



## Committee of the Whole Report

### For the Meeting of November 18, 2021

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**To:** Committee of the Whole **Date:** November 5, 2021

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

**Subject:** Rezoning Application No.00710 for 1905 Lee Avenue

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### RECOMMENDATION

That Council decline Rezoning Application No. 00710 for the property located at 1905 Lee Avenue.

### 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 1905 Lee Avenue. The proposal is to rezone the property and subdivide in order to create two small lots, retain the existing dwelling on one lot and construct a new single-family dwelling on the new lot. The lot with the existing house would be rezoned to the R1-S2, Restricted Small Lot (Two Storey) Single Family Dwelling, and the lot with the proposed house would be rezoned to a site-specific small lot zone.

The following points were considered in assessing this application:

- The proposal is generally consistent with the Traditional Residential Urban Place Designation and objectives related to infill development, as described in the *Official Community Plan, 2012* (OPC), however, is inconsistent with the other City policies
- The proposal is generally consistent with the *Jubilee Neighbourhood Plan, 1996*, as it retains existing housing stock. However, the design for the new house would benefit from refinements to address potential shading and overlook issues.
- The proposal is inconsistent with the policies contained in *the Small Lot House Rezoning Policy, 2002*:
  - which specifies that a minimum of 75% of residents of neighbouring properties be in support of the proposal; in this instance, the application only received 50% support.

- lot sizes should be at least 260m<sup>2</sup>. The proposal creates one lot that is 262.13 m<sup>2</sup> (existing house) and one that is 234.75 m<sup>2</sup> (proposed house).
- The proposal is inconsistent with the *Small Lot Design Guidelines* and further design revisions are recommended to better meet policy objectives.

## **BACKGROUND**

### **Description of Proposal**

The proposal is to rezone 1905 Lee Avenue from the R1-B Zone, Single Family Dwelling District, to two small lot zones, in order to subdivide the lot, retain the existing dwelling on one lot and build a new single-family dwelling on the other lot.

#### *Existing House*

The existing house would require variances from the R1-S2 Zone and will be discussed in relation to the concurrent Development Permit with Variances Application No. 000563. The variances are to:

- reduce the rear yard setback (east) from 6.0m to 2.01m
- reduce the side yard setback with a habitable window (north) from 2.4m to 1.65m.

#### *Proposed House*

For the proposed house, a site-specific zone would be based on the standard R1-S2 Zone, with a lower minimum site area of 234.75 m<sup>2</sup> instead of 260 m<sup>2</sup>. In addition, the following differences from the new zone would be required and will be discussed in relation to the concurrent Development Permit with Variances Application No. 000563:

- reduce the front yard setback from 6.0m to 2.49m
- reduce the rear yard setback from 6.0m to 2.40m.

### **Affordable Housing Impacts**

The application proposes one new residential unit which would increase the overall supply of housing in the area.

### **Tenant Assistance Policy**

The proposal is to renovate an existing building which is owner occupied.

### **Sustainability Features**

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

### **Active Transportation Impacts**

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

### **Public Realm Improvements**

No public realm improvements beyond City standards are proposed in association with this rezoning application.

## Accessibility Impact Statement

No accessibility improvements are proposed beyond what is required through the *British Columbia Building Code*.

## Land Use Context

The immediate area is characterized by single-family dwellings; however, there are also multi-family dwellings and commercial buildings in close proximity.

## Existing Site Development and Development Potential

The site is presently occupied by a single-family dwelling. Under the current R1-B Zone, the property could be developed as a single-family dwelling with a secondary suite or a garden suite.

## Data Table

The following data table compares the proposal with the R1-S2 Zone. An asterisk is used to identify where the proposal does not meet the standard zone. Two asterisks are used to identify where the existing condition is legal non-conforming.

Zoning Criteria	Lot A Existing Dwelling	Lot B New Dwelling	Zone Standard R1-S2
Site area (m <sup>2</sup> ) – minimum	262.13	<b>234.75*</b>	
Density (Floor Space Ratio) – maximum	0.29:1	0.55:1	0.6:1
Total floor area (m <sup>2</sup> ) – maximum	75.07	129.85	190.00
Lot frontage (m) – minimum	13.59 (Lee Ave)	17.28 (Bourchier St)	10.00
Height (m) – maximum	4.87	7.46	7.50
Storeys – maximum	1	2	2
Basement	Yes	Yes	Permitted
Site coverage (%) – maximum	30.78	36.90	40.00
Setbacks (m) – minimum			
Front	9.03 (Lee Ave)	<b>2.49*</b> (Bourchier St)	6.00

Zoning Criteria	Lot A Existing Dwelling	Lot B New Dwelling	Zone Standard R1-S2
Rear	<b>2.01*</b>	<b>2.40*</b>	6.00
Side	<b>1.65*</b> (north; habitable)	2.57 (east to deck stairs) 6.09 (east non-habitable)	1.50 (non-habitable) 2.40 (habitable)
Side	n/a	2.43 (west; habitable)	1.50 (non-habitable) 2.40 (habitable)
Side on flanking street	<b>2.16**</b> (Bourchier St)	n/a	2.40
Parking – minimum	<b>1**</b> (below minimum height)	1	1

## Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the South Jubilee CALUC at a Community Meeting held on June 18, 2019. Letters dated June 26, 2019 and March 3, 2020 are attached to this report.

In accordance with the City's *Small Lot House Rezoning Policy*, the applicant has polled the immediate neighbours and reports that 50% support the application. Under this policy, "satisfactory support" is written support from 75% of immediate neighbours. A petition from 1928 Lee Avenue notes that an email is attached, however, the applicant indicated the email is not available. The Policy states that petitions submitted with the application must not be more than six months old, and several of the petitions were more than six months old at application submission; however, the applicant chose not to re-petition those neighbours. The required Small Lot House Rezoning Petitions, Summary and illustrative map provided by the applicant are attached to this report.

## ANALYSIS

### Official Community Plan

The *Official Community Plan, 2012* (OCP) Urban Place Designation for the property is Traditional Residential which consists of primarily ground-oriented building forms including single, duplexes, townhouses and row-houses, house conversions. In accordance with the OCP, small lots are subject to DPA 15A: Intensive Residential - Small Lot. The proposal is generally consistent with the objectives of DPA 15A to accommodate growth in traditional residential areas in a gradual, adaptive, and small-scale way, however, due to the lot size, massing of the building and resulting shading and privacy impacts, the proposal would benefit from refinements.

### Local Area Plans



The *Jubilee Neighbourhood Plan, 1996* states that small lots should be considered when they meet criteria established by the City. It also encourages the retention of existing housing stock, and permitting sensitive, small-scale infill that respects the established character of existing neighbourhoods and street variety through the scale and form of housing. The proposal does retain existing housing stock; however, the proposed lot is below that envisioned in the small lot policy, and therefore does not meet the policy.

### **Small Lot House Rezoning Policy**

The *Small Lot House Rezoning Policy* encourages sensitive infill with an emphasis on ground-oriented housing that is consistent with the existing character of development. The policy encourages retention of existing housing, which this proposal does.

The policy also requires a minimum site area of 260 m<sup>2</sup> and a lot width of 10m. The proposed lot for the existing house meets these minimums, however, the lot proposed for the new house is 234.75 m<sup>2</sup> (25m<sup>2</sup> below the minimum lot size). The reduced site area presents site planning challenges, resulting in a reduced rear yard, potential shadow impacts for neighbouring properties, and very little private outdoor space.

### **Tree Preservation Bylaw and Urban Forest Master Plan**

The goals of the *Urban Forest Master Plan* include protecting, enhancing, and expanding Victoria's urban forest and optimizing community benefits from the urban forest in all neighbourhoods. This application was received before October 24, 2019, so Tree Preservation Bylaw No. 05-106 (consolidated June 1, 2015) applies.

Seven trees have been inventoried. Two municipal trees are located on the frontage of the proposed lot with the existing house, and one municipal tree is located on the frontage of the lot that would be associated with the new house. All municipal trees will be protected and retained with this application. Two neighbouring trees on the lot to the north will also be preserved. Bylaw protected Douglas fir #7 on the subject property shall be preserved using an alternative driveway specification outlined in the arborist report from Dunster & Associates issued on January 19, 2021.

Removal of a 50cm diameter Douglas fir in good health is required for construction of the proposed dwelling, driveway, and deck.

There are no new trees proposed with this application.

#### **Tree Impact Summary Table**

<b>Tree Status</b>	<b>Total # of Trees</b>	<b>To be Removed</b>	<b>To be Planted</b>	<b>Net Change</b>
On-site trees, bylaw protected	1	0	0	0
On-site trees, not bylaw protected	1	1	0	-1
Municipal trees	3	0	0	0
Neighbouring trees, bylaw protected	0	0	0	0

Neighbouring trees, not bylaw protected	2	0	0	0
<b>Total</b>	<b>7</b>	<b>1</b>	<b>0</b>	<b>-1</b>

## CONCLUSIONS

This proposal to rezone the property to the small lot zone and subdivide the property into two lots, retain the existing house and construct one new small lot house is generally consistent with the objectives in the *Official Community Plan, 2012*; however, the proposal is inconsistent with the *Small Lot House Rezoning Policy* for lot size and neighbour support. As the proposal is inconsistent with these policies, staff recommend that Rezoning Application No. 00710 for 1905 Lee Avenue be declined. An alternate motion is provided below should Council wish to advance the application for consideration at a public hearing.

## ALTERNATE MOTION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendments that would authorize the proposed development outlined in Rezoning Application No. 00710 for 1905 Lee Avenue, that first and second reading of the Zoning Regulation Bylaw Amendments be considered by Council and a public hearing date be set.

Respectfully submitted,

Chelsea Medd  
Planner  
Development Services Division

Karen Hoeser, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:

Date: \_\_\_\_\_

## List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped August 12, 2021
- Attachment D: Letter from applicant to Mayor and Council dated February 19, 2021
- Attachment E: Community Association Land Use Committee Comments dated June 26, 2019 and March 2, 2020
- Attachment F: Small Lot Petition Summary and Petitions dated April 25, 2021
- Attachment G: Arborist Report dated January 19, 2021
- Attachment H: Correspondence (Letters received from residents and additional petitions)



## **Committee of the Whole Report**

### **For the Meeting of November 18, 2021**

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**To:** Committee of the Whole **Date:** November 5, 2021

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

**Subject:** **Development Permit with Variances Application No. 000563 for 1905 Lee Avenue**

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### **RECOMMENDATION**

That Council decline Development Permit with Variances Application No. 000563 for the property located at 1905 Lee Avenue.

### **LEGISLATIVE AUTHORITY**

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

Pursuant to Section 491 of the *Local Government Act*, where the purpose of the designation is the establishment of objectives for the form and character of intensive residential development, a Development Permit may include requirements respecting the character of the development including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

### **EXECUTIVE SUMMARY**

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit with Variances Application for the property located at 1905 Lee Avenue. The proposal is to rezone and subdivide the property to create two small lots, retain the existing dwelling on one lot and construct a new single-family dwelling on the new lot. The lot with the existing house would be rezoned to the R1-S2, Restricted Small Lot (Two Storey) Single Family Dwelling, and the lot with the proposed house would be rezoned to a site-specific small lot zone.

The variances for the proposed house are related to reducing the front and rear yard setbacks. The variances for the existing house are related to reducing the rear and north side yard setbacks.

The following points were considered in assessing this application:

- The proposal is consistent with the Traditional Residential Urban Place Designation in the *Official Community Plan, 2012* (OCP).
- The proposal is inconsistent with the *Small Lot House Rezoning Policy, 2002*, which requires 75% of immediate neighbours to be in support of an application. This application received 50% support from immediate neighbours.
- The proposal is inconsistent with the *Small Lot Design Guidelines*; and design revisions are recommended to address the transition to neighbouring properties given the reduced setbacks.
- The proposal is inconsistent with the *Jubilee Neighbourhood Plan, 1996*, which states that infill should fit with existing context of the street and be sensitive to neighbouring properties. The proposal does, however, retain existing housing stock in the neighbourhood which is also a goal of the *Jubilee Neighbourhood Plan*.
- The new house requires variances to reduce the front and rear yard setbacks. The reduced lot area creates challenges with overall site planning and results in a smaller rear yard which limits the availability of private outdoor space and creates shadow impacts on the property to the north. The front yard setback is generally in line with the side yard setback of the existing house, but it sits in front of the neighbouring houses to the east.
- The variances associated with the existing house are to reduce the rear and north side yard setback. The side yard setback is not actually changing but a variance is triggered because the regulations in the R1-S2 Zone require greater setbacks to habitable windows than the current zoning. Since there is no actual change proposed, it is considered supportable. The reduced rear yard setback results in a rear yard which would be just over two metres deep and does not create a usable outdoor space for residents.

## BACKGROUND

### Description of Proposal

The proposal is to subdivide the property to create two small lots, retain the existing house on one lot and build a single-family dwelling on the other lot. Details of each house are provided below.

#### Proposed New House:

- Two-storey building with a basement
- flat roof
- exterior materials include horizontal cedar siding and stucco
- outdoor space provided on deck in the side yard
- ecoraster with gravel fill for driveway.

Variances are required to:

- reduce the front yard setback from 6.0m to 2.49m
- reduce the rear yard setback from 6.0m to 2.40m.

#### Existing House:

- one-storey with a basement
- hipped roof
- changes include removing the deck and changing a door to a window on the east elevation

Variances are required to:

- reduce the rear yard setback from 6.0m to 2.01m
- reduce the side yard setback (north) from 2.4m to 1.65m.

The lot with the proposed house requires rezoning to a site-specific zone, due to it being below the minimum site area in the standard small lot zone, R1-S2 Zone, Restricted Small Lot (Two Storey) District, which is discussed in the rezoning report.

### Data Table

The following data table compares the proposal with the R1-S2 Zone. An asterisk is used to identify where the proposal does not meet the standard zone. Two asterisks are used to identify where the existing condition is legal non-conforming.

Zoning Criteria	Lot A Existing Dwelling	Lot B New Dwelling	Zone Standard R1-S2
Site area (m <sup>2</sup> ) – minimum	262.13	<b>234.75*</b>	
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Storeys – maximum	1	2	2
Basement	Yes	Yes	Permitted
Site coverage (%) – maximum	30.78	36.90	40.00
Setbacks (m) – minimum			
Front	9.03 (Lee Ave)	<b>2.49*</b> (Bourchier St)	6.00
Rear	<b>2.01*</b>	<b>2.40*</b>	6.00
Side	<b>1.65*</b> (north; habitable)	2.57 (east to deck stairs) 6.09 (east non-habitable)	1.50 (non-habitable) 2.40 (habitable)

Zoning Criteria	Lot A Existing Dwelling	Lot B New Dwelling	Zone Standard R1-S2
Side	n/a	2.43 (west; habitable)	1.50 (non-habitable) 2.40 (habitable)
Side on flanking street	<b>2.16**</b> (Bourchier St)	n/a	2.40
Parking – minimum	<b>1**</b> (below minimum height)	1	1

## ANALYSIS

### Development Permit Area and Design Guidelines

The *Official Community Plan* identifies this property within the Development Permit Area 15A: Intensive Residential - Small Lot. The proposal is inconsistent with the *Small Lot House Design Guidelines* and revisions should be made to address challenges associated with massing, shadowing, overlook and landscaping.

#### Existing House

There are few changes proposed for the existing house. On the rear elevation, a patio door will be replaced with a window and the existing deck will be removed. These changes are considered minor and supportable.

There is however little private outdoor space provided for the existing house and given the limited size of the rear yard, reconsideration of the landscaping would be beneficial.

#### Proposed House

The policy states that new small lot houses should 'fit' with the neighbourhood context. The patterns found along the street should be respected in terms of building height, building form, roof shape, massing and finish. The proposal is a contemporary design with a flat roof, and while it does not match the adjacent neighbours on Bourchier Street in terms of roofline, the neighbour immediately to the north has a flat roof, as well, there are apartments and commercial buildings with flat roofs in the area. The materials are stucco and horizontal cedar lapped siding, which is generally consistent with the neighbourhood.

The reduced lot area creates challenges with overall site planning and results in a smaller rear yard which limits the availability of private outdoor space and creates shadow impacts on the property to the north. The design guidelines say a reduced rear yard is acceptable if careful attention is paid to privacy and shadowing. The proposed house is two-stories, with no building articulation or upper-level step back, and it has two bedroom windows on the second storey. There are two trees on the neighbour's property which offers some visual screening, however, the design guidelines recommend implementing design solutions rather than using landscaping (which may be removed in the future) to address potential impacts. Design revisions are recommended, such as stepping back the second storey. A shadow study was requested, but the applicant declined to provide one.

A small lot house should reflect the established massing and building proportions of the area. The proposal is for a two-story building with a basement, with some articulation and material changes which would help break up the massing. Even with these design choices, the proposed dwelling would be taller than neighbouring houses, which are typically one storey bungalows. However, as surrounding properties are redeveloped overtime, they will likely be taller as well.

