

# Committee of the Whole Report For the Meeting of April 25, 2024

- To: Committee of the Whole Date: April 3, 2024
- From: Karen Hoese, Director, Sustainable Planning and Community Development
- Subject: Update on Rezoning Application No. 00807 and associated Development Permit with Variances Application No. 00255 and Heritage Designation Application No. 000163 for 515 Foul Bay Road

#### RECOMMENDATION

#### **Rezoning Application**

- 1. That Council instruct the Director of Sustainable Planning and Community Development to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in the staff reports dated October 10, 2023 and April 3, 2024 for 515 Foul Bay Road.
- 2. That, after publication of notification in accordance with section 467 of the Local Government Act, first, second and third reading of the zoning regulation bylaw amendment be considered by Council.
- 3. That following the third reading of the zoning amendment bylaw, the applicant prepare and execute legal agreements securing the following, with form satisfactory to the City Solicitor prior to adoption of the bylaw:
  - a. provision of a 1.6m wide statutory right-of-way for highway purposes along the Foul Bay Road frontage, with terms to the satisfaction of the Director of Engineering and Public Works
  - b. provision of a detailed design, supply and installation of a new Rectangular Rapid Flashing Beacon (RRFB) pedestrian crossing of Foul Bay Road at its intersection with Chandler Avenue, including a curb extension at the west side of Foul Bay Road, wheelchair ramps, tactile indicators and all associated infrastructure, to the satisfaction of the Director of Engineering and Public Works
  - c. protection, restoration and maintenance of the existing greenspace with a site area of approximately 1,468 m<sup>2</sup> in accordance with the plans date stamped by Planning on February 26, 2024, which includes provision of a bee colony in the conservation area for a period of at least two years and ensuring that design and construction in the area follows the recommendations in the February 23, 2024 arborist report from Gye &

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Associates to minimize impacts to trees, to the satisfaction of the Director of Parks, Recreation and Facilities

- d. a minimum of five units in the existing multiple dwelling as rental units for the life of the building as outlined in the report dated April 3, 2024, with contents satisfactory to the Director of Sustainable Planning and Community Development
- e. provision of no less than one adaptable unit, in accordance with the standards in the British Columbia Building Code and BC's Building Accessibility Handbook, to the satisfaction of the Director of Sustainable Planning and Community Development; and
- f. provision of transportation demand management measures, to the satisfaction of the Director of Engineering and Public Works, including:
  - i. two over-sized long-term bicycle parking spaces;
  - ii. 50% of required long-term bicycle parking with access to an electrical outlet;
  - iii. bicycle wash and maintenance facility.
- 4. That adoption of the zoning bylaw amendment will not take place until:
  - a. third reading of an associated heritage designation bylaw to designate the property known as 515 Foul Bay Road, as described in the Statement of Significance attached as Attachment F, pursuant to Section 611 of the Local Government Act, to the satisfaction of the Director of Sustainable Planning and Community Development,
  - b. all of the required legal agreements that are registrable in the Land Title Office have been so registered to the satisfaction of the City Solicitor.
- 5. That the above Recommendations be adopted on the condition that they create no legal rights for the applicant or any other person, or obligation on the part of the City or its officials, and any expenditure of funds is at the risk of the person making the expenditure.

# **Development Permit with Variances Application**

That Council, after giving notice, consider the following motion:

- "1. That subject to the adoption of the necessary *Zoning Regulation Bylaw* amendment, Council authorize the issuance of Development Permit with Variances No. 00255 for 515 Foul Bay Road, by plans submitted to the Planning department and date stamped by Planning on February 26, 2024, in accordance with the following:
  - a. Subject to submission of revised plans to align architectural site plans and landscape plans, to the satisfaction of the Director of Sustainable Planning and Community Development.
  - b. Subject to the proposed development meeting all City zoning and subdivision and development servicing bylaw requirements, except for the following variances:
    - i. reduce minimum front yard setback from 6.00m to 0.41m
    - ii. reduce minimum side yard setback (north) from 4.00m to 3.08m
    - iii. increase maximum eave projection from 0.75m to 0.79m
    - iv. permit vehicle parking in the front yard
    - v. reduce short-term bicycle storage from 18 spaces to 10 spaces
    - vi. increase maximum drive aisle slope from 8.00% to 11.36%
    - vii. reduce minimum two-way drive aisle width from 6.00m to 4.00m
    - viii. increase maximum accessory building height from 3.50m to 4.00m
    - ix. permit above-ground electrical, telecommunication and cable television services.

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- c. That pursuant to section 512(2) of the Local Government Act, Council exempts the existing property at 515 Foul Bay Road as well as the new proposed lot to be created by subdivision, as generally shown in the plans submitted to the Planning department and date stamped by Planning on February 26, 2024 from the minimum frontage requirements of section 512(1) at the time of subdivision.
- 2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution."

# Heritage Designation Application No. 000163

That Council:

- 1. Instruct staff to prepare a heritage designation bylaw to designate the property at 515 Foul Bay Road, that first and second reading of the bylaw be considered by Council and that a Public Hearing date be set.
- 2. Approve the Statement of Significance for 515 Foul Bay Road attached as Attachment F to this report recognizing the building exterior as the historic features of the property.

## **EXECUTIVE SUMMARY**

The purpose of this report is to present Council with an update regarding a Rezoning and Development Permit with Variances application for the property located at 515 Foul Bay Road. The proposal is to rezone from the R1-G Zone, Gonzales Single Family Dwelling District, to a new site-specific zone to permit three ground-oriented multiple dwelling buildings on one lot and retention of an existing five-unit heritage-registered house conversion on a separate lot with a shared panhandle driveway.

