing landscaping with the addition of a new cedar hedge and a patio located at the rear of the suite.

CONCLUSIONS

This proposal to construct a garden suite is generally consistent with Development Permit Area 15E: Intensive Residential – Garden Suites. The garden suite creates an opportunity for another form of rental housing and will have minimal infringement on the neighbouring dwellings. Staff recommend that Council consider supporting this Application.

ALTERNATE MOTION

That Council decline Development Application No. 00507 for the property located at 155 Linden Avenue.

Respectfully submitted,



Charlotte Wain
Senior Planner – Urban Design
Development Services Division

Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date: June 2, 2016

List of Attachments

- Zoning map
- Aerial map
- Applicant's letter to Mayor and Council dated May 17, 2016
- Plans dated April 15, 2016.

Appendix 1 to Bylaw No. 16-

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1174	
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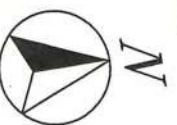
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LINDEN AV

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WELLINGTON AV

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155 Linden Avenue
Rezoning No.00507

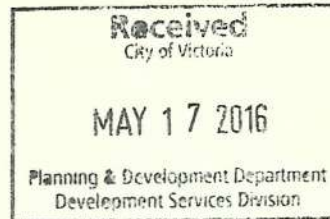




155 Linden Avenue
Rezoning No.00507

16- May-16

Mayor Lisa Helps and Councillors,
Corporation of the City of Victoria,
1 Centennial Square,
Victoria, B.C. V8W 1P6



RE: Proposed garden suite for Susan King at 155 Linden Avenue,
Lot 26, Section Fairfield Farm Estate, Victoria District, Plan 958

Dear Mayor Helps and Councillors:

We are pleased to submit our revised application for the above noted property, to permit the construction of a new small garden suite, all in accordance with the City's policy and guidelines for Garden Suites. Although the site meets the size criteria for a plus site, the owner wishes to keep the footprint of the project as small as possible- the proposed suite is only slightly bigger than the garage being removed, and is modelled on the form and character of the existing house. As such, the proposal meets or exceeds all requirements for the R1B GS zone. From the owners' discussions of the concept with neighbours over several months, and the generally positive response from the Fairfield Gonzales Community Association land use committee at our mandated public meeting on November 16 of last year, we had submitted the application based on the plan that was circulated and presented to the CALUC. However, recent concerns about privacy raised by one neighbour have, after discussions, led to the provision of additional planting along the east [rear] property line to increase screening. These landscape revisions are incorporated in this submission.

The natural advantages of the site include a level building site whereby a single storey garden suite does not overlook adjacent properties, existing mature landscaping and trees which will ALL remain in place to screen the yard from neighbouring properties.

The proposed building size [as small as possible] is the primary contribution to sustainable design; it will be an energy efficient structure, and we will retain rainwater for irrigation. We believe that this proposal affords the opportunity to provide accommodation for family, guests, a potential future caregiver, or rental. Although space exists in the unfinished basement of the

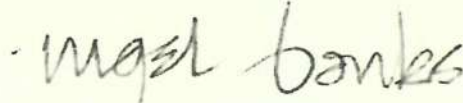
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house, it is substandard in height, and would mean a tenant in the house, making the suite a preferred option. The application is in keeping with a policy that supports infill where appropriate, and preserves the single family character of the neighbourhood. This project also maintains a large percentage of open space by utilizing existing parking and drives. The proposal will also preserve neighbourhood amenity through minimal disruption of the existing streetscape.

Thank you for your consideration of this revised application.

Yours Very Truly,

A handwritten signature in dark ink, appearing to read 'Nigel Banks', written in a cursive style.

Nigel Banks, on behalf of
Susan King, owner

155 Linden Avenue
Victoria BC V8V 4E2
May 14, 2016



To the Mayor and Council,

I am planning to build a garden suite in my back yard on the footprint of my garage, same size/same location. The drawings are in. In the process of getting the plans together, I consulted with all my neighbours bordering the property and received letters of approval from all of them. However, one neighbour withdrew his letter because he and his wife felt that their privacy may be jeopardized. See the attached photo of the back fence in question. It does have complete coverage by plantings, but they felt that in winter when leaves fell, someone in the suite may be able to see into their yard and house. They do have tall bamboo which are evergreen, but they wanted more evergreens to screen their property. I invited them to visit and they came over last Saturday. They made a few general suggestions. I went to Garden Works both on Oak Bay Avenue and Blinkensop and decided with their help that three emerald cedars which are columnar and can grow to 15 feet tall would do well. Nigel Banks included these plantings in his drawing. From the back door of the suite, there will be a wall of green.

Charlotte Wain has received the drawings and the information on the neighbour's, and the ideas on the planting. I shall include my letter to her.

Thank you for your attention.

A handwritten signature in cursive script that reads "Susan King".

Susan King



[illegible]

DRAWING NO. 1
 DESIGN: 21002/251106
 SCALE: 1:100
 DATE: JAN 21, 2016
 SHEET NO 1522-1
 OF 3

**banks
design**

1. PROPOSE GREENHILL SUITE
- SKIDEN KINGSTON
- SITE PLAN & PROJECT DATA
- 155 LINDEN AVE.

Received

APR 25 2016

Planning & Development Department
Development Services Division

CITY OF VICTORIA

RECEIVED

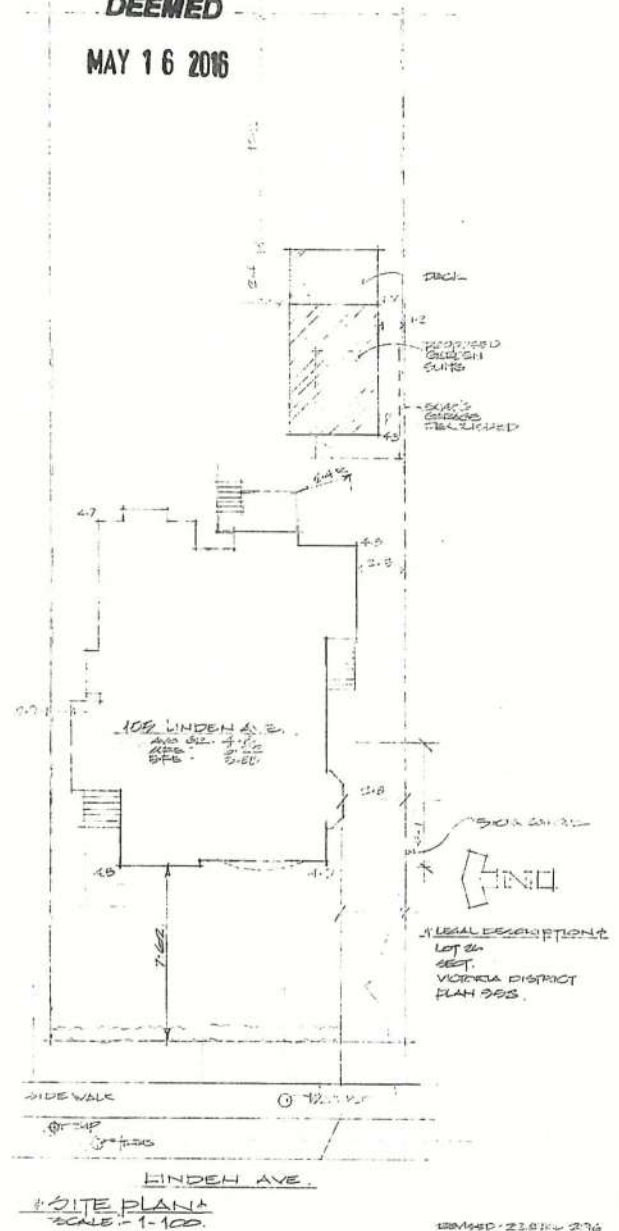
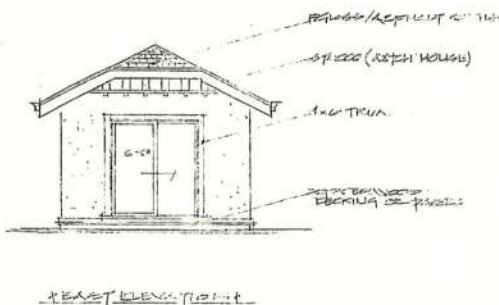
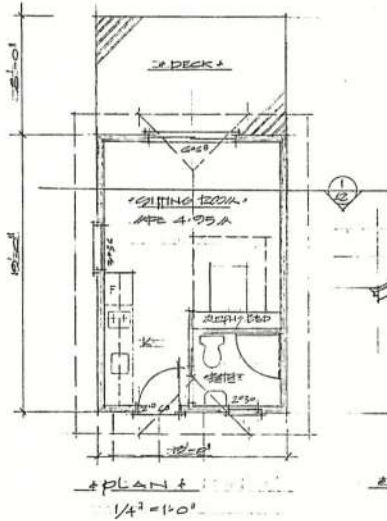
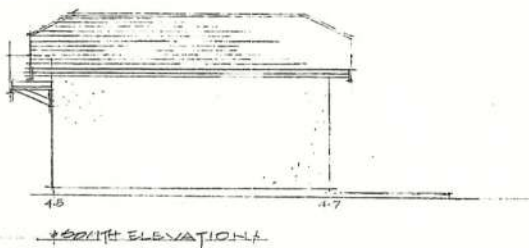
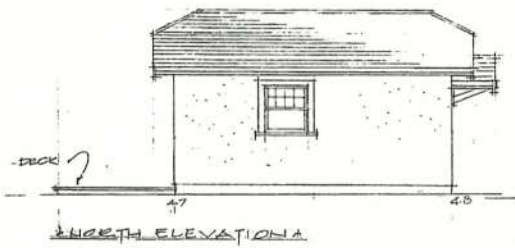
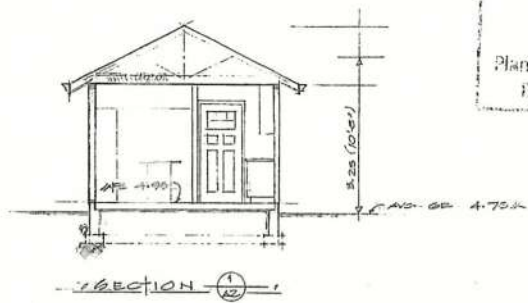
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APR 25 2016
Planning & Development Department
Development Services Division

CITY OF VICTORIA
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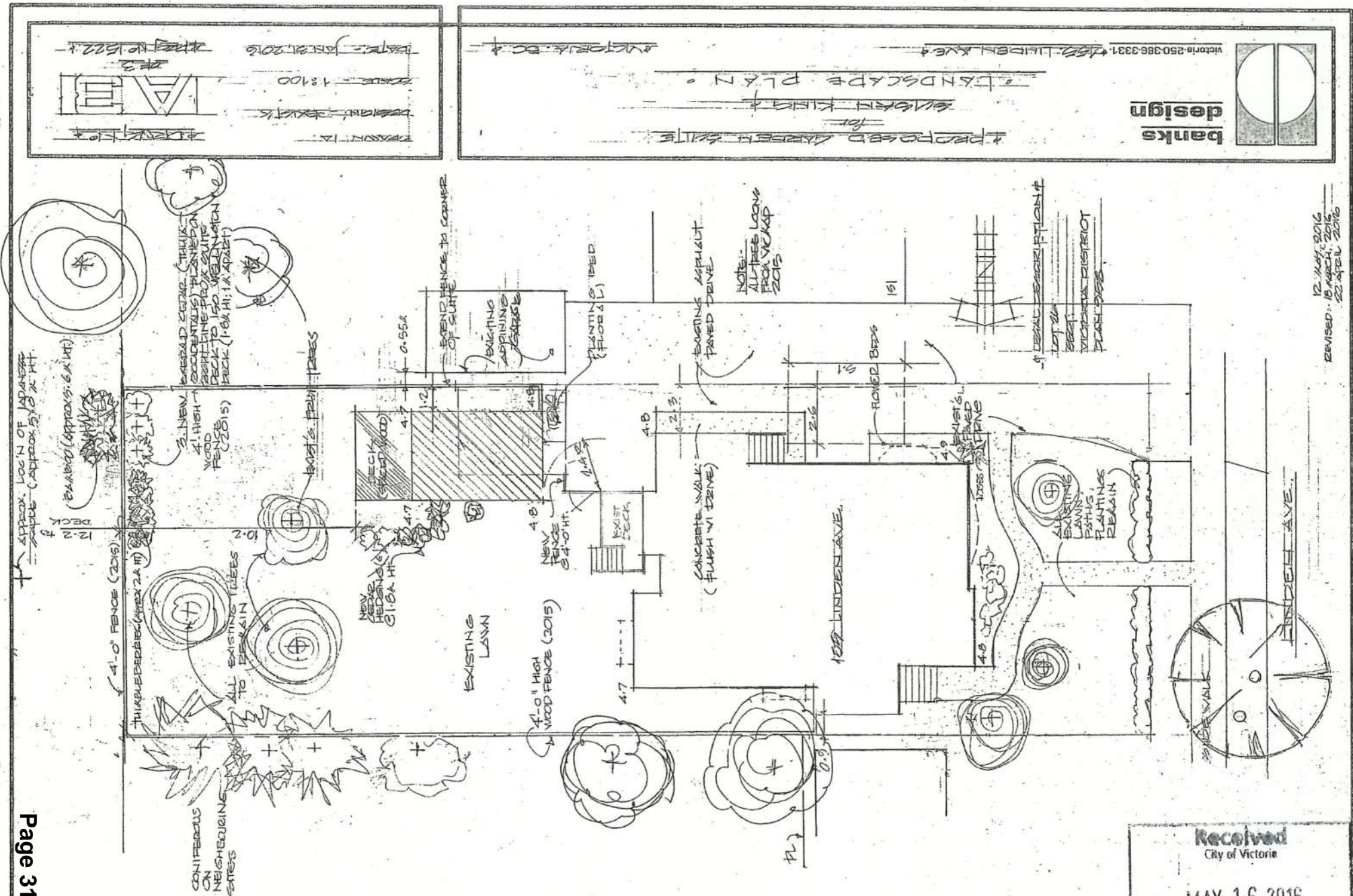


Victoria City Council - 14 Jul 2016
banks design
PROPOSED HOUSE PLAN
FOR
105 LINDEN AVE.
LOT 24
SECT.
VICTORIA DISTRICT
PLAN 225

Received
City of Victoria

MAY 16 2016

Planning & Development Department
Development Services Division



Charlotte Wain

From: Michael Richardson [REDACTED]
Sent: Tuesday, May 10, 2016 10:50 PM
To: Charlotte Wain
Subject: 155 Linden/Garden Suite Proposal

Follow Up Flag: Follow up
Flag Status: Completed

Hi Charlotte,
Thanks for your reply.

I understand the various allowances and limitations of the bylaw allowing garden suites and your explanation does clear up some aspects. The larger concern was always that the current, or any subsequent owner, could move toward expanding the current proposal, limited only by the development approval process. While we are on record as preferring a covenant, we may have to live with the development permit process.

Regarding the '12 month screening', while we made our wishes clear, Ms. King seemed unsure as to what to do in that regard. We suggested contacting a landscaper or somewhere like Gardenworks which does this kind of work, as a possible resource. I didn't get the understanding that this was about to be translated into a revision of the Landscape Plan by Nigel Banks.

I trust these concerns will be forwarded through the approval process.
Again, thanks for your assistance in this matter.

