F.5 Bylaw for 2615 Douglas Street: Rezoning Application No. 00680 and Development Variance Permit Application No. 00247

Moved By Councillor Thornton-Joe Seconded By Councillor Andrew

That the following bylaw be given first and second readings:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1275) No. 22-037

CARRIED UNANIMOUSLY

Moved By Councillor Andrew Seconded By Councillor Potts

Development Variance Permit Application No. 00247

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. 00247 for 2615 Douglas Street in accordance with:

- 1. Plans date stamped February 17, 2022.
- 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
 - i. reduce the required number of vehicle parking spaces from 241 to 122.
- 3. The Development Variance Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY



Council Report For the Meeting of April 28, 2022

 To:
 Council
 Date:
 April 25, 2022

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

Subject: Rezoning Application No. 00680 and Development Variance Permit Application No. 00247 for 2615 Douglas Street

RECOMMENDATION

Rezoning Application No. 00680

- 1. That the following bylaw be given introductory readings:
 - i. Zoning Regulation Bylaw, Amendment Bylaw (No. 1275) No. 22-037

Development Variance Permit Application No. 00247

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. 00247 for 2615 Douglas Street in accordance with:

- 1. Plans date stamped **February 17, 2022**.
- 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
 - i. reduce the required number of vehicle parking spaces from 241 to 122.
- 3. The Development Variance Permit lapsing two years from the date of this resolution."

EXECUTIVE SUMMARY

The Rezoning and Development Variance Permit Applications were considered by Council at the Committee of the Whole meeting on November 4, 2021, and they came before Council on November 18, 2021. The motions are as follows:

Rezoning Application No. 00680

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00680 for 2615

Douglas Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

- 1. Preparation and execution of the following legal agreements to secure the following:
 - *i.* a Statutory Right-of-Way to accommodate public access to, and at, the transit shelter and plaza location on site to the satisfaction of the City Solicitor and Director of Engineering and Public Works.
 - ii. upgrade the transit plaza area and install a new T4 bus shelter on the Douglas Street frontage in accordance with the plans dated September 3, 2021 and prepared by de Hoog & Kierulf architects and Murdoch de Greeff Landscape Planning and Design, to the satisfaction of, City Solicitor, BC Transit and Director of Engineering and Public Works.
 - iii. 10 long-term, cargo bicycle parking spaces, 43 electric charging stations in the longterm bicycle storage rooms, a minimum of 92 long-term bicycle parking spaces and end-of-trip facilities (including no less than one shower for every 15 long-term bicycle parking spaces, no less than one locker per long-term bicycle parking space; and additional showers and lockers if the building included within a fitness centre) to the satisfaction of the City Solicitor and Director of Sustainable Planning and Community Development.
 - *iv.* soil cells and tree guards for all trees planted in hardscape to the satisfaction of the Director of Parks, Recreation and Facilities.
- 2. The applicant update the Arborist Report prepared by Talbot MacKenzie & Associates to ensure the updated plans are attached and trees are correctly labelled to the satisfaction of the Director of Parks, Recreation and Facilities.

Development Variance Permit Application No. 00247

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. 00247 for 2615 Douglas Street in accordance with:

- 1. Plans date stamped September 17, 2021.
- 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - *i.* reduce the required number of vehicle parking spaces from 241 to 122.
- 3. The Development Variance Permit lapsing two years from the date of this resolution."

Following the Committee of the Whole meeting, the applicant made some minor revisions to the landscape plans. The revised date in the above recommendation is consistent with the received date of the resubmission.

The applicant updated the arborist report in accordance with item 2 of Council's motion that pertains to the Rezoning application.

COMMENTS

Public Hearing Conditions

With regard to the pre-conditions that Council set in relation to this application, the following legal agreements have been executed by the applicant:

- a Statutory Right-of-Way to accommodate public access to, and at, the transit shelter and plaza location on site
- Section 219 covenants securing the following items:
 - i. upgrade to the transit plaza area and installation of a new T4 bus shelter on the Douglas Street frontage
 - ii. 10 long-term, cargo bicycle parking spaces, 43 electric charging stations in the longterm bicycle storage rooms, a minimum of 92 long-term bicycle parking spaces and end-of-trip facilities (including no less than one shower for every 15 long-term bicycle parking spaces, no less than one locker per long-term bicycle parking space; and additional showers and lockers if the building included within a fitness centre)
 - iii. soil cells and tree guards for all trees planted in hardscape.

