

F.2 Bylaw for 2740 and 2742 Fifth Street

Moved By Councillor Andrew

Seconded By Councillor Alto

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

- Zoning Regulation Bylaw, Amendment Bylaw (No. 1216) No. 21-058

CARRIED UNANIMOUSLY

Moved By Councillor Andrew

Seconded By Councillor Alto

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

- Housing Agreement (2740 and 2742 Fifth Street) Bylaw (2021) No. 21-059

CARRIED UNANIMOUSLY

Moved By Councillor Andrew

Seconded By Councillor Alto

Development Variance Permit Application No. 00236

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00709, if it is approved, consider the following motion:

“That Council authorize the issuance of a Development Variance Permit Application for 2740 and 2742 Fifth Street, in accordance with:

- a. Plans date stamped May 4, 2020.
- b. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
 - i. reduce the rear yard setback from 3.0m to 1.20m.
- c. The Development Permit lapsing two years from the date of this resolution.”

CARRIED UNANIMOUSLY



Council Report

For the Meeting of June 10, 2021

To: Council **Date:** May 27, 2021

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

Subject: **Update on Rezoning Application No. 00709 and Development Variance Permit Application No. 00236 for 2740 & 2742 Fifth Street**

RECOMMENDATION

Rezoning Application No. 00709

That Council give first and second reading of the Zoning Regulation Bylaw Amendment No. 21-058 (Amendment No. 1216) and give first, second and third reading of Housing Agreement (2740 and 2742 Fifth Street) Bylaw No. 21-059.

Development Variance Permit Application No. 00236

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00709, if it is approved, consider the following motion:

“That Council authorize the issuance of a Development Variance Permit Application for 2740 and 2742 Fifth Street, in accordance with:

- a. Plans date stamped **May 4, 2020**.
- b. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
 - i. reduce the rear yard setback from 3.0m to 1.20m.
- c. 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 on the Rezoning and Development Variance Permit Applications for the property located at 2740 and 2742 Fifth Street. The proposal is to rezone from the R-2 Zone, Two Family Dwelling District, to the R2-38 Zone, Fifth Duplex District to retain the existing two-family dwelling and construct a new single-family dwelling in the rear yard. The proposed variance is to reduce the rear yard setback. The application was considered by Council on December 12, 2019, where the following resolution was approved:

Rezoning Application No. 000709

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00709 for 2740 & 2742 Fifth Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

- a. Preparation and execution of legal agreements secure the design of the existing and proposed buildings including the energy efficiency certifications, to the satisfaction of City Staff.*
- b. Preparation and execution of a Housing Agreement to secure the proposed dwelling as rental for five years.*
- c. Subject to refinements being made to the proposal with respect to the length of rental tenure and the passive house standard of the new building.*

Development Variance Permit Application No. 00236

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00709, if it is approved, consider the following motion:

“That Council authorize the issuance of a Development Variance Permit Application for 2740 & 2742 Fifth Street, in accordance with:

- d. Plans date stamped October 10, 2019.*
- e. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:*
 - ii. reduce the rear yard setback from 3.0m to 1.20m.*
- f. The Development Permit lapsing two years from the date of this resolution.”*

COMMENTS

In response to the Council motion of December 12, 2019, the applicant has revised the application with respect to the passive house standard of the new building and the length of rental tenure, as described below.

Energy Efficiency

The applicant revised the energy efficiency of the proposed single-family dwelling from Built Green certification to Passive House Institute Low Energy Building certification. A design covenant has been registered to secure the new building to be designed and constructed as a Passive House Institute Low Energy Building and Solar Electric Ready. The existing duplex building is already Passive House Certified.

Revised plans have been provided by the applicant to incorporate the new low energy aspects. As such, the Development Variance Permit motion has a new date noted in bold in the recommendation.

Housing Agreement

The applicant originally proposed to secure the new dwelling as rental for five years. However, in response to Council's request that the applicant consider a longer rental term be secured, a

Housing Agreement has been executed which would secure the proposed dwelling as rental for ten years.

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

Respectfully submitted,

Mike Angrove
Senior Planner
Development Services Division

Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Revised plans dated May 4, 2020
- Attachment B: Letter to Mayor & Council from the applicant received May 19, 2021.



1 Building Street Frontage

2 Proposed Street Frontage
Scale: 1/4" = 1'-0"

2742 QUADRA - 4 STOREY FLAT
ROOF
26.80 M

2740 FIFTH PEAK 22.64 M

2740 FIFTH EAVE
22.41 M

2744 PEAK - PROPOSED
21.72 M

2744 EAVE - PROPOSED
21.06 M

2750 FIFTH PEAK
21.90 M

2744 UPPER FLOOR - PROPOSED
18.29 M

2740 FIFTH AVERAGE GRADE

2744 MAIN FLOOR - PROPOSED

15.18 M

2744 AVERAGE GRADE - EXISTING

14.64 M

Public Hearing Submission	Issue Notes
Public Hearing - Client Review 2	
Public Hearing - Client Review	
Rezoning Revised Submission	
Rezoning Submission	
CALUC Plans for Client Review	

No.	Date
F	20-4-1
E	20-3-14
D	20-1-20
C	19-9-22
B	19-7-11
A	18-11-21

Client Name	Blake & Cassidy
Client Address	2740 Fifth ST
Drawn By	CD
Project ID	
Revision	
Date	2020.04.01

AEA
ADAPT ENERGY ADVISING
2740 FIFTH ST VICTORIA, BC V8T 4B2
info@adaptenergyadvising.com
adaptenergyadvising.com

2744 Fifth Street Rezoning	Street Elevations
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Scale: As Noted

Sheet No.
A 1.1
of
A1.8

A

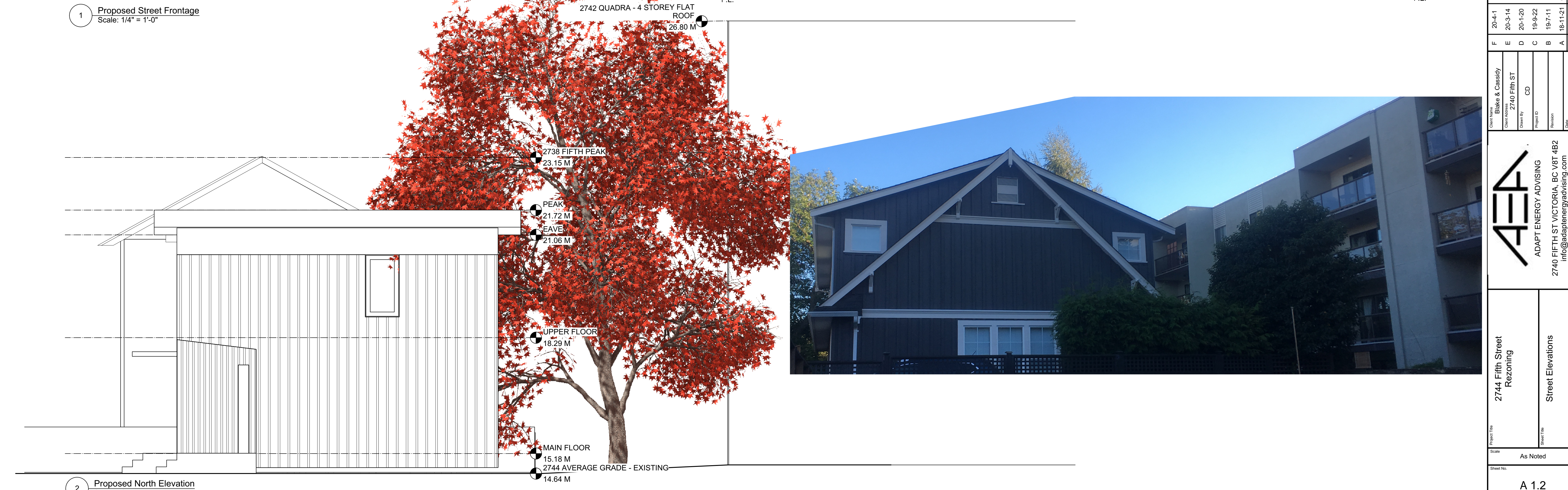
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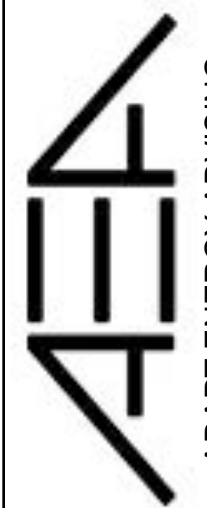
1 Proposed Street Frontage
Scale: 1/4" = 1'-0"