Michael Richardson
150 Wellington Ave.
[REDACTED]

Sent from my iPad

Charlotte Wain

From: Michael Richardson [REDACTED]
Sent: Sunday, May 8, 2016 10:51 PM
To: Charlotte Wain
Subject: 155 Linden/Garden Suite proposal

Follow Up Flag: Follow up
Flag Status: Completed

Hi Charlotte,

We spent some time this weekend discussing the above proposal, including a discussion with Susan King and a site visit. Although the proposed garden suite is described as a modest structure (approximately 250 square feet), there exists within the bylaw allowance the potential for further development. It is my understanding that with the parameters of the bylaw and the lot size under consideration, there could be a structure of up to 400 square feet. Also, we feel that rental activity connected to the garden suite could at times intrude on our privacy considering the distances involved between the building and the adjoining deck and our property.

Therefore, we would support the proposed garden suite if a covenant were registered against the land title that prevented any further garden suite development beyond the proposed structure. Further, we would request that a type of '12 month screening' be strategically placed along the fence line. Currently, while some vegetation does supply some screening, this is only on a seasonal basis, i.e. late spring into early fall.

Thus we support Ms. King's proposal and wish her well in her endeavour.

Thanks again for your prompt response in forwarding the relevant documents.

Sincerely,
Michael Richardson
150 Wellington Avenue.

Sent from my iPad

155 Linden Avenue
Victoria, British Columbia
V8V 4E2
October 2015



City of Victoria,

Susan King is planning to build a garden suite in the place occupied by her garage with the same style and same dimensions of this garage.

Susan has said that the suite will be used for guests and later a care-giver. I am her next door neighbour and I approve of this plan.

Diane Carson, 148 Linden Avenue, Victoria

A handwritten signature in cursive script, reading "Diane Carson". The signature is written in dark ink and has a long, horizontal flourish extending to the right.

155 Linden Avenue
Victoria, British Columbia
V8V 4E2
October 15, 2015

City of Victoria,

Susan King is planning to build a garden suite in the place occupied by her garage with the same style and same dimensions of this garage.

Susan has said that the suite will be used for guests and later a care-giver. I am her next door neighbour and I approve of this plan.

Dr. Richard and Sheila Moulton, 138 Linden Avenue, Victoria

A handwritten signature in black ink, appearing to read "Dr. Moulton", with a stylized flourish at the end.

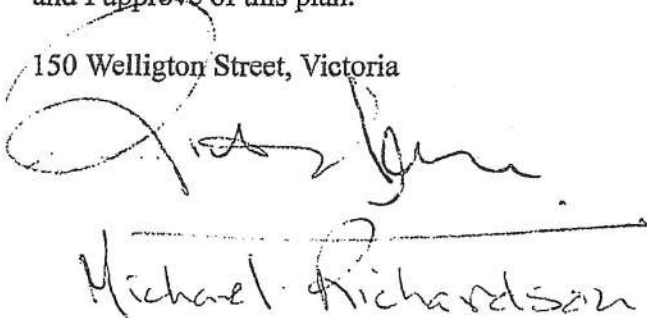
155 Linden Avenue
Victoria, British Columbia
V8V 4E2
October 5, 2015

City of Victoria,

Susan King is planning to build a garden suite in the place occupied by her garage with the same style and same dimensions of this garage.

Susan has said that the suite will be used for guests and later a care-giver. I am her next door neighbour and I approve of this plan.

150 Wellington Street, Victoria



Michael Richardson

155 Linden Avenue
Victoria, British Columbia
V8V 4E2
October 16, 2015

City of Victoria,

Susan King is planning to build a garden suite in the place occupied by her garage with the same style and same dimensions of this garage.

Susan has said that the suite will be used for guests and later a care-giver. I am her next door neighbour and I approve of this plan.

Cam and Barb Thorkelson, 151 Linden Avenue, Victoria

A handwritten signature in black ink, appearing to read 'Cam Thorkelson', with a long horizontal line extending to the right.

155 Linden Avenue
Victoria, British Columbia
V8V 4E2
October 15, 2015

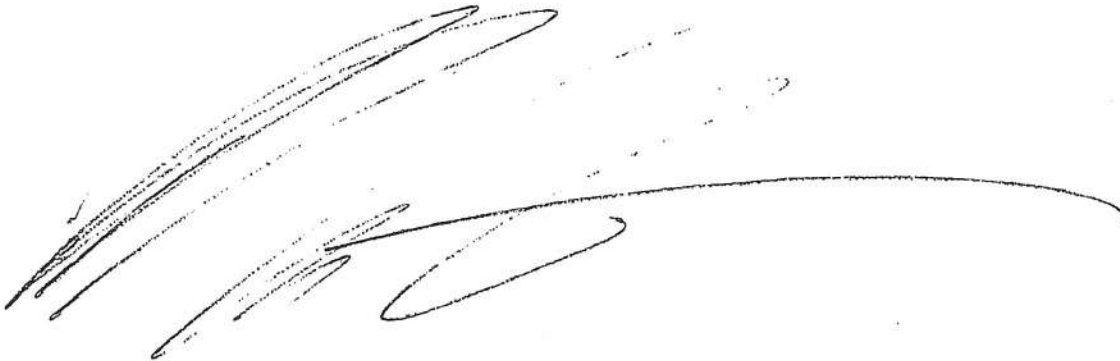
City of Victoria,

Susan King is planning to build a garden suite in the place occupied by her garage with the same style and same dimensions of this garage.

Susan has said that the suite will be used for guests and later a care-giver. I am her next door neighbour and I approve of this plan.

144 Linden Avenue, Victoria

Paul Plasting

A large, stylized handwritten signature, likely of Paul Plasting, consisting of several sweeping, overlapping strokes.

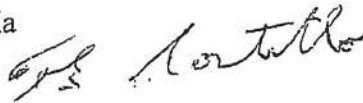
155 Linden Avenue
Victoria, British Columbia
V8V 4E2
October 15, 2015

City of Victoria,

Susan King is planning to build a garden suite in the place occupied by her garage with the same style and same dimensions of this garage.

Susan has said that the suite will be used for guests and later a care-giver I am her next door neighbour and I approve of this plan.

Frank Costello, 175 Linden Avenue, Victoria

A handwritten signature in cursive script, appearing to read 'Frank Costello', written in dark ink.

155 Linden Avenue
Victoria, British Columbia
V8V 4E2

City of Victoria,

Susan King is planning to build a garden suite in the place occupied by her garage with the same style and same dimensions of this garage.

Susan has said that the suite will be used for guests and later a care-giver. I am her next door neighbour and I approve of this plan.

Ray and Stacey Donison, 1205 May Street, Victoria

Ray & Stacey Donison

155 Linden Avenue
Victoria, British Columbia
V8V 4E2
October 15, 2015

✈

City of Victoria,

Susan King is planning to build a garden suite in the place occupied by her garage with the same style and same dimensions of this garage.

Susan has said that the suite will be used for guests and later a care-giver I am her next door neighbour and I approve of this plan.

Nicola ^d~~Fernandes~~, 150 Linden Avenue, Victoria

Nicola Fernandes

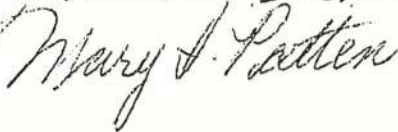
155 Linden Avenue
Victoria, British Columbia
V8V 4E2
October 15, 2015

City of Victoria,

Susan King is planning to build a garden suite in the place occupied by her garage with the same style and same dimensions of this garage.

Susan has said that the suite will be used for guests and later a care-giver. I am her next door neighbour and I approve of this plan.

Brian and Mary Patten, 1209 ^{MAY} Wellington Street, Victoria

A handwritten signature in cursive script that reads "Mary J. Patten". The signature is written in dark ink and is positioned below the printed name "Mary Patten" in the address line.

155 Linden Avenue
Victoria, British Columbia
V8V 4E2
October 15, 2015

City of Victoria,

Susan King is planning to build a garden suite in the place occupied by her garage with the same style and same dimensions of this garage.

Susan has said that the suite will be used for guests and later a care-giver I am her next door neighbour and I approve of this plan.

Nicola ^dFernandes, 150 Linden Avenue, Victoria

Nicola Fernandes

NO. 16-052

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw to rezone land known as 155 Linden Avenue from the R1-B Zone, Single Family Dwelling District to the R1-B-GS Zone, Single Family Dwelling with Garden Suite District.

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

- 1 This Bylaw may be cited as the “ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1068)”.
- 2 The land known as 155 Linden Avenue, legally described as Lot 26, Fairfield Farm Estate, Victoria City, Plan 958 and shown hatched on the map attached to and forming part of this Bylaw as Appendix 1, is removed from the R1-B Zone, Single Family Dwelling District, and placed in the R1-B-GS Zone, Single Family Dwelling with Garden Suite District.

READ A FIRST TIME the **23rd** day of **June** 2016

READ A SECOND TIME the **23rd** day of **June** 2016

Public hearing held on the day of 2016

READ A THIRD TIME the day of 2016

ADOPTED on the day of 2016

CITY CLERK

MAYOR

Appendix 1 to Bylaw No. 16-052



155 Linden Avenue
Rezoning No.00507





**Council Member Motion
For the Closed Council Meeting of July 7, 2016**

To: Council **Date:** July 5, 2016
From: Mayor Helps & Councillor Alto
Subject: Nominees for the Mayor's Task Force on Social Enterprise and Social Procurement

CLOSED MEETING RATIONALE

This report is recommended for a closed meeting because it contains personal information about individuals being considered for a position appointed by Council. Consideration of this report in a closed meeting is authorized pursuant to Section 90(1)(a) of the *Community Charter*.

BACKGROUND

In April 2016, Council established and adopted Terms of Reference for the Mayor's Task Force on Social Enterprise and Social Procurement.

The approved Motion and Terms of reference are attached for information.

The following individuals are proposed as members of the Task Force:

Stuart Bowness

Stuart is an experienced executive within Victoria's thriving technology scene. Over the past 10 years he has built and sold multiple Canadian startups to larger US based tech companies, most recently selling his startup MediaCore to Workday, which is a leader in Human Capital Management and Financials. He has a real passion for online education, international business, growing the technology and talent ecosystem in Victoria, and encouraging gender diversity in the workplace.

Christina Clarke

Christina is the Executive Director for Songhees Nation, where she has been employed for twenty years. Christina holds a Bachelor of Arts from the University of Victoria in Canadian History and Anthropology. She was among the first 11 students to receive a Certificate in First Nation Tax Administration from Thompson Rivers University and the Tulo Centre of Indigenous Economics. She is serving her tenth term on the Board of Directors for the First Nations Tax Administrators Association.

Christina has assisted Songhees Nation in implementing the First Nations Fiscal Management Act with the very first Local Revenue Laws, Financial Administration Law, and Taxpayer Representation Law passed in Canada. Christina represents Songhees Nation as a board member of the Greater Victoria Harbour Authority and the South Island Prosperity Project and as

Director for several Nation owned businesses. Christina's proudest achievement is her contribution as a member of the Songhees Wellness Centre Project team.

Andrea Di Lucca Bustard

Andrea works with Vancity as the Community Investment Portfolio Manager for the Victoria region. In this role, she supports the credit union's Victoria branches in deepening impact and building partnerships in the community. This includes engagement with not-for-profits, mission-based businesses, and co-operatives who are creating positive economic, social and environmental impact through their business approaches. Andrea has been with Vancity since 2011, and has also worked with the Vancity Community Foundation and the Enterprising Non-Profits program during this time.

Prior to joining Vancity, Andrea spent five years at Coast Capital Savings and completed an internship with the Corporate Responsibility department at Export Development Canada. Andrea holds a Bachelor of Commerce in International Business from the University of Victoria, through which she further developed her interest in social enterprise, co-operatives, social finance, and community economic development. She is passionate about exploring the relationship between business and community and enjoys engaging in social innovation, values-based banking, and community development dialogues.

Carol Hall

Carol joined the Victoria Foundation as Director of Community Initiatives & Grants in 2014. She brings 20 years of experience in the non-profit sector working to mobilize knowledge and tools for greater social and environmental impact. At the Foundation, she is engaged in a range of community initiatives, including several multi-sector collaborations. She is also currently partnering on a pilot that is supporting a cohort of local organizations to diversify their funding models through social enterprise, fee-for-service, and other approaches.

Carol moved to Vancouver Island in 2007 from New England, where she ran a family foundation and led community conservation projects. Prior to that, she was in Southern Africa looking at eco-tourism and other potential economic activities to support local livelihoods. Carol has served on several local boards. She holds graduate degrees from the University College London and Georgetown University, and a Bachelor of Arts from the University of Pennsylvania.

Vanessa Hammond

Vanessa has lived in Europe, S. Asia, West Indies, S America, Ontario, Quebec and BC, and worked in 65 countries. She has two children, four grandchildren, and two great-grandchildren in Ontario and on Vancouver Island. In her past lives she was a farm kid, then retail and car jockey in Ireland, England and Germany. She immigrated at age 23, taught elementary and middle school in Ontario, was a commercial pilot, then worked in co-op development in 35 countries.

Currently, she is Chair of the Health Care Co-op Federation of Canada working with federal and provincial governments and wellness, health and social service organizations. Vanessa is Canada's rep on the International Health Co-op Organization, a founding member of the Victoria Health Co-op which provides wellness services for members and the community plus medical services to over 5,000 patients at our Co-op Health Centre in James Bay. She is a member-owner of 3 credit unions, MEC, a herder co-op in Mongolia, a retail co-op in Ireland and Victoria-based Adrenalin Motorcycle Co-op.

Vanessa has a strong belief in the value of the co-op model because of durability, democratic community control and responsibility, contribution to local economy. Beyond work: "I take a small group (max 12) to Ireland most years to explore the archaeology, culture and landscape. Plus family, friends, Fairfield United, music, books, time on Haida Gwaii."

Lee Herrin

Lee is the Executive Director of the Fernwood Neighbourhood Resource Group Society (Fernwood NRG)-a widely respected, Victoria-based enterprising non-profit. Previously, he worked for the provincial government in a management role. He has 20 years of experience serving on non-profit Boards, including 15 years of experience chairing non-profits. He is focused on reducing the reliance of non-profits on grant funding, in order to increase financial self-reliance and organizational impact.

Andrew Holeyton

Building on a background in small business management, Andrew Holeyton has worked in the community and social enterprise sector for 15 years in operational, developmental, policy and advocacy roles. He serves as CED Program Manager of the Community Social Planning Council of Greater Victoria.

He has lead the start up of three social enterprises and now uses this experience to assist others developing new ventures. Through the CSCP and regional partners, Andrew is helping to implement a regional social economy strategy combining social enterprise, social finance, social procurement and workforce opportunities for marginalized individuals in the Victoria Capital Region of Vancouver Island. Andrew is a steering committee member of the Vancouver Island Social Innovation Zone and Social Enterprise Catalyst

From 2009-20015, Andrew was the lead Social Enterprise Developer at the Learning Enrichment Foundation (LEF) in Toronto and also oversaw LEF's Employment Services Department and Skills Training Private Career College. In 2015 he co-authored a study titled "The Social Procurement Intermediary". Andrew has spoken at many conferences about social enterprise and procurement including a keynote address at the 2014 Social Enterprise Toronto Inaugural Conference, the 2015 Ontario Non-profit Network Conference, and as a presenter at the 2016 seCatalyst Day of Learning.

Katie Hooper

Katie is currently the Band Administrator at Esquimalt Nation, with previous experience as Band Administrator with Pauquachin First Nation. Collectively, Katie has had the opportunity to work on projects that have included: 1) Safety Management Systems development and implementation, 2) Quality control, 3) Leading & supporting teams, 4) Program Coordination, management, and instruction, 5) Report development, 6) Group presentations, 7) development and implementation of new policies, 8) Change management, 9) Public relations, 10) Sales, and 11) Marketing.