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

Respectfully submitted,

Leanne TaylorKaren Hoese, DirectorSenior PlannerSustainable Planning and CommunityDevelopment Services DivisionDevelopment Department

Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Updated plans dated February 17, 2022
- Attachment B: Updated arborist report dated April 25, 2022.

ATTACHMENT A



Victoria Press Building

Revised and Resubmitted For Rezoning (3) 21-09-14





TC Evolution / Merchant House Capital 22109-07

Rezoning Application R3

de Hoog & Kierulf architects



	VICTORIA PRESS BUILDING	
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	TC Exclution / Marchant House Capital	
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VICTORIA PRESS BUILDING



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Victoria Press LTD

2621 Douglas St. Victoria BC

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Project Data















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8	02/07/2022	Receiving Resubmission #3





6 Handrail and Cheek Wall L4 Scale: 1:10 Entry Details





TALBOT MACKENZIE & ASSOCIATES

CONSULTING ARBORISTS

2621 Douglas Street, Victoria, BC

Construction Impact Assessment &

Tree Management Plan

PREPARED FOR:	Merchant House Capital 2621 Douglas Street Victoria, BC V8R 4M2
PREPARED BY:	Talbot, Mackenzie & Associates Noah Talbot – Consulting Arborist ISA Certified # PN-6822A Tree Risk Assessment Qualified

DATE OF ORIGINAL REPORT ISSUANCE: December 16, 2020 Updated: April 25, 2022

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APPENDICES

Appendix A	Tree Management Pla	า (T1)
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- Appendix B Site Photographs
- Appendix C Landscape Plans
- Appendix D Site Servicing Plan

REVISION RECORD

REVISION	DESCRIPTION	DATE (YYYY-MM-DD)	ISSUED BY
0	Original TPP report.	2020-12-16	NT
0	Revision to original TPP report dated 2020-12-16 to review the updated Landscape plan (dated 02-17-2022).	2022-04-25	NT

1. INTRODUCTION

Talbot Mackenzie & Associates was asked to complete a tree inventory, construction impact assessment and management plan for the trees at the following proposed project:

Site:	2621 Douglas Street
Municipality	City of Victoria
Client Name:	Merchant House Capital
Dates of Site Visit:	October 8, 2020
Site Conditions:	1 urban lot with the existing Victoria Press building at the West side of the property and a parking lot on the East side of the property. Ongoing construction activity to the interior of the building.
Weather During Site Visit:	Clear and sunny

The purpose of this report is to address requirements of the City of Victoria arborist report terms of reference, and Tree Preservation Bylaw No. 05-106. The construction impact assessment section of this report (section 8), is based on plans reviewed to date, including the Landscape plans (dated February 17, 2022) prepared by Murdoch De Greeff Inc) and site servicing plan (dated March 14, 2019) - prepared by JE Anderson & Associates.

2. TREE INVENTORY METHODOLOGY

For the purpose of this report, the size, health, and structural condition of trees located on the subject site and trees located on the municipal boulevard (fronting the subject site was documented). There were no private offsite trees observed with critical root zones extending onto the subject property. For ease of identification in the field, numerated metal tags were attached to the lower trunks of onsite trees (tag#'s 1898 – 1902). Trees located on the municipal frontage were not tagged (identified as NT 1 – NT 6). Each tree was visually examined on a limited visual assessment basis (level 1), in accordance with Tree Risk Assessment Qualification (TRAQ) methods (Dunster *et al.* 2017) and ISA Best Management Practices.

3. EXECUTIVE SUMMARY

Based on review of the Landscape plans and site servicing plan, 2 bylaw protected size onsite plum trees are proposed for removal due to impacts associated with the proposed new sidewalk design. An additional 1 non bylaw protected size onsite crabapple tree is proposed for removal due to due to impacts associated with the proposed new landscape design. The three trees proposed for removal were rated unsuitable for retention, due to their existing structural defects, poor rooting environment and poor soil conditions. Plum 1898 is infected with the wood decay pathogen *Ganodema applanatum*.

Two bylaw protected size onsite Japanese maple trees are located where they are possible for retention provided that the critical root zones can be adequately protected during proposed demolition and construction works. Six municipal boulevard trees are located on the Kings Road frontage, where they should be possible to protected using tree protection barriers.

4. TREE INVENTORY DEFINITIONS

Tag: Tree identification number on a metal tag attached to tree with nail or wire, generally at eye level. Trees on municipal or neighboring properties are not tagged.

NT: No tag due to inaccessibility or ownership by municipality or neighbour.