B

B

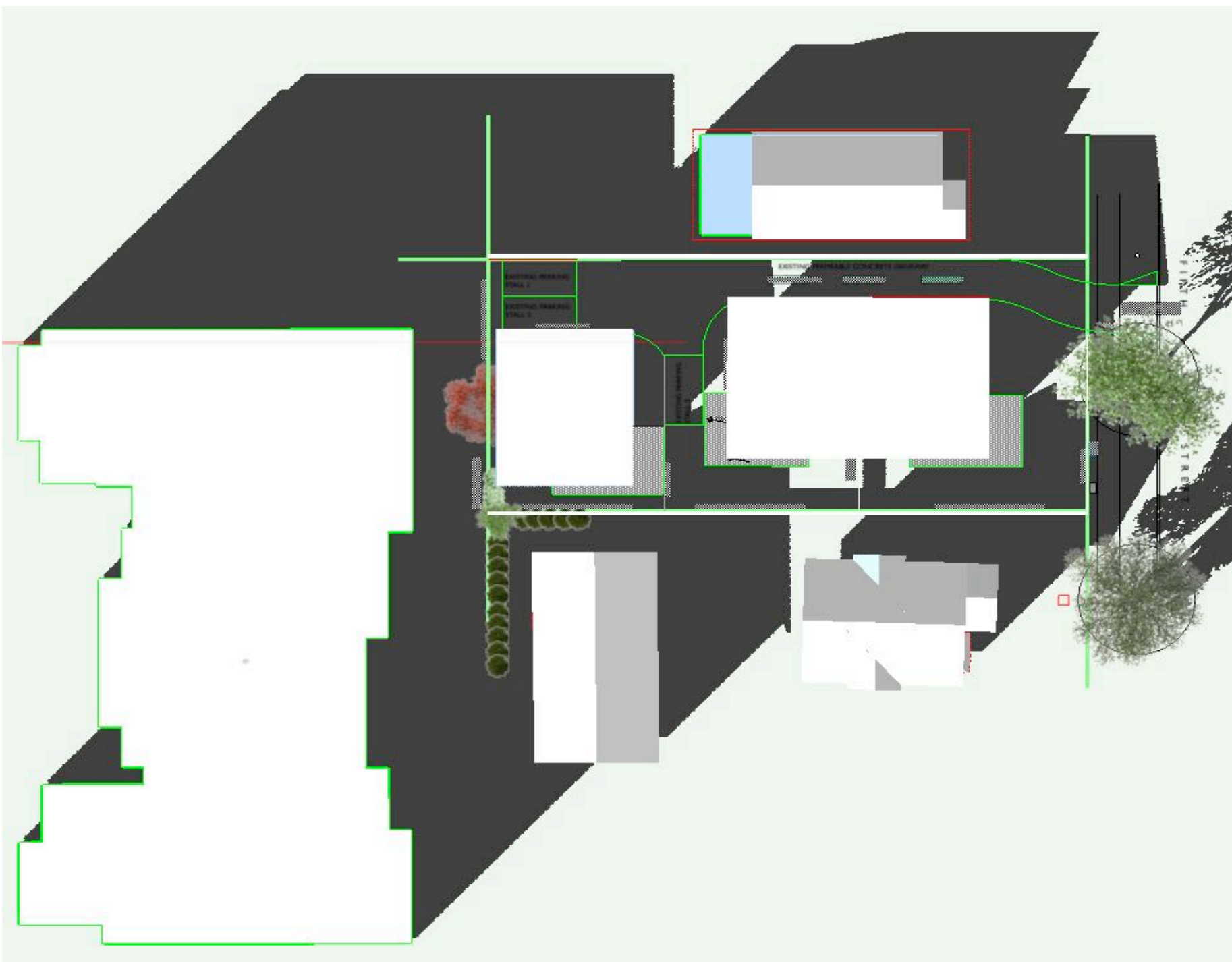
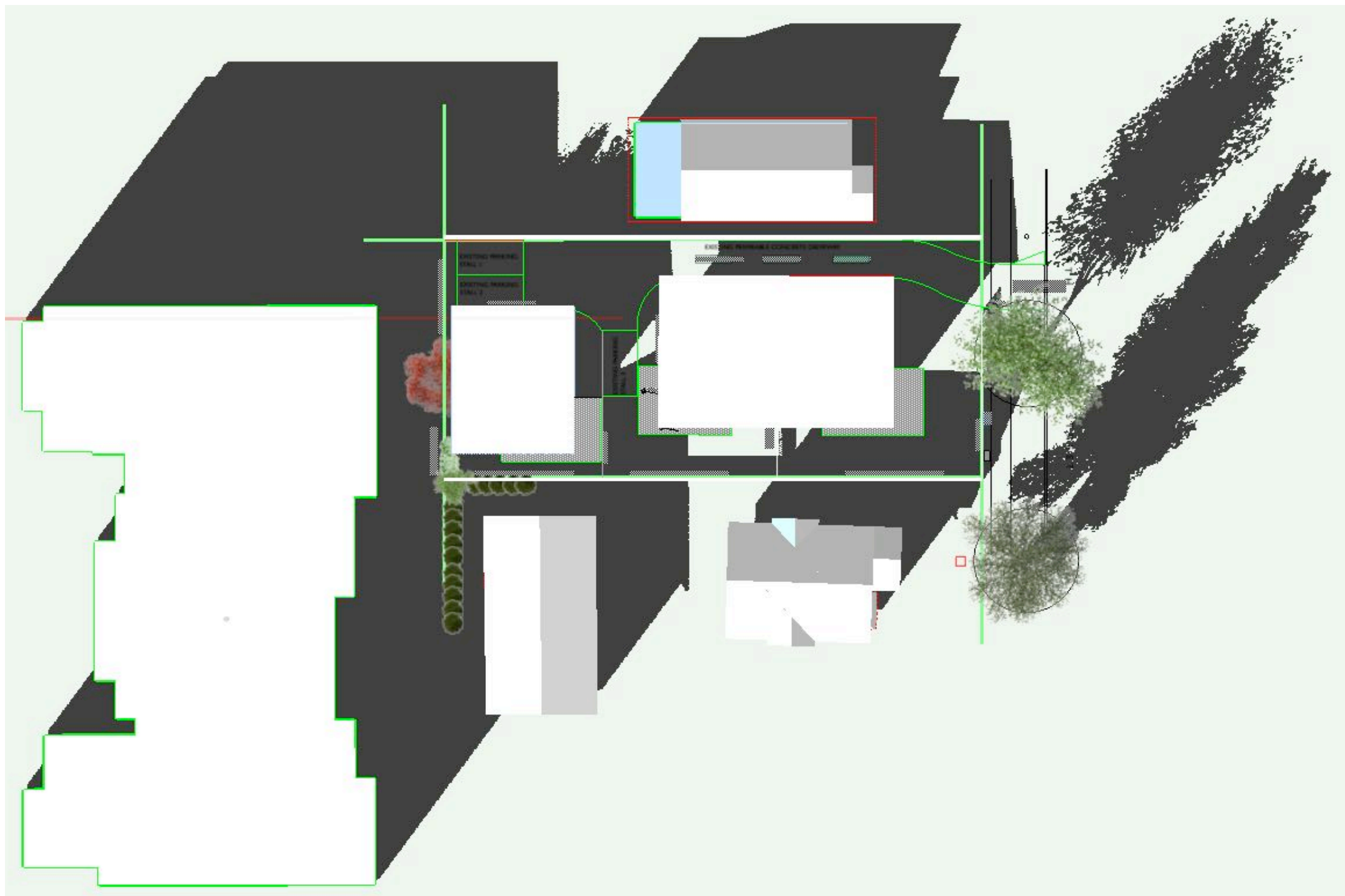
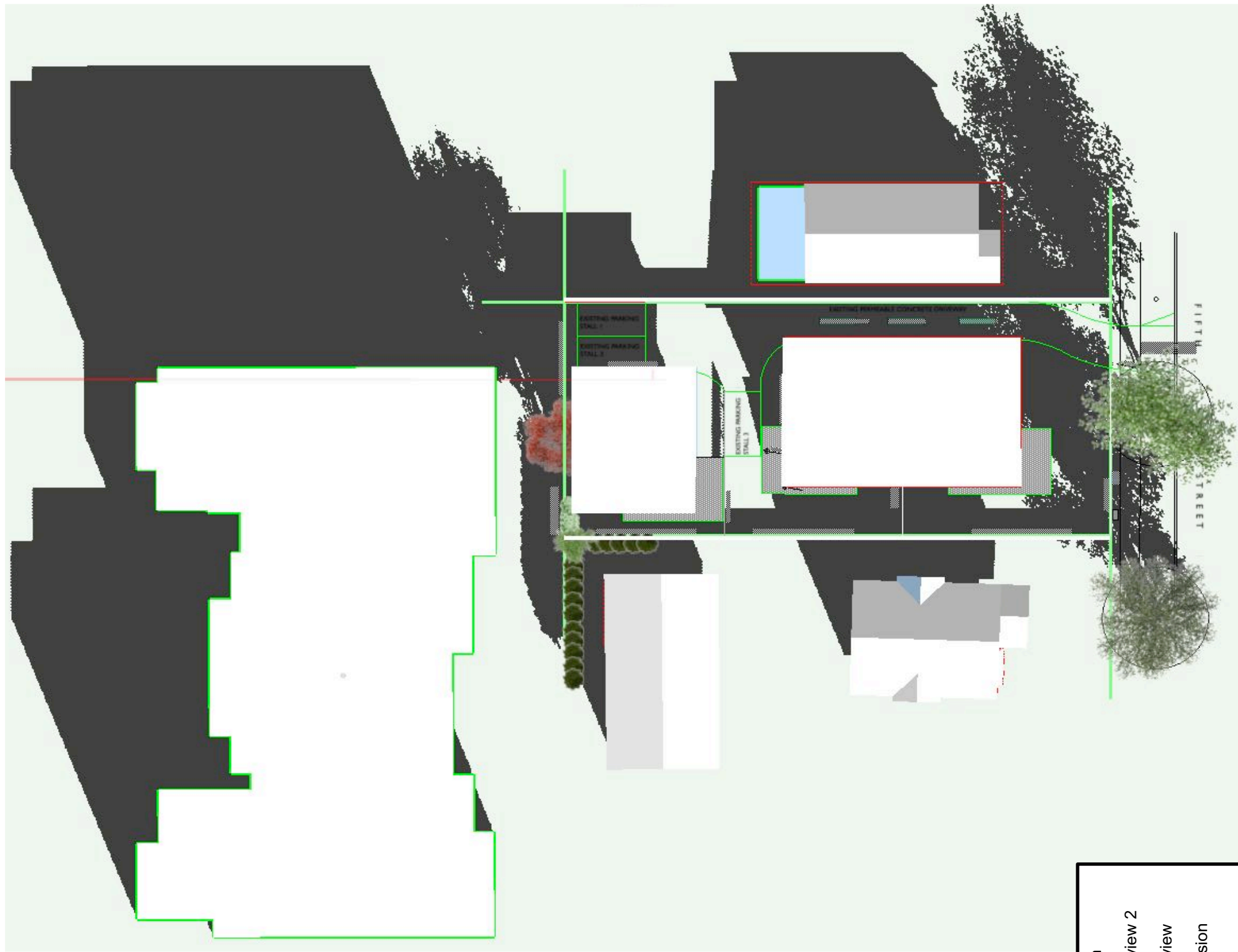
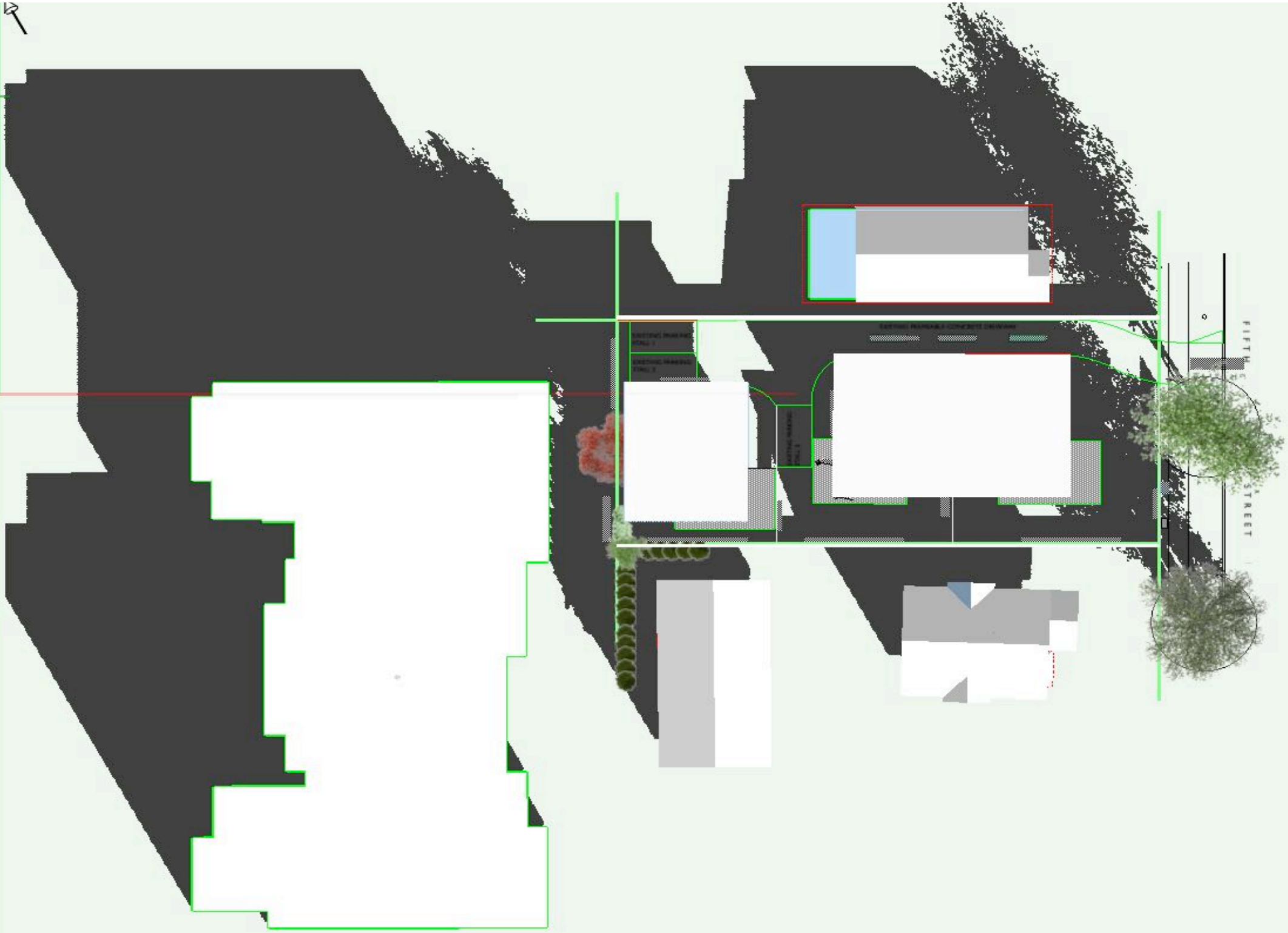