Katie graduated from Vancouver Island University with a Master of Business Administration (MBA) and a Master of Science in International Business (MScIB). This program enhanced her ability to effectively deal with public relations, conflict management, and leadership. Katie participated in the Certified Associate of Project Management (CAPM) program that offered tools to develop schedules and to ensure a productive, affordable, and efficient working environment.

Katie's volunteer background includes a 6-year tenure as a volunteer fire fighter, 2 years with the Canadian Ski Patrol, and 2 years organizing a slo – pitch tournament in Nanaimo to raise funds for locally owned businesses. Her hobbies include: 1) playing volleyball, basketball, soccer, and softball, 2) reading and writing, 3) working-out, and 5) going to the movies.

Dave Howe

Dave has been studying hybrid corporations, such as the U.K. CIC & U.S. B Corps for the last few years. The most recent B.C. legislation for a C3 is a local step in a positive Social Enterprise direction.

As Greenangels Financial Ltd, we have been members of the Responsible Investment Association, Canada, for the past 5 years. We have participated with the Impact Investment Dept., Vancity, in how to bring that expertise & scrutiny to local Government, specifically the CRD.

In 2007 we sat on the Steering Committee for the Eric Douglas Entrepreneurial Centre, RRU, under our 'Making a Difference while Making a Dollar' approach, currently stated as 'Make a positive difference in our communities while making a profit'. We mentored many of the original students from the early years & still work with some of those students.

We currently mentor First Nations personnel in Social Enterprise, specifically Tsawout Chief Harvey Underwood, & his spouse, Lillian. They in turn are our mentors for First Nations culture, as it relates to wealth from their perspective.

As Chair of CRD Finance, I have been introducing the concept of Triple Bottom Line accounting, metrics to provide the 'real' environmental and social values that are not represented on typical Balance Sheets & Financial Statements. What we measure we give value to. If we don't measure its value we may misuse our natural assets to the detriment of future generations & a healthy planet.

Solomon Lindsay

Solomon is a heavily involved student going into the computer engineering program at Camosun College. He has a passion for architecture and design, and he hopes to apply his knowledge of sustainable technologies, construction, and grassroots projects to become a more thoughtful architect in the future. He has had experience as a student representative working in School District 61 committees, a member of the City of Victoria Youth Council, the City of Victoria Youth Engagement Team, and a member of the Victoria MicroHousing Society's micro housing project.

Solomon is an avid biker, indoor rock climber, and has a great appreciation for the outdoors. He feels connected to the city through his previous volunteering contributions and hopes to give back by giving a youthful perspective to the fascinating topic of social enterprise.

Rasool Rayani

Rasool is a serial entrepreneur and is currently serving as president of a family enterprise with interests in the healthcare, organic grocery and software industries. He has a strong interest in community engagement and socially sustainable business practices. He continues to maintain his passion for technology as an active angel investor and is involved with several high-tech and high growth companies as a board member and advisor. Rasool is currently serving on VIATEC's board.

Rasool is the past Board Chair of the Victoria Foundation and is currently co-chairing the Impact Investing Task Group, chairing the Governance and Nominating Committee and is a member of the Investment Committee overseeing the Foundation's \$180 million endowment. He is also a limited partner in Inovia Capital's venture fund (\$340 million fund) and serves on their investment committee.

Rasool is one of Vancouver Island's 20 under 40 (2014) and Business in Vancouver's 40 under 40 (2015). He continues to support entrepreneurship as guest speaker and panellist at the Gustavson School of Business, VIATEC, New Ventures BC, the Social Venture Institute and Metabridge. He is the proud father of two young daughters.

Kristi Rivait

Kristi Rivait is a social entrepreneur who brings 10+ years executive level experience. She currently provides executive leadership to Ready to Rent, is the former Executive Director of Oaklands Community Centre and previously, the Director of Fund Development for Vision Vancouver. She specializes in transforming organizations to scale their impact through financial diversification strategies. She coaches leaders to identify and mobilize opportunities and often brings in-house entrepreneurial capacity and partnership to actualize business opportunities.

Kristi believes social enterprise and innovation are key tools organizations can use to accomplish the impact they desire. At a sector level, Kristi provides backbone support for larger-scale cross-sector collaborations, and one of her favorite collaborations to manage is Social Enterprise Catalyst, a 30+ partner-driven initiative that supports, showcases and inspires social enterprise and innovation throughout Vancouver Island. Kristi enjoys hiking, biking, and running and feels blessed to live in the beautiful West Coast with her husband and two kids.

A nominee from the Victoria Labour movement is forthcoming.

MOTION

That the above named nominees be appointed to the Mayor's Task Force on Social Enterprise and Social Procurement, for its duration September through December, 2016.

That the names of the nominees, if approved, be the subject of a rise and report, at the Mayor's discretion.

Respectfully submitted,



Mayor Helps



Councillor Alto

Rise and Report from the Closed Meeting of July 7, 2016
Appointments to the Social Enterprise and Social Procurement Task Force

Wendy Townsend
Manager Programs
Correctional Service Canada

Wendy Townsend has over 30 years experience working for Correctional Service Canada. Her career began at William Head Institution in 1986 and continued into the community in 2010 where she now works out of the Victoria Parole Office. For the past 20 years she has been the Manager Programs, working with federal and provincial offenders. As Manager Programs she is responsible for the management of Correctional Programs and other rehabilitative interventions such as employment and volunteer activities for offenders. Her work also focussed on Aboriginal offenders and allowed her to access a variety of cultural teachings. She is interested in all aspects of managing the safe reintegration of offenders into the community, and developing partnerships that enhance public safety.

Wendy moved from Ontario to Victoria in 1981. She completed her Bachelor's degree in Economics at the University of Victoria in 1983. In 2006 she received the [Corrections Exemplary Service Medal](#) for her work with CSC. She is an active member of the Oak Bay Rotary Club.

APPENDIX A - Terms of Reference

Social Procurement and Social Enterprise Task Force

1. Purpose

To provide recommendations to Victoria City Council on how the City can support the social enterprise, social-purpose business, and community economic development sectors in Victoria. The Task Force will also provide input on the City's new purchasing framework including recommendations as to how to embed social procurement as part of the framework to maximize the community benefit of tax dollar expenditure.

2. Composition

The task force will be comprised of:

- the Mayor, serving as Chair;
- one additional member of Council;
- one member of staff;
- on youth representative;
- one local First Nations representative;
- community members from the following sectors: social innovation and social enterprise, financial, community economic development, social procurement, community philanthropy, and co-operative.

Additional staff in the Legislative Services department will act as a resource to support the work of the task force.

3. Timeline

The task force will meet at the call of the chair, engage the public and stakeholder groups as appropriate to develop recommendations, and work with staff and provide recommendations to Victoria City Council by July 14 2016.

Minister
of Canadian Heritage



Ministre
du Patrimoine canadien

Ottawa, Canada K1A 0M5

MAYOR'S OFFICE

MAY - 9 2016

VICTORIA, B.C.

MAY 03 2016

Her Worship Lisa Helps
Mayor of Victoria
1 Centennial Square
Victoria, British Columbia
V8W 1P6

Dear Madam Mayor:

Thank you for your letter of November 18, 2015, congratulating me on my appointment as Minister of Canadian Heritage and enclosing a copy of the City of Victoria's *Strategic Plan 2015–2018* and other documentation. I am grateful for your kind words of encouragement and support on my appointment as Minister of Canadian Heritage.

I also appreciate your taking the time to inform me about Victoria City Council's goals and initiatives over the next four years, including plans to celebrate the 150th anniversary of Confederation in 2017. This important milestone will allow us to connect with our past, celebrate who we are, honour our achievements and build a legacy for tomorrow. A review committee is currently evaluating the proposals submitted to the Canada 150 Fund as Signature Initiatives.

As you may already know, the next meeting of federal, provincial and territorial ministers responsible for culture and heritage will take place in July 2016, in Victoria. I look forward to visiting your city and meeting with you, should our schedules permit it.

Please accept my best wishes.

Sincerely,

The Honourable Mélanie Joly, P.C., M.P.



MAYOR'S OFFICE
JUN 02 2016
VICTORIA, B.C.

May 12, 2016

Her Worship Lisa Helps
Mayor, City of Victoria
1 Centennial Square
Victoria BC V8W 1P6

Dear Mayor Helps:

Thank you for your letter providing me with your position on establishing a basic income guarantee for all Canadians. I have shared your comments with my colleague, the Honourable Shirley Bond. She and her staff will include that input in those related discussions.

Again, thank you for keeping me informed on the issues that are important to you and your Council.

Sincerely,

A handwritten signature in blue ink that reads "Christy Clark". The signature is fluid and cursive.

Christy Clark
Premier

Pc: Honourable Shirley Bond



Office of the Mayor

May 25, 2016

Raymond Louie, President
Federation of Canadian Municipalities
24 Clarence Street
Ottawa, Ontario K1N 5P3

Dear Mr. Louie:

Support for the City of Victoria's January 14, 2016 FCM Resolution concerning a Federal Bill of Environmental Rights

The City of Victoria Council endorsed a resolution asking that the Government of Canada enact federal environmental rights legislation and that this motion be considered at the upcoming FCM convention in June. The Municipality of Jasper Council supports this resolution.

Jasper is a small, friendly and sustainable community set in the natural splendor of Jasper National Park.

Jasper strives to be a leader in sound environmental practices and sustainable tourism. The Municipality of Jasper Council works to ensure that Jasper is a safe and healthy community.

The Municipality of Jasper is unique because of its location within a national park. Governance is shared between the Municipality of Jasper and the Parks Canada Agency. The Specialized Municipality of Jasper was formed by the Province of Alberta on July 20, 2001. The Municipality of Jasper operates under an agreement with the Department of Canadian Heritage, giving it authorities over all municipal matters with the exception of land use planning, development, and environmental matters.

On May 19, 2015 the Municipality of Jasper (MOJ) Council voted unanimously in favour of the following resolution:

"Be it resolved that Council endorse the following resolution:

Whereas there is a growing movement in Canada to have the right to a healthy environment enshrined in the Canadian Charter of Rights and Freedom; and

Whereas the Municipality of Jasper understands that people are part of the environment, and that a healthy environment is inextricably linked to the well-being of our community; and

Whereas the Jasper Community Sustainability Plan (2011) provides a strong policy foundation to pursue actions and initiatives that contribute toward a healthy environment; and

Whereas the Municipality of Jasper does not have jurisdictional authority over land use, planning and development, or environmental matters as stated in the Agreement for the Establishment of Local Government in the Town of Jasper (2001), Council, supports the following declaration:

All Canadians have the right to live in a healthy environment, including:

- The right to breathe clean air*
- The right to drink clean water*
- The right to consume safe food*
- The right to access nature*
- The right to know about pollutants and contaminants released into the local environment*
- The right to participate in decision-making that will affect the environment."*

Jasper's Council subsequently received a request from the City of Victoria staff asking for support of the resolution that the City of Victoria Council passed on January 14, 2016 with regard to the FCM Resolution – Federal Bill of Environmental Rights. On April 19, 2016 the MOJ Council passed a motion supporting the City of Victoria's request to have the Government of Canada enact federal environmental rights legislation considered by delegates at the 2016 annual FCM convention in Winnipeg, rather than be referred to a Directors at a Board meeting.

The Municipality of Jasper Council agrees that debate among representatives from all local governments at the FCM conference on this issue would be of value.

Sincerely,



Richard Ireland
Mayor of Jasper
mydocuments/FCM/Victoria resolution

c.c. Mayor Lisa Helps
City of Victoria
1 Centennial Square
Victoria, BC V8W 1P6

MAYOR'S OFFICE

JUN 21 2016

VICTORIA, B.C.



MAYOR'S OFFICE
MAY 26 2016
VICTORIA, B.C.

1054273

Lisa Helps
Victoria Mayor
The City of Victoria
Office of the Mayor
1 Centennial Square
Victoria BC V8W1P6

Dear Lisa Helps:

Thank you for your letter of April 27, 2016, regarding the City of Victoria's support for a national conversation on a Basic Income Guarantee for all Canadians. I appreciate that you have taken the time to write.

Please be assured that your letter is receiving prompt attention and that a more detailed response will be sent to you at the earliest opportunity.

Thank you.

Sincerely,

Breanna Chandler, on behalf of Jennifer Erickson
Executive Director
Aboriginal Health Directorate



Reference: 300446

JUN 06 2016

Her Worship Mayor Lisa Helps
and Councillors
1 Centennial Square
Victoria BC V8W 1P6

Dear Mayor Helps and Council:

Thank you for your letter of May 3, 2016, regarding the creation of a British Columbia (BC) Natural Lands Acquisition Fund.

BC Parks has a long history of protecting key natural, recreational and cultural features through private land acquisitions and land use planning processes. In the last 10 years, BC Parks has added over 2 million hectares of land to the provincial protected areas system. Most of these lands have come from land use planning processes; however, BC Parks has acquired significant parcels through private land acquisitions, including:

- A commitment of \$1 million to assume ownership of several of the 26 conservation properties transferred from The Land Conservancy of British Columbia to the Nature Conservancy of Canada;
- 395 hectares of unique and sensitive ecosystems on Quadra Island;
- Approximately 500 hectares of Coastal Douglas-fir ecosystem on Denman Island;
- 109 hectares of the Coastal Douglas-fir biogeoclimatic zone at Bodega Ridge Park on Galiano Island;
- Key habitat for species at risk at Skaha Bluffs Provincial Park; and
- The Valhalla Mile acquisition along the west side of Slocan Lake in the Kootenays, resulting in 63 hectares of land being added to the existing Valhalla Provincial Park.

Over the last number of years, BC Parks has been able to bring more innovative approaches to potential land acquisition projects. These approaches include using:

- Forest carbon offsets;
- Density transfers that reduce land parcel values by transferring development opportunities to other lands;
- Eco-gifting incentives in cooperation with the federal government; and
- Land exchanges, where feasible, to trade lands rather than purchase lands.

..2

- 2 -

BC Parks will continue to consider key private land acquisitions based on a set of criteria that include conservation and recreation values and park operations. However, at this time, the Province is not in a position to consider the creation of an acquisition fund as you suggest.

Thank you again for taking the time to write.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Polak". The signature is fluid and cursive, with the first name "Mary" and last name "Polak" clearly distinguishable.

Mary Polak
Minister

Minister of the Environment



Ministre de l'Environnement

Ottawa, Canada K1A 0H3

JUN 13 2016

MAYOR'S OFFICE

JUN 21 2016

VICTORIA, B.C.

Her Worship Lisa Helps
Mayor
City of Victoria
1 Centennial Square
Victoria BC V8W 1P6

Dear Mayor Helps:

Thank you for your letter of February 10, 2016, regarding the designation of the Union Club of British Columbia as a national historic site under Canada's *Historic Sites and Monuments Act*.

I am pleased to advise you that I recently designated the Union Club of British Columbia as a national historic site.

The recognition of the Union Club of British Columbia brings another part of Canada's history into the growing family of nationally recognized sites, people and events that form part of our vibrant cultural heritage.

I appreciate your interest in Canada's heritage.

Yours sincerely,

The Honourable Catherine McKenna, P.C., M.P.
Minister of Environment and Climate Change





June 16, 2016

Mayor Lisa Helps
City of Victoria
1 Centennial Square
Victoria BC V8W 1P6

MAYOR'S OFFICE
JUN 23 2016
VICTORIA, B.C.

Dear Mayor Helps:

Re: 2015 Resolutions

Please find attached the provincial response to the 2015 resolution(s) put forward by your Council and endorsed by the UBCM membership at Convention.

I trust this information will be of assistance to you. Please feel free to contact Reiko Tagami, UBCM Information & Resolutions Coordinator with any questions.