DBH: Diameter at breast height – diameter of trunk, measured in centimetres at 1.4m above ground level. For trees on a slope, it is taken at the average point between the high and low side of the slope.

* Measured over ivy

~ Approximate due to inaccessibility or on neighbouring property

Dripline: Indicates the radius of the crown spread measured in metres to the dripline of the longest limbs.

Relative Tolerance Rating: Relative tolerance of the tree species to construction related impacts such as root pruning, crown pruning, soil compaction, hydrology changes, grade changes, and other soil disturbance. This rating does not take into account individual tree characteristics, such as health and vigour. Three ratings are assigned based on our knowledge and experience with the tree species: Poor (P), Moderate (M) or Good (G).

Critical Root Zone: A calculated radial measurement in metres from the trunk of the tree. It is the optimal size of tree protection zone and is calculated by multiplying the DBH of the tree by 10, 12 or 15 depending on the tree's Relative Tolerance Rating. This methodology is based on the methodology used by Nelda Matheny and James R. Clark in their book "Trees and Development: A Technical Guide to Preservation of Trees During Land Development."

- 15 x DBH = Poor Tolerance of Construction
- 12 x DBH = Moderate
- 10 x DBH = Good

To calculate the critical root zone, the DBH of multiple stems is considered the sum of 100% of the diameter of the largest stem and 60% of the diameter of the next two largest stems. It should be noted that these measures are solely mathematical calculations that do not consider factors such

as restricted root growth, limited soil volumes, age, crown spread, health, or structure (such as a lean).

Health Condition:

- Poor significant signs of visible stress and/or decline that threaten the long-term survival of the specimen
- Fair signs of stress
- Good no visible signs of significant stress and/or only minor aesthetic issues

Structural Condition:

- Poor Structural defects that have been in place for a long period of time to the point that mitigation measures are limited
- Fair Structural concerns that are possible to mitigate through pruning
- Good No visible or only minor structural flaws that require no to very little pruning

Suitability ratings are described as follows:

Rating: Suitable.

• A tree with no visible or minor health or structural defects, is tolerant to changes to the growing environment and is a possible candidate for retention provided that the critical root zone can be adequately protected.

Rating: Conditional.

• A tree with good health but is a species with a poor tolerance to changes to its growing environment or has a structural defect(s) that would require that certain measures be implemented, in order to consider it suitable for retention (ie. retain with other codominant tree(s), structural pruning, mulching, supplementary watering, etc.)

Rating: Unsuitable.

• A tree with poor health, a major structural defect (that cannot be mitigated using ANSI A300 standards), or a species with a poor tolerance to construction impacts, and unlikely to survive long term (in the context of the proposed land use changes).

Retention Status:

- Remove Not possible to retain given proposed construction plans
- Retain It is possible to retain this tree in the long-term given the proposed plans and information available. This is assuming our recommended mitigation measures are followed
- Retain * See report for more information regarding potential impacts