2 Proposed North Elevation
Scale: 1/4" = 1'-0"

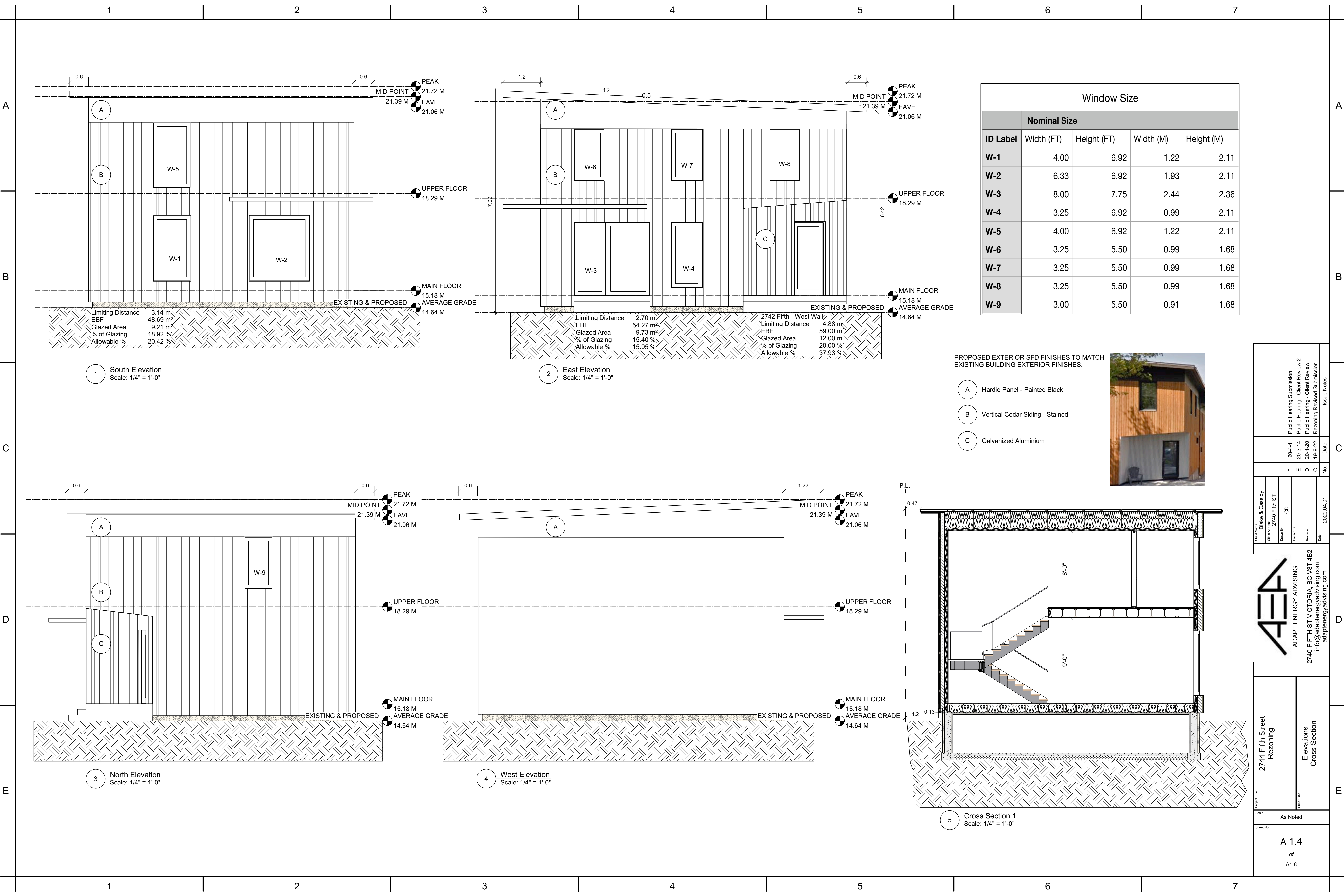
Public Hearing Submission		Public Hearing - Client Review 2		Public Hearing - Client Review		Public Hearing Revised Submission		Rezoning Submission		CALUC Plans for Client Review		Issue Notes	
20-4-1	20-3-14	20-1-20	19-9-22	19-7-11	18-11-21							Date	
F	E	D	C	B	A	No.							
Client Name: Blake & Cassidy		Client Address: 2740 Fifth ST		Drawn By: CD		Project ID:		Revision:		Date: 2020.04.01			
						ADAPT ENERGY ADVISING 2740 FIFTH ST VICTORIA, BC V8T 4B2 info@adaptenergyadvising.com adaptenergyadvising.com							
2744 Fifth Street Rezoning						Street Elevations							
Scale: As Noted													
Sheet No. A 1.2 of A1.8													

A

B



Project Title		2744 Fifth Street Rezoning		Shadow Analysis	
Scale		N.T.S.		A 1.3 of A1.8	
Sheet No.		A 1.3		A1.8	
Client Name		Blake & Cassidy		20-4-1	
Client Address		2740 Fifth ST		20-3-14	
Drawn By		CD		20-1-20	
Project ID		CD		19-9-22	
Revision		A		18-11-21	
Date		2020.04.01		19-7-11	
Public Hearing Submission		Public Hearing - Client Review 2		20-4-1	
Public Hearing - Client Review		Public Hearing - Client Review		20-3-14	
Rezoning Revised Submission		Rezoning Revised Submission		20-1-20	
CALUC Plans for Client Review		CALUC Plans for Client Review		19-7-11	
Issue Notes		Issue Notes		18-11-21	



Window Size				
Nominal Size				
ID Label	Width (FT)	Height (FT)	Width (M)	Height (M)
W-1	4.00	6.92	1.22	2.11
W-2	6.33	6.92	1.93	2.11
W-3	8.00	7.75	2.44	2.36
W-4	3.25	6.92	0.99	2.11
W-5	4.00	6.92	1.22	2.11
W-6	3.25	5.50	0.99	1.68
W-7	3.25	5.50	0.99	1.68
W-8	3.25	5.50	0.99	1.68
W-9	3.00	5.50	0.91	1.68

PROPOSED EXTERIOR SFD FINISHES TO MATCH EXISTING BUILDING EXTERIOR FINISHES.