The design guidelines recognized the entryway as an important element and encourage it being emphasized and clearly visible from the street. The guidelines also encourage having covered porches to respond to seasonal weather and to offer a more welcoming streetscape. The proposal has a front facing entry; however, it is uncovered. Staff recommend providing a porch or awning to emphasize the entry and provide weather protection. Wording has been included in the alternate motion to action this change.

The design guidelines encourage balconies and decks that are above grade to be carefully placed and oriented away from neighbouring yards. The above grade deck is oriented to the side yard and is adjacent to the side of the neighbouring house. There is a 1.5m fence proposed, however, landscaping is recommended to help provide a buffer. Again, the alternate motion contains the appropriate wording.

### **Jubilee Neighbourhood Plan**

The *Jubilee Neighbourhood Plan* states that new housing should fit with the form and character of established housing especially that of the street into which it is being placed, and this may be achieved through the massing, scale and architectural detailing of new buildings. Further, it recommends that small-scale infill must be sensitive and meet the criteria in the *Small Lot Policy*. The proposal is generally larger in scale and of a different style than the existing dwellings on the street, but over time it may fit with the context as existing houses redevelop. The plan also encourages retaining existing housing stock, which this proposal achieves.

### **Proposed Variances**

#### Existing House – Rear Yard Setback

The proposed variance is to reduce the rear yard setback is from 6.0m to 2.01m. This does not allow for much usable private space. While this is not ideal, the variance is supportable given that it is internal to the development. As noted above, it is recommended that consideration be given to designing useable private outdoor space for the residents of the existing house.

#### Existing House – Side Yard Setback

The proposed side yard setback is to reduce it from 2.4m to 1.65m. This variance is triggered by a requirement in R1-S2 Zone requiring a minimum side yard setback of 2.40m for windows to rooms used as habitable space such as bedrooms and living rooms. However, this is an existing condition which is not changing, therefore, this variance is considered supportable.

#### New House – Front Yard Setback

The proposed variance to reduce the front yard setback from 6.0m to 2.49m results in a shortened front yard which although is in line with the side yard of the existing house on the subject site, it sits proud of house to the east. Typically, transitions can be better achieved by establishing reduced front yard setbacks at a mid point between buildings on either side which in this case would result in a reduced front yard setback of 4.4m. However, given the overall

reduced lot area associated with this proposal, it would be nearly impossible to achieve this without further impacting the rear yard and neighbour to the north, therefore staff recommend if Council chooses to advance the application that the reduced front yard setback be supported.

#### Proposed House – Rear Yard Setback

The proposed variance is to reduce the rear yard setback from 6.0m to 2.40. While the applicant did redesign early in the process to increase this setback from 1.3m to 2.4m, this is still not an ideal situation, given shading and privacy impacts on the neighbouring property. Stepping back the second storey may help to reduce this impact; providing a shadow study will help determine the degree of shading that results on the neighbouring property to the north. These recommendations are included in the alternate motion should Council wish to advance the application for consideration at a public hearing.

#### **Plan Corrections / Details**

There are a number of minor plan revisions and servicing matters that require clarification should Council choose to advance this application to a public hearing. These items are detailed in the alternate motions should Council choose to advance the application.

#### **CONCLUSIONS**

The proposal to subdivide the property and construct a new small lot house is not consistent with policy, and therefore the recommendation is to decline. An alternate recommendation is provided for the applicant to make revisions to address shadow impacts and privacy, and to add landscape screening, should Council wish to advance the application. It is also recommended the applicant discuss plans and re-petition immediate neighbours. It is noted that the applicant has expressed an unwillingness to make further design adjustments, therefore a second alternate motion has also been provided which would advance the application as is, but with minor plan corrections and clarifications required.

#### **ALTERNATE MOTIONS**

##### Option 1 – Further Revisions

That the applicant works with staff to revise the design and provide more information and return to Committee of the Whole:

1. Provide a shadow study for the proposed house in context with neighbouring properties.
2. Revisions to the plans to address the following, to the satisfaction of the Director of Sustainable Planning and Community Development:

Proposed new house:

- i. Step back the second storey on the north elevation
- ii. Reduce potential privacy impacts from bedroom windows
- iii. Provide landscaping around the above grade deck
- iv. Identify materials of pathway to house
- v. Show basement window wells on plans, and revise landscape plan to reflect this change
- vi. Make the entry more prominent by having an overhang



- vii. Show the proposed location of the utility pole, and that the pole relocation has been approved. Proposed location must comply with the Highway Access Bylaw and not impact existing trees or impede future planting of boulevard trees.

Existing House

- i. Provide a usable outdoor space for the existing house
3. Once design revisions are made, discuss plans and re-petition immediate neighbours as per the Small Lot Policy.

Option 2 – Advance as Presented with Minor Revisions

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. 00710, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit with Variance Application No. 00563 for 1905 Lee Avenue, in accordance with:

- 1. Plans date stamped August 12, 2021
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:

*Existing House*

- i. reduce the rear yard setback from 6.0m to 2.01m;
- ii. reduce the side yard setback (north) for a habitable window from 2.40m to 1.65m.

*Proposed House*

- iii. reduce the rear yard setback from 6.0m to 2.40m;
  - iv. reduce the front yard setback from 6.0m to 2.49m.
3. Revisions to the plans to address the following, to the satisfaction of the Director of Sustainable Planning and Community Development:
- a. Show basement window wells on plans, and revise landscape plan to incorporate this area
  - b. Identify material of pathways to house
  - c. Show the proposed location of the utility pole, and that the pole relocation has been approved. Proposed location must comply with the Highway Access Bylaw and not impact existing trees or impede future planting of boulevard trees.
4. The Development Permit lapsing two years from the date of this resolution.

Respectfully submitted,

Chelsea Medd  
Planner  
Development Services Division

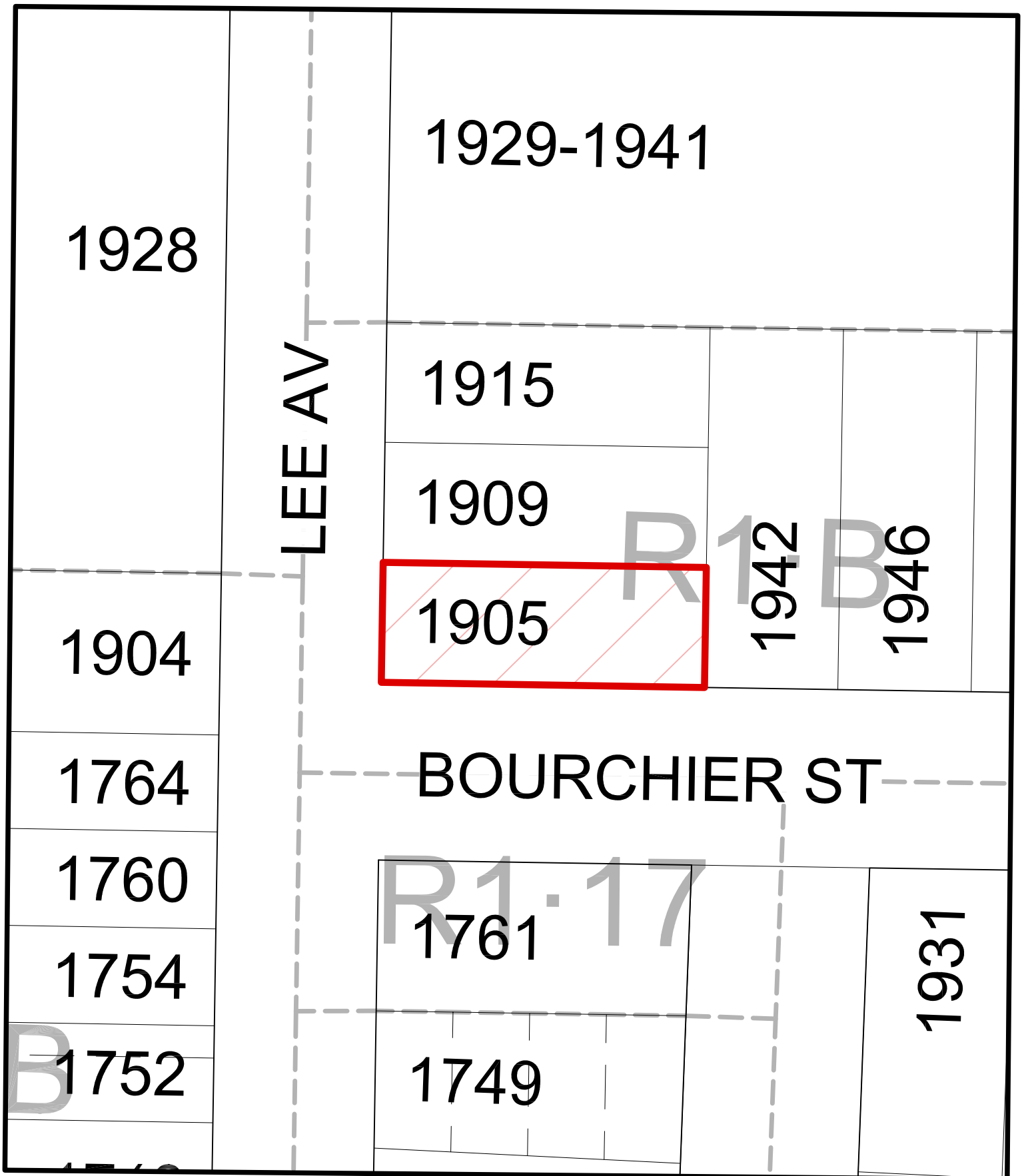
Karen Hoese, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:

Date: \_\_\_\_\_

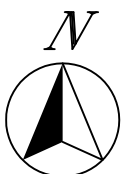
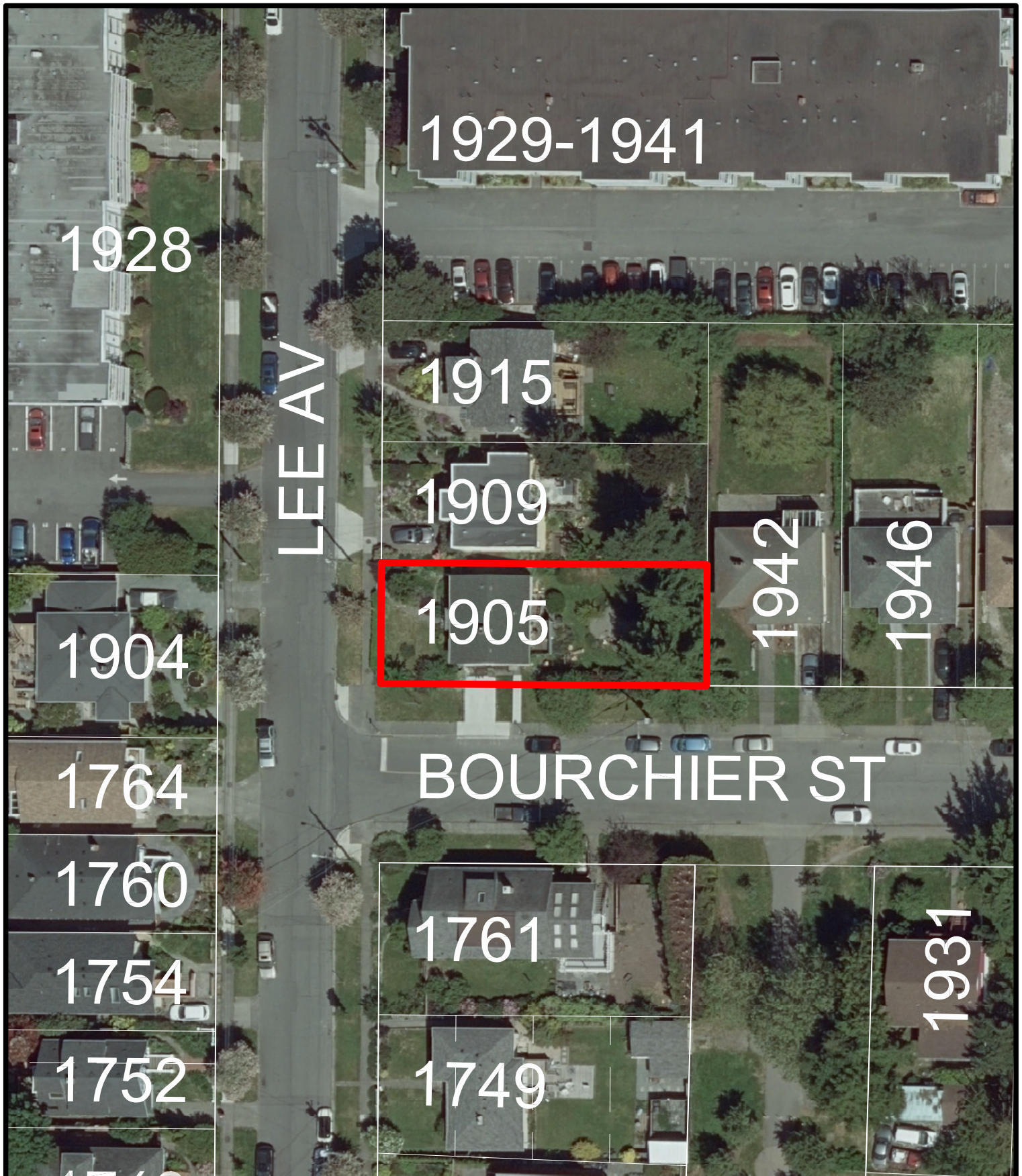
**List of Attachments**

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- Attachment B: Aerial Map
- Attachment C: Plans date stamped August 12, 2021
- Attachment D: Letter from applicant to Mayor and Council dated February 19, 2021
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- Attachment F: Small Lot Petition Summary and Petitions dated April 21, 2021
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1905 Lee Avenue  
Rezoning No.00710