Tel: 604.270.8226 ext. 115 Email: rtagami@ubcm.ca

Sincerely,

A handwritten signature in black ink that reads "Al Richmond". The signature is written in a cursive, flowing style.

Chair Al Richmond
President

Enclosure

2015 B71 Proposed Site C Hydroelectric Dam

Victoria

WHEREAS the proposed Site C hydroelectric dam project on the Peace River has raised issues including the potential impact on BC Hydro ratepayers and provincial taxpayers, as well as the potential impacts on agricultural, environmental, aboriginal and municipal interests;

AND WHEREAS the District of Hudson's Hope and Peace River Regional District have requested a proper review of the project before any construction or development activities proceed:

Therefore be it resolved that UBCM request that the Province of British Columbia refer the proposed Site C hydroelectric dam project to the BC Utilities Commission for review and consultation prior to any construction and development activities proceeding.

Convention Decision: Endorsed

Provincial Response**Ministry of Energy and Mines**

Once built, Site C will provide clean, reliable and affordable electricity for more than 100 years.

The decision to proceed with Site C is a major public policy decision, most appropriately made by the elected government, not the utilities commission.

The costs of Site C have been independently reviewed by KPMG and a panel of independent contractors – work that the commission would have contracted out itself regardless.

The project has undergone a thorough and independent federal-provincial environmental assessment, including a Joint Review Panel process. This process took three years to complete and included multiple opportunities for consultation and input from the public, Aboriginal groups, communities and stakeholders.

The decision to build Site C puts ratepayers first and will maintain British Columbia's low-cost power advantage. BC Hydro is committed to working with First Nations, communities and landowners, and will ensure that BC Hydro commitments are met and project benefits are realized.

Minister of Health



Ministre de la Santé

Ottawa, Canada K1A 0K9

JUN 17 2016

Her Worship Lisa Helps
Mayor of the City of Victoria
mayormessages@victoria.ca

Dear Madam Mayor:

Thank you for your letter of February 29, 2016, concerning the City of Victoria's plan to establish supervised consumption services. I appreciate your congratulatory words on our government's efforts to resettle Syrian refugees.

I recognize that substance abuse can have devastating effects on the well-being of individuals, families and communities. As Minister of Health, I continually look for ways to keep Canadians healthy and reduce risks and harms to them. For this reason, the Government's approach to supervised consumption sites will be guided by evidence, which in this case is clear—when properly established and managed, supervised consumption sites can save lives and improve health without increasing drug use and crime in the surrounding area.

I note your request for information on how the City of Victoria can apply for an exemption from the *Controlled Drugs and Substances Act* for a supervised consumption site and the type of information required by Health Canada. I have attached a copy of the Application Form for a Section 56.1 Exemption for Medical Purposes under the *Controlled Drugs and Substances Act* regarding activities at a supervised consumption site. This form contains detailed information on what is required to support your application, including guidance on how to complete the form. As you know, Insite and the Dr. Peter Centre have been in operation for some time and may have useful information on best practices to share with you.

If you have further questions, I invite you to contact Health Canada's Office of Controlled Substances by e-mail at exemption@hc-sc.gc.ca. Departmental officials are committed to working with applicants to provide guidance on the legislative requirements and assist with the application process.

.../2

- 2 -

I look forward to working with you and other partners across the country to support drug control policies that reduce harm and protect public safety.

Again, thank you for writing.

Yours sincerely,

A handwritten signature in black ink, reading "Jane Philpott". The signature is written in a cursive, flowing style.

The Honourable Jane Philpott, P.C., M.P.

Attachment



Application Form for a Section 56.1 Exemption for Medical Purposes under the *Controlled Drugs and Substances Act* Regarding Activities at a Supervised Consumption Site



Office of Controlled Substances
Controlled Substances and Tobacco Directorate
Healthy Environments and Consumer Safety Branch
Health Canada

Également disponible en français sous le titre:

Formulaire de demande d'exemption pour des raisons médicales de l'application de la Loi
réglementant certaines drogues et autres substances en vertu du paragraphe 56.1 relativement à
des activités d'un site de consommation supervisée

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A. Foreword

The *Controlled Drugs and Substances Act* (CDSA) is one of Canada's federal drug control statutes. It controls substances that can alter mental processes and that may produce harm to health and to society when diverted or misused. Its purpose is to protect public health and maintain public safety. It also establishes a framework that provides access to those substances for legitimate purposes.

The substances covered by the CDSA pose serious risks to individuals when they are misused or abused, as well as to public health and public safety within Canadian communities. Those risks are exacerbated when the substance is unregulated, untested, and/or obtained from illicit sources.

The CDSA prohibits the possession, import, export, production and distribution of controlled substances and precursors, except as authorized under the CDSA, its related regulations or through an exemption under the CDSA.

There are two exemption regimes under the CDSA; one regime for activities with licit substances (subsection 56 (1)) and a second regime for activities with illicit substances (subsection 56.1(2)). Exemption applications for activities with illicit substances at a supervised consumption site (SCS) fall under the second regime:

56.1 (2) The Minister may, on any terms and conditions that the Minister considers necessary, exempt from the application of all or any of the provisions of this Act or the regulations, other than this section, if, in the opinion of the Minister, the exemption is necessary for a medical, law enforcement or prescribed purpose

(a) any person or class of persons in relation to a controlled substance or precursor that is obtained in a manner not authorized under this Act; or

(b) any controlled substance or precursor or any class of either of them that is obtained in a manner not authorized under this Act.

Subsection 56.1 (3) further sets out information that an applicant has to address before an exemption application for a medical purpose that would allow certain activities involving illicit substances to take place at a SCS can be considered.

If an exemption is granted, terms and conditions to the exemption may be attached to protect the health and safety of individuals and communities. An exemption may be suspended or revoked if such action is necessary to protect public health and public safety.

B. About the Application Form

This application form reflects the requirements for requesting an exemption to undertake activities involving illicit substances at a supervised consumption site (referred to as “the site” in the application). It is based on the information required to accompany a site exemption application that is listed in subsection 56.1 (3) of the CDSA.

Please note that applicants need to address all the information (referred to as “criteria [a...z]”) set out in subsection 56.1(3) of the CDSA before an application can be considered. For some criteria included in subsection 56.1 (3), information is only required to be provided by the applicant **if it exists**. Such criteria is identified by the use of the words “**if any**” in their description. In such cases, the applicant must provide the requested information if it exists; however, if such information does not exist, the applicant should include a **statement indicating that the information does not exist** in the application.

The applicant must prepare five complete copies of the full application package. It would be appreciated if each application package was placed in a binder with all reference documents included in the section to which it pertains. Your application will be returned to you if it is incomplete. An incomplete application is one that does not address all of the information listed in subsection 56.1(3); what has been referred to in this document as criteria (a) – (z).

Please send the completed application and accompanying documents to the Office of Controlled Substances at the following address:

**National Compliance and Exemption Division
Office of Controlled Substances
Controlled Substances and Tobacco Directorate
Healthy Environments and Consumer Safety Branch
Health Canada
150 Tunney's Pasture Driveway, AL0300B
Ottawa ON K1A 0K9**

Applications will be reviewed to determine whether the applicant will be granted an exemption under subsection 56.1(2) of the CDSA for activities at a supervised consumption site for medical purposes. Each complete application received is assessed on a case-by-case basis. In addition to the information provided through the application, additional relevant information may be requested to assist in assessing the application.

Authority exists to post a Notice of Application to solicit comments from the public on an application for a period of up to 90 days. Relevant comments received during this comment period would be considered in making a decision.

The supervised consumption site is subject to inspections by Health Canada to validate the information included in the application and to verify the compliance of a site with its terms and conditions.

Failure to comply with the terms and conditions of the exemption may lead to suspension or revocation of an exemption.

For questions regarding this document or the application process, please contact:

National Compliance and Exemption Division
Phone #: 613-954-8287
Email: exemption@hc-sc.gc.ca

C. Application Form for an Exemption for Medical Purposes Under the *Controlled Drugs and Substances Act* Regarding Activities at a Supervised Consumption Site

Applicant Information

The application form must be filled out by a designated individual who is responsible for the exemption and for ensuring that all the terms and conditions of the exemption are met. An individual may apply for an exemption on behalf of an organization, but the applicant named in the form must be an individual, not the organization itself.

The name, description and reporting structure of the organization must also be provided with the application.

Name of the Applicant (Surname / First / Middle)		
Applicant's Address		
City	Province	Postal Code
Telephone No.		Fax No.
E-Mail Address		
Name of the Organization:		
Address of the Organization		
City	Province	Postal Code
Description of Organization:		
Organization structure: (Please provide a description of how the organization is structured and how it reports within the province for health services, treatment, etc. Also provide a description on how the applicant reports within the organization)		

Proposed Site Identification

This section deals with the location of the proposed site.

A site floor-plan must be attached to this section of the application. The floor-plan must be a visual representation of the entire location in which activities involving illicit substances will be undertaken. The floor plan must include the specific location of:

- the room(s) in which activities involving illicit substances will take place;
- the room(s) used for the storage of controlled substances awaiting disposal (e.g. used syringes, needles and paraphernalia) and;
- security cameras, motion detectors and other security devices..

If a proposed site is part of a larger structure (e.g. a multi-unit commercial building, a community health centre, etc.), a diagram that illustrates the location of the proposed site within larger structure is required.

Name of Site		
Name of Organization Responsible for Site		
Address of the Site		
City	Province	Postal Code
Site Area <i>Include a description of the surrounding neighbourhood (e.g. residential, commercial, industrial, etc) within which the site would operate.</i>		
Description of Services Offered at the Site		
Hours of Operation <i>(e.g. 8 am – 8 pm, Mon – Sat)</i>		

☐

A site floor-plan is included in this section of the application

Scientific Evidence - Criteria (a)

56.1(3) (a) – “scientific evidence demonstrating that there is a medical benefit to individuals or public health associated with access to activities undertaken at supervised consumption sites”

The applicant must submit scientific evidence, that the operation of the supervised consumption sites provides medical benefits to individual or public health. This evidence could include: scientific papers, reports, peer-reviewed articles, etc.

Additional information that would be informative when considering an application:

- how the site would assist or refer clients to other health care services (e.g. primary care facilities for treatment disease and infection, counselling and addiction treatment services and housing services, etc).

Included in this section of the application:

☐

Scientific evidence

☐

Additional information, if any, regarding access/ referral to other services

Consultations – Criteria (b) to (h) and (o) and (p)

Letters from Stakeholders

Attached to this section of the application are letters from:

☐ **Provincial/Territorial Minister responsible for health (Criteria (b))**

56.1(3) (b) a letter from the provincial minister who is responsible for health in the province in which the site would be located that

- (i) outlines his or her opinion on the proposed activities at the site,*
- (ii) describes how those activities are integrated within the provincial health care system, and*
- (iii) provides information about access to drug treatment services, if any, that are available in the province for persons who would use the site*

☐ **Local government (Criteria (c))**

56.1(3) (c) a letter from the local government of the municipality in which the site would be located that outlines its opinion on the proposed activities at the site, including any concerns with respect to public health or safety

☐ **Head of the Police Force (Criteria (e))**

56.1(3) (e) a letter from the head of the police force that is responsible for providing policing services to the municipality in which the site would be located that outlines his or her opinion on the proposed activities at the site, including any concerns with respect to public safety and security

☐ **Lead Public Health Professional (Criteria (g))**

56.1(3) (g) a letter from the lead health professional, in relation to public health, of the government of the province in which the site would be located that outlines their opinion on the proposed activities at the site

☐ **Provincial/Territorial Public Safety Minister (Criteria (h))**

56.1(3) (h) a letter from the provincial minister responsible for public safety in the province in which the site would be located that outlines his or her opinion on the proposed activities at the site

Measures to Address Concerns of Public Health and Public Safety - Criteria (d) and (f)

Attached to this section of the application are:

☐ 56.1(3) (d) a **description** of the measures that have been taken or will be taken to address any relevant concerns outlined in the letter [from the local government of the municipality]

☐ 56.1(3) (f) a description by the applicant of the proposed measures, **if any**, to address any relevant concerns outlined in the letter [from the head of police]

Consultation with Professional Licensing Authorities for Physicians and for Nurses - Criteria (o)

Attached to this section of the application is:

☐ 56.1(3) (o) report of the consultations held with the professional licensing authorities for physicians and for nurses for the province in which the site would be located that contains each authority's opinion on the proposed activities at the site;

Community Views - Criteria (p)

Attached to this section of the application is:

☐ 56.1(3) (p) a report of consultations held with a broad range of community groups from the municipality in which the site would be located. The report must include:

☐ (i) a summary of the opinions of those groups on the proposed activities at the site;

☐ (ii) copies of all written submissions received; and

☐ (iii) a description of the steps that will be taken to address any relevant concerns that were raised during consultations.

Examples of community stakeholders that could be consulted include neighbourhood associations, local businesses and business associations, schools, churches, community groups, etc).

Information to Support Need for the Site - Criteria (i) to (n) and (s)

It is the applicant's responsibility to provide information to demonstrate that there is a need for a SCS in the proposed location.

The applicant should provide information that is **specific to the target client population and the local drug scene in the vicinity of the site** (e.g. how will it improve or help the community? Who is the targeted client population? Why is this proposed location ideal?).

Examples of information that may be submitted for this section may include crime statistics, coroner's reports, law enforcement research and statistics, published health reports, media articles, drugs seizure data, etc.

PLEASE NOTE: If this information does not exist, the applicant is required to include a statement in their application indicating that such information does not exist. Until this information or statement is provided, an application for an exemption for medical purposes for activities involving illicit substances at a supervised consumption site cannot be considered.

Information about the local drug scene and the targeted client population in the vicinity of the site and in the municipality, including:

- ☐ 56.1(3) (k) *relevant information, including trends, **if any**, on the number of persons who consume illicit substances in the vicinity of the site and in the municipality in which the site would be located;*
- ☐ 56.1(3) (l) *relevant information, including trends, **if any**, on the number of persons with infectious diseases that may be in relation to the consumption of illicit substances in the vicinity of the site and in the municipality in which the site would be located;*
- ☐ 56.1(3) (m) *relevant information, including trends, **if any**, on the number of deaths, if any, due to overdose – in relation to activities that would take place at the site – that have occurred in the vicinity of the site and in the municipality in which the site would be located;*
- ☐ 56.1(3) (n) **official reports, if any**, *relevant to the establishment of a supervised consumption site, including any coroner's reports;*
- ☐ 56.1(3) (s) *relevant information, including trends, on loitering in a public place that may be related to certain activities involving illicit substances, on trafficking of controlled substances and on minor offence rates in the vicinity of the site, **if any**; and*
- ☐ 56.1(3) (t) *Information on any public health emergency in the vicinity of the site or in the municipality in which the site would be located that may in relation to activities involving illicit substances as declared by a competent authority with respect to public health, **if any**.*

As part of the application, the applicant **must** also provide:

- ☐ 56.1(3) (i) evidence, such as law enforcement research or statistics of the **potential impacts of the proposed activities at the site** on the following three public safety issues:
 - ☐ (i) information, **if any**, on crime and public nuisance in the vicinity of the site and information on crime and public nuisance in municipalities in which supervised consumption sites are located;
 - ☐ (ii) information, **if any**, on the public consumption of illicit substances in the vicinity of the site and information on the public consumption of illicit substances in the municipalities in which supervised consumption sites are located; and
 - ☐ (iii) information, **if any**, on the presence of inappropriately discarded drug-related litter in the vicinity of the site and information on the presence of inappropriately discarded drug-related litter in the municipalities in which supervised consumption sites are located.
- ☐ 56.1(3) (j) law enforcement research or statistics, if any, in relation to the information required under subparagraphs (i)(i) to (iii) [listed above]

Financial Support - Criteria (q)

The applicant must provide a detailed financing plan demonstrating the feasibility and sustainability of operating the site. The applicant may provide information such as financial statements, lease or mortgage statements, annual reports and source(s) of funding.