- A Hardie Panel - Painted Black
- B Vertical Cedar Siding - Stained
- C Galvanized Aluminium



Client Name
Blake & Cassidy

Client Address
2740 Fifth ST

Drawn By
CD

Project ID
20-3-14

Revision
20-1-20

Date
19-9-22

20-4-1

20-3-14

20-1-20

19-9-22

Public Hearing - Submission

Public Hearing - Client Review 2

Public Hearing - Client Review

Rezoning Revised Submission

Date

No.

Issue Notes

2744 Fifth Street
Rezoning

Elevations
Cross Section

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2740 FIFTH ST VICTORIA, BC V8T 4B2

info@adaptenergyadvising.com

adaptenergyadvising.com

Scale

As Noted

Sheet No.

A 1.4

of

A1.8

ALL WORK TO COMPLY WITH THE CURRENT EDITION OF THE BC BUILDING CODE

ALL FRAMING TO BE IN ACCORDANCE WITH THE CURRENT BC BUILDING CODE
ALL LUMBER TO BE SPF #2 OR BETTER UNLESS NOTED OTHERWISE
ALL EXTERIOR WALL AND ROOF SHEATHING TO BE 1/2" STANDARD FIR PLYWOOD UNLESS NOTED OTHERWISE
ALL EXPOSED EXTERIOR POSTS TO BE 8X8 MIN.
ALL LINTELS TO BE 2-PLY 2X10 U.N.O.

ALL CONCRETE TO BE MINIMUM 25 MPa AT 28 DAYS

EXTERIOR FOUNDATION WALL TO EXTEND MIN 150 mm ABOVE FINISHED GRADE.

ALL INTERIOR DOORS TO BE MINIMUM 6'8" TALL UNLESS NOTED OTHERWISE; PROVIDE MIN. 2-STUDS E/S AT JAM FRAMING

ALL EXPOSED EXTERIOR FRAMING TO BE PRESERVATIVE TREATED LUMBER; FIELD TREAT ALL CUTS

DESIGN LOADS: VICTORIA: Ss: 2.1 kPa Sr: 0.3kPa

ALL NEW WINDOWS TO MEET NAFS: DP: 1440 PG: 30 WATER RESIST.: 220

HANDRAILS TO COMPLY WITH BCBC DIV B 9.8.7.

GUARDRAILS TO COMPLY WITH BCBC DIV B 9.8.8.

AIR BARRIER TO BE OVERLAPPED, STRUCTURALLY SUPPORTED AND SEALED AT ALL JOINTS.

EFFECTIVE RSI MUST BE MAINTAINED BEHIND ELECTRICAL RECEPTACLES AND PIPING AS PER BCBC 9.36

SMOKE ALARMS TO BE INSTALLED IN EACH SLEEPING ROOM, EVERY STOREY AND THE AREA OUTSIDE SLEEPING ROOMS AND THE REMAINDER OF THE STOREY. AS PER BCBC DIV B 9.10.19.3.
CO2 ALARMS TO BE INSTALLED IN EACH BEDROOM OR 5M OUTSIDE THE BEDROOM DOOR.

BEDROOM WINDOWS TO MEET BCBC DIV B 9.9.10.1. NO DIMENSION LESS THAN 380MM WITH AN AREA OF 0.35M2

ALL NEW FLASHINGS TO COMPLY TO BCBC DIV B 9.27.3.7. - 9.27.3.8.

BATHROOM EXHAUST TO COMPLY WITH 9.32.
VENTILATION TO COMPLY WITH BCBC 9.32.

ROOF SPACE VENT AREA SHALL BE NOT LESS THAN 1/150

SOLID RWL AND PERIMETER DRAIN TO BE CONNECTED TO NEW STORM DRAIN LATERAL

Window Size				
Nominal Size				
ID Label	Width (FT)	Height (FT)	Width (M)	Height (M)
W-1	4.00	6.92	1.22	2.11
W-2	6.33	6.92	1.93	2.11
W-3	8.00	7.75	2.44	2.36
W-4	3.25	6.92	0.99	2.11
W-5	4.00	6.92	1.22	2.11
W-6	3.25	5.50	0.99	1.68
W-7	3.25	5.50	0.99	1.68
W-8	3.25	5.50	0.99	1.68
W-9	3.00	5.50	0.91	1.68

Floor Areas		
		Proposed (metric)
Total Floor Area	2744 Fifth	138.01
	Proposed Main	66.38
	Proposed Upper	71.63
Total Floor Area	Proposed Basement	N/A
	2742 Fifth	142.32
	Existing Main	68.33
Total Floor Area	Existing Upper	73.99
	Existing Basement	N/A
	2740 Fifth	138.59
	Existing Main	66.60
	Existing Upper	71.99
	Existing Basement	N/A

Client Name
Blake & Cassidy

Client Address
2740 Fifth ST

Drawn By
CD

Project ID
Nelson

Date
2020.04.01

20-4-1
20-3-14
20-1-20
19-9-22
19-7-11
18-11-21

Public Hearing Submission
Public Hearing - Client Review 2
Public Hearing - Client Review
Rezoning Revised Submission
Rezoning Submission
CALUC Plans for Client Review

Date

Issue Notes

2744 Fifth Street
Rezoning

Floor Plans
TFA

Scale
As Noted

Sheet No.
A 1.5
of
A1.8

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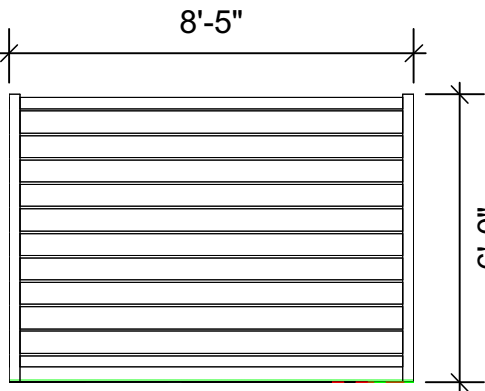
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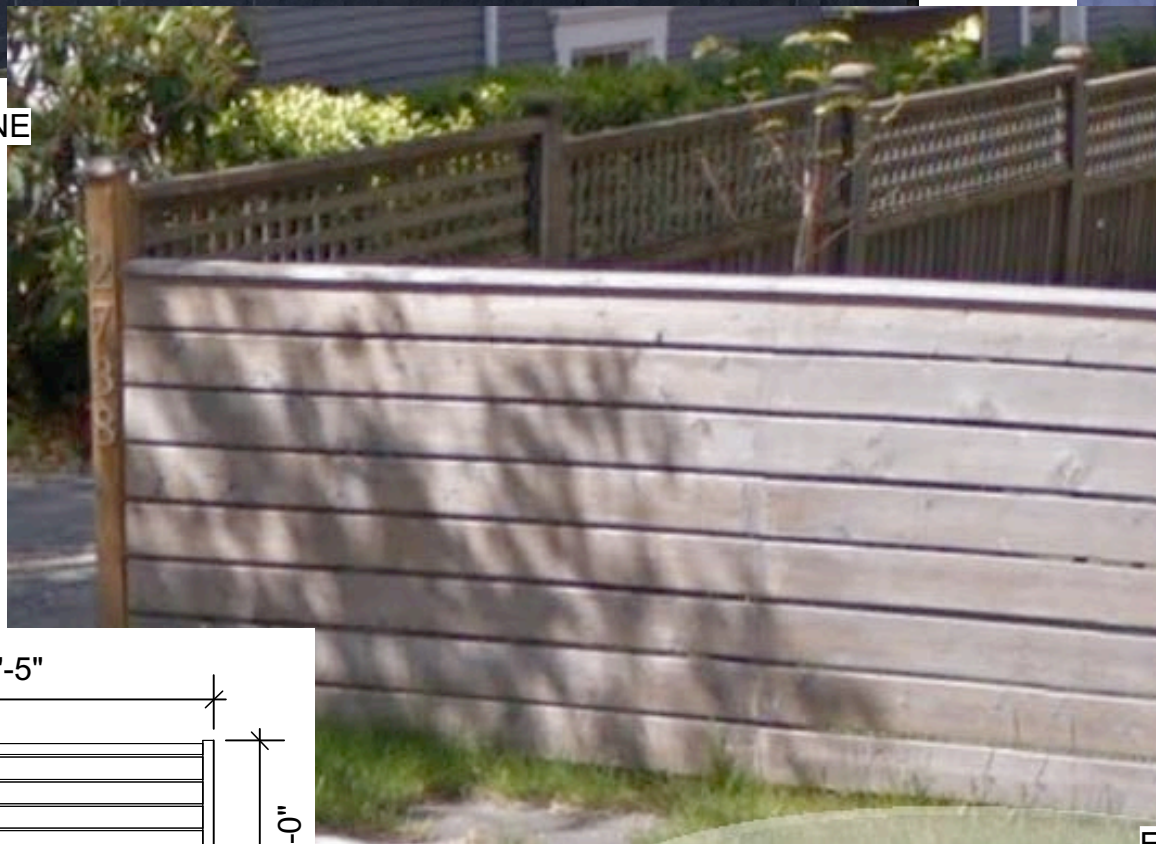
Existing Site