There is a concurrent Development Permit with Variances application pertaining to the proposed form, character, exterior design, finishes and landscaping, as well as variances related to setbacks and parking specifications for the three new three-storey ground-oriented multiple dwelling buildings containing a total of 12 dwelling units.

A Council motion on December 7, 2023, directed staff to work with the applicant to negotiate a stronger heritage response and more certain rental housing tenure. The revised proposal provides a supportable level of heritage and rental protection while accommodating the applicant's request for flexibility to avoid exposure to uninsured costs.

The following points were considered in assessing the revised proposal:

- In response to concerns with the applicant's initial request to place limitations on the standard heritage designation bylaw that would permit demolition in specific circumstances, the applicant has committed to heritage designation of the heritage building without limitations, consistent with the standard approach to heritage designation.
- As an alternative to limiting the heritage designation bylaw, the applicant is proposing similar
  provisions in the housing agreement securing retention of the five existing rental units.
  Specifically, the owner will be permitted to apply to stratify the heritage building in cases
  where the building is damaged as a result of an event that is outside of the owner's control,
  and where the damages to the building result in uninsured repairs or upgrades.

- The limitation on the protection of the five rental units could result in the loss of five rental units in the future; however, the combined level of protection provided through heritage designation bylaw and legal agreement to secure the rental units is significantly stronger than what was previously proposed and, therefore, considered supportable.
- The applicant has also submitted revised plans to address conditions contained in the original recommendation to Council, most notably including removal of two vehicle parking spaces in the front yard.

# BACKGROUND

## **Description of Proposal**

This proposal is to rezone from the R1-G Zone, Gonzales Single Family Dwelling District to a new site-specific zone and to subdivide the lot into two lots in order to allow for ground-oriented multiple dwellings on a new panhandle lot, with retention of an existing five-unit house conversion on another lot that would share the panhandle driveway. The associated Development Permit with Variances Application is for three new three-storey buildings containing a total of 12 dwelling units, in addition to an existing five-unit heritage registered house conversion. Additional proposed accessory structures include a "children's forest house" and a bicycle parking structure located near the heritage building.

A full description of the proposal is contained in the attached report that was presented to Committee of the Whole (COTW) on November 15, 2023 (report dated October 10, 2023). On December 7, 2023, Council referred the application back to staff with the following direction:

"That Council refers this matter to staff to negotiate a stronger heritage response and more certain rental housing tenure."

This report provides an overview of the revisions made to the proposal in order to respond to this Council direction and to satisfy conditions contained in the original recommendation to Council.

## **Revised Proposal**

#### Heritage Designation

At the time of application, the applicant expressed concerns with offering heritage designation unless provisions could be added to the designation bylaw that would permit demolition of the building in specific circumstances. The applicant is now proposing to designate the building without special provisions to permit demolition as previously requested, which will provide greater assurance that the heritage asset will be preserved. The proposed designation is now consistent with the standard approach to heritage designation.

#### Retention of Existing Rental Units

The applicant is requesting new provisions be added to the legal agreement to retain the existing rental units for the life of the building unless damages to the building occur due to a fire, flood or similar event that is outside of the owner's control. In such cases, the legal agreement would allow for the owner to stratify the building, subject to approval by the City's Approving Officer. The limited protection of the rental units is considered supportable given the commitment to heritage

designation, which in turn extends the term of the rental agreement from the previously proposed 20 years to the life of the building.

## Plan Revisions

Several plan revisions have been made to address conditions contained in the original recommendation to Council, including:

- two parking spaces removed from the front yard near the driveway crossing
- parking surface material changes from permeable pavers to permeable asphalt
- accessible parking relocated and accessible path added leading to the adaptable unit located in the rear of Block 3 (Unit 303)
- proposed replacement trees revised to comply with the siting and soil volume requirements
- one proposed Garry Oak replacement tree relocated to an area previously used for parking.

## **Revised Tree Impacts and Planting**

Based on the updated proposal, no additional impacts are expected to the existing trees or proposed replacement trees, beyond those identified in the staff report dated October 10, 2023.

The removal of two proposed parking spaces on the north side of the driveway may provide an improved planting location for at least one proposed replacement tree.

# VARIANCE TO SUBDIVISION AND DEVELOPMENT SERVICING BYLAW

Section 22 (1) of the *Subdivision and Development Servicing Bylaw* requires that underground electrical, telecommunication and cable television services be provided through an underground conduit. However, site features that include rock outcroppings near the existing driveway pose challenges for underground installation and would necessitate blasting that could negatively impact the heritage building and the proposed environmentally protected area and would impact the access to the existing home and tenants, including emergency access. Therefore, a variance to allow for an overhead service connection is supportable to avoid these potential negative impacts. The recommended motion includes consideration of this variance.

## EXEMPTION FROM SUBDIVISION AND DEVELOPMENT SERVICING BYLAW

Section 512 of the *Local Government Act* requires that a parcel being created through subdivision, which fronts on a highway, must have a minimum frontage of at least ten percent of the perimeter of the lot, even if the local government permits less than this minimum through a Development Variance Permit to or a site-specific Rezoning of the *Zoning Regulation Bylaw*. However, the provincial legislation enables Council to exempt a parcel from this minimum requirement as part of consideration of a land use application. The recommended includes consideration of this required exemption.

## CONCLUSIONS

The applicant is now proceeding with heritage designation without previously requested limitations on the level of protection. The more limited commitment to retain the rental units could result in the loss of rental housing in the future; however, on balance, the combined level of protection addresses Council direction and is considered supportable. Further, the applicant has made revisions to the

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site layout to improve consistency with applicable design guidelines. Therefore, it is recommended that Council consider proceeding as outlined in the recommendation.

# ALTERNATE MOTION

That Council decline Rezoning Application No. 00807 for the property located at 515 Foul Bay Road.