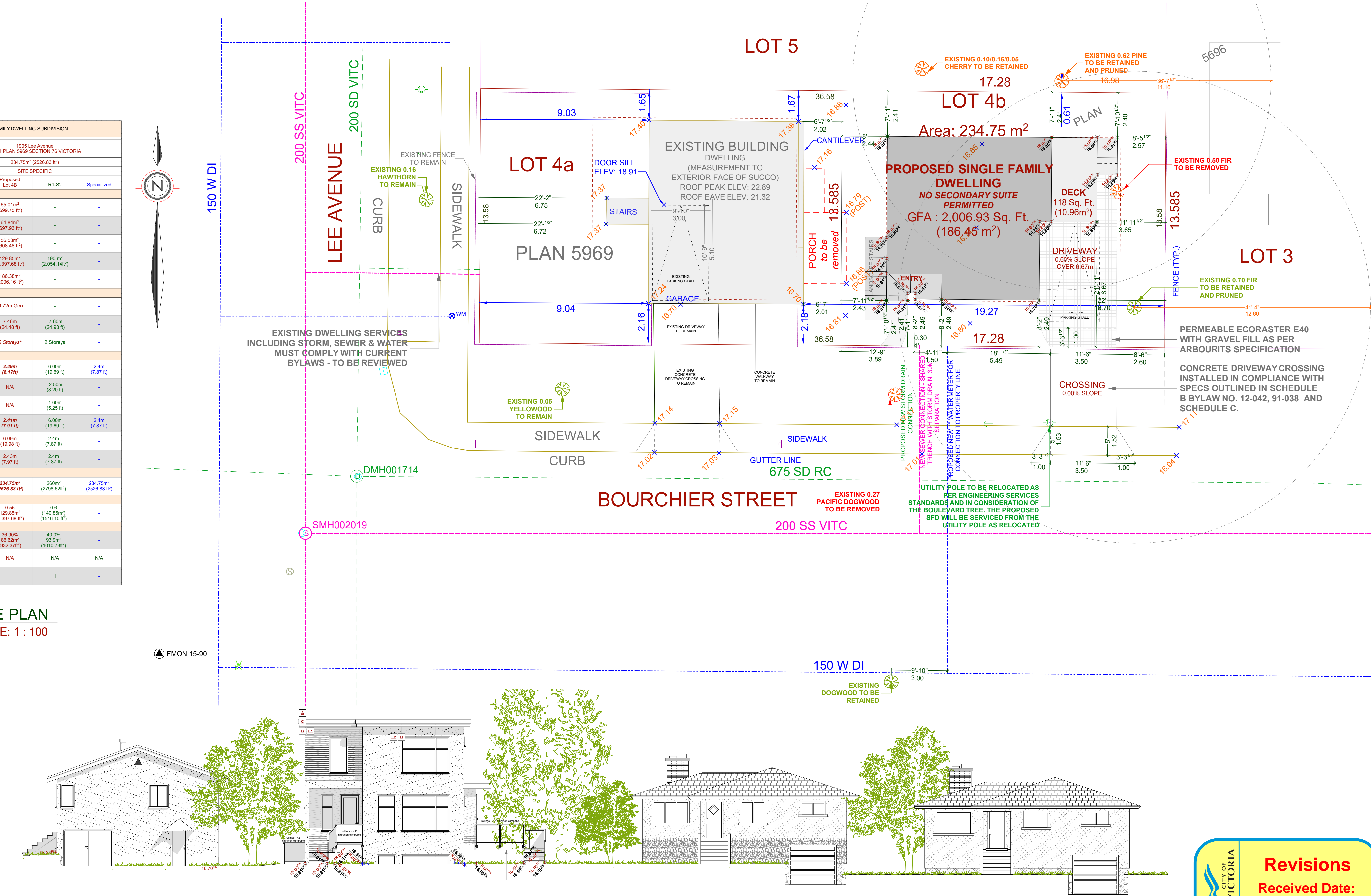
1905 Lee Avenue  
Rezoning No.00710





PROJECT DATATABLE - SINGLE FAMILY DWELLING SUBDIVISION				
Address	1905 Lee Avenue LOT 4 PLAN 5969 SECTION 76 VICTORIA			
Lot Size	234.75m <sup>2</sup> (2526.83 ft <sup>2</sup> )			
Zoning	SITE SPECIFIC			
	Existing Lot 4A (To Remain)	Proposed Lot 4B	R1-S2	Specialized
Floor Area of the Principal Building				
Upper Floor Area	N/A	65.01m <sup>2</sup> (698.75 ft <sup>2</sup> )	-	-
Main Floor Area	75.07m <sup>2</sup> (808.06 ft <sup>2</sup> )	64.84m <sup>2</sup> (697.93 ft <sup>2</sup> )	-	-
Basement Floor Area	74.10m <sup>2</sup> (797.61 ft <sup>2</sup> )	56.53m <sup>2</sup> (606.48 ft <sup>2</sup> )	-	-
Floor area, for the first and second storeys combined (maximum)	75.07m <sup>2</sup> (808.06 ft <sup>2</sup> )	129.85m <sup>2</sup> (1,397.68 ft <sup>2</sup> )	190 m <sup>2</sup> (2,054.14 ft <sup>2</sup> )	-
Floor area, of all floor levels combined (maximum) (lot area < 669m <sup>2</sup> )	149.17m <sup>2</sup> (1605.67 ft <sup>2</sup> )	186.38m <sup>2</sup> (2006.16 ft <sup>2</sup> )	-	-
Height, Storeys				
Average grade	17.21m Existing to Remain	16.72m Geo.	-	-
Residential building* (maximum)	4.89m Existing to Remain	7.46m (24.48 ft)	7.60m (24.93 ft)	-
Storeys	2 Existing to Remain	2 Storeys*	2 Storeys	-
Setbacks, Projections				
Front yard setback (minimum)	9.03m (29.63 ft)	2.49m (8.17 ft)	6.00m (19.69 ft)	2.4m (7.87 ft)
Maximum projections into front setback * steps less than 1.7m in height	N/A	N/A	2.50m (8.20 ft)	-
Maximum projections into front setback * roof	N/A	N/A	1.60m (5.25 ft)	-
Rear yard setback* (minimum)	1.99m (6.53 ft)	2.41m (7.91 ft)	6.00m (19.69 ft)	2.4m (7.87 ft)
Interior side yard setback (minimum) (East / North)	1.65m (5.41 ft)	6.09m (19.98 ft)	2.4m (7.87 ft)	-
Interior side yard setback (minimum) (West / South)	2.18m (7.09 ft) existing non-conforming	2.43m (7.97 ft)	2.4m (7.87 ft)	-
Lot area				
Site area (minimum)	262.13m <sup>2</sup> (2821.54 ft <sup>2</sup> )	234.75m <sup>2</sup> (2526.83 ft <sup>2</sup> )	260m <sup>2</sup> (2798.62 ft <sup>2</sup> )	234.75m <sup>2</sup> (2526.83 ft <sup>2</sup> )
Floor space ratio				
Floor space ratio (minimum)	0.29 75.07m <sup>2</sup> (808.06 ft <sup>2</sup> )	0.55 129.85m <sup>2</sup> (1,397.68 ft <sup>2</sup> )	0.6 (140.85m <sup>2</sup> ) (1516.10 ft <sup>2</sup> )	-
Site Coverage, Parking				
Site coverage (maximum)	30.78% 80.68m <sup>2</sup> (868.43 ft <sup>2</sup> )	36.90% 86.62m <sup>2</sup> (932.37 ft <sup>2</sup> )	40.0% 93.9m <sup>2</sup> (1010.73 ft <sup>2</sup> )	-
Bicycle Storage • Long Term Storage Spaces • Short Term Storage Spaces	N/A	N/A	N/A	N/A
Parking	1	1	1	-

SITE PLAN  
SCALE: 1 : 100



NAFS REQUIREMENTS:

Performance Grade of 30  
Water Test Pressure of 260 Pa

GENERAL NOTES

ALL MATERIALS AND CONSTRUCTION METHODS TO CONFORM TO THE CURRENT EDITION OF THE BRITISH COLUMBIA BUILDING CODE AS WELL AS ANY LOCAL BUILDING CODES OR BYLAWS WHICH MAY TAKE PRECEDENCE.

ALL MEASUREMENTS MUST BE VERIFIED ON SITE BY BUILDER PRIOR TO CONSTRUCTION, AND ANY DISCREPANCIES REPORTED TO THE DESIGNER.

DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALE

-SMOKE DETECTORS SHALL BE PROVIDED ON EVERY FLOOR

SITE PLAN

ALL LAYOUTS SHOULD BE CONFIRMED BY A REGISTERED B.C. LAND SURVEYOR. ALL SETBACKS SHALL BE CONFIRMED BY THE OWNER/BUILDER. ALL GRADE ELEVATIONS ARE THE RESPONSIBILITY OF THE OWNER/BUILDER AND ANY MODIFICATIONS ARE TO BE MADE ON SITE.

CONFORMITY OF THESE PLANS TO THE ACTUAL SITE IS THE RESPONSIBILITY OF THE OWNER/BUILDER.

CONCRETE AND FOUNDATIONS

ALL CONCRETE FOOTINGS TO HAVE SOLID BEARING ON COMPACTED, UNDISTURBED INORGANIC SOIL TO A SUITABLE DEPTH BELOW FROST PENETRATION.

IF SOFTER CONDITIONS APPLY, THE SOLID BEARING CAPACITY AND SIZE OF FOOTINGS ARE TO BE DESIGNED BY A QUALIFIED ENGINEER.

GARAGE & CARPORT FLOORS AND EXTERIOR STEPS SHALL NOT BE LESS THAN 32 MPa

FOUNDATION CONCRETE SHALL HAVE MIN. COMPRESSIVE STRENGTH OF 2900 psi (20MPa) AT 28 DAYS, MIXED, PLACED AND TESTED IN ACCORDANCE WITH CAN3-A438.

ALL WALLS ARE 8" CONCRETE UNLESS OTHERWISE NOTED. ALL GRADES ARE ESTIMATED ONLY AND SHALL BE ADJUSTED ON SITE. ALL WOOD IN CONTACT WITH CONCRETE SHALL BE TREATED OR SEPARATED BY A MOISTURE RESISTANT GASKET MATERIAL.

LUMBER, FRAMING AND BEAMS

BUILDING FRAMES TO BE ANCHORED TO FOUNDATION BY FASTENING SILL PLATE TO FOUNDATION WITH NOT LESS THAN 12.7mm DIAM ANCHOR BOLTS AT NOT MORE THAN 2.4M O.C.

ALL ENGINEERED BEAMS TO BE SIZED BY SUPPLIER.

ALL SPANS SHALL CONFORM TO THE TABLES SET OUT IN "THE SPAN BOOK" AND THE NATIONAL BUILDING CODE OF CANADA AND VERIFICATIONS OF ALL SPANS IS THE RESPONSIBILITY OF THE OWNER/BUILDER.

TRUSSES

TRUSSES AND LAYOUT ARE TO BE ENGINEERED AND INSTALLED ACCORDING TO MANUFACTURER'S SPECIFICATIONS, INCLUDING ALL BRACING.

ROOFING  
ALL ROOFING SHALL BE APPLIED TO MANUFACTURER'S SPECIFICATION AND SHALL INCLUDE EAVE PROTECTION FROM ICE DAMS AND SNOW BUILD UP.

PLUMBING & ELECTRICAL  
ANY ELECTRICAL SHOWN ON PLANS IS TO SERVE AS A GUIDE ONLY AND MUST BE INSTALLED BY A QUALIFIED PERSONNEL.

FLASHING

ALL EXPOSED OPENINGS SHALL BE PROVIDED WITH ADEQUATE FLASHING. ALL ROOFING SHALL INCORPORATE STEP FLASHING. ALL PENETRATIONS THROUGH ROOF SHALL INCLUDE APPROPRIATE FLASHING.  
DOORS - ROUGH OPENING SIZES  
FRAME OPENING 1 1/4" WIDER THAN DOOR  
FRAME HEIGHT 83" FOR EXTERIOR DOORS AND 82.5" FOR INTERIOR DOORS. FRAME OPENING 1 1/4" WIDER THAN BIFOLD DOORS AND FRAME HEIGHT 81.5".

MISC.  
CARBON MONOXIDE ALARMS TO BE HARDWIRED AND WITHIN 5M OF EACH BEDROOM IN EVERY SUITE AND INTERCONNECTED TO ALL FLOORS. CARBON MONOXIDE ALARMS TO CONFORM TO CSA 6.19

NEITHER JAVADESIGNS INC. NOR THE DESIGNER ACCEPT RESPONSIBILITY FOR THE FOLLOWING:

-INFORMATION PROVIDED ON EXISTING BUILDINGS OR SITE.  
-CONFORMITY OF PLANS TO SITE.  
-ERRORS AND OMISSIONS  
-ANY HOUSE BUILT FROM THESE PLANS



WHERE LINES ON PAPER BECOME WALLS ON SITE  
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DRAWING NAME:  
SITE PLAN, DATA BOX & STREETSCAPE

ISSUE DATE:  
SEPT 21, 2021

DRAWING SCALE:  
SEE DRAWINGS

DRAWN BY:  
KYLE LEGGETT

CUSTOMER:  
MARIA WEEKS

ADDRESS:  
1905 LEE AVE.  
LOT 4 PLAN 5969 SECTION 76 VICTORIA

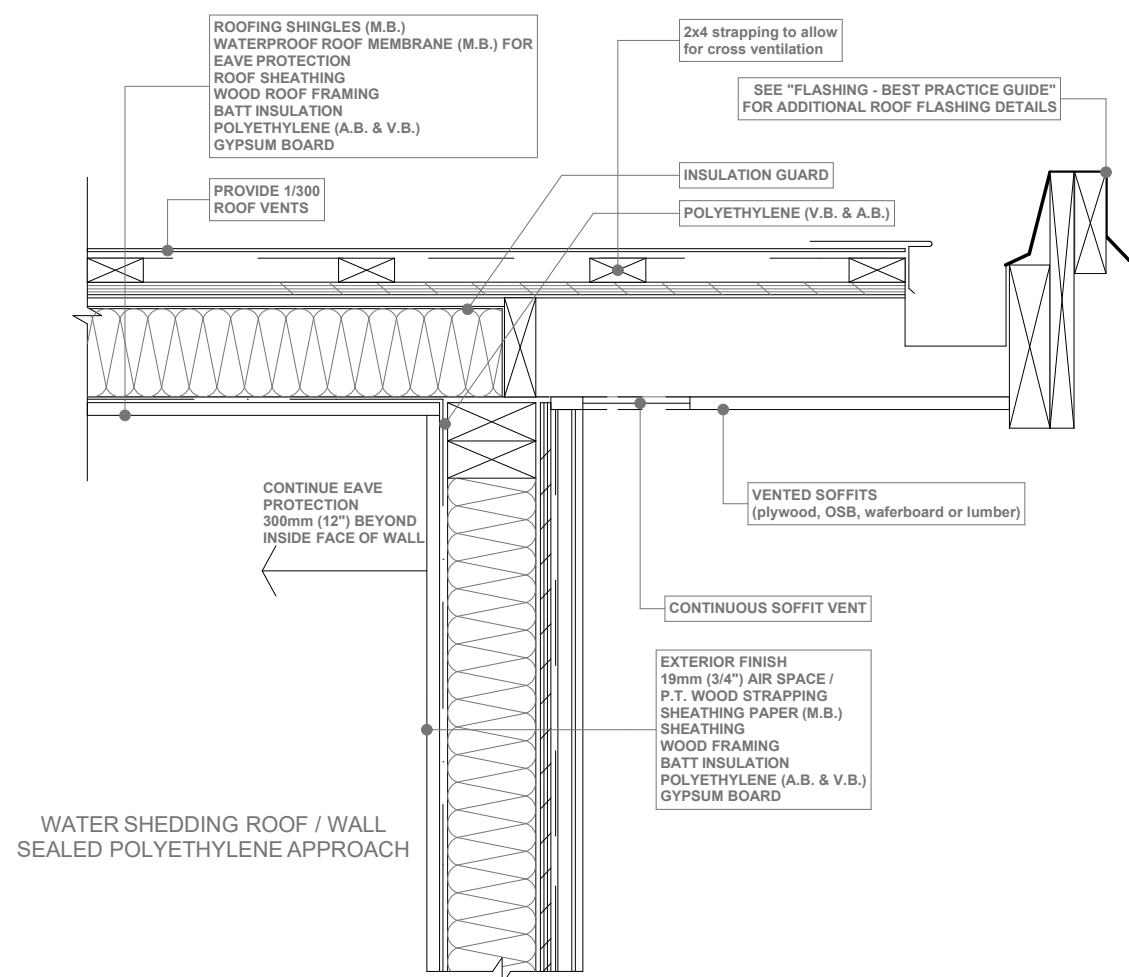
SHEET  
NUMBER

A1

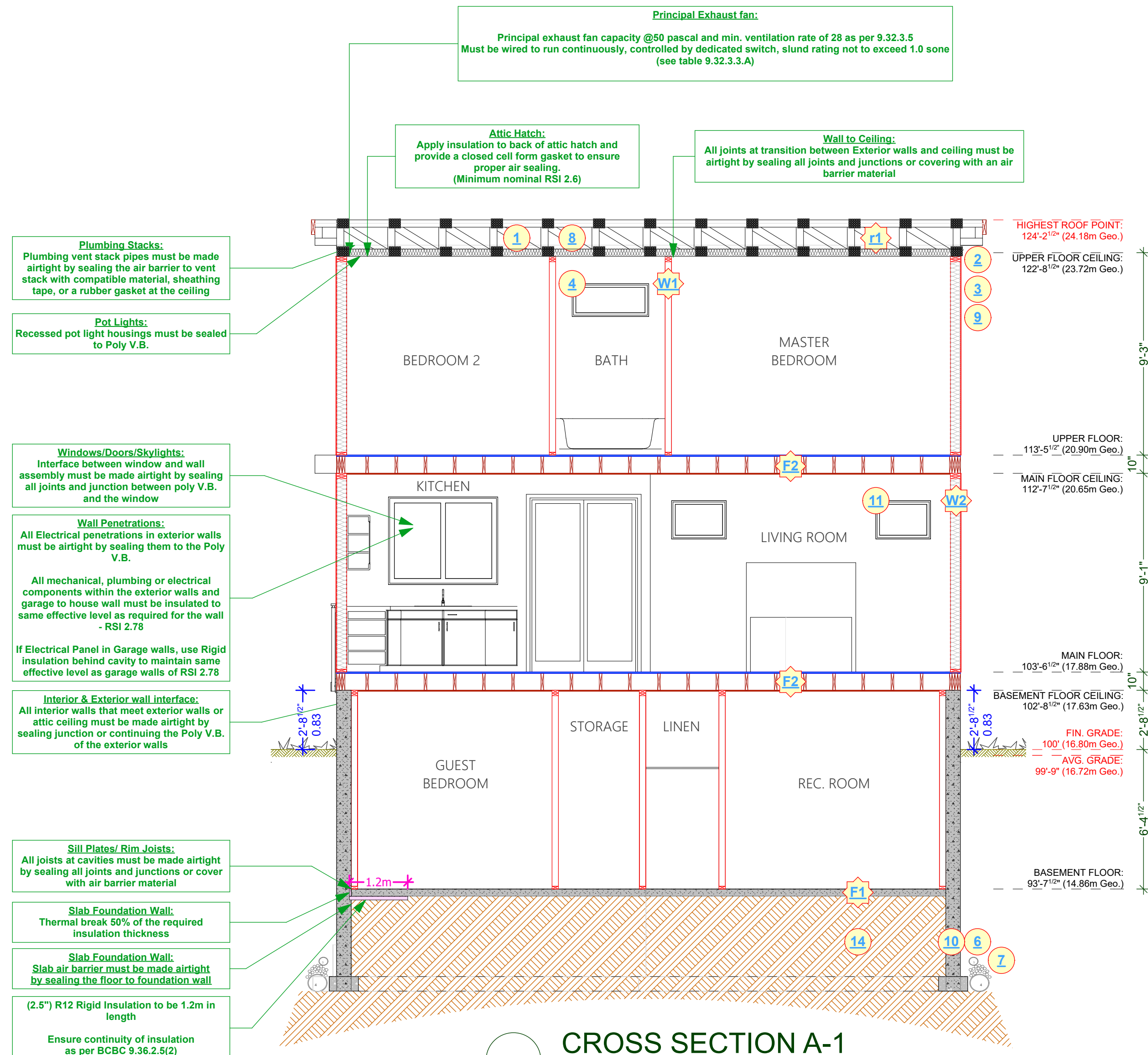








**SOFFIT DETAIL**  
SCALE: 1" = 1' - 0"



**CROSS SECTION A-1**

SCALE: 1/4" = 1' - 0"