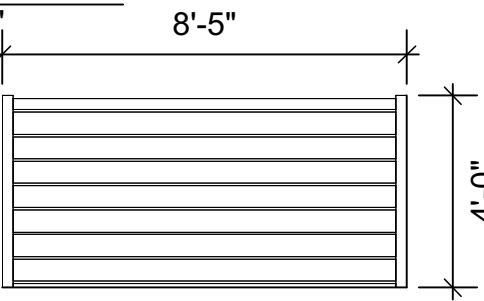
EXISTING FENCE - SOUTH PROPERTY LINE



2 North and West Fence
Scale: 1/4" = 1'-0"



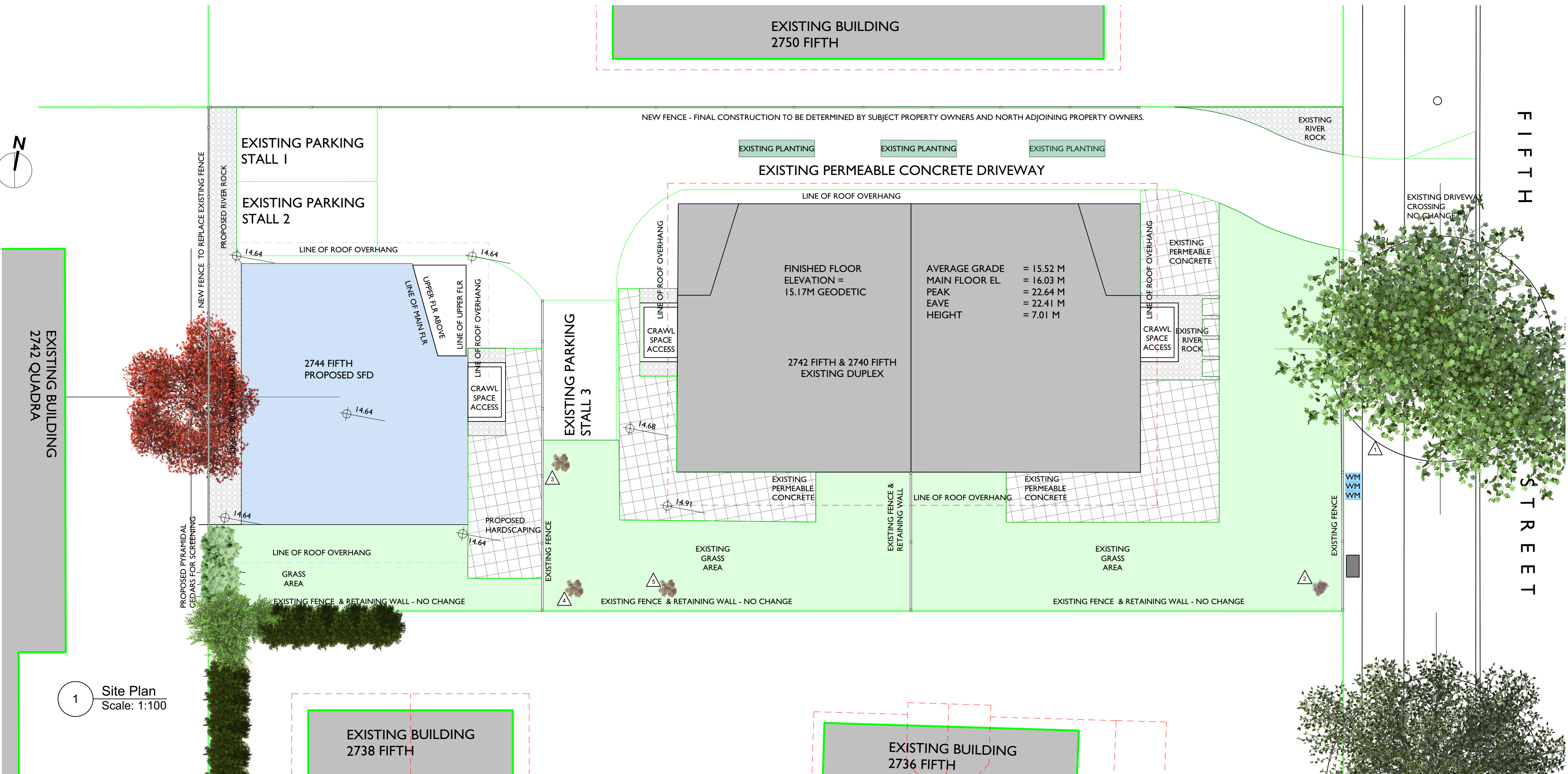
EXISTING FENCES - SOUTHEAST PROPERTY LINE
SOUTH FENCE - HORIZONTAL WOOD - STAINED
PROPOSED FENCE NORTH AND WEST TO MATCH
EXISTING EAST FENCE FINISH



3 East Fence - Existing
Scale: 1/4" = 1'-0"



EXISTING FENCE / SCREENING - SOUTH PROPERTY LINE
PANEL 5 FT HEIGHT
T&G VERTICAL BOARDS W/ LATTICE ABOVE - STAINED



1 Site Plan
Scale: 1:100



EXAMPLES OF PRUNUS 'AMANOGAWA'

EXAMPLES OF MAGNOLIA 'GALAXY'

Trees			
Tree Number	Species	DBH (m)	Comments
1	Acer rubrum 'Armstrong'	0.300	Existing to be retained
2	Magnolia 'Galaxy'	0.019	Existing to be retained
3	Prunus 'Amanogawa'	0.032	Existing to be retained
4	Prunus 'Amanogawa'	0.032	Existing to be retained
5	Prunus 'Amanogawa'	0.032	Existing to be retained

Project Title

2744 Fifth Street Rezoning

Scale

As Noted

Sheet No.