56.1(3) (q) a financing plan that demonstrates the feasibility and sustainability of opening the site

Attached to this section of the application is:

☐

Financial plan

Access to Other Health Services - Criteria (r)

The applicant must show whether the site would provide access to drug treatment services (e.g. counselling, withdrawal management, methadone program, etc). If yes, a description of those services is required. If the site will be offering information about drug treatment offsite or elsewhere, a description of the information available is required.

*56.1(3) (r) a description of the drug treatment services available at the site **if any**, for persons who would use the site and the information that would be made available to those persons in relation to drug treatment services available elsewhere*

Attached to this section of the application are:

- ☐ Description of drug treatment services
- ☐ Description of information of other treatment centres/services

Health, Safety & Security of Clients, Staff and Local Community - Criteria (u) and (v)

The applicant must provide documentation such as site policies, staff guidelines and protocols to demonstrate that procedures are in place to protect the health and safety of people in and around the SCS.

The following information must be provided:

56.1(3) (u) a description of the measures that will be taken to minimize the diversion of controlled substances or precursors and the risks to the health and the safety and security of persons at the site, or in the vicinity of the site, including staff members. These measures must include the establishment of procedures:

- (i) to dispose of controlled substances, precursors, and anything that facilitates their consumption i.e. syringes (including how to deal with abandoned, unknown substances left at the site by a client) and how to transfer them to law enforcement;*
- (ii) to control access to the site; and*
- (iii) to prevent the loss or theft of controlled substances and precursors.*

Additional Information to be provided should include:

- ☐ Guidelines for each area on site (such as, reception, consumption room(s), post consumption, staff rooms, etc.), explaining where each area is located on the floor plan and why, as well as how participants would be moved between these rooms.
- ☐ Protocols or policies to guide staff when dealing with the following situations:
 - cases of a drug overdose;
 - clients with different characteristics (for instance if the client is used to having someone else inject for them, or enrolled in a treatment program etc.);
 - an overly intoxicated client;
 - when a client is refused access to the site;
 - exposure to a suspected biohazardous agent (for example a needlestick or sharps injury); etc.
 - other relevant circumstances.

The applicant is asked to provide the following additional protocols/staff guidelines:

- ☐ Staff conduct (for example, as it pertains to confidentiality of individuals using the site, hours of work, areas for breaks, etc);
- ☐ Site operational procedures (for example, how the site operates, how the client enrolls, how the client enters the site, etc); and
- ☐ Responsibilities of each staff member
- ☐ A description of how the applicant would show continuous presence and collaboration of health professionals (physicians, nurses, social workers, psychologists, et cetera) during the site's working hours.
- ☐ The applicant is asked to confirm that protocols, policies and guidelines will be updated as needed and that all staff will be trained appropriately and as required. Updated protocols, policies and guidelines should be provided.

Information Management - Criteria (v)

In order to demonstrate that all pertinent information is captured and retained by the applicant, please provide:

- ☐ 56.1(3) (v) *a description of the record keeping procedures for the disposal, loss, theft and transfer of controlled substances and precursors – and anything that facilitates their consumption i.e. syringes – left at the site;*

If this information is included in the protocol and guidelines for employees, please indicate this. Such information must be kept and retained on site for two years from the date it was recorded.

Proposed Personnel - Criteria (w) to (y)

56.1(3) (w) *the name, title and resumé, including relevant education and training, of the proposed responsible person in charge, of each of their proposed alternate responsible persons, and of each of the other proposed key staff members;*

Along with the information above, each individual above must provide:

56.1(3) (x) *a document issued by a Canadian police force in relation to each [RPIC], stating whether, in the 10 years before the day on which the application is made, in respect of a designated drug offence or a designated criminal offence, the person was:*

(i) convicted as an adult;

(ii) convicted as a young person in ordinary court, as those terms are defined in subsection 2(1) of the Young Offenders Act, chapter Y-1 of the Revised Statutes of Canada, 1985, immediately before that Act was repealed, or

(iii) a young person who received an adult sentence, as those terms are defined in subsection 2(1) of the Youth Criminal Justice Act

56.1 (3) (y) *if any [RPIC] has ordinarily resided in a country other than Canada in the 10 years before the day on which the application is made, a document issued by a police force of that country stating whether in that period that person:*

(i) was convicted as an adult for an offence committed in that country that, if committed in Canada, would have constituted a designated drug offence or a designated criminal offence; or

(ii) received a sentence – for an offence they committed in that country when they were at least 14 years old but less than 18 years old that, if committed in Canada, would have constituted a designated drug offence or a designated criminal offence that was longer than the maximum youth sentence that could have been imposed under the Youth Criminal Justice Act for such an offence.

Responsible Person in Charge (RPIC) of the Site

The person, designated by the applicant, who is responsible, when the person is at the site, for ensuring that every person or class of persons who is exempted for a medical purpose under subsection 56.1(2) from the application of all or any of the provisions of the CDSA or the regulations, complies with the terms and conditions specified in the exemption when they are at the site.

Provide the information indicated in the table below and attach the RPIC's resume, original Canadian criminal record check and any document(s) issued by a police force of another country, if applicable (see criteria (x) and (y) above). The RPIC must complete, sign and date the declaration.

Responsible Person in Charge (RPIC)

Individual Name (Surname / First / Middle)	
Title / Academic Qualifications (must include resumé)	Proposed Schedule – Work Hours and Days (e.g. 8 am – 4 pm, Mon- Fri)
Telephone No.	
E-Mail Address	

Declaration

I, _____, in respect of a designated drug offence or a designated
(name, printed characters)
 criminal offence during the preceding 10 years, have not:

- 1) _____ been convicted as an adult for an offence committed in another country that, if committed in Canada, would have constituted a designated drug offence or a designated criminal offence; or
- 2) _____ received a sentence – for an offence I committed in another country when I was at least 14 years old but less than 18 years old that, if committed in Canada, would have constituted a designated drug offence or a designated criminal offence – that was longer than the maximum youth sentence that could have been imposed under the *Youth Criminal Justice Act* for such an offence.

Signature: _____

Date: _____

Attached to this signed RPIC declaration are:

- ☐ Copy of resumé for the RPIC
- ☐ Original criminal record check report
- ☐ Document(s) issued by a police force of another country, where applicable.

Alternate Responsible Person in Charge (A/RPIC)

Any person designated by the **applicant** who is responsible, when the **responsible person in charge** is absent from the site, for ensuring that every person or class of persons who is exempted for a medical purpose under subsection 56.1 (2) from the application of all or any of the provisions of this Act or the regulations, complies with any terms and conditions specified in the exemption when they are at the site.

Provide the information indicated in the table below **for each** A/RPIC and attach a copy of their resume(s), original Canadian criminal record check(s) and any document(s) issued by a police force of another country, where applicable (see Criteria (x) and (y)). The proposed A/RPIC(s) must complete, sign and date the declaration.

Number of A/RPIC(s) submitted with application: _____

Alternate Responsible Person in Charge (A/RPIC)

(Please copy as needed)

Individual Name (Surname / First / Middle)	
Title / Academic Qualifications (must include resumé)	Proposed Schedule – Work Hours and Days (e.g. 8 am – 4 pm, Mon- Fri)
Telephone No.	
E-Mail Address	

Declaration

I, _____, in respect of a designated drug offence or a designated criminal
(printed characters)
 offence during the preceding 10 years, have not:

- 1) been convicted as an adult for an offence committed in another country that, if committed in Canada, would have constituted a designated drug offence or a designated criminal offence; or
- 2) received a sentence – for an offence that I committed in another country when I was at least 14 years old but less than 18 years old that, if committed in Canada, would have constituted a designated drug offence or a designated criminal offence – that was longer than the maximum youth sentence that could have been imposed under the *Youth Criminal Justice Act* for such an offence.

Signature: _____

Date : _____

Attached to this signed A/RPIC declaration are:

- ☐ Copy of resumé for each A/RPIC
- ☐ Original criminal record check report for each A/RPIC
- ☐ Document(s) issued by a police force of another country, where applicable for each A/RPIC

Key Staff Member(s)

Key staff member(s) are persons designated by the applicant who are responsible for the direct supervision, at the site, of the consumption of an **illicit substance** by every person or class of persons who is exempted for a medical purpose under subsection 56.1 (2) from the application of all or any of the provisions of the CDSA or the regulations.

Provide the information indicated in table below **for each** key staff member, and attach a copy of their resume(s), original criminal record check(s) and document(s) issued by a police force of another country, where applicable (see Criteria (x) and (y)). The key staff member(s) must complete, sign and date the declaration.

Number of Key staff members submitted with application: _____

Please note that during the review process a verification will be performed to confirm that all physicians working at the site are licensed to practice medicine and are not subject to any current federal, provincial or territorial restrictions on their purchasing or prescribing privileges in regards to controlled substances.

Proposed Key Staff Member

(Please copy as needed)

Individual Name (Surname / First / Middle)	
Title / Academic Qualifications (must include resumé)	Proposed Schedule – Work Hours and Days (e.g. 8 am – 4 pm, Mon- Fri)
Telephone No.	
E-Mail Address	

Declaration

I, _____, in respect of a designated drug offence or a designated criminal

(printed characters)

offence during the preceding 10 years, have not:

- 1) been convicted as an adult for an offence committed in another country that, if committed in Canada, would have constituted a designated drug offence or a designated criminal offence; or
- 2) received a sentence – for an offence that I committed in another country when I was at least 14 years old but less than 18 years old that, if committed in Canada, would have constituted a designated drug offence or a designated criminal offence – that was longer than the maximum youth sentence that could have been imposed under the *Youth Criminal Justice Act* for such an offence.

Signature: _____

Date: _____

Attached to this signed key member declaration are:

- ☐ Copy of resumé for each Key staff member
- ☐ Original criminal record check report for each Key staff member
- ☐ Document(s) issued by a police force of another country, where applicable for each Key staff member

Application for Continuation – 56.1(4)(a) and (b)

If the application is a subsequent application to allow activities to continue to take place at an existing supervised consumption site the following additional information must be provided.

☐ 56.1(4)(a) evidence, **if any**, of any variation in crime rates in the vicinity of the site during the period beginning on the day on which the first exemption was granted ... in relation to the site and ending on the day on which the application is submitted; and,

☐ 56.1(4)(b) evidence, **if any**, of any impacts of the activities at the site on individual or public health during that period.

Examples of information that may be submitted for this section may include crime statistics, law enforcement statistics, scientific articles, scientific data, media articles, etc.

Statements

The information provided in this form is required by Health Canada under the authority of *Controlled Drugs and Substances Act* for the issuance of a Section 56.1 Exemption for activities at a Supervised Consumption Site. The collection and use of personal information is in accordance with the federal *Privacy Act*. A refusal to provide the information requested on this form will result in the application being declined.

The applicant and the head of the organization responsible for the proposed site are asked to certify that the information provided in the application and in all the attached documents is complete and accurate.

Applicant

I hereby certify that all information and supporting documents provided with this application, are to the best of my knowledge correct and complete.

I hereby certify that the controlled substance(s) or precursor(s) will be used for medical purposes at the proposed site.

Applicant's signature: _____ Date: _____

Head of Organization

I hereby certify that all information and supporting documents provided with this application by the applicant, are to the best of my knowledge correct and complete.

I hereby certify that the controlled substance(s) will be used for medical purposes at the proposed site.

Head of the Organization's signature: _____ Date: _____

D. GLOSSARY OF TERMS

Alternate Responsible Person in Charge (A/RPIC)

Any person designated by the **applicant** who is responsible, when the **responsible person in charge** is absent from the **SCS**, for ensuring that every person or class of persons who is exempted for a medical purpose under subsection 56.1 (2) from the application of all or any of the provisions of this Act or the regulations complies with any terms and conditions specified in the exemption when they are at the site.

Note: There may be more than one **A/RPIC** per site.

Applicant

Any group or individual who submits a formal request for an exemption from the CDSA for the purposes of undertaking activities involving **illicit substances** at a **SCS**.

Controlled Substance

Controlled substance is defined in the CDSA. It includes any substance found in Schedules I, II, III, IV, or V of the Act. These Schedules can be found at the [Justice Canada website](#). It is important to note that subsection 2(b) of the CDSA states that "a reference to a controlled substance includes a reference to (i) *all synthetic and natural forms of the substance, and (ii) anything that contains or has on it a controlled substance and that is used or intended or designed for use (A) in producing the substance, or (B) in introducing the substance into a human body.*" This includes used drug paraphernalia with drug residue such as syringes, pipes, cookers etc.

Designated Criminal Offence

A "designated criminal offence" means:

- a) an offence involving the financing of terrorism against any of sections 83.02 to 83.04 of the Criminal Code;
- b) an offence involving fraud against any of sections 380 to 382 of the Criminal Code;
- c) the offence of laundering proceeds of crime against section 462.31 of the Criminal Code;
- d) an offence involving a criminal organization against any of sections 467.11 to 467.13 of the Criminal Code; or
- e) a conspiracy or an attempt to commit, being an accessory after the fact in relation to, or any counselling in relation to, an offence referred to in the above of paragraphs (a) to (d).

Designated Drug Offence

A designated drug offence means:

- a) an offence against section 39, 44.2, 44.3, 48, 50.2 or 50.3 of the Food and Drugs Act, as those provisions read immediately before May 14, 1997;
- b) an offence against section 4, 5, 6, 19.1 or 19.2 of the Narcotic Control Act, as those provisions read immediately before May 14, 1997;
- c) an offence under Part I of the CDSA, except subsection 4(1); or

- d) a conspiracy or an attempt to commit, being an accessory after the fact in relation to, or any counselling in relation to, an offence referred to in the above paragraphs (a) to (c).

Illicit Substance

A controlled substance that is obtained in a manner not authorized under the CDSA.

Key Staff Member

The persons designated by the applicant who are responsible for the direct supervision, at the **SCS**, of the consumption of an **illicit substance** by every person or class of persons who is exempted for a medical purpose under subsection 56.1 (2) from the application of all or any of the provisions of the CDSA or the regulations.

Responsible Person in Charge (RPIC)

The person, designated by the applicant, who is responsible, when the person is at the **SCS**, for ensuring that every person or class of persons who is exempted for a medical purpose under subsection 56.1 (2) from the application of all or any of the provisions of the CDSA or the regulations complies with the terms and conditions specified in the exemption when they are at the site.

Supervised Consumption Site (SCS)

A location specified in the terms and conditions of an exemption, granted under subsection 56.1 (2) for a medical purpose, that allows any person or class of persons described in the exemption to engage in certain activities in relation to an illicit substance within a supervised and controlled environment.



June 17, 2016

Mayor Lisa Helps
City of Victoria
1 Centennial Square
Victoria BC V8W 1P6

MAYOR'S OFFICE

JUN 22 2016

VICTORIA, B.C.

Dear Mayor Helps:

Re: 2015 Resolutions

At the 2015 UBCM Convention, your community sponsored a resolution that was grouped with the Section C – Part 2 resolutions (resolutions referred to other resolutions within the *Resolutions Book*).

Please find enclosed a copy of your resolution, the resolution to which your resolution was referred, as well as the provincial response to the latter.

I trust this information will be of assistance to you.

Please feel free to contact Reiko Tagami, Information and Resolutions Coordinator with any questions about this process.

Tel: 604 270 8226 ext. 115 E-mail: rtagami@ubcm.ca

Sincerely,

A handwritten signature in cursive script that reads "Al Richmond".