Table 1. Tree Inventory

Tag	Location (On, Off,			Name				Critical		Condition		Retention				
Tag or ID #	Shared, City)	Surveyed ?	Bylaw protected?	Common	Botanical	dbh (cm)	Ht (m)	root zone radius (m)	Dripline radius (m)	Health	Structural	Suitability	Relative tolerance	Remarks	Tree Retention Comments	Retention status
# NT1	City	No	Yes	Upright European hornbeam	Carpinus betulus 'fastigiate'	5	4	0.53	0.5	Good	Good	(onsite trees)	Good	Located on municipal boulevard, juvenile tree.	Project arborist to supervise any excavation required within the critical root zone.	Retain
NT2	City	No	Yes	English hawthorn	Craetagus Iaevigata	9	4	0.95	1.5	Fair	Fair		Good	Located on municipal boulevard, weed water damage at root collar.	Project arborist to supervise any excavation required within the critical root zone.	Retain
NT3	City	No	Yes	Upright European hornbeam	Carpinus betulus 'fastigiate'	4	4	0.42	0.5	Good	Good		Good	Located on municipal boulevard, juvenile tree.	Project arborist to supervise any excavation required within the critical root zone.	Retain
NT4	City	Yes	Yes	English hawthorn	Craetagus Iaevigata	25	6	2,63	3	Fair/good	Fair/good		Good	Located on municipal boulevard, beginning to conflict with overhead utilities, multiple leaders form at 2m above grade - no major weaknesses visible at stem unions.	Project arborist to supervise any excavation required within the critical root zone.	Retain
NT5	City	Yes	Yes	English	Craetagus laevigata	30	6	3.15	3	Fair/good	Fair/good		Good	Located on municipal boulevard, beginning to conflict with overhead utilities, codominant leaders form at 2m above grade - no major weaknesses visible at stem union, historic pruning wounds with associated surface decay.	Project arborist to supervise any excavation required within the critical root zone.	Retain
NT6	City	Yes	Yes	English hawthorn	Craetagus Iaevigata	31	6	3.26	3	Fair/good	Fair/good		Good	Located on municipal boulevard, beginning to conflict with overhead utilities, multiple leaders form at 2m above grade - no major weaknesses visible at stem unions, pruning and small tear out wounds with associated surface decay.	*Irrigation service proposed within the crz. Project arborist to supervise any excavation required within the critical root zone.	Retain*
1898		Yes	Yes	Purple leaf	Prunus cerasifera	41	7	4.31	4	Fair/good	Fair/poor	Unsuitable	Good	Located on municipal property, heavily compacted soils surrounding root collar, growing within confined area (existing concrete retaining wall to East, existing process of the source state of the source sidewalk to West, existing brick pavers to North and South). <i>Ganoderma</i> <i>applanatum</i> fruiting bodies attached to root collar, suckering from base, injuries to topsides of surface roots with associated decay.	Located within footprint of the proposed new sidewalk.	Remove
1899		Yes	Yes	Purple leaf plum	Prunus cerasifera	32	7	3.36	4	Fair/good	Fair/poor	Unsuitable	Good	Located on municipal property, heavily compacted soils surrounding root collar, growing within confined area (existing concrete retaining wall to East, existing concrete sidewalk to West, existing brick beavers to North and South), trunk leaning to East - corrected, injuries to topsides of surface roots, asymmetric crown on West side due to sidewalk clearance pruning.	Located within footprint of the proposed new sidewalk.	Remove

Tag	Location (On, Off,			Name				Critical		Condition		Retention				
or ID #	Shared, City)	Surveyed ?	Bylaw protected?	Common	Botanical	dbh (cm)	Ht (m)	root zone radius (m)	Dripline radius (m)	Health	Structural	Suitability (onsite trees)	Relative tolerance	Remarks	Tree Retention Comments	Retention status
1900	On	No	No	Crabapple	Malus sp.	14	5	1.47	3	Fair	Fair/poor	Unsuitable	Good	Non bylaw protected size tree, growing within confined root environment - existing retaining wall. 3m from North side of root collar, existing concrete planter within .3m of South/East/West side of root collar, sucker it from base, pruning wounds with associated surface decay, shaded by building.	Shown on landscape plan to be removed and replaced with a new shrub.	Remove
1901	On	Yes	Yes	Japanese maple	Acer palmatum	12,6,14,14	5	3.23	4	Good	Fair	Suitable	Good	Located within landscape bed - on slope, confined root system on South side - existing retaining wall within .2m of root collar, heavily surface rooted on embankment, multiple stems form at 3m above grade - narrow angles of attachment.	*Existing concrete stairway within critical root zone proposed for removal. Project arborist to supervise all excavation and fill placement required within the critical root zone.	Retain*
1902	On	Yes	Yes	Japanese maple	Acer palmatum	7,7,13,13, 10,10,5,7, 12,12,16,6	5	3.26	4	Good	Fair	Suitable	Good	Located within landscape bed - on slope, confined root system on South side - existing retaining wall within .2m of root collar, heavily surface rooted on embankment, multiple stems form at3m above grade - narrow angles of attachment.	*Existing concrete stairway within critical root zone proposed for removal. Project arborist to supervise all excavation and fill placement required within the critical root zone.	Retain*

*CRZ calculated above and drawn as follows on Tree Management Plan (T1): CRZ + 0.5 * d.b.h. (drawn from the center of the stem)

5. SITE INFORMATION & PROJECT UNDERSTANDING

The development site consists of a large City lot (2621 Douglas Street), in Victoria, B.C., which has the existing Victoria Press building at the West side of the property and a parking lot on the East side of the property. Ongoing construction activity was occurring within the interior of the building at the time of our tree inventory. It is our understanding that the proposal is to renovate the West side of the exterior of the building and the existing planting areas, construct a new sidewalk along the West side of the property, and install new hard landscape features, new trees and new shrubs.