A 1.6 of A1.8

Client/Owner

Blake & Cassidy

Project ID

2740 Fifth ST

Drawn By

CD

Revision

18-11-21

Date

2020.04.01

Public Hearing Submission

20-4-1

Public Hearing - Client Review 2

20-3-14

Public Hearing - Client Review

20-1-20

Rezoning Revised Submission

19-9-22

Rezoning Submission

19-7-11

CALUC Plans for Client Review

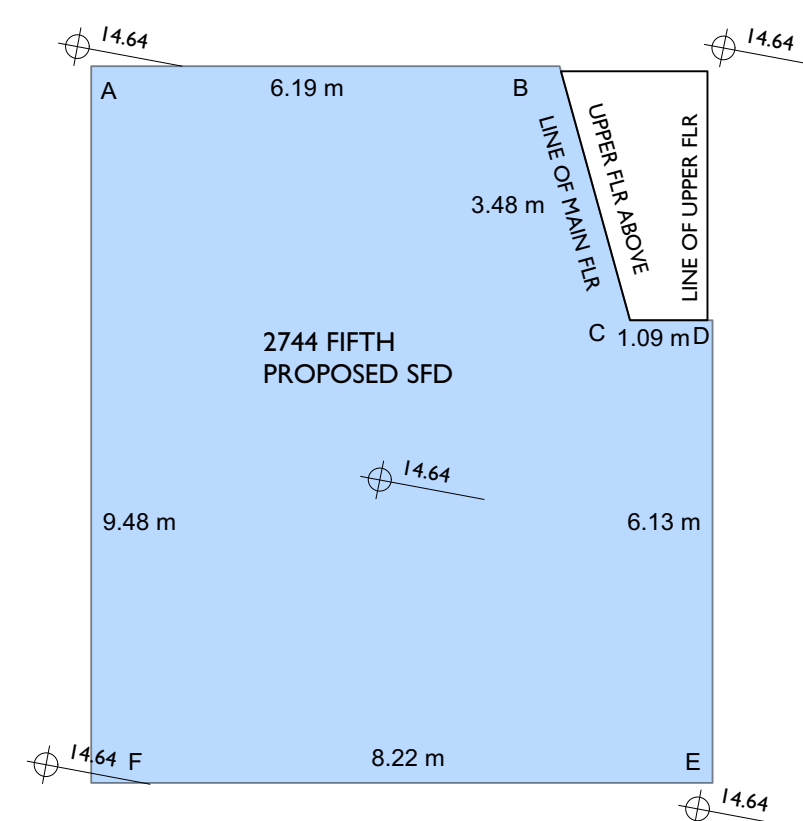
18-11-21

Issue Notes

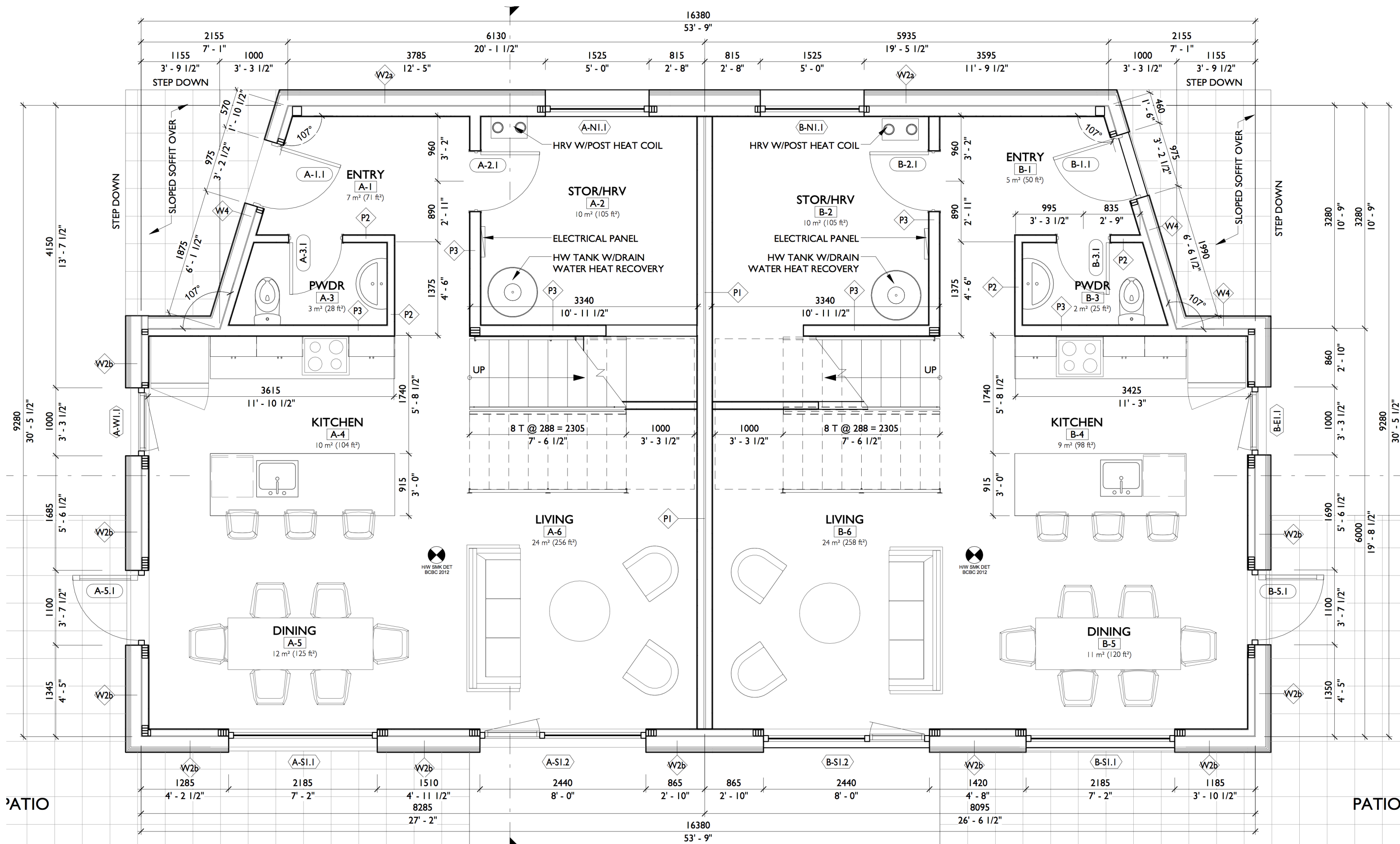
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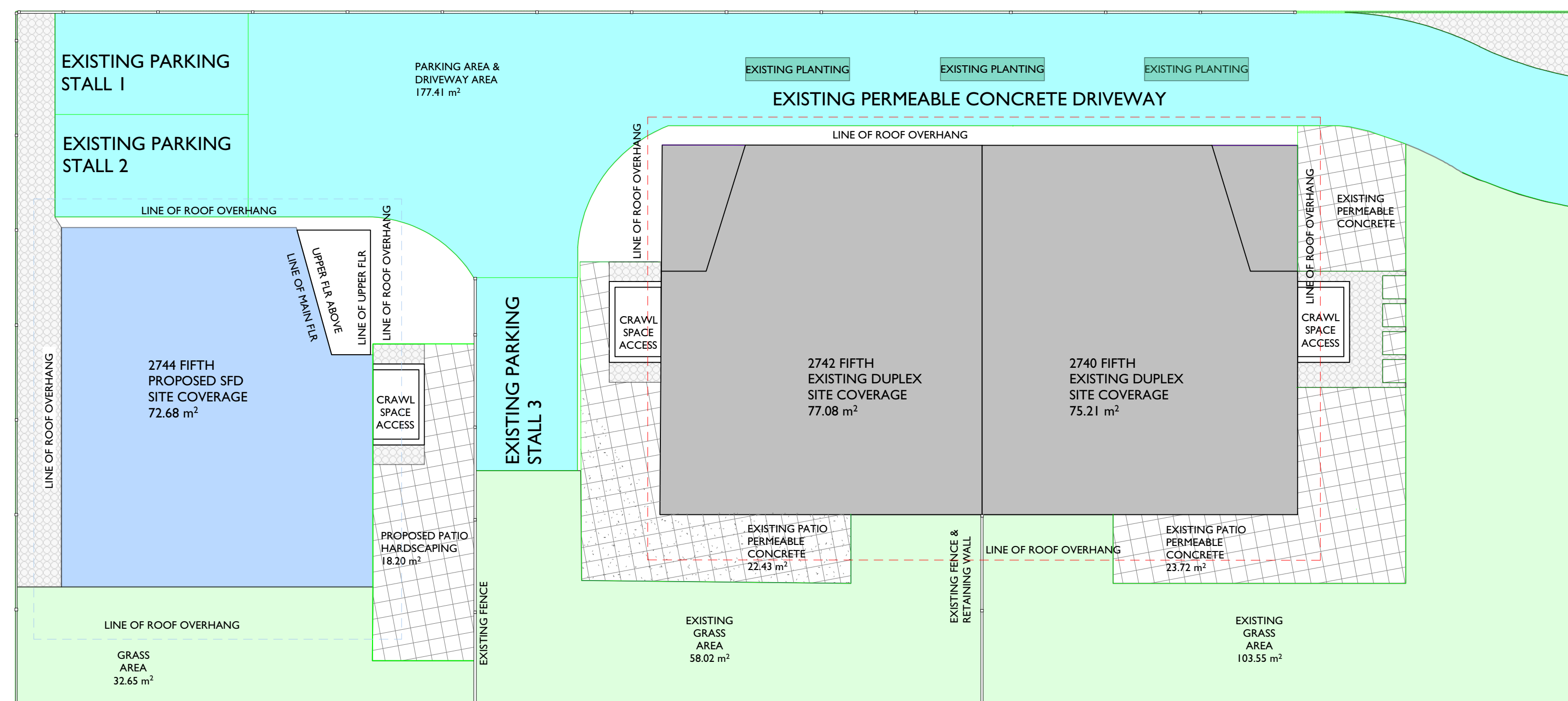
Average Grade 2744 Fifth									
Grade Points	Geodetic Elevation (M)	Geodetic Elevation (FT)	Between Grade Points	Average of Points (M)	Average of Points (FT)	Between Grade Points	Distance (M)	Distance (FT)	Totals
A	14.64	48.02	AB	14.64	48.02	AB	6.19	20.30	90.62
B	14.64	48.02	BC	14.64	48.02	BC	3.48	11.41	50.95
C	14.64	48.02	CD	14.64	48.02	CD	1.09	3.58	15.96
D	14.64	48.02	DE	14.64	48.02	DE	6.19	20.11	89.74
E	14.64	48.02	EF	14.64	48.02	EF	8.22	26.96	120.34
F	14.64	48.02	FG	14.64	48.02	FG	9.48	31.09	138.79
Totals							34.59		506.40
Average Grade Existing & Proposed	14.64	48.02							



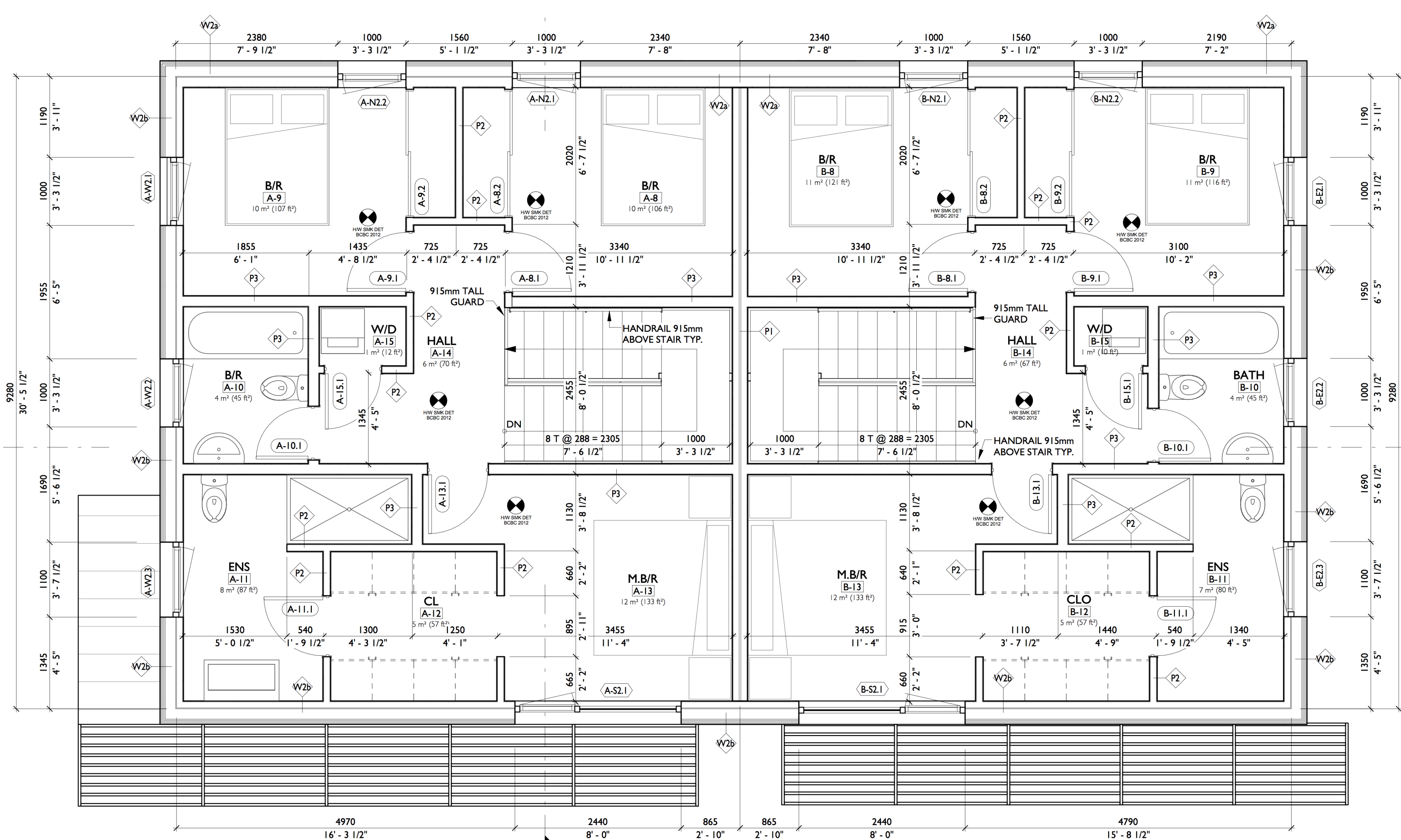
1 Existing & Proposed Grade Points
Scale: 1:100