HEAT SOURCE TO BE: DUCTLESS HEAT PUMP WITH HRV

EFFECTIVE R-VALUE FOR EXTERIOR WALLS AGAINST LOWER ROOF:	
Exterior Air Film	0.03
7/16" OSB Sheathing	0.11
R-22 Batt insulation	
2x6 Wood studs @ 16" O.C.	
$RSIp=100/[(23/1.19)+(77/3.87)] =$	
6 MIL Poly V.B.	2.55
1/2" Gypsum Board	0
Interior Air Film	0.08
	0.11
	<b>RSI=2.88</b>
Values from Table A-9.36.2.4.(1)D	
EFFECTIVE R-VALUE FOR EXTERIOR WALLS ABOVE GRADE:	
Exterior Air Film	0.03
Fibre-Cement Siding	0.02
1/2" Rain Screen Air Cavity	0.15
Building Paper	0
7/16" OSB Sheathing	0.11
R-20 Batt insulation	
2x6 Wood studs @ 16" O.C.	2.36
$RSIp=100/[(23/1.19)+(77/3.34)] =$	
6 MIL Poly V.B.	0
1/2" Gypsum Board	0.08
Interior Air Film	0.11
	<b>RSI=2.86</b>
Values from Table A-9.36.2.4.(1)D	
EFFECTIVE R-VALUE FOR FOUNDATION WALLS:	
Damp proofing	0
8" poured-in place concrete	2.11
(2.5") R12 Rigid Insulation	
	<b>RSI=2.11</b>
Values from Table A-9.36.2.4.(1)D	
EFFECTIVE R-VALUE FLOOR OVER UNHEATED SPACE (OUTSIDE):	
Exterior Air Film	0.03
Aluminum Soffit	0.00
3/4" Sheathing	0.161
R28 Batt insulation	
2x10 Wood Joists @ 16" O.C.	
$RSIp=100/[(13/2.0)+(87/4.93)] =$	
3/4" Sheathing	4.18
Interior Air Film	0.161
	0.16
	<b>RSI=4.67</b>
Values from Table A-9.36.2.4.(1)D	
EFFECTIVE R-VALUE CEILING BELOW ATTIC (TRUSSES):	
Built-up Torch-on Roofing	0.06
1/2" Sheathing	0
Attic air film	0.03
R40 blown fiberglass insulation above truss cord	5.38
Wood trusses @ 24" O.C.	1.47
$RSIp=100/[(11/0.76)+(89/1.67)] =$	
6 MIL Poly V.B.	0
1/2" Gypsum Board	0.08
Interior Air Film	0.12
	<b>RSI=7.14</b>
Values from Table A-9.36.2.4.(1)D	

**CONSTRUCTION NOTES:**

- |   |   |
|---|---|
| 1 R40 insulation, 6 mil poly V.B., 1/2" ceiling board. RSI VALUE OF 6.91                                | 8 Provide roof vents: vent 1/150 using Shinglevent II Ridge Vent  |
| 2 Continuous gutters  | 9 Eave protection to 12" beyond heated wall   |
| 3 Aluminum gutters and non-vented soffits - roof overhangs as per plans                                 | 10 8" concrete wall on 8"x16" concrete footings - 2#4 bar continuous - R12 rigid insulation - 2 coats damp proofing |
| 4 All windows vinyl, supply rain pan under, rainscreen as per BCBC. Windows in doors to be safety glass | 11 Caulk over and around all exterior openings  |
| 5 Stairs: 7 5/8" rise, 10.04" tread, 1" nosing with continuous handrail. NOT SHOWN                      | 12 10" X 10" post saddle on 8" pilaster 2'x2' concrete footing. NOT SHOWN   |
| 6 Provide drains to perimeter system  | 13 42" non climbable continuous handrail. NOT SHOWN   |
| 7 4" drain tile with 6" rock over   | 14 Undisturbed non-organic soil   |

"ALL WINDOWS MUST COMPLY WITH BCBC AND NAFS REQUIREMENTS"  
MUST BE CLEARLY LABELED ON ALL WINDOW UNITS UPON INSTALLATION FOR INSPECTION. -ONE EXTERIOR DOOR IS PERMITTED TO HAVE A HIGHER U-VALUE OF 2.6, ALL OTHERS MUST HAVE U-VALUE LESS THEN 1.80 (AS PER TABLE 9.36.2.7.A) -GARAGE VEHICULAR DOORS MUST BE MINIMUM NOMINAL RSI OF 1.1

**CONSTRUCTION ASSEMBLIES:**

- |   |  |
|---|--|
| F1 4" concrete floor on 6 mil poly V.B. compacted granular fill   | W1 2x4 framing 16" O.C. typ. 1/2" GWB finish throughout  |
| F2 2x10 floor joist 16" O.C. typ. nail and glue 3/4" T&G plywood X bridging @ 8" O.C. typ.  | W2 Exterior finish, 3/4" air space, pressure treated strapping, 2 layers 30 min. building paper, 1/2" sheathing, 2x6 studs at 16" O.C., R-20 batt insulation, 6 mil. poly V.B., 1/2" GWB. (See elevations) |
| F3 Ply torch-on roofing, 7/16" O.S.B. (or 1/2" plywood), 2x4 strapping to allow cross ventilation, 2x12 roof joists @ 24" O.C. typ. R28 insulation, 6 mil. poly V.B. 1/2" GWB |  |

ADD INTERCONNECTED PHOTO-ELECTRIC SMOKE ALARM CONFORMING TO ARTICLE 9.37.2.19. DWELLING UNITS TO BE SEPARATED FROM EACH OTHER BY A FIRE SEPARATION HAVING A FIRE-RESISTANCE RATING OF NOT LESS THAN 30 min. AS PER 9.37.2.15.(b)

ALL POT LIGHT CAVITIES IN CEILINGS, PLUMBING BOXES, FANS, ELECTRICAL PANELS... IN PARTY WALLS TO BE COMPLETELY SEALED AND FIRE RATED WITH TYPE 'X' DRYWALL

CUSTOMER: MARIA WEEKS

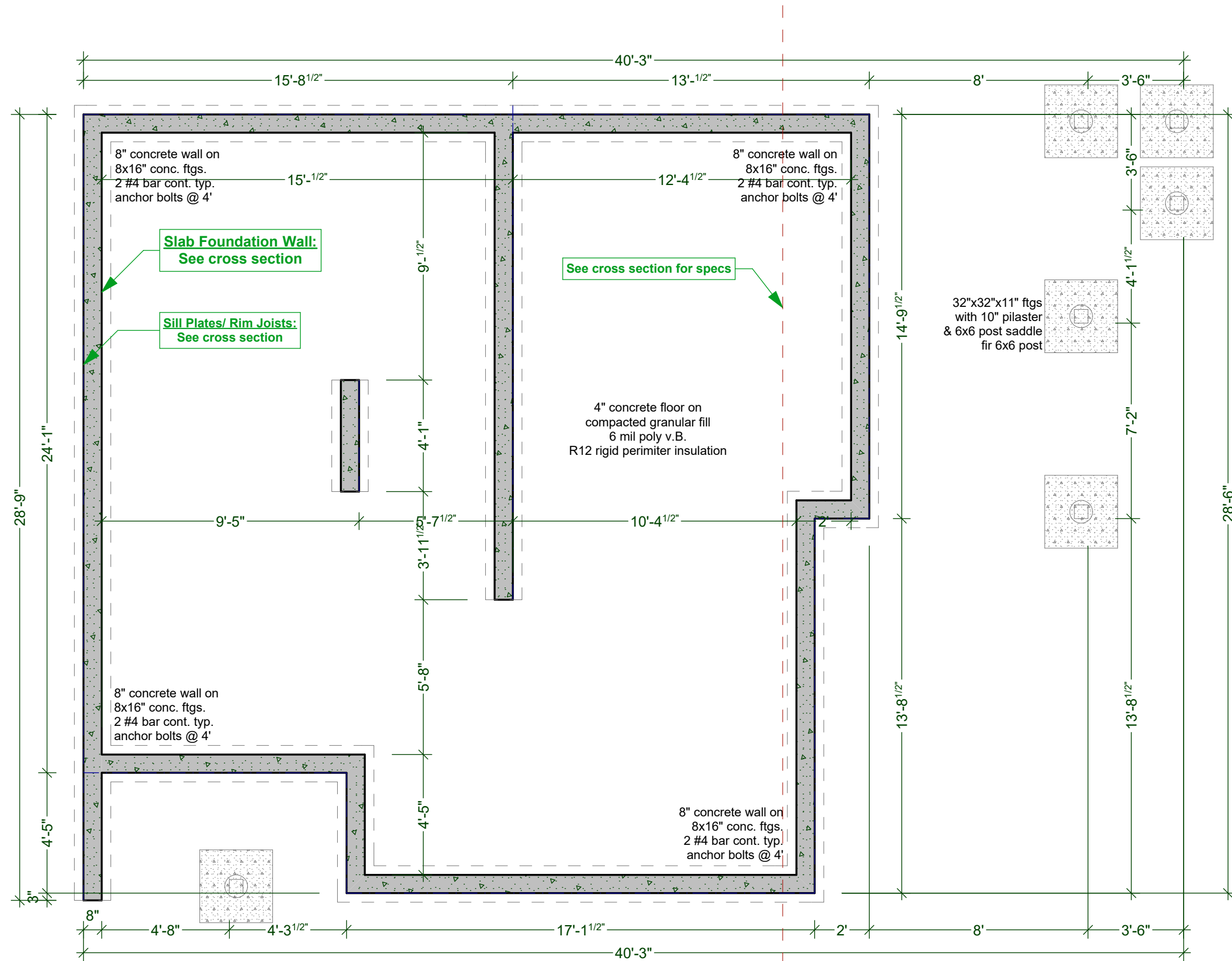
ADDRESS: 1905 LEE AVE. LOT 4 PLAN 5969 SECTION 76 VICTORIA

DRAWING NAME: CROSS SECTION A-1 AND SOFFIT DETAIL

ISSUE DATE: SEPT 21, 2021

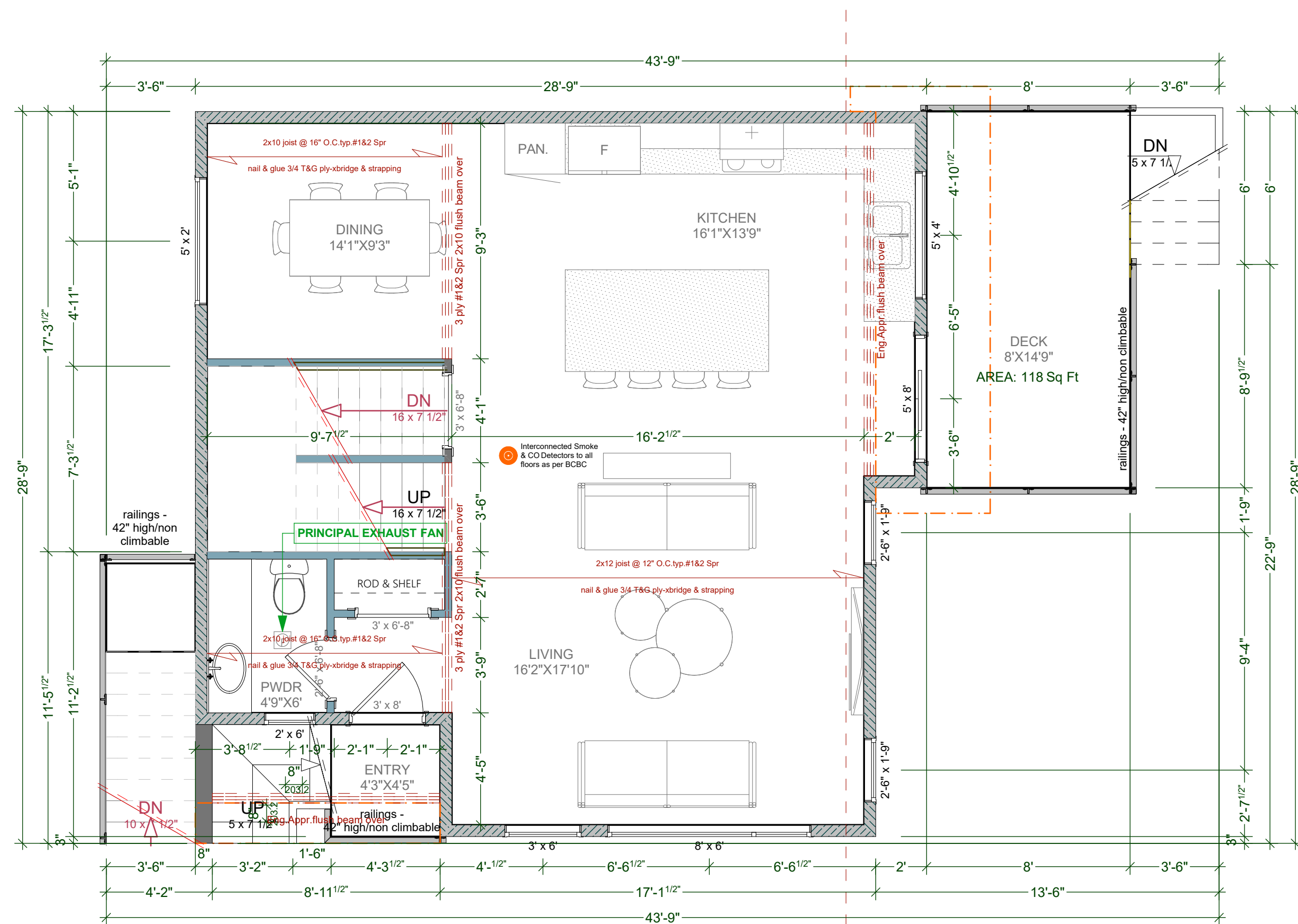
DRAWN BY: KYLE LEGGETT





FOUNDATION PLAN (ON SLAB)

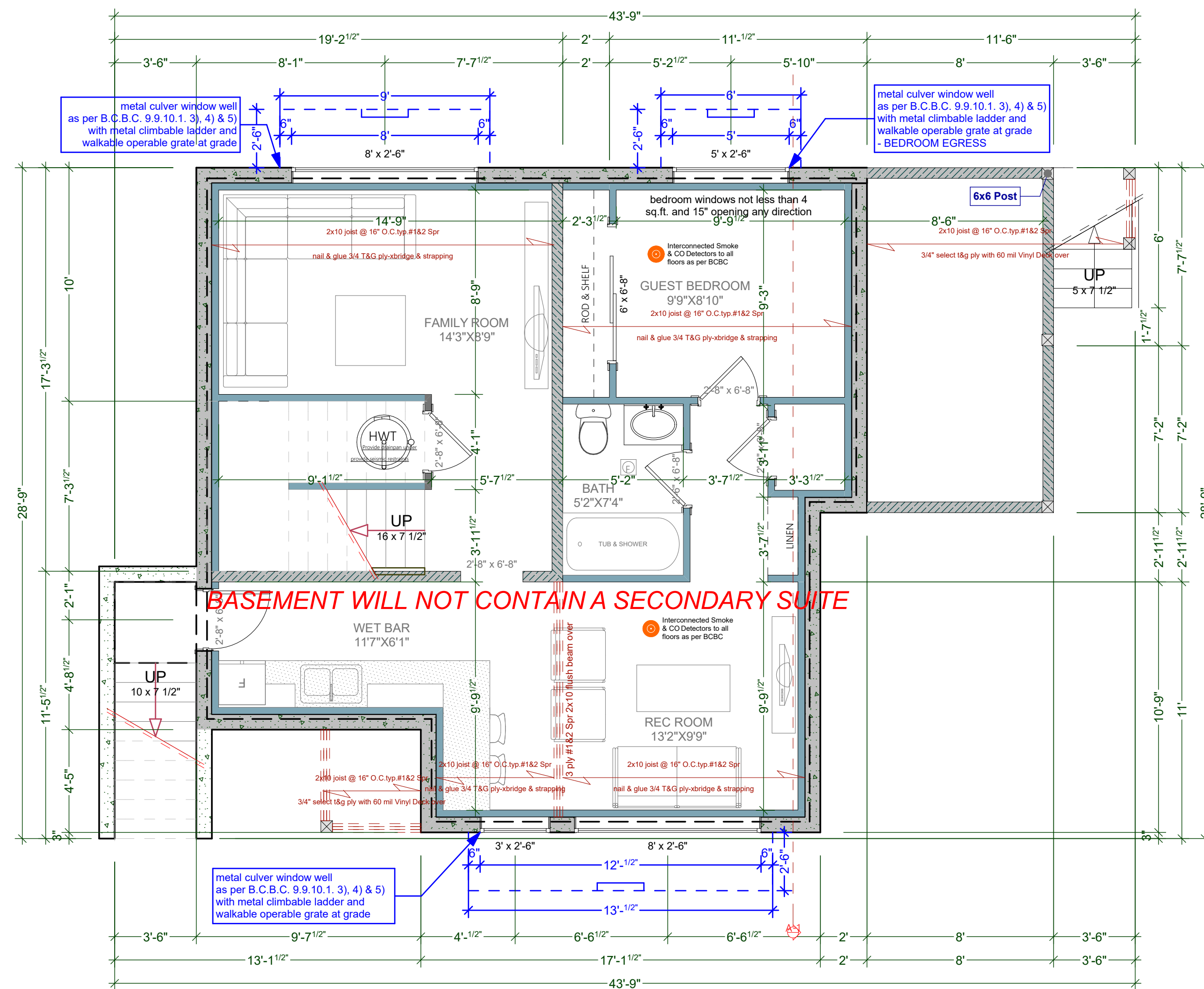
SCALE: 1/4" = 1' - 0"