Chair Al Richmond
President

Enclosure

2015 C16 Environmental Bill of Rights**Victoria, Ladysmith**

Whereas municipalities and regional districts are the governments nearest to people and the natural environment, and therefore share a deep concern for the welfare of the natural environment and understand that a healthy environment is inextricably linked to the health of individuals, families, future generations and communities;

And whereas fostering the environmental well-being of the community is a municipal purpose under section 7(d) of the Community Charter and a regional district purpose under section 2(d) of the Local Government Act:

Therefore be it resolved that UBCM request that the Province of British Columbia enact a provincial environmental bill of rights to fulfill the right of every resident to live in a healthy environment by ensuring access to information, public participation in decision making, and access to effective remedies, and without limitation to allow a resident to:

- comment on environmentally significant government proposals,
- ask a ministry or local government to review an existing law, policy, or program,
- ask a ministry, crown agency, or local government to investigate harm to the natural environment,
- appeal, or ask a ministry or local government to review, a decision under an enactment,
- propose a new law, regulation, policy, or program to protect the natural environment,
- use courts or tribunals to protect the environment, and
- have whistleblower protection.

Convention Decision: **Not Admitted for Debate**

Resolutions Committee Comments

Refer to resolution A5.

2015 A5 Environmental Bill of Rights**Richmond**

Whereas municipalities and regional districts are the government nearest to people and the natural environment, and therefore share a deep concern for the welfare of the natural environment and understand that a healthy environment is inextricably linked to the health of individuals, families, future generations and communities;

And whereas fostering the environmental well being of the community is a municipal purpose under section 7(d) of the Community Charter and regional district purpose under section 2(d) of the Local Government Act:

Therefore be it resolved that UBCM request that the Province of British Columbia enact a provincial environmental bill of rights that:

- a) recognizes the right of every resident to live in a healthy environment, including the right to clean air, clean water, clean food and vibrant ecosystems;
- b) provides for public participation in decision-making respecting the environment and access to environmental information;
- c) provides access to justice when environmental rights are infringed; and
- d) has whistle-blower protection.

Convention Decision: **Endorsed**

Provincial Response***Ministry of Environment***

Government is strongly committed to maintaining a healthy environment for British Columbians. As noted in the Ministry of Environment Service Plan, protecting the environment, along with sustainable economic growth, are top government priorities.

The Ministry's position is that an environmental bill of rights is not needed in BC because the province's existing and continually evolving environmental and natural resource regulatory regimes protect the public interest. The government sets and enforces requirements, prohibitions and standards designed to protect public health and safety and the environment – the air, land, water and all other external conditions or influences under which humans, animals and plants live.



June 21, 2016

Ref: 104515

Her Worship Lisa Helps
Mayor, City of Victoria
1 Centennial Square
Victoria BC V8W 1P6

Dear Mayor Helps:

Thank you for your letter of May 18, 2016 expressing concern over the condition of the two houses located at 506 and 514 Government Street. The Province manages a diverse portfolio of owned and leased buildings across British Columbia, with a variety of maintenance and funding requirements. The Province has a well-organized maintenance and rehabilitation program in place which ensures budgets are optimized and taxpayers' money is prioritized appropriately.

The Province's Real Property Division (RPD) has completed facility condition assessments on these architecturally significant properties, the outputs of which help inform our investments in these buildings.


RPD is currently laying the groundwork to restore 506 Government Street, by firstly seeking a qualified heritage consultant, and identifying code, safety, and other issues. The commencement of the restoration is expected to coincide with the occupants vacating the property, likely in the winter of 2016.

RPD has invested significantly in 514 Government Street in recent years, including remediating hazardous materials and exterior painting. Our priority focus is currently 506 Government Street, with plans to continue the restoration of 514 Government Street in the future.

.../ 2

The Province will be engaging the City of Victoria, through Development Services, once the full requirements for the restoration of 506 Government Street are known. We look forward to continuing our support of the City's heritage in the built environment.

Sincerely,

A handwritten signature in black ink, appearing to read "Amrik Virk". The signature is fluid and cursive, with a large initial 'A'.

Amrik Virk
Minister

pc: Honourable Christy Clark, Premier, Province of British Columbia

Office of the Minister of
Families, Children and
Social Development



Cabinet du ministre de
la Famille, des Enfants et
du Développement social

MAYOR'S OFFICE

JUN 28 2016

VICTORIA, B.C.

Ottawa, Canada K1A 0J9

Her Worship Lisa Helps
Mayor of Victoria
1 Centennial Square
Victoria BC V8W 1P6

JUN 21 2016

Dear Madam Mayor:

On behalf of the Honourable Jean-Yves Duclos, Minister of Families, Children and Social Development, I acknowledge receipt of your letter of June 8, 2016. You wrote to express your gratitude for the expansion of the Homelessness Partnering Strategy in Victoria and for the increase in funding to address Aboriginal homelessness. I have also noted your request to meet with the Minister to discuss your Regional Housing First Initiative.

Please be assured that your correspondence will be given due consideration.

Thank you for writing.

Yours sincerely,

Daniel Boudria
Director
Parliamentary Affairs



CITY CLERK'S DEPARTMENT
Office of the City Clerk

June 29, 2016

VanRIMS No.: 08-2000-20

Chris Coates, City Clerk
City of Victoria
Victoria, BC

BY EMAIL

Dear Mr. Coates:

**RE: UBCM Housing Affordability Resolution from the City of Victoria - Request for
Consideration and Endorsement by Vancouver City Council**

At the Regular Council meeting on June 28, 2016, Vancouver City Council endorsed the UBCM Housing Affordability resolution from the City of Victoria reproduced below:

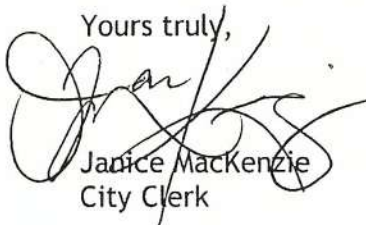
WHEREAS since 2008, UBCM has passed 13 motions with regard to affordable housing across the housing spectrum from those who are homeless with severe mental health and addictions challenges, to the young worker, to families, to retired seniors;

AND WHEREAS in response to each motion the Province has outlined all of the efforts it has made and money it has spent addressing affordable housing in British Columbia;

AND WHEREAS despite the efforts and resources invested by the Province and local governments over the past eight years, the housing crisis across British Columbia has deepened in both rural and urban areas, with Greater Victoria and the lower mainland among the most unaffordable places to rent or buy in the country;

THEREFORE BE IT RESOLVED that UBCM work with the provincial government on a priority basis to develop new policy tools and/or funding streams that will have the most effective, efficient and immediate impact on the housing affordability crisis in British Columbia, across the housing spectrum.

Yours truly,



Janice MacKenzie
City Clerk

City of Vancouver, City Clerk's Department
Office of the City Clerk
453 West 12th Avenue
Vancouver, British Columbia V5Y 1V4 Canada
tel: 3-1-1, Outside Vancouver 604.873.7000 fax: n/a
website: vancouver.ca



July 8, 2016

Her Worship Lisa Helps
Mayor, City of Victoria
1 Centennial Square
Victoria, British Columbia
V8W 1P6



Dear Mayor Helps:

Thank you for your interest in hosting a potential gaming facility in the City of Victoria.

BCLC has concluded the second phase of its Expression of Interest (EOI) process in your market area, and we are pleased to advise you that the City of Victoria has been selected as the preferred host local government for a potential new gaming facility. We are excited at the prospect of bringing additional entertainment options to Victoria residents and tourists alike.

74 West Seymour Street
Kamloops, BC V2C 1E2

T 250.828.5500
F 250.828.5631

We appreciate the City of Victoria's ongoing participation in the EOI process, which is intended to be a transparent, first step that determines interest in hosting gaming facilities in identified communities.

2940 Virtual Way
Vancouver, BC V5M 0A6

T 604.215.0649
F 604.225.6424
bclc.com

BCLC selected the City of Victoria as its preferred host local government as part of a rigorous assessment process that was overseen by a third-party fairness monitor. The decision was made based on factors including population distribution, tourism considerations and distance from existing facilities in the region.

At this time, we will not pursue a gaming facility with the District of Saanich, Esquimalt Nation, Songhees Nation or the Township of Esquimalt.

BCLC will now turn its attention to selecting a private-sector service provider, which would own or lease a potential gaming facility on our behalf and operate it on a day-to-day basis.

Once a service provider has been selected as part of a Request for Proposal process, we will work together on the development of a gaming facility proposal for the City's consideration. We are committed to working with City staff to ensure that the proposal reflects input from the City and all stakeholders.

It is our intention to develop a gaming facility to suit the market in the City of Victoria, with the View Royal Casino remaining the primary facility in the region. The decision of the size and scope of the new facility will be based on expansion plans for the View Royal Casino.

It's important to BCLC that we hear from your community and understand what's important to residents. There will be many opportunities for community input throughout the approval process.

BCLC acknowledges the concerns expressed by the Mayors of Langford and View Royal and is committed to further consultation with West Shore communities, with the intent of developing a proposal with consideration to these matters.

In addition, before the City of Victoria could consider approval of a gaming proposal put forward by BCLC, the City would be obligated under the *Gaming Control Act* to seek and consider input from the community and to consult on certain prescribed matters with local governments whose borders fall within 5 km of the proposed gaming facility.

If you have any questions related to next steps in the process, please contact:

Greg Walker
Director of Public Affairs, BCLC
2940 Virtual Way
Vancouver, BC V5M 0A6
gwalker@bclc.com

We are also available to meet with you to provide further detail on our market analysis and the approval process at any time.

Finally, it's important to note that this letter does not in any way constitute a commitment on either BCLC or the City of Victoria's part to develop a gaming facility. Either may choose to not proceed with a facility at any time.

BCLC looks forward to working collaboratively with Council and Staff in the coming months.

Sincerely,

A handwritten signature in black ink, appearing to read 'Desmarais', with a stylized circular flourish at the beginning.

Brad Desmarais
Vice President, Casino and Community Gaming
BCLC

cc: Susan Dolinski, BCLC
Jerry Williamson, BCLC
Greg Walker, BCLC

**COMMITTEE OF THE WHOLE REPORT
FROM THE MEETING HELD JULY 7, 2016**

For the Council Meeting of July 14, 2016, the Committee recommends the following:

1. **Heritage Designation Application No. 000160 for 564-572 Fisgard Street and 1706-1708 Government Street**

That Council consider the designation of the property located at 564-572 Fisgard Street and 1706-1708 Government Street, pursuant to Section 967 of the *Local Government Act*, as a Municipal Heritage Site.

2. **Conference Attendance Request: Canadian Capital Cities Organization Annual Conference**

That Council authorizes the attendance and associated costs for Councillors Thornton-Joe and Alto to the Canadian Capital Cities Organization Conference to be held in Quebec City, September 6 to 9, 2016.

3. **Attendance at Federation of Canadian Municipalities annual conference**

That Council authorize the attendance and associated costs for Councillor Isitt to the FCM conference to be held in Winnipeg, June 3 to 5, 2016.

4. **Development Permit with Variances Application No. 00010 for 980 Pandora Avenue**

That Council decline Development Permit with Variances Application No. 00010 for 980 Pandora Avenue.

5. **Heritage Alteration Permit Application with Variance No. 00222 for 1737 Rockland Avenue**

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 Heritage Alteration Permit Application No. 000222 for 1737 Rockland Avenue, in accordance with:

1. Plans, date stamped May 18, 2016
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
 - i. Section 1.1.5(a) - relaxation of the minimum front yard setback from 10.5m to 4.75m
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Development Services Division, Sustainable Planning and Community Development
4. Heritage Alteration Permit lapsing two years from the date of this resolution."

6. **Request to add an existing house at 2536 Richmond Road to the Heritage Register**

That Council approve the request for the addition of the property at 2536 Richmond Road to the Heritage Register.

7. **Heritage Designation Application No. 000159 for 539-545 ½ Fisgard Street and 16-20 Fan Tan Alley**

That Council consider the designation of the property located at 539-545 ½ Fisgard Street and 16-20 Fan Tan Alley, pursuant to Section 967 of the *Local Government Act*, as a Municipal Heritage Site.

8. **Pilot Project for Dallas Road Leash-Optional Area**

That Council direct staff:

1. To implement option 1 and that option 1 be implemented within the Council budget allocation for this project,
2. That the location give consideration of accommodating a right of way for potential waste water treatment infrastructure and a future cycling pathway,
3. That new signage and first steps to enforcement be implemented immediately,
4. To report back in 6 months, and;
5. To give consideration to minimizing the impact on the pedestrian experience.

9. **Centennial Square Public Washrooms**

That Council direct staff to develop a project plan, including a cost estimate for a new stand-alone public washroom in Centennial Square and report back with any other options to provide bathrooms on existing facilities in the square.

10. **Water Charges for Community Gardens**

That Council receive this report for information and that the fees be waived as outlined in the report.

11. **District of North Saanich Request for Financial Support for Nav Canada Legal Action**

That Council postpone consideration of the following motion until hearing from North Saanich as to why they joined the legal action:

That Council direct staff to contributed \$2,500 to support the District of North Saanich for Nav Canada Legal Action.

12. **2016 Union of BC Municipalities Convention - Meetings with Cabinet**

That Council receive this report for information.

13. **Presentation: Building Resilience in Canada Proposal**

That Council direct staff to engage with Building Resilience in Canada to explore opportunities for a demonstration project as well as impacts on future changes to City of Victoria policy and incentives related to seismic upgrades.

14. **Conference and Travel Budget for Council**

That Council direct staff to transfer \$10,000 from Council's miscellaneous account to Council's conferences/travel account to cover conference and travel expenses for the remainder of 2016.



Council Report
For the Meeting of July 14, 2016

To: Council **Date:** July 8, 2016
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: Heritage Designation Application No. 000160 for 564-572 Fisgard Street and 1706-1708 Government

RECOMMENDATION

That Council consider the following revised motion for Heritage Designation Application No. 000160 for 564-572 Fisgard Street and 1706-1708 Government:

"That Council instruct staff to prepare the necessary Heritage Designation Bylaw to designate the property located at 564-572 Fisgard Street and 1706-1708 Government Street pursuant to Section 611 of the Local Government Act, as a Municipal Heritage Site and that first and second reading of the Heritage Designation Bylaw be considered by Council and a public hearing date be set."

EXECUTIVE SUMMARY

The purpose of this report is to provide a revised motion for Council's consideration with regard to Heritage Designation Application No. 000160 for 564-572 Fisgard Street and 1706-1708 Government in order to reflect the updated *Local Government Act* section numbers. All other aspects of this proposal remain the same.

Respectfully submitted,

Handwritten signature of Adrian Brett.

Adrian Brett
Acting Senior Heritage Planner
Development Services Division

Handwritten signature of Jonathan Tinney.

Jonathan Tinney
Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

Handwritten signature of the City Manager.

Date: July 8, 2016



Council Report
For the Meeting of July 14, 2016

To: Council **Date:** July 8, 2016
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: Heritage Designation Application No. 000159 for 539-545½ Fisgard Street and 16-20 Fan Tan Alley

RECOMMENDATION

That Council consider the following revised motion for Heritage Designation Application No. 000159 for 539-545½ Fisgard Street and 16-20 Fan Tan Alley:

"That Council instruct staff to prepare the necessary Heritage Designation Bylaw to designate the property located at 539-545½ Fisgard Street and 16-20 Fan Tan Alley pursuant to Section 611 of the Local Government Act, as a Municipal Heritage Site and that first and second reading of the Heritage Designation Bylaw be considered by Council and a public hearing date be set."