3 Existing Main Floor Plans - BP052814
Scale: 1:50



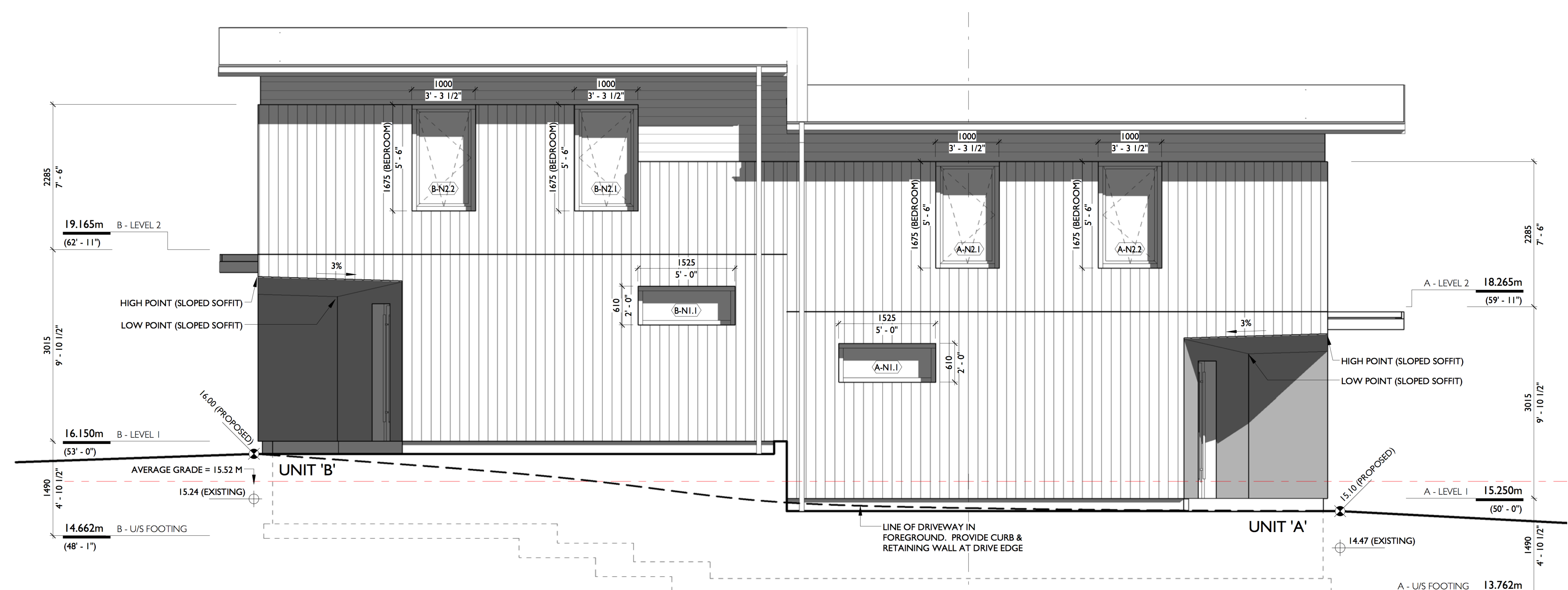
2 Open Space Areas
Scale: 1:100



4 Existing Upper Floor Plans - BP052814
Scale: 1:50

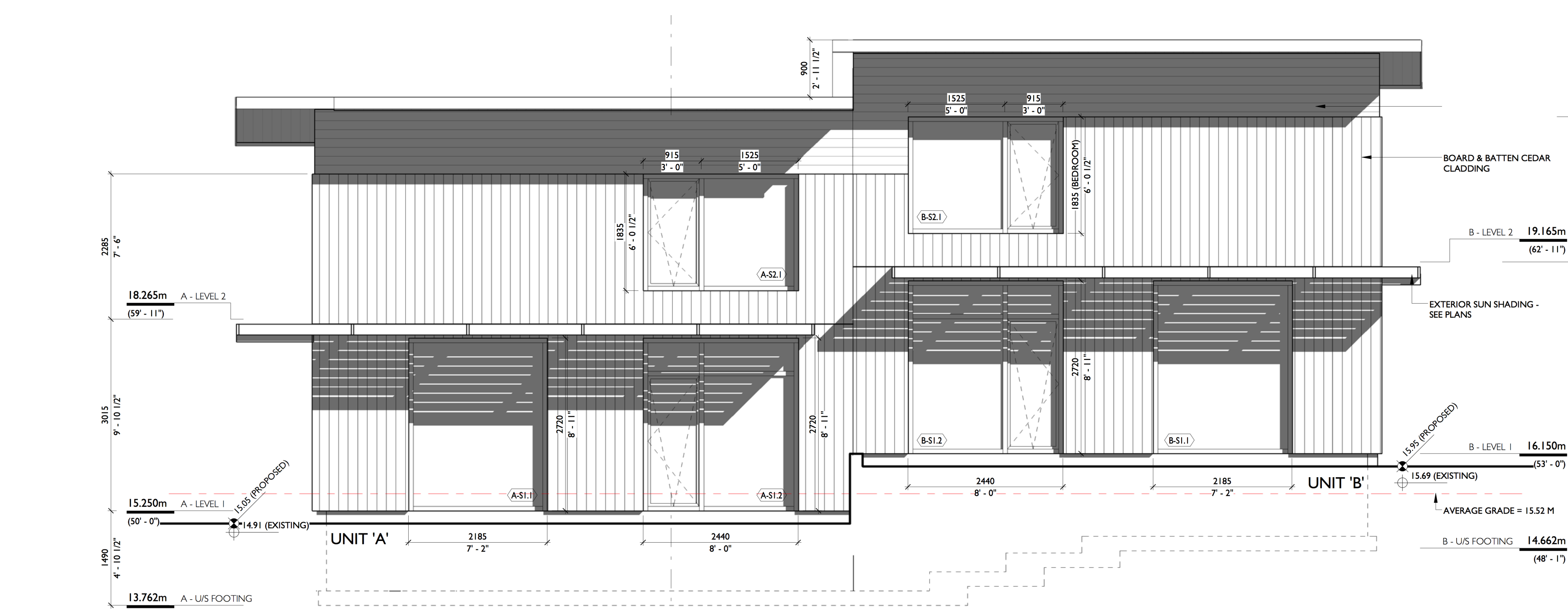
<p>30' - 5 1/2"</p>		<p>2740 Fifth Street Rezoning</p>		<p>ADAPT ENERGY ADVISING</p> <p>2740 FIFTH ST VICTORIA, BC V8T 4B2 info@adaptenergyadvising.com adaptenergyadvising.com</p>		<p>Client Name Blake & Cassidy</p> <p>Client Address 2740 Fifth ST</p> <p>Down By CD</p> <p>Project ID </p> <p>Revision </p> <p>Date 2020.04.01</p>		<p>F</p> <p>20-4-1</p> <p>Public Hearing Submission</p>	
						<p>E</p> <p>20-3-14</p> <p>Public Hearing - Client Review</p>			
						<p>D</p> <p>20-1-20</p> <p>Public Hearing - Client Review</p>			
						<p>C</p> <p>19-9-22</p> <p>Rezoning Revised Submission</p>			
						<p>B</p> <p>19-7-11</p> <p>Rezoning Submission</p>			
						<p>A</p> <p>18-11-21</p> <p>CALCULUS Plans for Client Review</p>			
						<p>No</p> <p>Date</p>		<p>Issue Notes</p>	