Below is a general observation of the tree resource, as it appeared at the time of our site visit:

6. FIELD OBSERVATIONS

The onsite tree resource consists of 4 bylaw protected trees (tag #'s 1898, 1899, 1901 & 1902), located between the existing building and the West property boundary. One non-bylaw protected crabapple (tag# 1900) was also observed within an existing planter near the front of the building. Six boulevard trees (NT1 – NT6) were observed on the Kings Road frontage (see photographs 1 & 2 – *appendix B*). The onsite plum trees are growing in a confined planting area, with heavy foot traffic, resulting in compacted soils and injuries to the topsides of the surface roots (see photograph 3,4 and 5 – *appendix B*). The Onsite crabapple and Japanese maples are also growing in confined planting locations, in the existing planters (see photograph 6,7 and 8 – *appendix B*).



figure 1: Site context air photo: The boundary of the subject site is outlined in Yellow.

7. TREE RISK ASSESSMENT

During our October 08, 2020 site visit and in conjunction with the tree inventory, onsite trees were assessed for risk, on a limited visual assessment basis (level 1), and in the context of the existing land uses. The time frame used for the purpose of our assessment is one year (from the date of the October 08, 2020 tree inventory). Unless otherwise noted herein, we did not conduct a detailed (level 2) or advanced (level 3) risk assessment, such as resistograph testing, increment core sampling, aerial examinations, or subsurface root/root collar examinations.

Existing Land Uses

We did not observe any trees that were deemed to be moderate, high or extreme risk (in the context of the existing land uses, that would require hazard abatement to eliminate present and/or future risks (within a 1-year timeframe). Targets considered during this TRAQ assessment include: occupants of the existing onsite building (constant use), occupants of vehicles travelling on Douglas Street and Kings Road (frequent use), pedestrians travelling along existing sidewalks (frequent use), hydro lines (constant use).

8. CONSTRUCTION IMPACT ASSESSMENT

8.1. RETENTION AND REMOVAL OF MUNICIPAL TREES

The following municipal tree (indicated by ID #) is located where it is possible for retention providing that their critical root zones are adequately protected during construction. The project arborist must be onsite to supervise and excavation or fill placement required within its critical root zone (shown on the tree management plan (T1) in *appendix A*):

Retain and protect 6 municipal trees

• NT1, NT2, NT3, NT4, NT5, NT6

*Note that the municipality will need to provide consent, prior the removal of any trees that are located on Municipal property.

8.2. RETENTION AND REMOVAL OF ONSITE TREES

The following <u>Bylaw protected</u> size onsite trees (indicated by tag #) are located where they are possible for retention providing that their critical root zones are adequately protected during construction. The project arborist must be onsite to supervise and excavation or fill placement required within their critical root zones (shown on the tree management plan (T1) in *appendix A*):

Retain and protect 2 bylaw protected onsite trees

• 1901, 1902.

The following <u>bylaw protected size</u> onsite trees (indicated by tag #) are located where they are in conflict with the proposed new sidewalk design and are proposed for removal:

Remove 2 bylaw protected onsite trees

• 1898, 1899.

The following <u>non bylaw protected size</u> onsite tree (indicated by tag #) is located where it is in conflict with the proposed new landscape design and is proposed for removal:

Remove 1 non bylaw protected onsite tree

• 1900

8.3. TREE REPLACEMENT

Pursuant to City of Victoria Tree Preservation Bylaw No. 05-106, the tree replacement calculations are as follows:

Quantity of Existing	# of	# of Trees	Replacement	Replacement	Replacement	Replacement
bylaw protected trees	Trees	Removed	Tree Ratio	Trees	Trees	Trees in
	Retained			Required	Proposed	Deficit
		On	site			
4	2	2	2:1	4	Refer to	Refer to
					Landscape	Landscape
					plans	plans
	•	City owr	ed Trees	1		
6	6	0	2:1	N/A	N/A	N/A
	•	Private of	fsite Trees	1		
0	N/A	N/A	2:1	N/A	N/A	N/A
			Total:	<u>4</u>	Refer to	Refer to
					Landscape	Landscape
					plans	plans

Based on bylaw criteria, 4 replacement trees are required to replace the 2 onsite trees that are proposed for removal (2:1 ratio). Refer to the Landscape plan (prepared by others) for replacement tree planting locations and specifications. If the site cannot accommodate the required quantity of replacement trees, the deficit will be compensated to the City via a cash in lieu payment by the owner. Current arboricultural best management practices and BCSLA/BCLNA standards apply to; quality, root ball, health, form, handling, planting, guying/staking and establishment care of replacement trees.