MAIN FLOOR PLAN (9'-0 3/4" WALLS)

SCALE: 1/4" = 1' - 0"

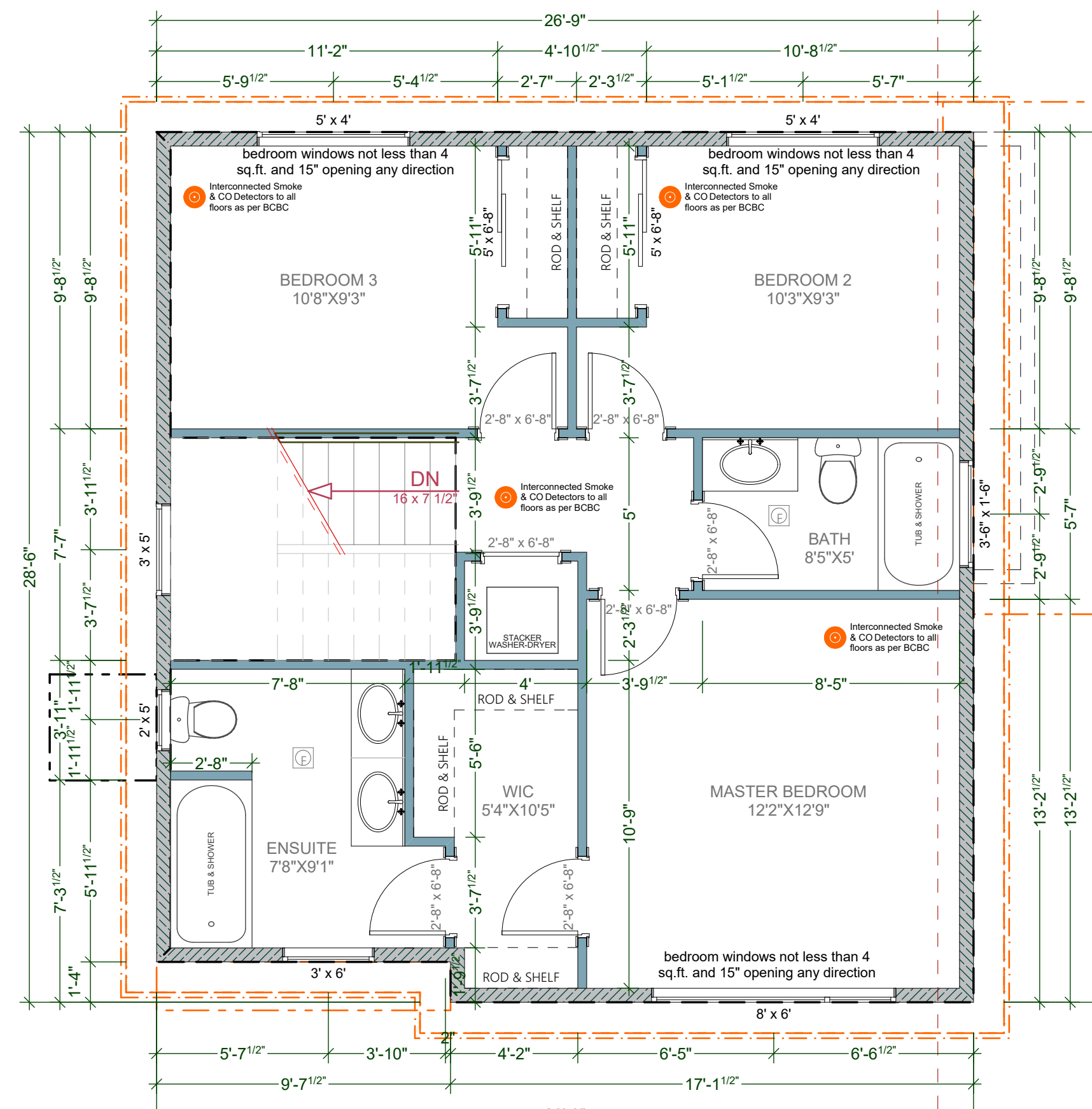
MAIN FLOOR AREA: 697.93 Sq Ft (64.84 SQ. M)



BASEMENT FLOOR PLAN (9'-0 3/4" WALLS)

SCALE: 1/4" = 1' - 0"

BASEMENT FLOOR AREA: 608.48 Sq Ft (56.53 SQ. M)



UPPER FLOOR PLAN (9'-0 3/4" WALLS)

SCALE: 1/4" = 1' - 0"

UPPER FLOOR AREA: 699.85 Sq Ft (65.02 SQ. M)

CUSTOMER:  
MARIA WEEKS

DRAWING NAME:  
FOUNDATION, BASEMENT, MAIN  
AND UPPER FLOOR PLANS

ISSUE DATE:  
SEPT 21, 2021

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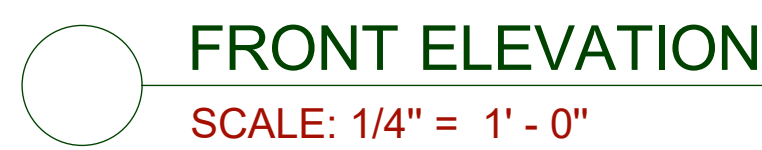
SHEET  
NUMBER

A4

DRAWING SCALE:  
1/4"=1'-0"

ADDRESS:  
1905 LEE AVE.  
LOT 4 PLAN 5969 SECTION 76 VICTORIA





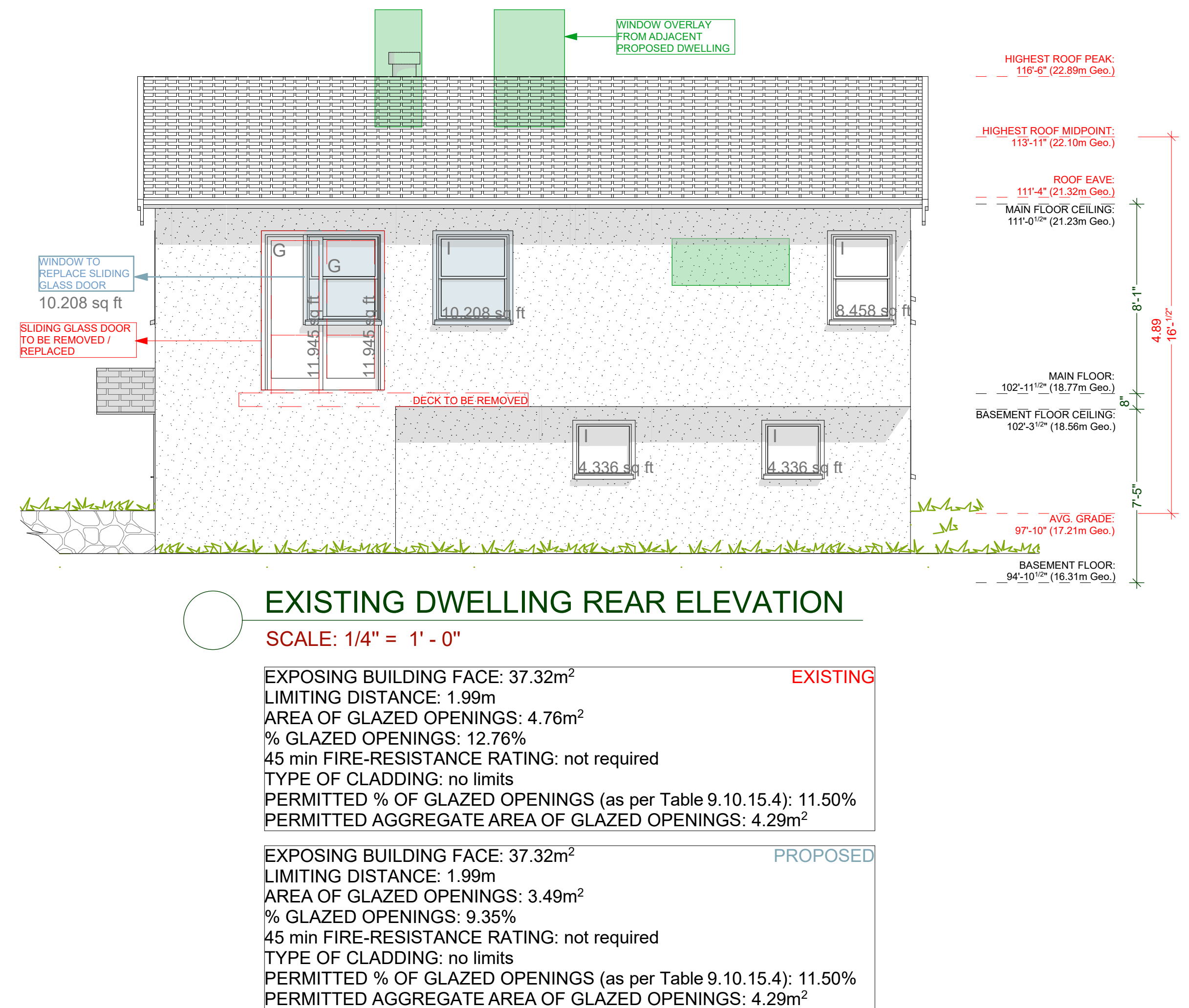
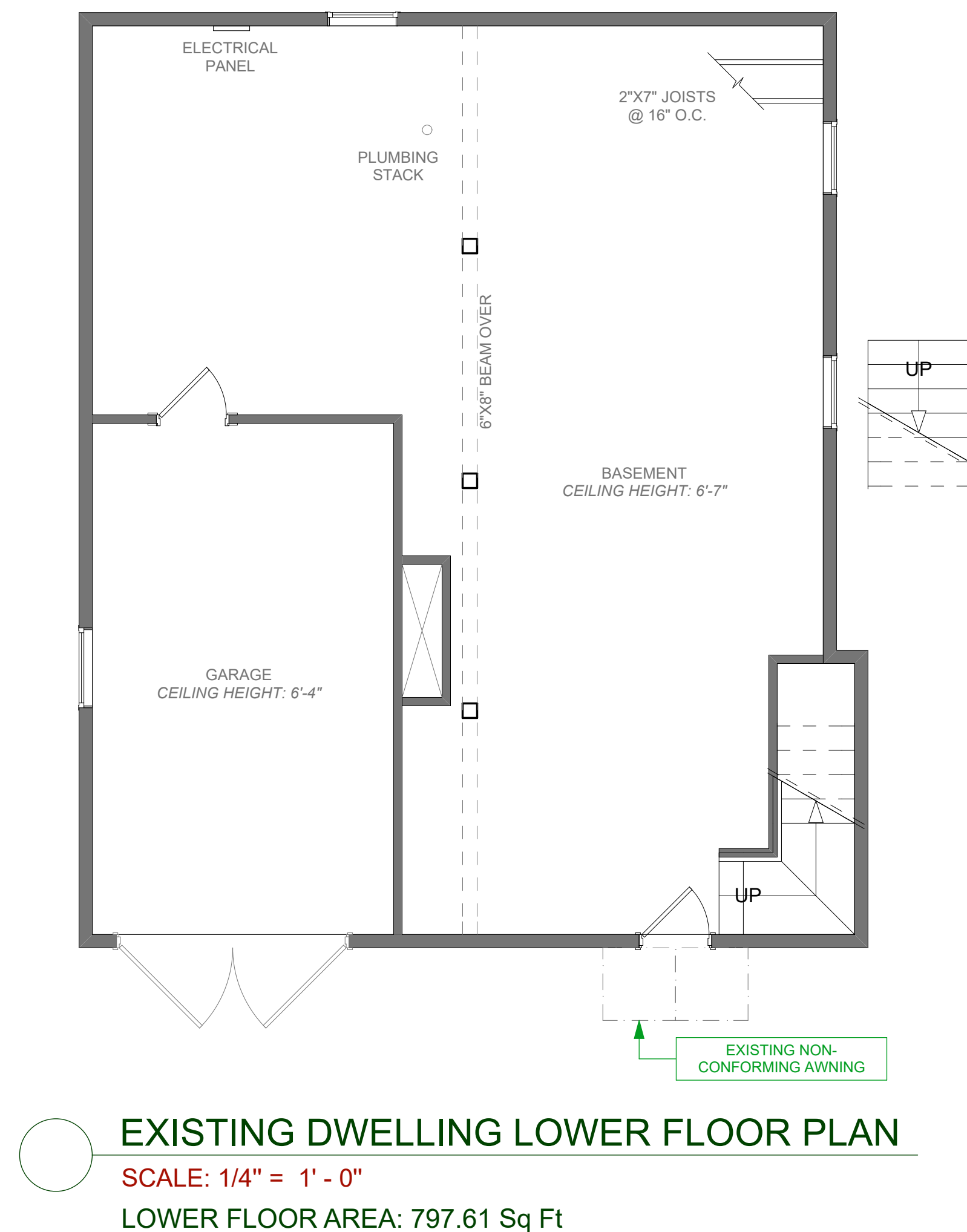
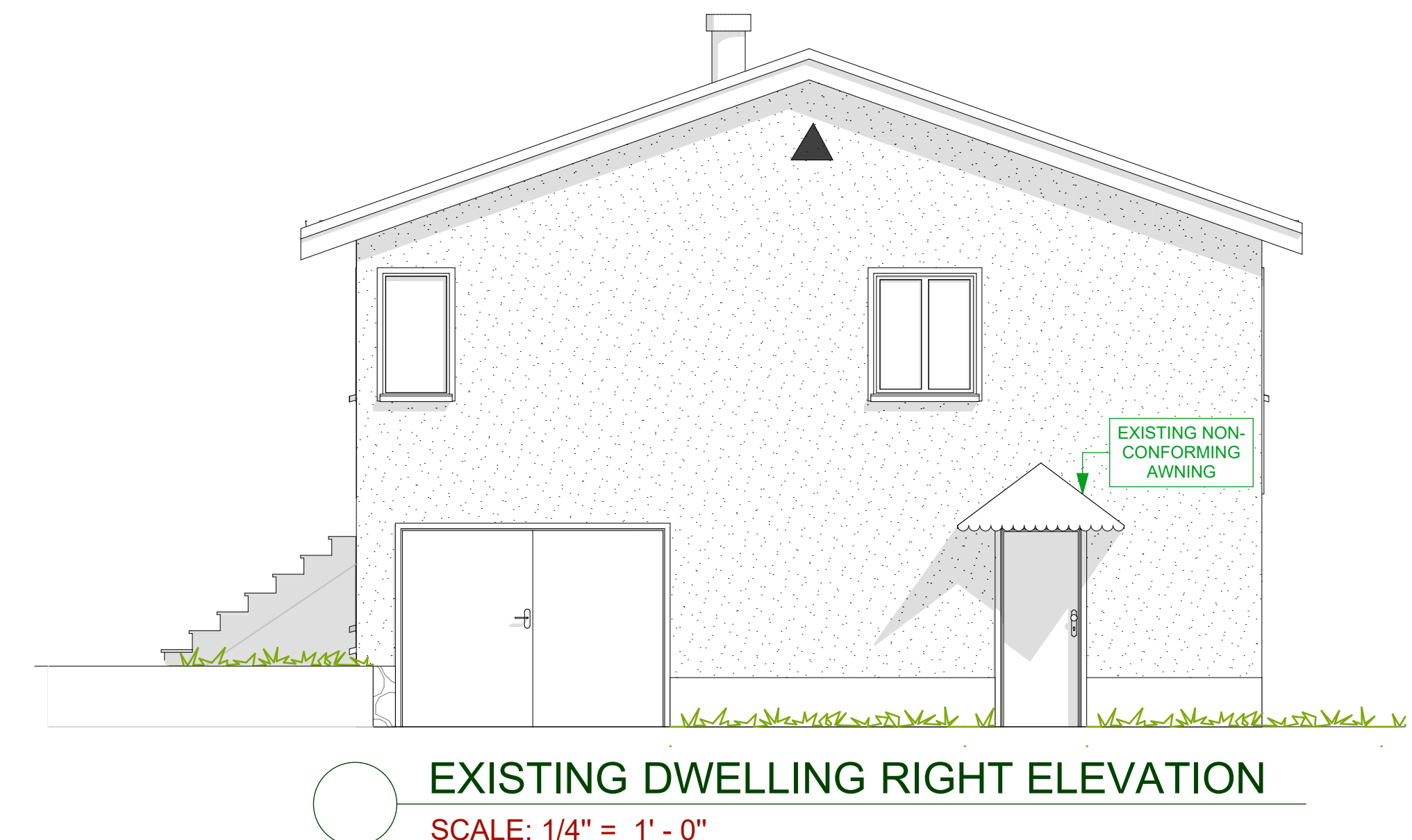
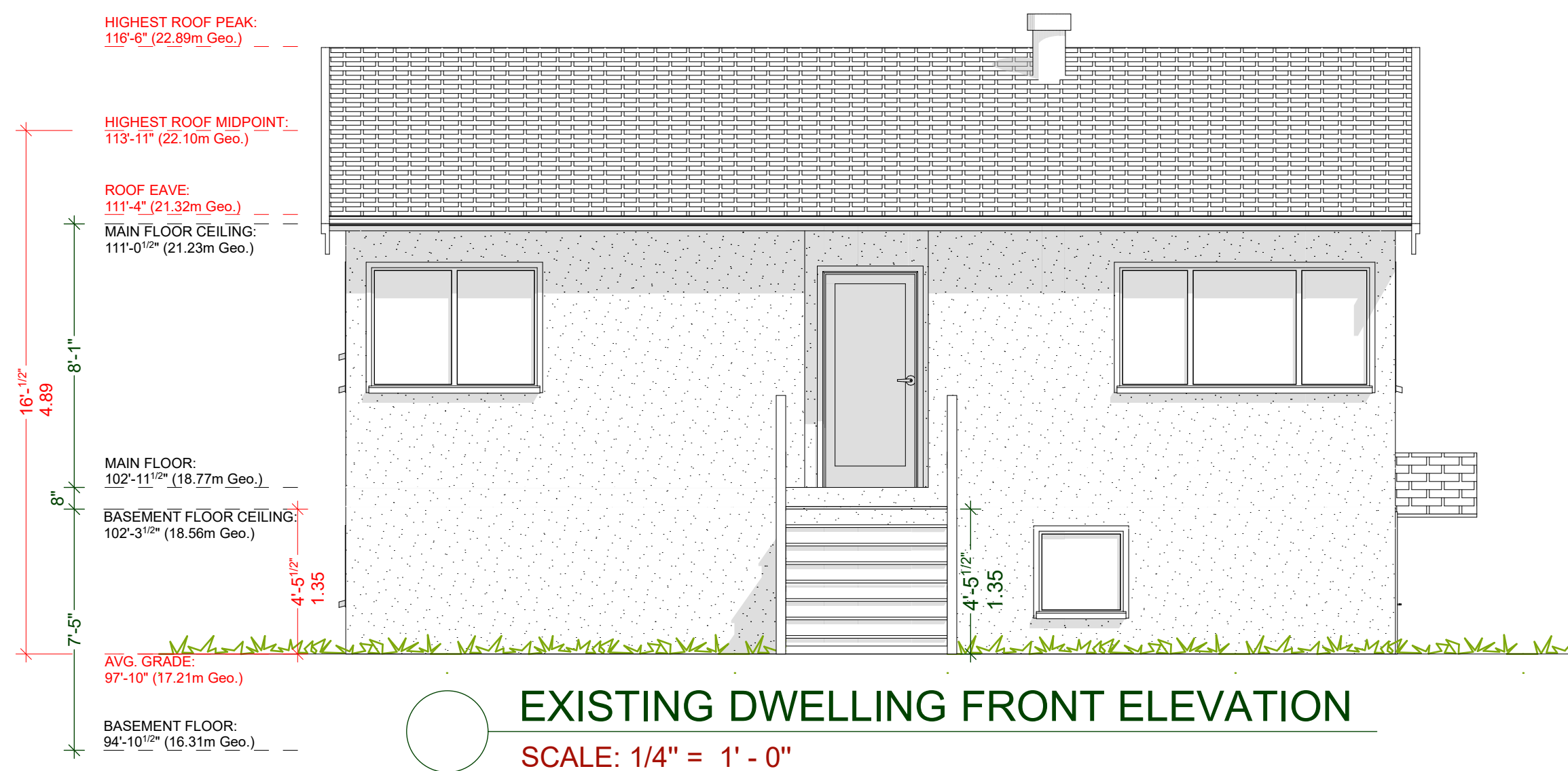
EXTERIOR FINISHES SCHEDULE	
<b>A</b>	ROOFING: BUILT UP TORCH-ON/ METAL STANDING SEAM ROOFS AS PER CONTRACTORS SPECS
<b>B</b>	GUTTER & SOFFIT: ALUMINIUM GUTTER AND NON-VENTED SOFFIT
<b>C</b>	BARGE BOARD: 2x10 WITH 1x4 DOUBLE BARGE BOARD, PAINTED TRIM COLOUR
<b>D</b>	WINDOW & DOOR TRIM: 1x4 TRIM BOARDS - PAINTED/ STAINED
<b>E1</b>	WALL FINISH: HORIZONTAL CEDAR SIDING LAPPED TO 4" EXPOSURE. COLOUR AS PER BUILDERS SPECS
<b>E2</b>	WALL FINISH: STUCCO - SEE OWNER FOR TEXTURE FINISH - RAIN SCREEN AS PER BCBC