Respectfully submitted,

Patrick Carroll Senior Planner Development Services Division Karen Hoese, Director Sustainable Planning and Community Development Department

## Report accepted and recommended by the City Manager.

## List of Attachments

- Attachment A: November 16, 2023 Committee of the Whole report
- Attachment B: December 7, 2023 Council update report
- Attachment C: November 16, 2023 Committee of the Whole Meeting minutes
- Attachment D: December 7, 2023 Council meeting minutes
- Attachment E: Plans date stamped February 26, 2024
- Attachment F: Statement of Significance
- Attachment G: Correspondence



**Committee of the Whole Report** For the Meeting of November 16, 2023

Subject:	Rezoning Application No. 00807 for 515 Development Permit with Variances Applica		
From:	Karen Hoese, Director, Sustainable Planning a	nd Comm	nunity Development
То:	Committee of the Whole	Date:	October 10, 2023

#### RECOMMENDATION

#### **Rezoning Application**

- 1. That Council instruct the Director of Sustainable Planning and Community Development to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in the staff report dated October 10, 2023 for 515 Foul Bay Road.
- 2. That first and second reading of the zoning regulation bylaw amendment be considered by Council and a public hearing date be set once the following conditions are met:
  - a. plan revision to reduce the space dedicated to vehicle parking at the site's entrance to the satisfaction of the Director of Sustainable Planning and Community Development;
  - b. plan revision to propose an alternative permeable paving surface, to the satisfaction of the Director of Parks, Recreation and Facilities;
  - c. plan revision to label accessible parking stall, show dimensions in metric and provide a 1.5m hatched aisle, to the satisfaction of the Director of Engineering and Public Works;
  - d. plan revisions to correct the arborist report, tree management plan and landscape plans to the satisfaction of the Director of parks, Recreation and Facilities;
  - e. preparation of a heritage designation bylaw to designate the property known as 515 Foul Bay Road, as described in the Statement of Significance attached as Attachment D, pursuant to Section 611 of the Local Government Act, to the satisfaction of the Director of Sustainable Planning and Community Development, and that the introductory readings of the *Heritage Designation Bylaw* be considered by Council concurrently with the *Zoning Regulation Bylaw* amendment.
- 3. That subject to approval in principle at the public hearing, the applicant prepare and execute the following legal agreements, with form satisfactory to the City Solicitor prior to adoption of the bylaw:

- a. provision of a 1.6m wide statutory right-of-way for highway purposes along the Foul Bay Road, with terms to the satisfaction of the Director of Engineering and Public Works;
- b. provision of a detailed design, supply and installation of a new Rectangular Rapid Flashing Beacon (RRFB) pedestrian crossing of Foul Bay Road at its intersection with Chandler Avenue, including a curb extension at the west side of Foul Bay Road, wheelchair ramps, tactile indicators and all associated infrastructure, to the satisfaction of the Director of Engineering and Public Works;
- c. protection, restoration and maintenance of the existing greenspace with a site area of approximately 1,468 m<sup>2</sup> in accordance with the plans date stamped by Planning on September 14, 2023, which includes provision of a bee colony in the conservation area for a period of at least two years and ensuring that design and construction in the area follows the recommendations in the September 12, 2023 arborist report from Gye & Associates to minimize impacts to trees, to the satisfaction of the Director of Parks, Recreation and Facilities;
- d. securing five units in the existing multiple dwelling as rental units for the life of the building, with contents satisfactory to the Director of Sustainable Planning and Community Development;
- e. provision of no less than one adaptable unit, in accordance with the standards in the British Columbia Building Code and BC's Building Accessibility Handbook, to the satisfaction of the Director of Sustainable Planning and Community Development;
- f. provision of no less than three four-bedroom and six three-bedroom units, to the satisfaction of the Director of Sustainable Planning and Community Development; and
- g. provision of transportation demand management measures, to the satisfaction of the Director of Engineering and Public Works, including:
  - i. two over-sized long-term bicycle parking spaces;
  - ii. 50% of required long-term bicycle parking with access to an electrical outlet;
  - iii. bicycle wash and maintenance facility.
- 4. That adoption of the zoning bylaw amendment will not take place until all of the required legal agreements that are registrable in the Land Title Office have been so registered to the satisfaction of the City Solicitor.
- 5. That the above Recommendations be adopted on the condition that they create no legal rights for the applicant or any other person, or obligation on the part of the City or its officials, and any expenditure of funds is at the risk of the person making the expenditure.

# **Development Permit with Variances Application**

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. 00807, if it is approved, consider the following motion:

"1. That subject to the adoption of the necessary *Zoning Regulation Bylaw* amendment, Council authorize the issuance of Development Permit with Variances No. 00255 for 515 Foul Bay Road, in accordance with plans submitted to the Planning department and date stamped by Planning on September 14, 2023, in accordance with the following:

- a. Subject to the proposed development meeting all City zoning bylaw requirements, except for the following variances:
  - i. reduce minimum front yard setback from 6.00m to 0.41m;
  - ii. reduce minimum side yard setback (north) from 4.00m to 3.08m;
  - iii. increase maximum eave projection from 0.75m to 0.79m;
  - iv. permit vehicle parking in the front yard;
  - v. reduce short-term bicycle storage from 18 spaces to 10 spaces;
  - vi. increase maximum driveway slope from 8.00% to 11.36%;
  - vii. reduce minimum two-way driveway width from 6.00m to 4.00m, and;
  - viii. increase maximum accessory building height from 3.50m to 4.00m.
- Subject to the property being subdivided into two lots generally in accordance with plans submitted to the Planning department and date stamped by Planning on September 14, 2023.
- c. That pursuant to section 512(2) of the *Local Government Act*, Council exempts the existing property at 515 Foul Bay Road as well as the new proposed lot to be created by subdivision, as generally shown in the plans submitted to the Planning department and date stamped by Planning on September 14, 2023, from the minimum frontage requirements of section 512(1) at the time of subdivision.
- 2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution."