EXECUTIVE SUMMARY

The purpose of this report is to provide a revised motion for Council's consideration with regard to Heritage Designation Application No. 000159 for 539-545½ Fisgard Street and 16-20 Fan Tan Alley in order to reflect the updated *Local Government Act* section numbers. All other aspects of this proposal remain the same.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'A. Brett'.

Adrian Brett
Acting Senior Heritage Planner
Development Services Division

A handwritten signature in black ink, appearing to read 'J. Tinney'.

Jonathan Tinney
Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

A handwritten signature in black ink, appearing to be a stylized 'M'.

Date: July 8, 2016

**COMMITTEE OF THE WHOLE REPORT
FROM THE MEETING HELD JULY 14, 2016**

For the Council Meeting of July 14, 2016, the Committee recommends the following:

1. **Development Permit with Variances Application No. 00004 for 1421 Fairfield Road (Fairfield)**

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

“That Council authorize the issuance of Development Permit Application No. 00004 for Fairfield Road, in accordance with:

1. Plans date stamped April 29, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:

Proposed Lot D

- i. Schedule H (3)(a): Increase the height from 5.0m to 6.8m;
- ii. Schedule H (3)(a): Increase the number of storeys from 1 to 2.

Proposed Lot E

- i. Schedule H (3)(a): Increase the height from 5.0m to 7.5m;
- ii. Schedule H (3)(a): Increase the number of storeys from 1 to 2;
- iii. Schedule H (5)(a): Increase the site coverage from 25% to 27.4%.

3. The Development Permit lapsing two years from the date of this resolution.”

2. **Development Variance Permit Application No. 00004 for 1421 Fairfield Road (Fairfield)**

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

“That Council authorize the issuance of Development Variance Permit Application No. 00004 for 1421 Fairfield Road, in accordance with:

1. Plans date stamped April 29, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:

Proposed Lot F

- a. Part 12.5 (a): Reduce the front setback from 7.5m to 6.25m;
- b. Part 12.5 (b): Reduce the rear setback from 7.5m to 3.5m.

3. The Development Permit lapsing two years from the date of this resolution.”

3. **Wastewater Treatment Update**

That Council direct staff to:

1. Forward the summary of public input to the Capital Regional District in order to inform analysis being undertaken by the new wastewater Project Board

2. Work with the Project Board to determine policy considerations for siting of wastewater treatment facilities within the City of Victoria
3. Share the summary of public input and feedback with the public

4. **Local Service Area – Cyril Close**

That Council consider first, second and third reading to Cyril Close Local Area Service Bylaw 16-045 at the July 14, 2016 Council meeting.

5. **Attendance Request: Urban Development Institute Tour of Los Angeles**

That Council approves the attendance of Councillor Margaret Lucas at the UDI Tour of Los Angeles, Santa Monica and Beverly Hills.

6. **Submission of Input for National Housing Strategy**

That Council direct staff to prepare a response to the questions posed by the federal government on the “Let’s Talk Housing” website and provide a draft response to Council for Council’s consideration by Thursday, October 7th.

7. **Project Plan for the Vic West Neighbourhood Plan**

That Council approve the Project Plan for the Vic West Neighbourhood Plan outlined in Attachment one of the report dated June 30, 2016.

8. **Update on Rezoning Application No. 00472 and Development Permit Application No. 00402 for 1041 Oliphant and 212-220 Cook Street (Fairfield)**

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00472 for 1041 Oliphant Avenue and 212-220 Cook Street, and that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Preparation of the following documents, signed and executed by the applicant to the satisfaction of City Staff:
 - a. Housing Agreement to secure the rental of nine units for a minimum of 20 years at a minimum rental rate of at least 10% below market rate, if not more, and to secure the rental of nine units for a minimum of 10 years at market rate, and that future strata bylaws cannot prohibit strata owners from renting residential strata units.
 - b. Statutory Right-of-Way of 3m for the rear lane access off Oliphant Avenue to the satisfaction of City staff;
 - c. Section 219 Covenant for sewage attenuation to mitigate the impact of increased density, as required, to the satisfaction of City staff;
 - d. Section 219 Covenant for the public realm improvements associated with the sidewalk widening along Cook Street and the paving/widening of the rear lane, to the satisfaction of City staff.

Development Permit Application No. 000402 (updated to reflect revised plans):

That Council authorize the issuance of Development Permit Application with Variance No. 00402 for 1041 Oliphant Avenue and 212-220 Cook Street, in accordance with:

1. Plans date stamped May 20, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Schedule C, 16A.12(c) – Required residential parking is reduced from 1.4 spaces per dwelling unit to 0.9 spaces per dwelling unit.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of staff.
4. That Council authorize staff to execute an Encroachment Agreement for a fee of \$750, plus \$25 per m² of exposed shored face during construction in a form satisfactory to staff. This is to accommodate shoring for construction of the underground parking structure at the property line.
5. The Development Permit lapsing two years from the date of this resolution.

9. **New Development Service Connection Fees Review**

That Council direct staff to amend the Waterworks Bylaw 07-030, and the *Sanitary Sewer and Stormwater Utilities Bylaw* 14-071 to update fees as per Table 2 (option 2 Hybrid New Fee Structure) attached to the report dated July 8, 2016 and report back in 6 months.

10. **Replacement of Street Lights to LED Technology**

That Council direct staff to:

1. Install warm white (3,000K) LED fixtures throughout the City, with the exception of cool white (4,000K) LED streetlight fixtures in all signalized intersections and marked crosswalks;
2. Develop a "smart" LED streetlight control pilot program, to demonstrate suitable applications of controllable LED technology to further improve energy savings potential, public safety and security and report back to Council with recommendations for the City's streetlight network in early 2017;
3. Introduce an LED communication plan to provide the public with pertinent information and opportunity for feedback concerning LED streetlight installations; and
4. Report back to Council regarding outcomes of the BC Hydro streetlight funding application and connection-fee decisions, with associated financial implications and recommendations.

11. **Irving Park – Commons Garden License of Occupation**

1. That Council:

1. Approve the proposal for a commons garden at Irving Park, and authorize the Mayor and Corporate Administrator to execute a new License of Occupation with the James Bay New Horizons Society, for a period of three years, at an annual consideration of \$1.00, in a form satisfactory to staff, subject to the publication of the statutory notices required by the *Community Charter*.

2. That Council direct staff to report back on resuming the provision of leaf mulch and soil to community gardens covered by license of occupation on city-owned land and provide information on the cost estimates for common gardens and allotment gardens.

12. **Taxation of Vacant Residential Properties**

WHEREAS The City of Victoria is facing a housing crisis with a vacancy rate of roughly 0.6 percent.

AND WHEREAS An unknown number of units currently sit empty and are held as investments rather than as housing.

AND WHEREAS The Provincial Government has recently indicated that they are preparing to introduce legislation to allow Vancouver to tax vacant units through an amendment to the Vancouver Charter.

THEREFORE BE IT RESOLVED that Council ask the Mayor to write the Premier and the Ministers of Housing, Finance, and Community Sport and Cultural-Development to request that the Provincial Government amend the Community Charter to enable municipalities across BC to implement a tax on vacant properties.

AND BE IT FURTHER RESOLVED that Council forward the following motion to the next quarterly Strategic Plan update:

BE IT RESOLVED That Council direct staff to begin collecting data on the number of empty units in the City of Victoria to allow Council to make an informed decision on whether or not to implement a tax on vacant properties if the Province makes the requested changes to the Community Charter.

Andrew Weaver, M.L.A.
Oak Bay-Gordon Head

Constituency Office:
219 - 3930 Shelbourne Street
Victoria, BC V8P 5P6
Phone: 250 472-8528
Fax: 250 472-6123
e-mail: Andrew.Weaver.MLA@leg.bc.ca



Province of
British Columbia
Legislative Assembly

Legislative Office:
Room 027
Parliament Buildings
Victoria, BC V8V 1X4

July 13th, 2016

Dear Mayor and Council,

I am writing you concerning the announcement earlier this week that the BC Government will be reconvening the BC Legislature in order to make amendments to the *Vancouver Charter*, to provide the statutory power required for the City of Vancouver to implement a "vacancy tax".

I am deeply concerned that far from moving forward on this issue, the government's piecemeal approach risks taking a complex regional issue, and introducing a new element of chaos into the equation.

My hope, in writing you today, is that we might be able to start a dialogue about vacancy taxes - whether they are a policy that your community is considering, and whether if implemented, they are best done at a regional level for the lower mainland as a whole. My fear is that given how interconnected the municipalities are in the greater Victoria area, a fractured approach to this issue may lead to regional disparity and increasing impacts in certain communities.

While the legislation proposed by the government does not appear to apply to any municipality other than Vancouver, if interest in this policy expands I think it is essential that we have a plan for how best it should be implemented.

Given your proximity to this issue, I would be very interested in hearing your thoughts, as you are on the frontline trying to deal with the concerns of our shared constituents.

Thank you very much for your time – I look forward to your response.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Andrew Weaver'.

Andrew Weaver
MLA Oak Bay – Gordon Head
Leader, BC Green Party

NO. 16-045

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to establish a Local Area Service for the construction of a landscaped island in the cul-de-sac of Cyril Close and to establish a parcel tax to pay for the cost of the island.

Under its statutory powers, including sections 200 and 210 of the *Community Charter*, the Council of The Corporation of the City of Victoria, in an open meeting assembled, enacts the following provisions:

1. This Bylaw may be cited as the "CYRIL CLOSE LOCAL AREA SERVICE BYLAW, 2016"
2. The parcels of land included in the area shown shaded on the map in Schedule A, and more specifically described in Schedule B are designated as a Local Area Service for the purposes of section 211 of the *Community Charter*, in which municipal works are to be undertaken for the special benefit of that area.
3. The construction of a landscaped island in the Cyril Close cul-de-sac will be undertaken for the special benefit of the Local Area Service.
4. The total estimated cost of the works described in section 3 is \$7,370.17.
5. Subject to section 7, for the purpose of section 4, a parcel tax of \$129.81 per parcel is imposed
 - (a) on each of the parcels of land in the Local Area Service, and
 - (b) on each year for a period of 10 years beginning in the year 2017.
6. A Cyril Close Local Area assessment roll must be prepared for the purpose of imposing the parcel tax under Section 5.
7. Instead of paying the parcel tax each year for the years set out in section 5, the owner of a parcel of land in the Local Service Area may make a single cash payment of that parcel's proportionate share, as set out in Schedule B, of the total cost of the works. All single cash payments made under this section must be made before December 31st, 2016.

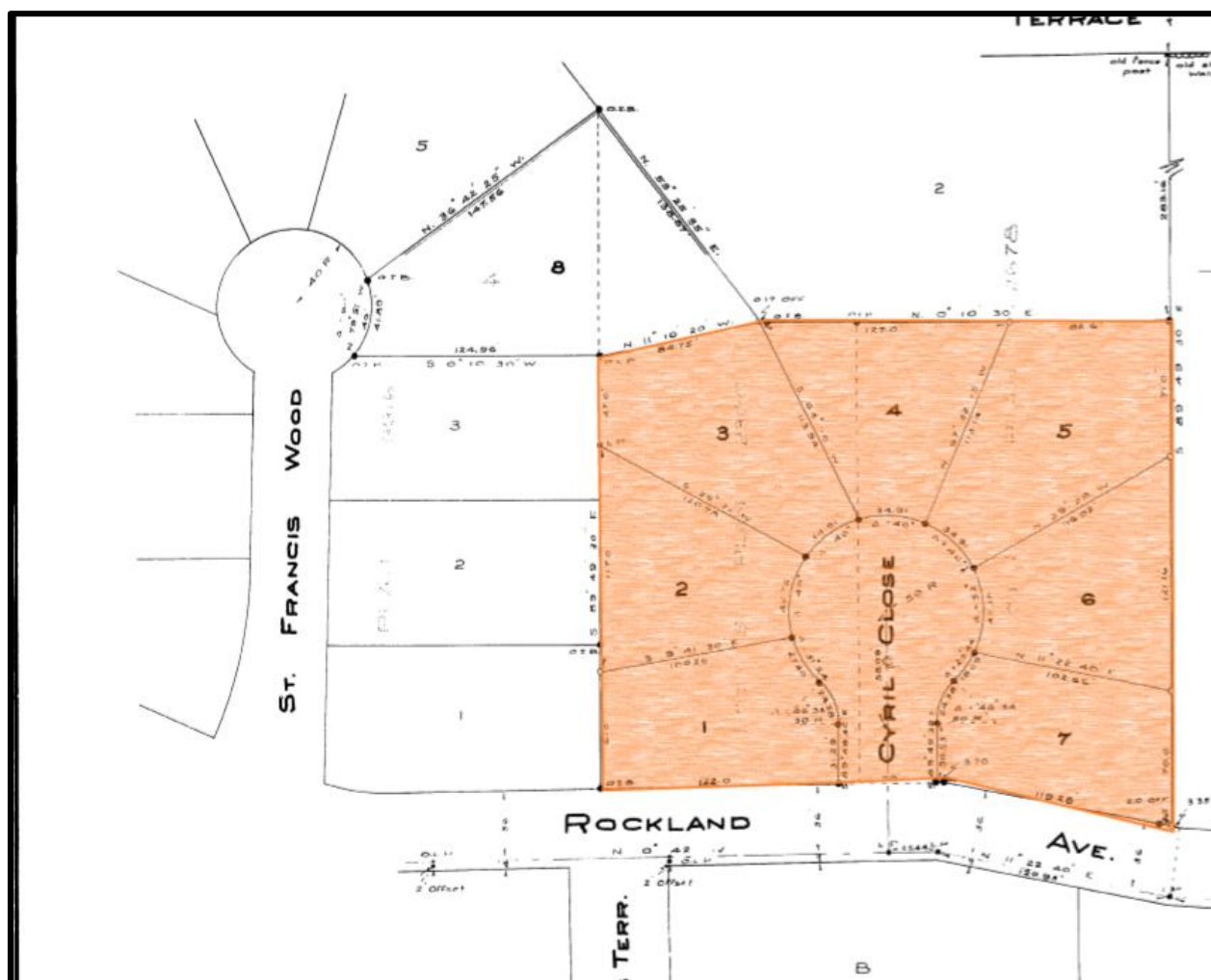
READ A FIRST TIME THIS	day of	2016.
READ A SECOND TIME THIS	day of	2016.
READ A THIRD TIME THIS	day of	2016.
ADOPTED on the	day of	2016.

CORPORATE ADMINISTRATOR

MAYOR

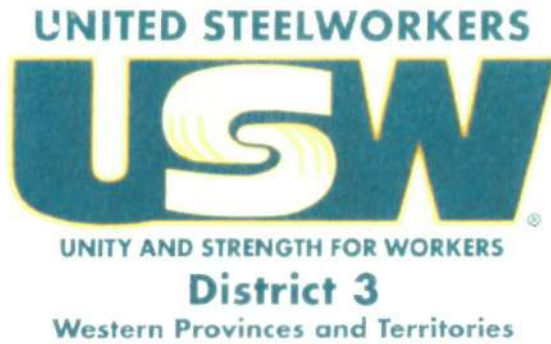
- 2 -

Schedule "A"
Map of Local Area Service – Cyril Close
(Cyril Close Local Area Service Bylaw, 2016)



Schedule "B"
Description of Local Service Area Lands
And their Proportionate Share of Cost
(Cyril Close Local Area Service Bylaw, 2016)

Folio No.	Address	Legal Description	Commuted Payment By Dec. 30, 2016	Annual Payment	Total of 10 Annual Payments
04306013	1760 Rockland Ave.	Lot 1, Plan 11413, Section 74, Victoria, PID 002-057-883	\$1,052.88	\$129.81	\$1,298.81
04306014	1674 Cyril Close	Lot 2, Plan 11413, Section 74, Victoria, PID 005-023-319	\$1,052.88	\$129.81	\$1,298.81
04306015	1660 Cyril Close	Lot 3, Plan 11413, Section 74, Victoria, PID 005-023-327	\$1,052.88	\$129.81	\$1,298.81
04306016	1652 Cyril Close	Lot 4, Plan 11413, Section 74, Victoria, PID 000-952-958	\$1,052.88	\$129.81	\$1,298.81
04306017	1661 Cyril Close	Lot 5, Plan 11413, Section 74, Victoria, PID 005-023-335	\$1,052.88	\$129.81	\$1,298.81
04306018	1669 Cyril Close	Lot 6, Plan 11413, Section 74, Victoria, PID 005-023-343	\$1,052.88	\$129.81	\$1,298.81
04306019	1750 Rockland Ave.	Lot 7, Plan 11413, Section 74, Victoria, PID 003-793-672	\$1,052.88	\$129.81	\$1,298.81
TOTAL			\$7,370.16	\$908.67	\$9,086.70



Stephen Hunt
District Director

June 14, 2016

Mayor & Councillors
City of Victoria
1 Centennial Square
Victoria, BC
V8W 1P6

Dear Mayor & Councillors,

I'm writing to draw your attention to an issue of importance to members of the United Steelworkers working in the BC forest industry, particularly those employed on Vancouver Island.