**RIGHT ELEVATION**  
SCALE: 1/4" = 1' - 0"

LEFT ELEVATION  
SCALE: 1/4" = 1' - 0"

A5





CUSTOMER: MARIA WEEKS  
ADDRESS: 1905 LEE AVE.  
LOT 4 PLAN 5969 SECTION 76 VICTORIA

DRAWING NAME: EXISTING DWELLING FLOOR PLANS, ELEVATIONS AND SEPARATION CALCULATIONS  
DRAWING SCALE: 1/4"=1'-0"

ISSUE DATE: SEPT 21, 2021  
DRAWN BY: KYLE LEGGETT

**MOLTO BENE ENTERPRISES**

c/o 3130 Frechette Street, Victoria, BC, V8P 4N5  
Cell: 1-250-589-8430 E-mail: moltobene@telus.net

February 19, 2021

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

**ATTENTION:** Chelsea Medd, - Planner - Sustainable Planning and Community Development

**RE: A Small Lot Subdivision and Multi-Generational House : 1905 Lee Avenue – REVISED SUBMISSION – February 2021**

Dear Mayor and Council,

We request a zone change and development permit at 1905 Lee Avenue to provide for a small lot subdivision and a new single family detached house. We filed our application in July 2019 and revised our plans in July 2020 and once again in February 2021; all in response to the staff review comments and our engagement with the Jubilee Neighbourhood CALUC.

**THE NEW LOT**

This property is a 497m<sup>2</sup> (5350 sq. ft.) corner lot with an older raised bungalow fronting onto Lee Avenue. Upon subdivision the parent Lot A will be 262m<sup>2</sup> (2820 sq. ft.) fronting onto Lee Avenue and the new Lot B will be 235m<sup>2</sup> fronting onto Bouchier Street. We acknowledge that Lot B is 25m<sup>2</sup> (269 sq. ft.) or 9.6% smaller than the 260m<sup>2</sup> minimum lot area in the R1-S2 Small Lot Residential Zone. And so we request a specialized R1-S2 Zone to accommodate the new lot size and variances as required.

**THE NEW HOUSE**

While we took some inspiration from the Small Lot House Design Guidelines we also prepared an Architectural Character Study of the neighbourhood and selected samples of 'good fit' small lot houses from other Victoria neighbourhoods. Our new house design of July 2019 and redesign of July 2020 was particularly inspired and informed by 118 Superior Street in James Bay and 1909 Lee Avenue in Jubilee.

The redesigned new house is 186.38 m<sup>2</sup> (2006 sq. ft.) on three levels. It is an 8.2m square shape with 67 m<sup>2</sup> of ground floor area and an 11m<sup>2</sup> deck on the east wall. There are four bedrooms (one in the lower level and three on the top floor) and 3 bathrooms

plus a powder room. There is one kitchen on the main level and other family oriented space throughout the house. There is no secondary suite proposed or intended.

We have repositioned the house so it has a smaller front yard, larger side yards and a much larger rear yard than proposed in our original plan. This increases the privacy to 1909 Lee Avenue and allows us to better protect the roots of the western white pine tree located on 1909 Lee Avenue.

### **THE EXISTING HOUSE**

Our revised plan A6 includes floor plans for the existing house upgrade showing the removal of the rear deck and replacement with a window to comply with BCBC spatial separation regulations. (See the appendix for further improvements to the existing house.)

### **LANDSCAPE PLAN AND TREE PROTECTION**

We prepared an arborists report as required by Parks and Recreation : **Tree Management Plan – Dunster and Associates – July 16, 2020.** We resurveyed the lot and trees further to the staff comments and our Tree Management Plan and revised our site plan and landscape plan accordingly. We revised the arborist report further to the staff review and comments of the Parks and Recreation Department. The revised report is dated January 19, 2021.

The western white pine tree on 1909 Lee Avenue is a shared tree with proposed Lot B. We will retain and carefully prune it to reduce the existing shadow impact onto 1909 Lee Avenue and to increase access and function of the new back yard at Lot B. The 50 cm douglas fir tree on Lot B, not bylaw protected at the time of application, will be removed. The 70 cm douglas fir tree on the southeast corner of Lot B is bylaw protected. It is in good condition and we are advised by City of Victoria arborists that it is a co-stem douglas fir which may need to be carefully pruned to ensure its safety and longevity. We will secure pruning permits as required. With respect to construction on site, we will install barrier fencing around the douglas fir and the western white pine, ensure that service connection laterals are aligned to protect all critical root zones, maintain arborist supervision during excavation and construction and construct and install the new driveway as specified in the Tree Management Plan by Dunster and Associates – January 19, 2021.

### **SHADOW IMPACT TO 1909 LEE AVENUE**

1909 Lee Avenue sits directly north of 1905 Lee Avenue in an east/west orientation. Accordingly, the three big trees on Lot B cast considerable shadow onto the rear yard and garden of 1909 Lee. This will be reduced considerably with the removal of the 50cm douglas fir tree and the careful pruning of both the 70 cm douglas fir and western white pine tree. The new house has been redesigned from a rectangle to a square and repositioned southerly with a much larger rear yard than first proposed. This too will

reduce the shadow impact from the original design.

### **VARIANCES**

The existing house lot, which fronts onto Lee Avenue, requires variances to the rear yard and the northerly side yard. The new house lot, which front onto Bouchier Street, requires variances to the front yard and the rear yard. It is impossible to provide a properly sized second single family detached house on this corner lot without variances of some sort. The variances are minimal and for the most part minor. The trade off is a new lot 25m<sup>2</sup> smaller than the required minimum lot size.

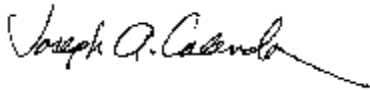
### **APPROVING ON MERIT**

The proposal provides a fulsome multi-generational detached house on an economical single family lot. It appeals to those median income households who might otherwise not be able to own a house in the third most expensive real estate market in Canada. (Victoria uses a gross family income of up to \$130,000.00 as a housing affordability index.)

It is located in a mixed density neighbourhood well serviced by transit, schools, retail/office/employment services and opportunities. It increases the tax base assessment and improves the streetscape and vitality of Bouchier Street. It reuses and redevelops fully, carefully, completely and sustainably residential land within the urban containment boundary; a scarce and diminishing resource. The proposal has site and context fit and is designed to minimize the impact to the neighbor at 1909 Lee Avenue.

This application deserves to be approved on its own merits. It is consistent with the OCP and the Neighbourhood Plan, has high ERD values and exhibits good city planning, urban design, landscape design, building form and character.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Joseph A. Calenda', with a long, sweeping horizontal line extending to the right.

Joseph A. Calenda, MCIP, RPP (Rtd.), DTM  
MOLTO BENE ENTERPRISES

## **APPENDIX TO LETTER**

### **The Owner, Maria Perri Weeks, advises as follows:**

The property at 1905 Lee is a corner lot and as such provides greater opportunity to support the City's intention to utilize land more creatively and build additional housing in an area where there is an acute shortage. More importantly, this property is a block away from the Royal Jubilee, and the new house will provide an additional home for a family whose workplace is a stone throw away.

Saving the existing house is important to the neighbourhood and in keeping with the City's policy to upgrade rather than demolish them. The house is structurally very sound but needs exterior refurbishment including:

- New roof
- New gutters and downspouts
- Removal of the back porch and reconfiguring the backdoor stairs
- Painting house and trim
- New thermal windows, where required
- New fencing
- Upgraded landscaping

The current tenants have been in the home since November 2016 and have no intention in moving. Construction of the new home will not displace tenants nor will home improvements to the existing home.

### **City of Victoria Arborist Comments:**

Here are the comments from Ryan Senechal, Technical Field Arborist, City of Victoria, regarding the large trees on our property.

“I attended the property of 1905 Lee Ave. this afternoon (July 9, 2019) to inspect trees and determine protection status. The protection status of the 3 large trees on your property in the back yard is as follows:

- 71cm diameter at breast height (DBH) Douglas fir (south east corner of property) – **PROTECTED**
- 49cm DBH Douglas fir – Undersized (middle tree, east property line) **not protected** 61cm DBH Western white pine – Undersized (straddles property line, shared tree) **not protected**

There are boulevard trees that are City-owned on the south and west frontages, and are the responsibility of the City to maintain. Please let me know if you have any other questions or concerns.”



## Community Meeting Feedback Form

This form is intended to help establish a more standardized approach to recording feedback from the Community Meeting. The CALUC may either complete this form and submit it to the City or ensure that the same content is reflected in a letter provided in lieu of this form.

Location of proposed development (address):

1905 Lee Ave.

### COMMUNITY MEETING DETAILS

Date: June 18, 2019

Location of Meeting (address): Victoria Collage of Art – 1625 Bank St.

Meeting facilitated by South Jubilee Neighbourhood Association CALUC.

Approximate total number of people in attendance: 24

Meeting Chair (please name): Ben Ziegler

Note Taker (please name): Kevin Ziegler

CALUC Chair or designate signature: Ben Ziegler

Date: June 26, 2019

### PROPOSED DEVELOPMENT DETAILS

#### Applicant represented by:

Owner: Maria Weeks and Joseph Calenda (Molto Bene Enterprises)

**The applicant explained that this proposal is to change the zoning and/or Official Community Plan for the subject property to accommodate the following proposal:**

Rezone the lot and house to provide for a second small lot and house at 1905 Lee Avenue. To subdivide the existing lot at 1905 Lee Avenue into 2 special zoned small lots: 1) existing house to be a lot of 262 m<sup>2</sup> meeting small lot zone requirement of 260 m<sup>2</sup>; 2) new lot of 235 m<sup>2</sup> requiring special zoning with new house to be built.

#### Community Questions and Answers:

- Q: New house design appears to have a self-contained second suite? A: Designed suite is for extended family.
- Q: How does this proposal meet the small lot zoning guidelines? A: It doesn't. New house is proposed as a single-family house that happens to have 2 kitchens / living spaces etc. Call it what you want.

- Q: In reference to the new lot and proposed house, is it duplex? A: No, it's not a duplex, it would be a basement suite.
- Q: Are you seeking a variance? A: Not applying for variance, asking for site specific zoning; however, asking for variances is another potential approach.
- Q: Why isn't variance information on the map? A: Variances required are in the (detailed) table (part of meeting notice).
- Q: Floor ratio larger than allowed in small lot? A: It's consistent with small lot zone. Basement is not included in gross floor space.
- Q: There appears to be a discrepancy between the information re: FSR on the mailed out information and the information you are providing here; why? A: I (developer) made a mistake and included the basement square footage in the mailed out information. It does not need including since it is a basement, not a storey.
- Q: What would happen to the 3 large protected trees? A: The one closest to the street would be saved; the middle one would be removed; the one at the back of the lot removed.
- Q: Is the tree at the back of the lot on applicant's lot or shared with neighbouring lot? A: Would need to confirm where the tree is.
- Q: Are the existing trees shown to scale on the plan? A: No.
- Q: Are you sure that the protected tree that you stated will remain is possible to save? A: Haven't looked at it in detail.
- Q: Arborist was on site, right? A: Yes, but a tree impact report for sub-division has not been prepared.
- Q: Provision to replace loss of mature trees on property (due to parliament of Canada's climate emergency)? A: Won't be planting any new trees.
- Q: Style of existing home at 1905? A: Raised bungalow
- Q: In reference to developer's statement that the existing house would have the non-conforming deck removed and the house renovated: Are there revised plans (for existing 1905 house)? A: Plans not available at this time, deck will be removed, and Juliet balcony will be added.
- Q: In reference to the front streetscape drawing #2, is the picture to scale? A: Yes
- Q: In reference to the front streetscape drawing #1, is this drawing to scale? A: No. It has been manipulated to fit the page.
- Q: Will the dimensions be put on street profile? A: No
- Q: How much higher than the house to the right? A: New house is 7.5m in height.
- Q: Curious why the existing residence does not present an option to a family of four (with an incomplete basement)? What's wrong with the existing house? A: Was built in 1906, hazardous to do renovation. Alternative is to tear down and propose a duplex.
- Q: Will the exterior entrance staircase to the basement on the east side of the new house meet setback requirements re: the east property line? A: Stairway will be built to code.
- Q: In reference to the RS-1 small lot zoning and the variances being requested by developer especially regarding rear yard set-backs for each house, how does this proposal meet RS-1 zoning requirements? A: It doesn't. That's why I'm requesting a specialized small lot zoning.