# Heritage Designation Application

That Council:

- Instruct staff to prepare a heritage designation bylaw to designate the property at 515 Foul Bay Road, that first and second reading of the bylaw be considered by Council and that a Public Hearing date be set, and that the heritage designation bylaw provides for the following to the satisfaction of the Director of Sustainable Planning and Community Development:
  - a. no heritage alteration permit is required for interior alterations, repair and maintenance work that would not affect the exterior of the building, or;
  - b. a heritage alteration permit to allow for demolition of the building would be issued for the building if the building is damaged significantly due to fire, flood or similar event outside of the owner's control.
- 2. Approve the Statement of Significance for 515 Foul Bay Road attached as Attachment D to this report recognizing the building exterior as the historic features of the property.

# LEGISLATIVE AUTHORITY

This report discusses a Rezoning Application, a concurrent Development Permit with Variances Application and a concurrent Heritage Designation Application.

Relevant Rezoning considerations relate to:

- change of use to allow ground-oriented multiple dwellings
- new regulations pertaining to the number of buildings on a lot and maximum floor area.

The relevant Development Permit with Variances considerations relate to:

- the application's consistency with design guidelines
- impact of variances pertaining to setbacks, bike parking, as well as parking and driveway specifications.

# **Enabling Legislation**

In accordance with Section 479 of the *Local Government Act*, Council may regulate within a zone the use of land, buildings and other structures, the density of the use of the land, building and other structures, the siting, size and dimensions of buildings and other structures as well as the uses that are permitted on the land and the location of uses on the land and within buildings and other structures.

In accordance with Section 483 of the *Local Government Act*, Council may enter into a Housing Agreement which may include terms agreed to by the owner regarding the occupancy of the housing units and provided such agreement does not vary the use of the density of the land from that permitted under the zoning bylaw.

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 *Official Community Plan, 2012* (OCP). 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.

In accordance with section 512 of the *Local Government Act*, if a parcel being created by a subdivision fronts on a highway, the minimum frontage on the highway must be the greater of ten percent of the perimeter of the lot, and the minimum frontage that the local government requires by bylaw. However, Council may exempt a parcel from this minimum.

In accordance with Section 611 of the *Local Government Act*, Council may designate real property, in whole or in part, as protected property. In accordance with section 611 (2)(c), a heritage designation bylaw may apply to fixtures identified in the bylaw.

# EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning and Development Permit with Variances application for the property located at 515 Foul Bay Road. The proposal is to rezone from the R1-G Zone, Gonzales Single Family Dwelling District to a new site-specific zone and subdivide the lot to allow for ground-oriented multiple dwellings at this location.

There is a concurrent Development Permit with Variances application pertaining to the proposed form, character, exterior design, finishes and landscaping, as well as variances related to setbacks and parking specifications for three new three-storey buildings containing a total of 12 dwelling units in addition to the existing five-unit house conversion, which is to remain as a rental building for the life of the building.

The following points were considered in assessing the Rezoning Application:

• The proposal is generally consistent with the *Official Community Plan* (OCP) Traditional Residential Urban Place Designation, which envisions Missing Middle Housing and other

ground-oriented residential uses, with density up to approximately 1.1:1 floor space ratio (FSR).

- The creation of 12 new dwelling units, including three four-bedroom, six three-bedroom units, and three one-bedroom units would further the OCP goal of providing a diversity of housing, including family-oriented housing that is suitable for larger households.
- Five existing rental units secured for the life of the heritage building does not guarantee rental units in perpetuity, but when combined with the proposed heritage designation to secure the building, would further the OCP's rental housing objectives.
- Concerns were raised by the applicant with offering heritage designation unless provisions could be added to the designation bylaw to permit demolition of the building in specific circumstances outside of the owner's control; in consideration of this, the recommendation includes direction to add new provisions to standard designation bylaw.
- The proposal is inconsistent with specific policies in the *Gonzales Neighbourhood Community Plan* (2002) to retain the predominance of detached dwellings and discourage further subdivision in the Queen Anne Heights area. However, the proposal does demonstrate notable effort in preserving landscape features of heritage value, and a significant contiguous open space in the southern portion of the property would be protected in perpetuity.
- The proposed 1.6m statutory right-of-way (SRW) along Foul Bay Road would provide space to inbound a future sidewalk, provide boulevard, and street trees, which supports the OCP's transportation and placemaking policies. In addition, a new crosswalk that is recommended to be paid for by the developer would improve pedestrian safety for new families that are anticipated to walk to Margaret Jenkins School.

The following points were considered in assessing the Development Permit with Variances:

- The proposed form and character of the development is generally consistent with the design guidelines for Development Permit Area (DPA) 15F, Missing Middle Housing and DPA 15B Intensive Residential- Panhandle Lot; however, the proposed front yard parking is not consistent with guidance for sensitively integrating and buffering vehicle parking.
- The proposed site planning is consistent with the *Missing Middle Design Guidelines* (2022), which allow for alternative siting and clustering of buildings to protect significant and heritage features and emphasize maintaining the prominence of the heritage building, providing adequate setbacks and avoiding impacts to existing site lines to the heritage building.
- The proposed site planning is consistent with the design guidelines applicable to DPA 15B, Intensive Residential – Panhandle Lot, which encourage mitigating privacy impacts through larger setbacks and avoiding windows overlooking abutting rear yards, although the guidelines do not anticipate three storey building heights for intensive residential development.
- The proposed front yard parking is not considered consistent with the guidelines to ensure landscaping within driveway areas where front yard parking is provided.
- The proposed front yard setback is supportable because the impact on neighbouring properties is considered minimal, with 26.50m to the nearest dwelling.
- The less than one metre side yard reduction, 0.50m increased accessory building height and eave projection variances are all relatively minor variances compared to the standard zone.
- The proposed variances to increase driveway slope and reduce driveway width are considered supportable because they allow for the reuse of the existing driveway, which minimizes construction impacts on site features, such as trees, rock outcroppings and the

existing building foundation.