9. IMPACT MITIGATION

Tree Protection Barrier: The areas, surrounding the trees to be retained should be isolated from the construction activity by erecting protective barrier fencing (see *Appendix A* for municipal barrier specifications). Where possible, the fencing should be erected at the perimeter of the critical root zone. The barrier fencing to be erected

must be a minimum of 4 feet in height, of solid frame construction that is attached to wooden or metal posts. A solid board or rail must run between the posts at the top and the bottom of the fencing. This solid frame can then be covered with flexible snow fencing. The fencing must be erected prior to the start of any construction activity on site (i.e. demolition, excavation, construction), and remain in place through completion of the project. Signs should be posted around the protection zone to declare it off limits to all construction related activity. The project arborist must be consulted before this fencing is removed or moved for any purpose.

Arborist Supervision: All excavation occurring within the critical root zones of protected trees should be completed under supervision by the project arborist. Any severed or severely damaged roots must be pruned back to sound tissue to reduce wound surface area and encourage rapid compartmentalization of the wound. In particular, the following activities should be completed under the direction of the project arborist:

- Excavation to remove the existing concrete stairway within the critical root zone of maple 1901
- Excavation to remove the existing concrete stairway within the critical root zone of maple 1902
- Any fill addition within the critical root zones of maple 1901 and 1902.
- Any excavation to upgrade of install new underground utilities within critical root zones of bylaw protected trees or trees located on municipal property.

Methods to Avoid Soil Compaction: In areas where construction traffic must encroach into the critical root zones of trees to be retained, efforts must be made to reduce soil compaction where possible by displacing the weight of machinery and foot traffic. This can be achieved by one of the following methods:

- Installing a layer of hog fuel or coarse wood chips at least 20 cm in depth and maintaining it in good condition until construction is complete.
- Placing medium weight geotextile cloth over the area to be used and installing a layer of crushed rock to a depth of 15 cm over top.
- Placing two layers of 19mm plywood.
- Placing steel plates.

Demolition of the Existing Buildings: The demolition of the existing houses, driveways, and any services that must be removed or abandoned, must take the critical root zone of the trees to be retained into account. If any excavation or machine access is required within the critical root zones of trees to be retained, it must be completed under the supervision and direction of the project arborist. If temporarily removed for demolition, barrier fencing must be erected immediately after the supervised demolition.

Paved Surfaces Above Tree Roots:

If the new paved surfaces within the CRZ of tree to be retained require excavation down to bearing soil and roots are encountered in this area, this could impact their health and structural stability. If tree retention is desired, a raised and permeable paved surface should be constructed in the areas within the critical root zone of the trees. The "paved surfaces above root systems" diagram and specifications is attached.

The objective is to avoid root loss and to instead raise the paved surface and its base layer above the roots. This may result in the grade of the paved surface being raised above the existing grade (the amount depending on how close roots are to the surface and the depth of the paving material and base layers). Final grading plans

should take this potential change into account. This may also result in soils which are high in organic content being left intact below the paved area.

To allow water to drain into the root systems below, we also recommend that the surface be made of a permeable material (instead of conventional asphalt or concrete) such as permeable asphalt, paving stones, or other porous paving materials and designs such as those utilized by Grasspave, Gravelpave, Grasscrete and open-grid systems.

Mulching: Mulching can be an important proactive step in maintaining the health of trees and mitigating construction related impacts and overall stress. Mulch should be made from a natural material such as wood chips or bark pieces and be 5-8cm deep. No mulch should be touching the trunk of the tree. See "methods to avoid soil compaction" if the area is to have heavy traffic.

Blasting: Care must be taken to ensure that the area of blasting does not extend beyond the necessary footprints and into the critical root zones of surrounding trees. The use of small low-concussion charges and multiple small charges designed to pre-shear the rock face will reduce fracturing, ground vibration, and overall impact on the surrounding environment. Only explosives of low phytotoxicity and techniques that minimize tree damage should be used. Provisions must be made to ensure that blasted rock and debris are stored away from the critical root zones of trees.

Scaffolding: This assessment has not included impacts from potential scaffolding including canopy clearance pruning requirements. If scaffolding is necessary and this will require clearance pruning of retained trees, the project arborist should be consulted. Depending on the extent of pruning required, the project arborist may recommend that alternatives to full scaffolding be considered such as hydraulic lifts, ladders or platforms. Methods to avoid soil compaction may also be recommended (see "Minimizing Soil Compaction" section).