### **Community Comments (including positive, negative, and neutral):**

#### **Key Areas of Concern (Summary)**

- Visual plans and drawings: issues of proportionality, scope, misrepresentation, consistency, level of detail
- Trust: issues of trust re: development purpose, proposed zoning, building occupancy, site usage, (future) actual vs. proposed design
- Impact on adjacent neighbours: shadow, shade, minimal setback
- Premature, on developer part, to bring their proposal to a community meeting?; Q & A left many unanswered questions and concerns; there were no positive (community) comments to the developer's proposal.



## Comments

- New lot is smaller than allowed by current small lot zoning.
- Multiple slides presented seem inaccurate (e.g. houses, properties, and trees were not accurately drawn to scale).
- Need better representation of proposed development in context to other houses/properties on the street. Include a site plan that includes adjacent properties and panoramic street profile.
- Protected trees are not shown to scale – an arborist should be consulted to provide clarity on tree retention questions.
- Where does the existing house deck fit into the landscape plan? Deck not shown in landscape plan. Landscape plan and street profile don't seem to line up.
- Lack of backyard setbacks on both houses especially the proposed new house which would have a backyard setback of only 1.3m (4.27 ft) placing a 7.48m (24.54 ft) high blank wall only 4 ft away along the neighbour to the north's entire back yard. Existing house would have a backyard of 2.03m (6.66 ft).
- Loss of value / pleasure for adjacent property (north) due to shadow and wall along the back.
- Regarding planned basement suite in new house, concern that this will become a secondary suite in the house. Small lot zoning does not allow for a secondary suite. Can you covenant the property to prevent rental to non-family member?
- Rear yard setback does not meet zoning and has an extreme negative impact on neighbours to the north. Noted loss of enjoyment of yard for property to the north. Concern over shading's impact to fruit trees in adjacent property on Lee.
- Parking for the existing house said to be in the "garage" and onsite. There does not appear to be a functioning garage nor an area indicated on the site for parking.
- Minimal out-door living space (proposed).
- Worried about this development setting a precedent in the neighbourhood (re: small lot size and minimal setbacks).
- Hard to provide informed feedback, if data and visuals are lacking (i.e., still too many unanswered questions).
- It may have been premature to bring this proposal to a CALUC community meeting.
- All community members in attendance asked questions and/or had comments.
- There were no positive community feedback comments.
- Community members appreciate the opportunity to provide feedback on the proposal.

CALUC Chair or designate signature: Ben Ziegler Date: June 26, 2019

## Chelsea Medd

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**From:** Ben Ziegler [REDACTED]  
**Sent:** March 2, 2020 8:59 PM  
**To:** Victoria Mayor and Council  
**Cc:** Chelsea Medd; SJNA Land Use Committee; SJNA Board  
**Subject:** 1905 Lee Ave - REZ No. 00710  
**Attachments:** CALUC Community Meeting Feedback Form - June 18 2019 - 1905 Lee Ave.pdf

Hello,

Thank you for notifying us of the revised plans for 1905 Lee Avenue.

While the representation of the proposal appears to have been enhanced, the project itself, and in particular, the impact on adjacent neighbours has not appreciably changed.

As such, the comments provided following the official community meeting (June 18, 2019) are still relevant and have been included as an attachment.

Respectfully,  
South Jubilee Community Association Land Use Committee

-----  
Ben Ziegler  
Co-chair South Jubilee CALUC  
[REDACTED] (m)

**SUMMARY**  
**SMALL LOT HOUSE REZONING PETITION**  
 (Revised and Corrected - April 25, 2021)

I, Joseph A. Calenda (applicant), have petitioned the adjacent neighbours\* in compliance with

the *Small Lot House Rezoning Policies* for a small lot house to be located at 1905 Lee  
 (location of proposed house)

Avenue and the petitions submitted are those collected by March 15, 2019.\*\*  
 (date)

Address	In Favour ✓	Opposed ✓	Neutral (30-day time expired) ✓
1928 Lee Ave	✓		
1764 Lee Ave	✓		
1761 Bouchier St.	✓		
1909 Lee Ave		✓	
1904 Lee Ave		✓	
1942 Lee Ave		✓	

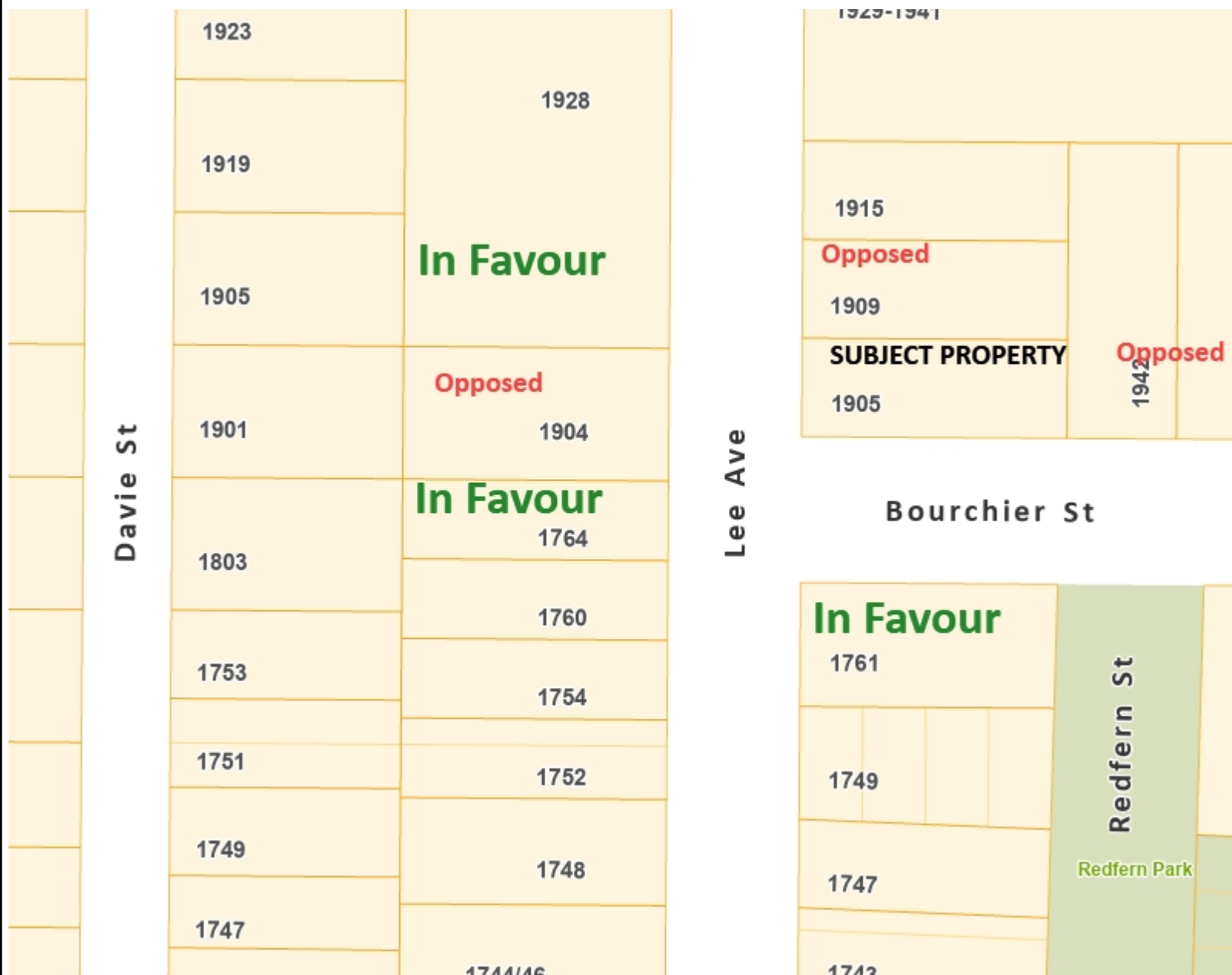
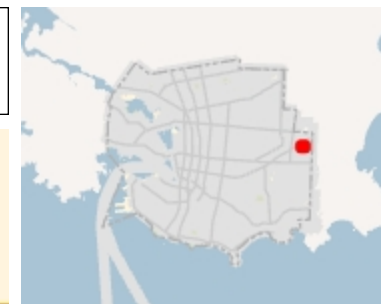
SUMMARY	Number	%
IN FAVOUR	3	50
OPPOSED	3	50
TOTAL RESPONSES	6	100%

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








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

Copies of 6 petition letters left with Thom Pebernati

July 29, 2019



## Legend

-  City Boundary
-  Parcels (Folio based)
-  Parcels (PID based)
-  Ferries
-  Water
-  Parks and Open Space
-  Blocks

1: 800



## Notes

Properties beyond the petition area indicated support including 1931 Bourchier Street.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

41 0 20 41 Meters

NAD\_1983\_CSRS\_UTM\_Zone\_10N

Public domain: can be freely printed, copied and distributed without permission.

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This plan should be field confirmed by the user prior to beginning construction. BC Hydro, Fortis Gas, Telus, and Fibre Optics locations must be confirmed with the appropriate utility. For internal use only. Do not distribute.

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

Joe Calenda

(print name)

, am conducting the petition requirements for the

property located at 1905 Lee Avenue (corner house),

to the following Small Lot Zone: R1-S2 or similar.

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

Please review the plans and indicate the following.

NAME: (please print) Andrea May (see note above)

ADDRESS: 1764 Lee Ave V1C 1R4 BC V8R 4W8

Are you the registered owner? Yes ☒ No ☐

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

☒ I support the application.

☐ I am opposed to the application.

Comments:

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Sept 30/2018  
Date

Andrea May  
Signature



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

Joe Calenda  
(print name)

am conducting the petition requirements for the

property located at 1905 Lee Avenue (Corner)

to the following Small Lot Zone: R1-S2 or similar

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

Please review the plans and indicate the following:

NAME: (please print) DEVON PROPERTIES / DAVE WAT  
PRESIDENT (see note above)

ADDRESS: 1928 LEE ST - CRANMORE APTS

Are you the registered owner? Yes ☐ No ☒ PROPERTY MANAGER / ABSENT

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

☒ I support the application.

☐ I am opposed to the application.

Comments:

DEVON PROPERTIES IS THE AGENT FOR THE OWNER OF  
1928 LEE STREET AND WE SUPPORT THE APPLICATION

Oct 10 / 2018  
Date

[Signature]  
Signature

(David Craig)

CITY OF VICTORIA

(See attached e-mail October 13, 2018)

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

Joe Calenda

(print name)

, am conducting the petition requirements for the

property located at 1905 Lee Avenue (corner lot)

to the following Small Lot Zone: R1-S2 or similar

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

Please review the plans and indicate the following.

NAME: (please print) Maria de la Rosa (see note above)

ADDRESS: 1931 Bouchier Street Victoria BC V8R 1S9

Are you the registered owner? Yes ☒ No ☐

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

☒ I support the application.

☐ I am opposed to the application.

Comments:

I liked the plans and proposal. Anything to upgrade our neighborhood  
is good and to help in the need of more housing.

Oct. 6, 2018  
Date

M. de la Rosa  
Signature

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

Joe Calenda

(print name)

, am conducting the petition requirements for the

property located at 1905 Lee Avenue

to the following Small Lot Zone: R1-S2 or similar

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

Please review the plans and indicate the following:

NAME: (please print) Luz Cabrera & Lyle Grant (see note above)

ADDRESS: 1761 Lee Avenue

Are you the registered owner? Yes ☒ No ☐

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

☒ I support the application

☐ I am opposed to the application.

Comments:

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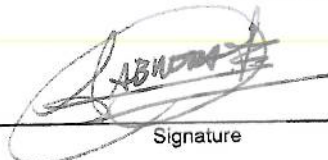
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Jan 19 / 2019

Date



Signature



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

Joe Calenda  
(print name)

am conducting the petition requirements for the

property located at 1905 Lee Avenue

to the following Small Lot Zone: R1-S2 or similar

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

Please review the plans and indicate the following:

NAME: (please print) TONY CHEONG  
GREG HUMPHREY (see note above)

ADDRESS: 1909 Lee Avenue

Are you the registered owner? Yes ☒ No ☐

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

☐ I support the application.

☒ I am opposed to the application.

Comments:

New building is too close to the property line (significantly closer than minimum setback); there will be impacts to mature trees, including one on our property; new lots (both) are smaller than minimum small lot size; height of new building is too high, especially in relation to proximity of property line, which results in shading & loss of privacy in backyard.

Nov 12, 2019  
Date

[Signature]  
Signature

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

Joe Calenda  
(print name)

, am conducting the petition requirements for the

property located at 1905 Lee Avenue

to the following Small Lot Zone: R1-S2 or similar

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

Please review the plans and indicate the following:

NAME: (please print) BRAD + LAURA HAY (see note above)

ADDRESS: 1915 LEE AVENUE

Are you the registered owner? Yes ☒ No ☐

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

☐ I support the application.

☒ I am opposed to the application.

Comments:

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Nov. 10/18  
Date

[Signature]  
Signature

# DUNSTER & ASSOCIATES

Environmental Consultants Ltd.

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Page 1 of 7

## Tree Management Plan for the subdivision proposed at 1905 Lee Avenue, Victoria, BC

January 19, 2021

Tree Management Plan  
for the subdivision proposed at  
1905 Lee Avenue, Victoria, BC

## Background

The owner of the property located at 1905 Lee Avenue is proposing to divide the site into two lots and build a new house on the second lot. Dunster & Associates has been asked to document trees on site and design a management plan for the trees to be retained. Since the original application is quite old the previous tree bylaw will apply.

Figure 1 is an aerial view of the existing site.



**Figure 1.** Aerial view of the site.

The site was visited on June 29<sup>th</sup> 2020 and tree diameters were confirmed. That data was passed on to McElhanney surveying to update the plans.

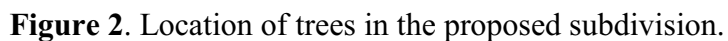
## Conditions on Site

Figure 2 shows the location of trees on or adjacent to the site. The trees of interest for the subdivision proposed are the one street tree on Bourchier Street and the three conifers at the east end of the property. Table 1 provides details of the trees measured. None of the trees on site are tagged.



Tree #	Species	Trunk diameter (cm)	TPZ (m)	Bylaw Y or N	Retain Y or N	Health / Structure	Comments
1	Dogwood	27	4.86	Y	N	Poor, dying.	Street tree,
2	Yellow wood	5	0.90	N	Y	Fair	Newly planted street tree
3	Hawthorn	16	2.88	N	Y	Good	Street tree on Lee Avenue.
4	Cherry	16/10/5	4.50	N	Y	Good	On adjacent property.
5	White Pine	62	11.16	Y	Y	Good	On adjacent property. Crown spread to the south west is 4.5 metres.
6	Douglas-fir	50	9.00	Y	N	Good	Crown spread is 4.4 metres.
7	Douglas-fir	70	12.60	Y	Y	Good	Crown spread is 9.4 metres to the west.

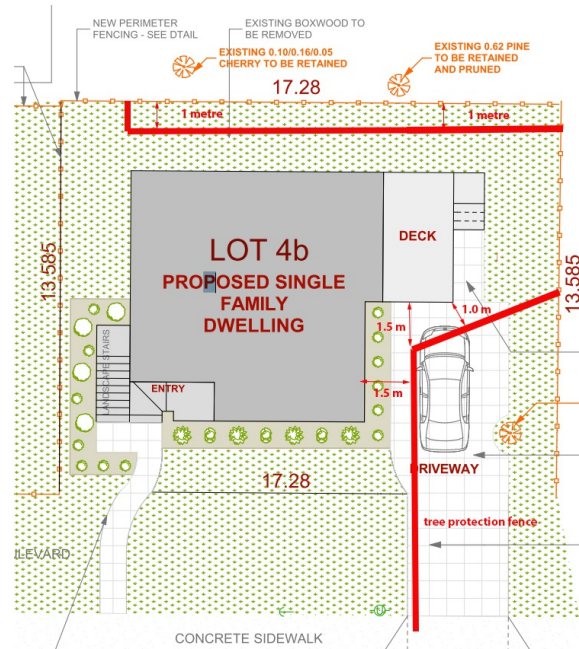
Figure 2 shows the tree locations, the proposed subdivision and new house.