- The variances requested to permit vehicle parking in the front yard panhandle driveway is not considered supportable due to the lack of a landscape buffer between parallel parking and adjacent properties or screening from the public realm as well as the potential to reduce parking while still meeting *Zoning Regulation Bylaw* requirements.
- The proposed variance to short-term bicycle storage from 18 spaces to 10 spaces is considered supportable based on the adequacy of the overall proposed Transportation Demand Management (TDM) measures.

# BACKGROUND

# **Description of Proposal**

This proposal is to rezone from the R1-G Zone, Gonzales Single Family Dwelling District to a new site-specific zone and to subdivide the lot into two lots in order to allow for ground-oriented multiple dwellings on one panhandle lot and to retain an existing five-unit house conversion on the other lot.

The following differences from the standard RTM Zone, Traditional Residential Multiple Dwelling District, are being proposed and would be accommodated in the new zone:

- replace "multiple dwelling" with "ground-oriented multiple dwelling" and add house conversion and secondary suites as permitted uses
- reduce maximum FSR from 1:1 to 0.5:1.

The associated Development Permit with Variances Application is for three new three-storey buildings containing a total of 12 dwelling units, in addition to an existing five-unit heritage registered house conversion. Additional accessory structures include a "children's forest house" and a bicycle parking structure located near the existing heritage home.

Specific details include:

- three ground-oriented multiple dwellings, each building containing four dwelling units, sited in the rear and side yard of a 4896m<sup>2</sup> panhandle lot
- overall new dwelling unit mix consisting of three one-bedroom, six three-bedroom and three four-bedroom units
- one adaptable unit and potential for secondary suites in each four-bedroom unit
- surface parking (20 spaces including modo and visitor spaces).

# Exterior materials include:

- Composite shingles and fiber-cement panel
- Stone effect and wood columns
- metal roof, metal siding, and aluminium railings.

Landscape elements include:

- 1,468m<sup>2</sup> established greenspace with Garry Oak meadow, rock outcroppings, bee colony on site (maintained at least two years), pathway in southern portion
- children's playhouse constructed with materials from existing on-site sheds
- permeable parking and driveway surfaces

- 105 trees identified 85 protected trees (63 on-site), 31 off-site, 9 under-sized
- 25 protected trees removed, 29 replacement trees.

The proposed variances from the standard RTM Zone are related to:

- reducing the minimum front yard setback from 6.00m to 0.41m;
- reducing the minimum side yard setback (north) from 4.00m to 3.08m;
- increasing the maximum eave projection from 0.75m to 0.79m;
- permitting vehicle parking in the front yard;
- reducing short-term bicycle storage from 18 spaces to 10 spaces;
- increasing driveway slope from 8.00% to 11.36%;
- reducing two-way driveway width from 6.00m to 4.00m; and
- increasing maximum accessory building height from 3.50m to 4.00m.

# Land Use Context

The area is characterized by single-family dwellings some of which are located on similarly large panhandle lots. In addition, there is a ten-unit attached dwelling development, a nursing home and Margaret Jenkins Elementary located to the west of the subject property. Heritage registered and heritage designated properties exist in the surrounding upper Foul Bay Road area, including Abkhazi Garden, which abuts the subject property to the south.

# **Existing Site Development and Development Potential**

The site currently contains a residential house conversion containing five rental units, including three one-bedroom, one two-bedroom and one two-bedroom with a den. The property, shown in Figure 1, contains a heritage registered building, which was designed by architect Samuel Maclure in 1910. The applicant has committed to securing the building as a rental for the life of the building in support of the proposal under consideration and existing tenants will not be displaced.

Under the current R1-G Zone, the property could be subdivided to create additional panhandle lots, which would require 600m<sup>2</sup> per lot in this zone when on a panhandle lot and a shared panhandle access. Panhandle lots are subject to the *Zoning Regulation Bylaw* Schedule H: Panhandle Lot Regulations, which require larger lot area, lot width and setbacks as well as reduced building height, maximum floor area and site coverage than the standard R1-G Zone regulations. In addition, as a panhandle lot, the property is not eligible for development under recently adopted *Missing Middle Regulations*.

Figure 1: Aerial Map



# Data Table

The following data table compares the proposed new buildings with the R1-G Zone, Gonzales Single Family District and the standard RTM Zone, Traditional Residential Multiple Dwelling District. An asterisk is used to identify where the proposal does not meet the requirements of the existing Zone.