It has come to our attention that certain organizations are lobbying for an end to old growth logging in the Walbran area of TFL 46, and more recently, some other areas of the Island. Such a move would inflict considerable harm to the thousands of workers employed in the forest industry throughout Coastal BC.

Our union believes strongly in the value of our province's working forests. Our forests are a renewable resource that requires proper management to ensure their sustainability for generations to come. We have not shied away from raising our concerns when actions are undertaken that threaten this sustainability; be it from companies that are not logging responsibly, governments that are allowing for record number of log exports or organizations which seek to lock up large areas of the working forest resulting in lost jobs, economic activity and reduced revenue for important government programs.

High value timber from old growth logging is an integral element of the forest industry that provides balance to the lower value strands of timber that are logged by our members.

As these issues are discussed, we ask you to consider the perspective of forest workers, their families and communities that rely upon a sustainable, working forest for their livelihoods.

Should Council be interested, our office would be pleased to present more information on this important topic for your consideration.

Page 2
June 14, 2016

Sincerely,



Stephen Hunt
Director

SH/SL/gt



Copy: Capital Regional District
Bob Matters
USW Vancouver Island Local Unions

Our ref: 1980-136-1 Coast Locals Correspondence
1980-131- Steelworkers Wood Council Correspondence
1620-100 Timber Harvesting



Jonathan X. Côté
Mayor

June 24, 2016

Via Email

Dear Mayor and Council,

I am writing to request your support of a resolution submitted by New Westminster City Council to UBCM regarding tenant evictions through renovations.

There is evidence that the practice of 'renovictions,' in which some landlords evict their tenants under the guise of performing major renovations and then significantly increase the rent on those units, is becoming more commonplace in New Westminster and elsewhere in the province.

Research strongly suggests that many tenants do not understand their rights and are not aware of the *Residential Tenancy Act* or the dispute resolution process. They are also not aware of resources to assist them such as the Pivot Legal Society or the Tenants Rights Action Coalition. Additionally, some tenants are reluctant to exercise their rights given the cost or time involved or the fear of the potential repercussions. This is particularly true of certain groups such as isolated seniors, new immigrants and refugees, people with disabilities, and those with low levels of literacy.

For these reasons, at a meeting on June 13, 2016, New Westminster City Council approved the following resolution for submission to UBCM for consideration at the 2016 Convention:

Whereas the practice of 'renovictions,' by which some landlords evict their tenants under the guise of performing major renovations and then significantly increase the rent of those units, is on the rise in our province; and

Whereas this practice is very disruptive to those impacted, including the elderly, low-income families and new immigrants, and contributes to housing unaffordability and homelessness; and

Office of the Mayor

Corporation of the City of New Westminster

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Page 1

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Whereas municipalities are limited in their ability to address this issue and many tenants are unaware of their rights or are reluctant to exercise them;

THEREFORE, BE IT RESOLVED:

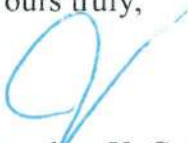
THAT the Union of BC Municipalities urge the Provincial Government to amend the Residential Tenancy Act to allow renters the right of first refusal to return to their units at a rent that is no more than what the landlord could have lawfully have charged, including allowable annual increases, if there had been no interruption in the tenancy.

A staff report giving more information on this matter is attached.

If you have any questions or would like more information, please contact me at jcote@newwestcity.ca or 604-527-4522.

Your support of this resolution is appreciated.

Yours truly,



Jonathan X. Cote
Mayor

Encl. Staff Report: Union of BC Municipalities Resolution Related to Tenant Evictions through Renovations



REPORT *Development Services*

To:	Mayor Côté and Members of Council	Date:	6/13/2016
From:	Beverly Grieve Director of Development Services	File:	13.2630.09
		Item #:	206/2016
Subject:	Union of BC Municipalities Resolution Related to Tenant Evictions through Renovations		

RECOMMENDATION

THAT Council endorse the recommended Union of BC Municipalities (UBCM) resolution related to tenant evictions through renovations.

THAT Council direct staff to forward the resolution and background documentation to UBCM and to actively seek municipal support for the resolution.

PURPOSE

The purpose of this report is threefold: (1) to seek Council endorsement of the recommended Union of BC Municipalities (UBCM) resolution; (2) to direct staff to forward the resolution and background information to UBCM by the June 30, 2016 deadline; and (3) to direct staff to actively seek municipal support for the resolution.

SUMMARY

There is evidence that the practice of 'renovictions,' in which some landlords evict their tenants under the guise of performing major renovations and then significantly increase the rent on those units, is becoming more commonplace in New Westminster and elsewhere in the province. New Westminster City Council recently endorsed a number of actions to inform tenants of their rights and to facilitate enhanced access to information and resources. These actions, while important, will have limited impact, as it does not take the incentive out of the practice of 'renovictions.' For this to occur, amendments will have to be made to the

Residential Tenancy Act. To this end, Council approved a resolution for consideration by the Lower Mainland Local Government Association, which was endorsed. Council also directed staff to prepare a resolution for consideration by the Union of BC Municipalities, which is the focus of this report.

BACKGROUND

At the City's Seniors Advisory Committee (SAC) meeting of February 11, 2016, the membership raised the issue of 'renovictions' and requested that staff explore how widespread this practice is in New Westminster and how other municipalities are addressing this issue. Based on this discussion, staff conducted case study research in Metro Vancouver and did some preliminary consultation, including with the Tenants Rights Action Coalition. This information was shared back with the SAC membership at its meeting of April 14, 2016.

Based on the research and consultation, City staff forwarded a Report to Council on May 2, 2016. This report recommended a number of actions, the majority of which were intended to inform tenants of their rights and facilitate enhanced access to information and resources. One of the actions called for amendments to the *Residential Tenancy Act* to allow tenants the right of first refusal to return to their unit at a rent that is no more than the landlord could lawfully have charged, including allowable annual increases, if there had been no disruption to the tenancy.

Based on the report, Council prepared a resolution for consideration by the Lower Mainland Local Government Association (LMLGA) at its Annual General Meeting and Conference in May 2016. This resolution, which called for amendments to the *Residential Tenancy Act*, was endorsed by the LMLGA.

Based on the resolution to the LMLGA, Council directed staff to prepare a more refined resolution for consideration at the Union of BC Municipalities Conference in September 2016. This resolution is detailed later in this report.

DISCUSSION

Definition

According to the Pivot Legal Society, 'renoviction' is defined as *the practice of exploiting a clause in the Residential Tenancy Act which allows a landlord to evict their tenants under the guise of performing major renovations and then significantly increasing the rent on the unit or units.*

Legislation

The *Residential Tenancy Act* discusses evictions for the purpose of renovations in section 49, noting that: *A landlord may end a tenancy in respect of a rental unit if the landlord has all the necessary permits and approvals required by law, and intends in good faith, to do any of the following: renovate or repair the rental unit in a manner that requires the rental unit to be vacant.* The *Residential Tenancy Act* also sets out levels of compensation (equivalent compensation to one month's rent) and notice (two months' notice) for tenants who have to vacate their unit due to major renovation or repair.

Case Study Research

Case study research was conducted on 16 Metro Vancouver municipalities. A number of the municipalities responded that 'renovictions' are not a major issue or priority at this time, with several reporting that they are currently studying the issue. Only the City of Vancouver has developed a policy and it is not applicable in situations where only a building permit is required, which describes most renovation scenarios. The most common refrain from respondents was that municipalities cannot stall or stop building and other permits to prevent 'renovictions.'

Of note, the City of Vancouver, in a Report to Council on December 3, 2015, advocated for *the Province to amend the Residential Tenancy Act to allow renters the right of first refusal to return to their unit at a rent that is no more than what the landlord could have lawfully charged (e.g., including allowable annual increases) if there has been no interruption in the tenancy.*

The above cited action related to advocacy forms part of the City of Vancouver's *Tenant Relocation and Protection Policy*. In discussions with this municipality, it was learned that this action has not been raised with the Provincial Government or other municipalities and that a related resolution has not been developed for consideration by the Lower Mainland Local Government Association or the Union of BC Municipalities.

Impacts

The case study research and consultation strongly suggests that many tenants do not understand their rights and are not aware of the *Residential Tenancy Act* or the dispute resolution process. They are also not aware of resources to assist them such as the Pivot Legal Society or the Tenants Rights Action Coalition. Additionally, some tenants are reluctant to exercise their rights given the cost or time involved or the fear of the potential repercussions. This is particularly true of certain groups such as isolated seniors, new immigrants and refugees, people with disabilities, and those with low levels of literacy.

RECOMMENDED RESOLUTION

That the below recommended resolution be forwarded to the Union of BC Municipalities for consideration at its Annual Conference in September 2016.

Whereas the practice of 'renovictions,' by which some landlords evict their tenants under the guise of performing major renovations and then significantly increase the rent of those units, is on the rise in our province.

Whereas this practice is very disruptive to those impacted, including the elderly, low-income families and new immigrants, and contributes to housing unaffordability and homelessness.

Whereas municipalities are limited in their ability to address this issue and many tenants are unaware of their rights or are reluctant to exercise them.

THEREFORE, BE IT RESOLVED:

THAT the Union of BC Municipalities urge the Provincial Government to amend the Residential Tenancy Act to allow renters the right of first refusal to return to their units at a rent that is no more than what the landlord could have lawfully have charged, including allowable annual increases, if there has been no interruption in the tenancy.

OPTIONS

There are three options for consideration:

1. That Council endorse the recommended Union of BC Municipalities (UBCM) resolution related to tenant evictions through renovations.
2. That Council direct staff to forward the resolution and background documentation to UBCM and to actively seek municipal support for the resolution.
3. That Council provide staff with other direction.

Staff recommends options 1 and 2.

This report has been prepared by
John Stark, Senior Social Planner
Tristan Johnson, Planning Analyst

This report was reviewed by:
Jackie Teed, Manager of Planning

Approved for Presentation to Council



Beverly Grieve
Director of Development Services



Lisa Spitale
Chief Administrative Officer

RECEIVED

JUN 28 2016

LEGISLATIVE SERVICES

201 Chown Place
Victoria City Council - 14 Jul 2016
Victoria, B.C. V9A 1H5
28th June, 2016.

(Telephone: 250: 386-9150)

Mayor Lisa Helps
and City Council,
City Hall,
1 Centennial Square,
Victoria, B.C. V8W 1P6

Dear Mayor Helps and Council,

Since we will soon be marking the 150th anniversary of the historic election in November, 1866, in which Mr. Mifflin Wistar Gibbs was elected to Victoria City Council, I am writing at this time to respectfully suggest that Victoria City Council officially proclaim Saturday, November 19th, 2016, as Mifflin Wistar Gibbs Day in Victoria.

With his election in 1866, Mr. Gibbs became the first black politician to get elected not only to Victoria City Council but to any public office in Canada (or what would officially become Canada a few months later).

But Mifflin Gibbs was much more than just the first black person to hold public office in this city and this country. He was a truly remarkable man in many different ways.

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In addition to his two terms of distinguished service on Victoria City Council, Mr. Gibbs played a very important role in Victoria's pioneer business community. Indeed, he and his partner, Mr. Peter Lester, started one of the first independent businesses to be established in Victoria (that is, a store not run by the Hudson's Bay Company).

By all accounts, Mr. Gibbs always conducted himself with great dignity and an unwavering sense of purpose. One good illustration of this occurred one night in 1861 at the old Colonial Theatre in Victoria. Mr. Gibbs attended a concert that evening with one of his friends, another black gentleman by the name of Nathan Pointer, and at the end of the concert an incredibly stupid white fellow in the audience threw white powder all over Mr. Gibbs and Mr. Pointer.

Though he was understandably outraged, Mr. Gibbs said everyone should remain calm and keep this incident in perspective. There was so much important work to focus on in the community, he said, there was simply no time or energy to waste worrying about that silly person who threw the powder.

While working diligently on many projects to help develop the fledgling city of Victoria, Mr. Gibbs also cast a visionary eye to the future. He was one of the strongest advocates of British Columbia joining the newly formed Canadian nation and in 1868 he was a passionately pro-Confederation delegate to a convention held in Yale to discuss British Columbia's future.

As we now prepare to celebrate the 150th anniversary of Canadian Confederation next year, it is very interesting to note that a black politician was elected to Victoria City Council more than a century before the first black politician was elected to the House of Commons in Ottawa (Lincoln Alexander in 1968).

To summarize, Mr. Mifflin Wistar Gibbs was a man who demonstrated great ability and perseverance, impeccable integrity and strength of character, exceptional courage and a remarkable sense of vision. I respectfully suggest therefore that, on the occasion of the 150th anniversary of his being elected to Victoria City Council, it would be very appropriate to recognize the outstanding contribution he made to our city and to our country by officially proclaiming Saturday, November 19th, 2016, as Mifflin Wistar Gibbs Day in Victoria.

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Though I am aware, of course, that Mr. Gibbs and the other wonderful black pioneers who came to Victoria in the nineteenth century receive a bit of acknowledgement each year during Black History Month, I think Mr. Gibbs is clearly deserving of special recognition since he was so much more than just an interesting footnote to Victoria's history. Indeed, during his time here Mifflin Gibbs played a pivotal role in our city's political, economic and social development.

While any day would certainly be a suitable day to honour Mr. Gibbs, I think November 19th would be particularly appropriate since that was the date in 1866 on which Mr. Gibbs first took his seat on Victoria City Council.

Thank you very much.

Yours sincerely,

Gordon Pollard

Copies:

- The News Editor, Times Colonist
- The News Editor, Victoria News
- The News Editor, CFX Radio
- The News Editor, CBC Radio Victoria
- The News Editor, CBC Television Victoria
- The News Editor, CHEK TV
- The News Editor, CTV Victoria

- The Principal and staff, Central Middle School
- The Principal and staff, George Jay Elementary School
- The Principal and staff, James Bay Community School
- The Principal and staff, Lansdowne Middle School
- The Principal and staff, Margaret Jenkins Elementary School
- The Principal and staff, Oaklands Elementary School
- The Principal and staff, Quadra Elementary School
- The Principal and staff, Sir James Douglas Elementary School
- The Principal and staff, South Park Family School
- The Principal and staff, Victoria High School
- The Principal and staff, Victoria West Elementary School

Please note:

I thought it would be appropriate that this letter be hand-written (or hand-printed) since the minutes of that historic council meeting on November 19th, 1866, (which are available on microfilm at the city archives) were recorded in hand-written form.