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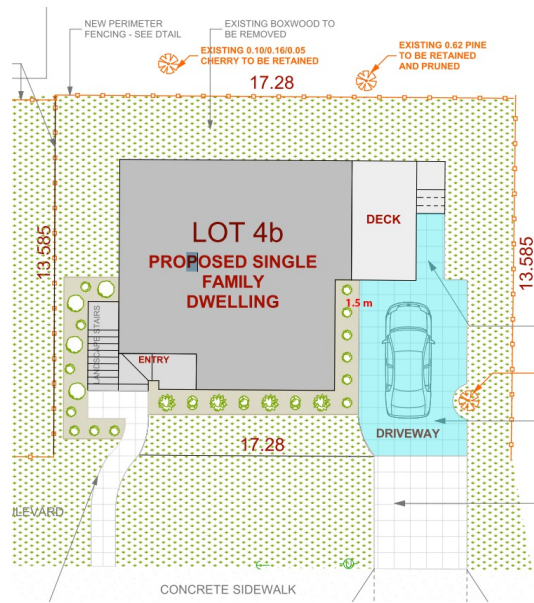
4621 Cliffwood Place, Victoria, BC. V8Y1B6 T: 778 433 8465 email: [jadunster@gmail.com](mailto:jadunster@gmail.com) [www.dunster.ca](http://www.dunster.ca)

- 1 Before any other site work commences a tree protection fence shall be erected on site. Figure 3 shows the location of that fence. The City may require a fence inspection to verify that the fence is of suitable quality and is correctly located. This fence shall be maintained in good condition and in the specified location for the duration of all site preparation, and construction work.



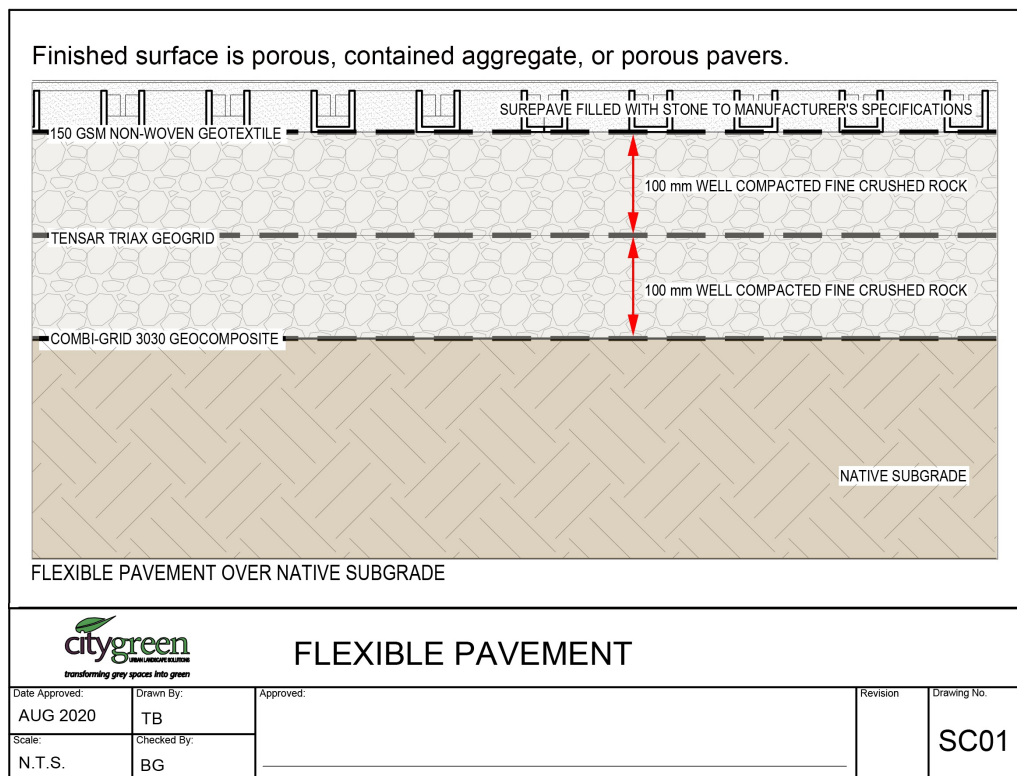
**Figure 3.** Fencing plan.

- 2 Once the fence is in place and approved, have tree # 6 removed. It will require a permit from the City of Victoria. On the ground any trucks or chippers used on site must be parked and operated away from the fenced areas. All branches and trunk wood are to be dropped outside of the fenced areas. If the stump is to be removed it shall ground down, not dug up with an excavator. That will minimise root damage to the trees to be retained. If pruning of tree 7 is required that can also be done at this time. If pruning of tree # 5 is required be aware that the tree itself is owned by the neighbour. In order to remove the branches back to the tree trunk you will need a written agreement from the neighbour granting access over the property line to undertake that pruning work. If that access is denied then you may be able to prune the branches back but only to the vertical projection of the property line and no further, otherwise there will be a possible case for trespass.
- 3 The City may require removal of tree #6 be done by a contractor of their choice. Check to get written clarification on that tree removal.
- 4 All site work required for construction shall take place outside of the fenced areas. Within the fenced areas there shall be no storage of any materials, no machinery, no dumping of any materials.
- 5 Once the fence is removed and the new driveway is ready to be installed the following shall apply. Figure 4 shows the driveway area in blue.



**Figure 4.** The driveway area.

The new driveway is right over the roots of tree # 7. In order to retain this tree the new driveway needs to be porous and be floated over the ground so that there is no root damage. I have shown the required specification in Figure 5.



**Figure 5.** Detail of the floating drive required to retain tree # 7.

If that cannot be accomplished then tree # 7 will need to be removed. A standard driveway installation requires excavation of surface grades, and installing and packing a new subgrade, and then creating the finished surface, all of which removes and kills the roots, killing the tree.



However, I see no need to remove tree # 7 if the floating pavement design shown in Figure 5 is used.

The process to retain tree # 7 will be:

- Once the tree protection fence is removed, ensure that there is no machine traffic in the driveway area.
- Lightly clean up all weeds and loose materials by hand in the area where the drive way is to be located. If the soil grade has to be lowered slightly to achieve the required finished grades, all soil is to be carefully removed by hand and root damage avoided..
- lay down the combi grid on the ground, and stretch it out to the extent of the driveway.
- add the specified gravel and additional grids as shown, and pack to create the new surface.
- install Ecoraster E40 grids on top of the packed gravel and fill the voids with washed gravel crush (not rounded river rock) containing no fines. Rake flat and lightly pack down. This becomes the finished driveway surface.

This approach will allow for successful retention of tree # 7 while also permitting a structurally competent driveway.



**Figure 6.** Suggested location for new water line connection.

- 6 It is understood that a new water line connection may be required. Apparently, the water line is under the sidewalk on the east side of Bouchier Street. If this connection is required it should be at least 2 metres south of the Dogwood tree. Figure 6 shows a Google Street view image with the development site on the left side. The red arrow points to a sidewalk panel to the south of the road sign, so a connection there would only require one panel to be lifted and replaced, and then the new line could lead across the road to the new house. I do not expect there to be any adverse affect to the tree at the suggested connection point.

## Summary

On site the design calls for the removal of tree # 6, and the pruning of trees #5 and 7. That should be feasible. If tree # 7 is to be successfully retained a porous driveway has to be floated over the tree root zone. The suggested design is described above. None of the other trees listed are affected by the application.



Yours truly,  
On Behalf of Dunster & Associates Environmental Consultants Ltd.



Dr. Julian A. Dunster, R.P.F., R.P.P., ISA Certified Arborist  
ASCA Registered Consulting Arborist # 378  
ISA Tree Risk Assessment Qualified  
Honourary Life Member ISA + PNWISA

**Chelsea Medd**

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**From:** Robert Marthaller [REDACTED]  
**Sent:** February 11, 2020 9:47 PM  
**To:** Victoria Mayor and Council  
**Cc:** Chelsea Medd; landuse@southjubilee.ca  
**Subject:** Revised Plans 1905 Lee Road - Rez No. 00710

Dear council members,

With regards to the current revised application for re-zoning the lot at 1905 Lee Road, I would urge council to reject this proposal in its current form. Although I am sympathetic to the need for additional housing options in this area, and the city as a whole, I believe this plan, if approved, sets a dangerous precedent.

The biggest issue is the obvious one. That is, the lack of reasonable setback from almost all existing elements of the property—sidewalk, existing home on the lot, home to the north, home to the east. Were this not a corner lot, it would be very clear what this proposal entails: a property owner wants to build another full-size home in their backyard. This should be a non-starter.

Please exercise common sense in this case to reject the current application, and instead invite more realistic densification proposals that fit with the surrounding neighbourhood, such as the demolition of the current house and construction of a larger home with legal suite.

Thank you for your consideration.

Robert Marthaller  
1728 Duchess Street  
[REDACTED]

## Chelsea Medd

---

**From:** Michael Pohlmann & Murray Gudmundson [REDACTED]  
**Sent:** April 4, 2021 10:09 PM  
**To:** Chelsea Medd  
**Subject:** 1905 Lee Avenue

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hello, Chelsea.

I hope you are well!

I live at 1728 Lee Avenue.

Lot in question at 1905 is far too small for 2 dwellings. I am not against densification but this property does not have enough size to be able to support division into two lots. Even with a much smaller second dwelling this lot would be too small.

In addition the plans for the second dwelling show a profile that is far too big in for such a small lot area and with minimal setbacks from the neighbouring properties. I believe we need to encourage more people to garden to reduce waste in our city. To grow plants sunlight is needed. Any structure that blocks that sunlight is contrary to achieving this and greatly limits the ability of any neighbouring property to undertake productive gardening if they want to.

I believe this proposal should not be approved.

Sincerely,  
Michael Pohlmann

## Chelsea Medd

---

**From:** Liz Hoar [REDACTED]  
**Sent:** March 2, 2020 4:07 PM  
**To:** Victoria Mayor and Council  
**Cc:** Chelsea Medd; SJNA Land Use Committee; sjna@southjubilee.ca  
**Subject:** Re: 1905 Lee Avenue - REZ No. 00710

To Mayor and Council

**Re: 1905 Lee Avenue - REZ No. 00710**

I live at 1752 Davie Street, one block west of this proposal. I am not directly affected by this project but felt a need to voice my opinion about it.

I have lived in South Jubilee for over 30 years. Over that time, there have been a number of small lot developments in the neighbourhood, most of them on my street. There have been 3 developments where single lots were split in 2 and one development where 2 lots were split into 3 lots. The result is there are now 9 houses where there had previously been 5. None of these developments were met with resistance. They have been good additions to the neighbourhood, in keeping with the character of the street and having minimal impact on the adjacent properties. I cannot say the same about 1905 Lee.

I have included a diagram (not part of the developer's proposal) where I have overlaid this proposal on the satellite view of the property from VICMap for more of a neighbourhood view.



## **Size and setbacks**

1. The new lot would be 235 m<sup>2</sup> , considerably less than the minimum required of 260m<sup>2</sup>
2. Setbacks on the front yard facing on Bouchier of 2.5m and the rear yard of 2.4m (which faces the neighbour at 1909 Lee) are less than half the 6m required. This means the neighbour at 1909 Lee will have his entire backyard over-shadowed by a 7.5m flat-roofed house just 2.4 meters from his property line.
3. The basement is to be fully finished with what will likely be a basement suite. This is too much density on a lot that is too small to meet even the minimum size for a small lot development.
4. The original house at 1905 Lee will, with this proposal, have a rear yard setback of 1.9m, far short of the 6m rear yard setback required in a small lot development. Given that this house has been neglected for many years, it is safe to assume it will be redeveloped to something much larger in the near future. Will there be even more variances required?

## **Trees**

1. There are two protected trees on this property and a third on 1909 Lee close to the property line. The developer proposes taking down one tree and “pruning” both the remaining tree on his property and the one on 1909 Lee. The trees will likely be pruned of all limbs far above the 7.5m height of the building as both trees overhang the building site. Because a full basement is proposed, it is doubtful that these trees, after losing a good portion of their root system to excavation, will continue to be healthy trees. The loss and disturbance of their root structure will also make them more unstable in high winds and rain.

This proposal was met with very negative response at the CALUC meeting held in June 2019. This latest revised version is no better than the original. It all boils down to the fact that 1905 Lee is not an appropriate candidate for a small lot development as it is just too small.

Maybe a garden suite would be more appropriate.

Liz Hoar

-->

To: Mayor and Council  
City of Victoria

March 19, 2020

Re: Opposition to rezoning application REZ00710 1905 Lee Avenue

Dear Mayor and Council,

Let us start off by noting that we understand the housing affordability issues being faced by the city. We support development opportunities similar to laneway or infill houses where lot sizes permit and the additional structure doesn't unduly impede on a neighbour's privacy, enjoyment, and use of their property. It is the specifics of this application we oppose, not any redevelopment of the property.

This proposal will have a significant negative impact on our property – we cannot begin to stress how this will impact our lives and our enjoyment of our yard. We take pride in our gardens, both front and back, and regularly get compliments from friends, neighbours and passers-by on it. We grow some of our own food in the back yard.

Not only will the proposed development require major "pruning" to the large mature tree on our property (potentially up to half way up the tree), the close proximity to the property line and the height of the building will cause significant shading and will likely result in us having to remove most of our berry and vegetable beds, as well as our fruit trees, as they will be impacted by shading.

At both the petition stage and at the neighbourhood planning meeting, significant concerns were raised by us and other homeowners in the neighbourhood regarding substantial shading, detrimental impacts to mature trees, and major reductions to the rear yard set-back requirements. As noted in the minutes of the planning meeting, "there were no positive community feedback comments".

**No changes appear to have been made to the plans to address the community feedback prior to submitting the application to the city.**

The application:

- has a house proposed for the small lot that is larger than any of the houses on regular sized lots surrounding it (see Table 1);
- is a house that is, in effect, three stories and includes a secondary suite which is inconsistent with the small lot policy;
- significantly reduces rear set-back minimum requirements by almost 60% (from 6m to 2.5m);
- results in a lot that is at the minimum size threshold for a small lot, and another that is below the minimum size threshold for a small lot;
- appears contrary to two of the four Small Lot House Rezoning Policy objectives:
  - o not a small, adaptive and gradual change (Objective #1);
  - o not sensitive to neighbour's values, particularly with respect to privacy, sunlight, and view (Objective #4).

Table 1: Floor area comparison (from BC Assessment)


Address	Floor Space (sq ft)	Notes
Proposed new house	2007	Small lot. Based on application.
1905 Lee (existing home)	1214	Shown in application Streetscape
1909 Lee	1853	Regular size lot.
1942 Bouchier	1668	Regular size lot. Shown in application Streetscape
1946 Bouchier	1966	Regular size lot. Shown in application Streetscape

The applicant has not pursued any other development opportunities for this property that would be more in line with other recent developments in the neighbourhood, such as lifting or expanding the existing home, and could significantly reduce the negative impacts on our home and property. Simply put, this lot is too small to be sub-divided to accommodate an additional house of this size.

We respectfully request that council oppose this application or at the very minimum require the applicant to adhere to the 6m rear yard set-back, slope the roof to minimize shading, and remove the two windows on the top floor from the back wall of the house to allow for a minimum level of privacy for our backyard.

Please find attached a petition which includes other homeowners who also oppose the development proposal. Note that the South Jubilee Neighbourhood Association planning meeting identified in the petition refers to the Community Land Use Committee meeting held June 18, 2019.

Sincerely,



Greg Humphrey

1909 Lee Avenue, Victoria, B.C.



Tony Cheong

Cc: Marianne Alto, South Jubilee Neighbourhood Liaison

Cc: Chelsea Medd, City of Victoria



We oppose the current application for development of 1905 Lee Avenue in it's current form due to the significant impacts to the adjacent neighbours and lack of consideration given to comments received at the South Jubilee Neighbourhood Association Planning Meeting regarding the size of the house in relation to the resulting lot size, shading and impacts to mature trees.

Name	Address	Signature
Barb Landell	1743 Lee Ave. Victoria V8R 4W7	Barb Landell
BRAD HAY	1915 Lee Ave Victoria, B.C. V8R 4W9	BRAD HAY
RIC Raxlin	1716 Lee Ave	R. Raxlin
Luann Wetselaar	1534 Amphion St.	Luann Wetselaar
ROBERTA NICOL	1904 LEE AVENUE V8R4W8	Roberta Nicol
Shawn Watson	1717 Lee Ave	Shawn Watson

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Name	Address	Signature
Andrea May	1764 Lee Ave. *I believe <u>more</u> thought could be put into the dev't to make all parties happy. *	Andrea May
BILL JOHNSTON	1748 LEE AVE Proposed revised plans totally inadequate to address concerns raised at public meeting. Give your heads a shake!	Bill Johnston
KRISTY CIRUNA	1624 REDFERN ST. VICTORIA, BC V8R4X2	Kristy Ciruna
DAVE WHITE	1738 LEE AVE VICTORIA BC	Dave White

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

Joe Calenda

(print name)

, am conducting the petition requirements for the

property located at 1905 Lee Avenue (corner lot)

to the following Small Lot Zone: R1-S2 or similar

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

Please review the plans and indicate the following.

NAME: (please print) Maria de la Rosa (see note above)

ADDRESS: 1931 Bouchier Street Victoria BC V8R 1S9

Are you the registered owner? Yes ☒ No ☐

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

☒ I support the application.

☐ I am opposed to the application.

Comments:

I liked the plans and proposal. Anything to upgrade our neighborhood  
is good and to help in the need of more housing.

Oct. 6, 2018  
Date

Maria de la Rosa  
Signature