Zoning Criteria	Proposal	Existing R1- G Zone	Zone Standard RTM Zone
Site area (m <sup>2</sup> ) – minimum	4896.55	460	920
Density (Floor Space Ratio) – maximum	0.48:1	0.50:1	1:1
Number of buildings (max)	3*	1	1
Combined floor area (m <sup>2</sup> ) – maximum	2341.37	300	-
Lot width (m) – minimum	75.95	15	20 (avg.)
Height (m) – maximum	10.14*	7.60	10.50
Storeys – maximum	3*	2	3
Site coverage (%) – maximum	20.12	30	50
Open site space (%) – minimum	60.81	50	45
Separation space between buildings (within the site) (m) – minimum	4.74	-	-
Setbacks (m) – minimum	-	-	-
Front	0.41*	7.50	6
Rear	5.13 (non- habitable) <b>7.56</b> * <b>(habitable)</b>	9.10 or 30% lot depth	4
Side (north)	3.08 (non- habitable) 7.52 (habitable)	1.50 or 15% lot width	4
Side (south)	22.29	1.50 or 15% lot width	4
Combined side yards	25.37	5.40	-
Eaves	0.79*	0.75	0.75

Zoning Criteria	Proposal	Existing R1- G Zone	Zone Standard RTM Zone
Accessory building location	Side yard*	Rear yard	Rear yard
Accessory building height (m) – maximum	4	3.5	3.5
Parking – minimum	20 including 1 modo	16	16
Visitor parking included in the overall units – minimum	2	1	1
Long term bicycle parking – minimum	15	15	15
Short term bicycle parking – minimum	10*	18	18
Parking location	Front yard*, side yards, internal	Not in front	Not in front
Driveway/parking slope (%) – maximum	11.36*	8	8
Driveway width	4*	6 (two-way)	6 (two-way)

# **Sustainable Mobility**

The application proposes the following Transportation Demand Management (TDM) measures, which support multi-modal transportation:

- two over-sized long-term bicycle parking spaces
- 50% of required long-term bicycle parking with access to an electrical outlet
- bicycle wash and maintenance facility.

# Public Realm

## Pedestrian Crossing

The proposal will add 12 new units, in addition to the five existing rental units in a location that will create a desire line across Foul Bay Road at Chandler Avenue, between Margaret Jenkins School and the development. The majority of anticipated pedestrians to cross in this location would come from the subject site. Therefore, a new crosswalk is recommended, with the full cost paid by the developer to improve pedestrian safety and accessibility. The warranted crossing in this location should include a pedestrian activated Rectangular Rapid Flashing Beacon and a curb bulb on the west side of Foul Bay Road. The applicant agreed to this public realm improvement, which will be secured with a legal agreement and registered on the property's title prior to adoption of the *Zoning Regulation Bylaw* amendment.

# **Community Consultation**

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, prior to submission of the application, it was posted on the Development Tracker along with an invitation to complete a comment form on September 29, 2021. Mailed notification was sent to owners and occupiers of property within 100m of the subject property advising that a consultation process was taking place and that information could be obtained and feedback provided through the Development Tracker. A sign was also posted on site, to notify those passing by of this consultative phase. Additionally, the applicant participated in a meeting with the CALUC on October 25, 2021. A report dated October 25, 2021 along, with the comment forms are attached to this report.

In response to the consultation the applicant revised the original proposal for total of 23 units and 26 parking spaces to 17 units and 20 parking spaces in the current proposal, as well as other more minor revisions.

Pursuant to section 464(2) of the *Local Government Act*, Council may choose to not hold a public hearing where a rezoning application is consistent with the OCP. While the proposal is generally consistent with the OCP, the *Local Government Act* does not enable Council to choose to not hold a public hearing for Heritage Designation applications; therefore, to allow consideration of the project as a whole, a public hearing is recommended.

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

# ANALYSIS

## **Rezoning Application**

## Official Community Plan

The Official Community Plan, 2012 (OCP) Urban Place Designation for the subject property is Traditional Residential, which supports Missing Middle Housing and other ground-oriented residential uses. The OCP envisions densities of approximately 1.1:1 FSR for properties designated as Traditional Residential and approximately three-storeys in height. The OCP also notes that decisions about the appropriate scale for a particular site will be based on an evaluation of the context in addition to applicable policies. The strategic direction specific to Gonzales is to maintain and enhance neighbourhood character including the heritage character of buildings, landscapes, and streetscapes.

The proposal is consistent with envisioned uses, density and height for Traditional Residential properties as the proposal is for three-storey, ground-oriented multiple dwellings. The proposed density of 0.48:1 FSR is well short of the upper range envisioned in the OCP; however, this is considered appropriate given the site and surrounding context, most notably the established landscape features, panhandle lot configuration and the secured protection of approximately half the site as open site space. The proposal is not fully consistent with the strategic direction for the Gonzales neighbourhood as the plan prioritizes lower density detached dwellings and duplexes and generally discourages further subdivision in the Queen Anne Heights area.

The OCP includes other strategic objectives that are advanced by the proposal, including:

- housing that is suitable for larger families (i.e., three- and four-bedroom units)
- retention of a contiguous area of established trees and landscape features
- retention of existing rental units and commitment to secure these through a legal agreement.

# Gonzales Neighbourhood Community Plan

The proposal is inconsistent with specific policies in the *Gonzales Neighbourhood Community Plan (2002)*, which generally encourages the retention of zoning that maintains the detached dwelling character of the neighbourhood. The plan prioritizes preserving large lot character and discourages further panhandle lot subdivision in the Queen Anne Heights area, which includes the subject property.

The neighbourhood plan prioritizes preserving the heritage character of buildings, landscape features and streetscapes generally, and specifically encourages incentivizing heritage designation of historic buildings, with priority on those along Foul Bay Road. The proposal is offering designation of the historic building, and further demonstrates an effort to preserve landscape features by concentrating the proposed housing to retain a large portion of the property as open space, which is reflected in the 20.12% site coverage and 60.81% open space. In addition, the unit mix includes nine of twelve homes being at least three bedrooms, which advances the housing objective of maintaining housing choice by providing units suitable for larger households.

# Housing

The application, if approved, would add 12 new residential strata units, which would increase the overall supply of housing in the area and contribute to the targets set out in the *Victoria Housing Strategy*.