Landscaping and Irrigation Systems: The planting of new trees and shrubs should not damage the roots of retained trees. The installation of any in-ground irrigation system must take into account the critical root zones of the trees to be retained. Prior to installation, we recommend the irrigation technician consult with the project arborist about the most suitable locations for the irrigation lines and how best to mitigate the impacts on the trees to be retained. This may require the project arborist supervise the excavations associated with installing the irrigation system. Excessive frequent irrigation and irrigation which wets the trunks of trees can have a detrimental impact on tree health and can lead to root and trunk decay.

Arborist Role: It is the responsibility of the client or his/her representative to contact the project arborist for the purpose of:

- Locating the barrier fencing
- Reviewing the report with the project foreman or site supervisor
- Locating work zones, where required
- Supervising any excavation within the critical root zones of trees to be retained
- Reviewing and advising of any pruning requirements for machine clearances

Review and site meeting: Once the project receives approval, it is important that the project arborist meet with the principals involved in the project to review the information contained herein. It is also important that the arborist meet with the site foreman or supervisor before any site clearing, tree removal, demolition, or other construction activity occurs and to confirm the locations of the tree protection barrier fencing.

10. DISCLOSURE STATEMENT

This arboricultural field review report was prepared by Talbot Mackenzie & Associates for the exclusive use of the Client and may not be reproduced, used or relied upon, in whole or in part, by a party other than the Client without the prior written consent of Talbot Mackenzie & Associates. Any unauthorized use of this report, or any part hereof, by a third party, or any reliance on or decisions to be made based on it, are at the sole risk of such third parties. Talbot Mackenzie & Associates accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions based on this report, in whole or in part.

Arborists are professionals who examine trees and use their training, knowledge, and experience to recommend techniques and procedures that will improve a tree's health and structure 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. The arborist's review is limited to a visual examination of tree health and structural condition, without excavation, probing, resistance drilling, increment coring, or aerial examination. There are inherent limitations to this type of investigation, including, without limitation, that some tree conditions will inadvertently go undetected. The arborist's review followed the standard of care expected of arborists undertaking similar work in British Columbia under similar conditions. No warranties, either express or implied, are made as to the services provided and included in this report.

The findings and opinions expressed in this report are based on the conditions that were observed on the noted date of the field review only. The Client recognizes that passage of time, natural occurrences, and direct or indirect human intervention at or near the trees may substantially alter discovered conditions and that Talbot Mackenzie & Associates cannot report on, or accurately predict, events that may change the condition of trees after the described investigation was completed.

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. The only way to eliminate tree risk entirely is to remove the entire tree. All trees retained should be monitored on a regular basis. 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.

Immediately following land clearing, grade changes or severe weather events, all trees retained should be reviewed for any evidence of soil heaving, cracking, lifting or other indicators of root plate instability. If new information is discovered in the future during such events or other activities, Talbot Mackenzie & Associates should be requested to re-evaluate the conclusions of this report and to provide amendments as required prior to any reliance upon the information presented herein.

11. IN CLOSING

We trust that this report meets your needs. Should there be any questions regarding the information within this report, please do not hesitate to contact the undersigned.

Yours truly,

Talbot Mackenzie & Associates

Prepared by:

1 pah Talbot

Noah Talbot, BA ISA Certified Arborist PN – 6822A Tree Risk Assessment Qualification Email: tmtreehelp@gmail.com

12. REFERENCES

Dunster, J.A., E.T. Smiley, N. Matheny, and S. Lily. 2017. Tree Risk Assessment Manual, International Society of Arboriculture (ISA).

The City of Victoria Tree Preservation Bylaw No. 05-106.

APPENDIX A - TREE MANAGEMENT PLAN (T1)



HIS PLAN I

APPENDIX B - PHOTOGRAPHS



Photograph 1. City trees NT1, NT2 & NT3 located on the Kings Road frontage.



Photograph 2 – City trees NT3, NT4 & NT5 located on the Kings Road frontage.



Photograph 3 – Yellow arrows indicate location of onsite plum trees 1898 (front), and 1899 (back).



Photograph 4 – Closeup of root collar and existing growing conditions of onsite plum (tag# 1898).


Photograph 5 – Yellow arrow indicates existing growing conditions and structure of onsite plum (tag# 1899).



Photograph 6 – Yellow arrow indicates location of non-bylaw protected size crabapple (tag# 1900).



Photograph 7 – Yellow arrow indicates location of onsite Japanese maple (tag# 1901).



Photograph 8 – Yellow arrow indicates location of onsite Japanese maple (tag# 1902).