A

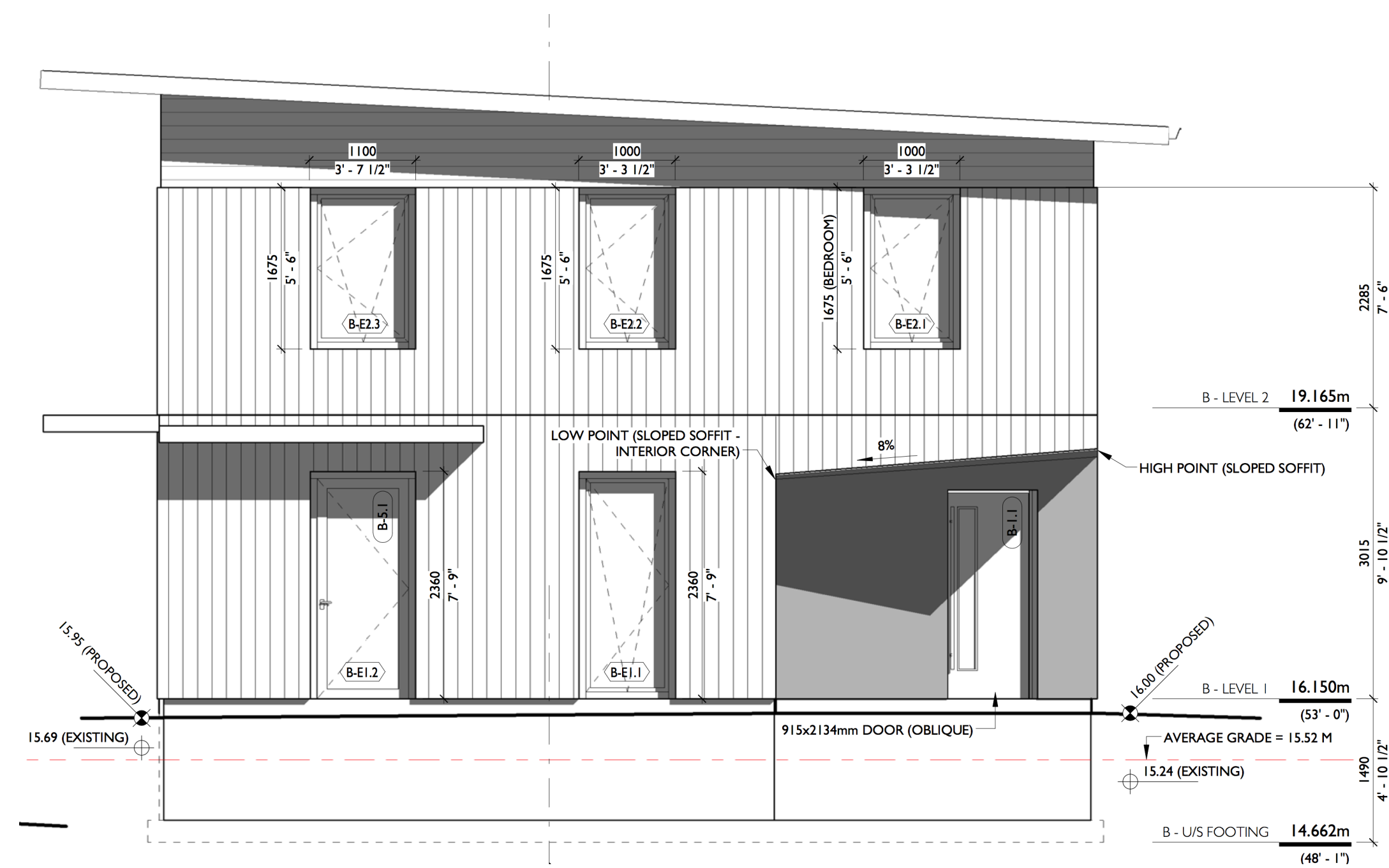


1 Existing North Elevation Plan provided under BP052814
Scale: 1:50

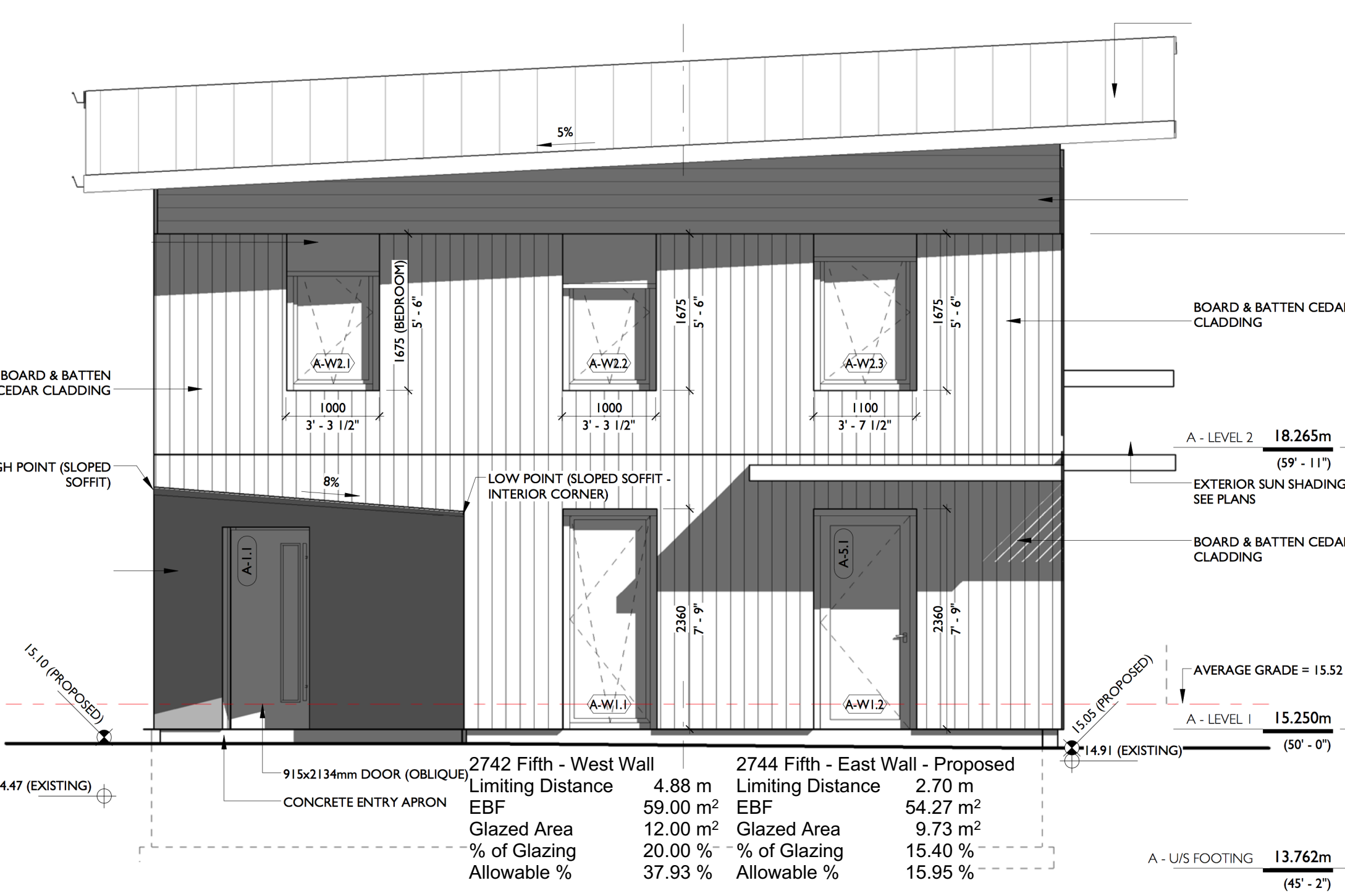
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2 Existing South Elevation Plan provided under BP052814
Scale: 1:50



3 Existing East Elevation Plan provided under BP052814
Scale: 1:50



4 Existing West Elevation Plan provided under BP052814
Scale: 1:50

A

B

Public Hearing Submission		Public Hearing - Client Review 2		Public Hearing - Client Review		Rezoning Revised Submission		Rezoning Submission		CALC Plans for Client Review		Issue Notes	
20-4-1	20-3-14	20-3-14	20-1-20	19-9-22	19-7-11	18-11-21	18-11-21	18-11-21	18-11-21	18-11-21	18-11-21	No.	Date
F	E	D	C	B	A	No.	No.	No.	No.	No.	No.	No.	Date
Owner: Blake & Cassidy		Project: 2740 Fifth ST		Drawn By: CD		Project ID: 2740 Fifth ST		Revision: 2740 Fifth ST		Date: 2020.04.01		No.	
ADAPT ENERGY ADVISING		2740 Fifth ST VICTORIA, BC V8T 4B2		info@adaptenergyadvising.com		adaptenergyadvising.com		2744 Fifth Street		Res zoning		Existing Elevations - BP052814	
Scale: As Noted		Sheet Title: A 1.8		Sheet No.:		A 1.8		A 1.8		A 1.8		A 1.8	

Aneesa Blake and Reed Cassidy
 2740 Fifth Street
 Victoria BC
 V8T 4B2

Dear Mayor and Council,

RE: 2740 and 2742 Fifth Street: Rezoning Application No. 00709 and Development Variance Permit Application No. 00236 (Hillside/Quadra)

Response to Council Meeting Minutes dated December 12, 2019

The existing dwelling located at 2740 and 2742 Fifth St is a Passive House Certified duplex, built in 2017. The proposed rezoning is to add a two storey, 1481 sqft 3 bedroom, 2.5 bathroom single family dwelling in the rear yard of the property, with one proposed variance to reduce the rear yard setback from 3m to 1.2m. We are proposing to change the zoning of the property to R2-38, which matches that of the neighboring Southern property. The Southern property has a heritage home facing the street and a duplex in the rear yard. Our proposal encompasses 3 off-street parking spots.

The proposal aligns with the OCP in many ways and fits in with the density of the neighbourhood. Offering an energy efficient, single-family, ground-oriented home, with off-street parking and manageable yard space is perfect for the modern family and a bold idea that achieves new results.

We addressed council at the public hearing on December 12, 2019 to explain our proposal and request the proposal proceed. Council agreed to allow this to proceed to public hearing, granted conditions were met. Those conditions (in ***bold italics***) and the actions we have taken to resolve them, are as follows:

- a. ***Preparation and execution of legal agreements to secure the design of the existing and proposed buildings including the energy efficiency certifications, to the satisfaction of City Staff.*** A covenant has been registered on title to secure that the building will be built as a Passive House Low Energy Building. The benefit is that future tenants will enjoy quiet, efficient and comfortable homes while the CoV further increases the number of Passive Houses in its jurisdiction.
- b. ***Preparation and execution of a Housing Agreement to secure the proposed dwelling as rental for five years.*** A housing agreement has been registered on title to secure the proposed dwelling as a rental for ten years. The addition of rental housing directly supports the Victoria Housing Strategy.
- c. ***That the motion be amended by adding a point c as follows: c. Subject to refinements being made to the proposal with respect to the length of rental tenure and the passive house standard of the new building.*** Rentals of this nature are currently in high demand and have exhibited a 0% vacancy rate over the last few years. In spite of this, we feel as though ten years of rental tenure is adequate because the rental issue is a current issue. The city's strategy is to provide adequate rental housing, therefore there is potential that in ten years, the market will have improved.

The proposed building has been energy modelled with the Passive House Planning Package software. Passive House Low Energy Building is the certification that has been selected due to the shady nature of the site; the apartment building to the West and the tall duplex to the South limit winter sunlight from reaching the proposed building. This certification best compliments the proposal, providing superior energy efficiency, the prestige of a Passive House certification, and is not cost prohibitive. The Passive House Low Energy Building standard is roughly equivalent to Step 5 of the BC Building Code Energy Step Code.

We have always been passionate about energy efficient rental housing, however having recently welcomed a new addition to our family (baby Ziggy), we're even more convinced that everyone deserves an opportunity to reduce their ecological footprint and preserve resources for future generations. We are excited at the opportunity to contribute to centrally located, low maintenance rentals, for families like ourselves to enjoy. We are equally thrilled to do so while helping Mayor and Council achieve the Housing Strategy and increasing the tax base.