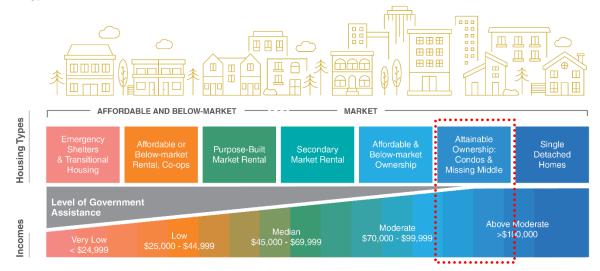


Figure 1. Housing Continuum

# Housing Mix

At present there is no policy that provides targets regarding housing mix and unit type is not regulated or secured. However, the OCP identifies a mix of units as an objective and identifies the need for a diverse range of housing units including family housing. As submitted, this application proposes three four-bedroom, six three-bedroom, three one-bedroom, as well as three one-bedroom, one two-bedroom and one two-bedroom with a den in the existing house conversion. The applicant has agreed to secure the three- and four-bedroom units through a housing agreement.

# Security of Tenure

The applicant is offering to secure the five existing rental units in the house conversion for the life of the building through a Housing Agreement with the City. Although City policy encourages securing rental in perpetuity, the provision of heritage designation addresses most scenarios where the building could be demolished, and rental units lost.

# Statutory Right of Way

The applicant is amenable to providing a 1.6m wide statutory right-of-way (SRW) along Foul Bay Road to help achieve a more standard collector roadway width. This space will be used for the planting of future street trees and boulevard and inbounding the sidewalk to improve pedestrian experience and comfort. In the interim, the existing rock wall will remain in the SRW with portions removed to provide fire access and improve sightlines and safety for pedestrians and motorists.

# **Development Permit with Variance Application**

## Official Community Plan: Design Guidelines

As noted, the *Missing Middle Regulations*, which would permit heritage conserving infill without requiring rezoning, do not apply to a panhandle lot. However, The OCP does identify this property as within Development Permit Area (DPA) 15F, Missing Middle Housing as well as DPA 15B Intensive Residential- Panhandle Lot; therefore, applicable guidelines include the *Missing Middle Design Guidelines* (2022), *Design Guidelines for Small Lot House* (2002), and the *Advisory Design Guidelines for Buildings, Signs and Awnings* (1981).

## Site Design

Recognizing the unique challenge with heritage infill, the guidelines provide specific direction for proposals that contain heritage buildings. This includes allowing for the siting and clustering of buildings to facilitate heritage conservation and preserve natural features as well as significant trees. Additionally, the incorporation of retained and new landscaping within setback areas is emphasized to mitigate impacts on neighbouring properties.

The guidelines encourage maintaining site lines from the sidewalk to the front entryway for heritage conserving infill and ensuring new buildings do not detract from the visual prominence of the heritage building. Although the heritage building is visible from Foul Bay Road and portions of Chandler Avenue, site lines from the street to the building are limited due to the panhandle configuration. Similarly, the new buildings would be located more than 40m from the street, with the heritage building remaining the most prominent.

Unless in conjunction with the designation of a heritage building, panhandle lot subdivision is strongly discouraged. Subdivision is proposed to create a separate lot to contain the new buildings, and a remnant lot to contain the heritage building. Heritage designation is proposed with additional provisions requested by the applicant, which is discussed in more detail in the heritage section below.

A primary objective for site design for Missing Middle Housing and intensive residential development is to sensitively integrate vehicle parking and circulation to minimize impacts on neighbours and on the public realm. This includes providing landscaping within driveway areas to soften impacts of front yard parking. This objective is achieved for parking located near the proposed dwellings; however, the proposed front yard parking is not sensitively integrated as it will be visible from the public realm and is not buffered from abutting properties. A plan revision to address this issue is included in the recommendation for Council's consideration.

The *Small Lot House Design Guidelines* (2002) encourage mitigating privacy impacts through larger setbacks, which is adequately achieved in the proposal by large setbacks consistent with panhandle lot regulations.

## Building Design

In terms of architectural expression, new building design should be complimentary yet subordinate to, contrasting with and clearly distinguishable from that of the heritage building. This is achieved through the proposed massing, height, materials, and colour palette of the proposed buildings. Also, balconies are located and oriented towards front and rear yards, except for one balcony that overlooks the proposed protected open space area, which contributes to livability and adds articulation for visual interest.

The guidelines prioritize building design that minimizes overlook into adjacent private yards by employing increased building setbacks (at least 5m) and minimized or staggered windows when facing adjacent properties. The site layout does provide generous setbacks and demonstrates effort to retain established landscaping to minimize possible overlook.

# Neighbourhood Plan

The *Gonzales Neighbourhood Community Plan* provides limited guidance on design, specifically that new buildings are sensitive to nearby heritage buildings, landscapes, and streetscapes, and allow for traditional or contemporary approaches to design if building massing and height are in keeping with neighbouring buildings.

In summary, the proposal complies with the following key OCP and neighbourhood plan guidelines:

- Site design concentrates density in one portion of the property, which avoids development in the southern portion and retains rock outcroppings and significant trees.
- Significant trees are proposed for removal; however, retention is possible for 60 out of 85 on- and off-site bylaw protected trees, including most of the existing landscape features in the southern portion of the site that abuts Abkhazi Gardens.
- Side and rear yard setbacks are at least 7.5m to habitable rooms, which is consistent with requirements for panhandle lots and exceeds that recommended in the guidelines.

- Building design is complimentary to the heritage building, with contemporary materials combined with elements that acknowledge the character defining elements while avoiding replication.
- Proposed new buildings are subordinate in height and sited in the side and rear yards to maintain prominence of the heritage building from the street.