APPENDIX C – LANDSCAPE PLANS

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response. 5. Ubless obvivien noted provide a minimum elose of 2% on all hard and soft Landscape areas to ensure positive damage away from ballings, to ran gardens, or to famage devices. 6. All backscape areas shall not exceed a maintum slape of 11 hal liverance. 7. Upon discovery, contractor to refan i from battering rock to merel landscape subgrades. Contractor to control Landscape Vehicle of how to proceed in each indextor.



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Construction Impact Assessment and Tree Management Plan for 2621 Douglas Street Prepared for Merchant House Capital

APPENDIX D – SITE SERVICING PLAN



NO. 22-037

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by creating the S-12 Zone, Douglas & Kings Limited Service District, and to rezone land known as 2615 Douglas Street from the S-1 Zone, Limited Service District, to the S-12 Zone, Douglas & Kings Limited Service District.

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 "ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1275)".
- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in the Table of Contents of Schedule "B" under the caption <u>PART 7 – Industrial and Service Zones</u> by adding the following words:

"7.64 S-12 Douglas & Kings Limited Service District"

- 3 The Zoning Regulation Bylaw is also amended by adding to Schedule B after Part 7.63 the provisions contained in Schedule 1 of this Bylaw.
- 4 The land known as 2615 Douglas Street, legally described as PID: 003-149-021, Lot 2, Section 4, Victoria District, Plan 23740 and shown hatched on the attached map, is removed from the S-1 Zone, Limited Service District, and placed in the S-12 Zone, Douglas & Kings Limited Service District.

READ A FIRST TIME the	day of	2022
READ A SECOND TIME the	day of	2022
Public hearing held on the	day of	2022
READ A THIRD TIME the	day of	2022
ADOPTED on the	day of	2022

CITY CLERK

Schedule 1 PART S-12 ZONE – DOUGLAS & KINGS LIMITED SERVICE DISTRICT

7.64.1 Definitions

In this Zone, "commissary kitchen" means a commercial kitchen space available for the use of food truck operators, caterers, and other food service businesses to prepare food and beverages for sale on and off-site, including accessory retail sales.

7.64.2 Permitted Uses in this Zone

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

- a. bakeries
- b. banks and other financial institutions
- c. brewery
- d. brewpub
- e. commissary kitchen
- f. distillery
- g. high tech
- h. liquor retail store as an accessory use to a distillery or brewery
- i. professional services
- j. <u>clubs</u>
- k. recreation and entertainment services
- I. printing and publishing establishments
- m. restaurants
- n. wholesale and retail sales
- o. offices
- p. servicing and repair of goods.

7.64.3 Restrictions on Use, Number of Buildings

- a. Maximum of one liquor retail store permitted on a lot
- b. Notwithstanding section 19 of the General Regulations, more than one <u>building</u> is permitted on a <u>lot</u> subject to the regulations in this Part.

Words that are underlined see definitions in Schedule "A" of the Zoning Regulation Bylaw

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7.64.4	Lot Area, Floor Area, Floor Space Ratio	
a.	Lot area (minimum)	10,000m ²
b.	Combined <u>floor area</u> of brewery, distillery and brewpub uses (maximum)	615m²
C.	Floor area of liquor retail store (maximum)	125m ²
d.	Floor space ratio (maximum)	1.5:1
7.64.5	Height	
a.	Principal <u>building height</u> (maximum)	15m

7.64.6 Setbacks, Projections

- a. For a corner <u>lot</u> to secure view lines, no <u>building</u> shall be sited closer to an intersection of two <u>streets</u> than the diagonal line connecting points 3m distant from the intersecting point.
- b. Paragraph (a) does not apply to any part of a <u>building</u> which is below the elevation of the intersection point or more than 3m above it.
- c. A minimum <u>setback</u> of 6m is required where the <u>lot</u> adjoins the <u>side yard</u> or <u>rear yard</u> of a <u>lot</u> zoned for predominantly residential purposes.

7.64.7 Site Coverage

a. <u>Site Coverage</u> (maximum)

60%

7.64.8 Vehicle and Bicycle Parking, Loading

- a. Vehicle parking (minimum)
- b. Bicycle parking (minimum)

Subject to the regulations in Schedule "C"

Subject to the regulations in Schedule "C"

c. A loading space shall be provided having dimensions of not less than 4m in width, 9m in length, and 4.3m in height, set back at least 3m from the <u>street</u> and located within a <u>building</u> or a <u>yard</u>.

Words that are underlined see definitions in Schedule "A" of the Zoning Regulation Bylaw





2615 - 2629 Douglas Street Rezoning No.00680