# <u>Variances</u>

Although a site-specific zone is sought, variances are recommended (instead of inclusion in the new zone) for areas where the proposal is not consistent with the standard RTM Zone, Traditional Residential Multiple Dwelling District, and the Off-Street Parking Regulations (Schedule C) of the *Zoning Regulation Bylaw*. This ensures that if this proposal is not built, any potential future redevelopment would require Council's consideration and approval for these specific aspects.

## Setbacks

The property is considered an irregular, panhandle lot; therefore, the front property line is determined based on the largest inscribed rectangle (refer to page A106 in the attached plans). The existing house conversion has a zero setback from the front property line. A variance is required to reduce the minimum front yard setback from 6m to 0.41m for the Block 2 building. The variance is considered supportable given that Block 2 is sited in the north side yard and is further from the street than the heritage building.

A variance to reduce the minimum side yard setback (north) from 4.00m to 3.08m (Block 2) is considered supportable because the nearest habitable portion of Block 2 is setback 7.52m, which complies with the requirements of a panhandle lot. There is also a minor variance to increase the maximum eave projection from 0.75m to 0.79m, which is supportable due to the minor discrepancy between the proposal and bylaw requirement.

# Parking and Driveway Specifications

A variance is required to permit parking in the front yard. This relates to the parallel and 90-degree parking located along the panhandle driveway. The proposed parking will occupy much of the land between the two properties abutting the panhandle portion and will not include a landscaped buffer. The variance is not supportable as proposed given that a reduction of vehicle parking is possible without requiring a parking variance to allow for permit parking in the front yard. The recommendation includes a condition that parking be reduced in the front yard.

A variance is also required to reduce short-term bicycle storage from 18 spaces to 10 spaces, which is considered supportable as the proposal is providing adequate long term bicycle parking as well as enhanced bike parking facilities.

The proposed development requires variances to driveway specifications, including to increase the maximum driveway slope from 8% to 11.36% and to reduce the minimum driveway width from 6m to 4m. Each of the required variances are considered supportable as they assist in the preservation of the existing site features, most notably rock-outcroppings and trees in front of the existing heritage building.

# Height

The final variance proposed is to increase the maximum accessory building height from 3.50m to 4m for the accessory building that would be used as a "children's playhouse" proposed in the large open space in the southern portion of the lot. This is supportable and the location is not likely to impact neighbouring properties.

#### Accessibility

The proposal includes one adaptable unit, which will be a one-bedroom unit in Block 3.

#### **Sustainability**

The following sustainability features are associated with this proposal:

- open space area with a garry oak meadow, rock outcroppings and nature trail (to be protected by a covenant)
- low impact design for building foundations, with no basements, to minimize tree impacts
- permeable parking and driveway surfaces
- removal of invasive plant species
- electric vehicle charging infrastructure available for all parking
- wildlife corridor to allow the continued safe movement of deer
- bee colony on site in the conservation area for a period of at least two years
- use of materials from onsite accessory buildings to construct a children's playhouse.

#### Heritage Designation

## History

The property located at 515 Foul Bay Road, also referred to as the Tracksell home, is a large 3.5storey British Arts and Crafts style mansion built in 1910. The exterior façade of 515 Foul Bay Road has maintained much of its original appearance. Its character-defining elements include its half-timbered upper storey and stone-clad lower storey with rubble fieldstone cladding and granite quoins. The building contains wooden windows, other decorative woodwork, and corbelled brick chimney stacks. The ornamental woodwork and stonework is typical of the British Arts and Crafts architectural style, as well as the design work of noted Victorian architect Samuel Maclure. The building is also valued for its historical association with several prominent persons from Victoria's past, including the Honourable John Wallace de Beque Farris and his wife Evelyn Farris.

## Designation

It is reasonable and standard practice to request heritage designation in support of a development applications requiring rezoning. The applicant has been encouraged to heritage designate the existing building as it is a valued historic home designed by a renowned Victoria-based architect. Designation would provide the property with bylaw protection of character-defining elements (exterior elements only) and would enable the applicant to apply for grants through the Victoria Heritage Foundation for maintenance, repair and seismic upgrade work. The application was reviewed by the Heritage Advisory Panel at a meeting on May 9, 2017, and was recommended for approval.

The applicant is proposing heritage designation; however, they have expressed concern for potential uninsured liability in in the event of damages to the building from a fire, flood or similar occurrence. The City's policy regarding designated properties is that if a heritage structure is damaged to the point of total or near total loss, upgrades in conformance with modern building code requirements may be triggered. The applicant's concern is that these upgrades may not be covered by insurance. In order to accommodate the applicant's concerns, the recommendation includes additional provisions to the heritage designation bylaw to accommodate the ability to demolish in cases of near or total loss in order to provide assurance in such rare cases.

Should Council not support the addition of provisions to the heritage designation bylaw, an alternate recommendation has been provided to require a heritage conservation covenant as an alternative that provides a level of protection. It should be noted that the alternate recommendation also recommends waiving a public hearing as heritage designation would no longer trigger this requirement.

# 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 after July 1, 2021; therefore, *Tree Protection Bylaw No. 21-035* applies.

One hundred and five trees have been inventoried. There are 74 trees located on the subject lot, 31 trees on neighbouring properties and no trees on municipal property. Of the trees inventoried, there are a total of 85 bylaw protected trees: sixty-three on the subject lot and 22 neighbouring trees.

# Proposed Tree Removals

Twenty-five bylaw protected trees on the subject lot are proposed for removal. There are 15 trees that would be removed as they are in the building area or immediately adjacent to an area where excavation will occur. There are eight trees that would be removed for service installation and/or parking construction. In addition, two trees have been assessed to be in poor condition and are unsuitable for retention. No trees on neighbouring properties are proposed for removal.

The table below outlines details on bylaw protected proposed for removal:

Tree #	Species	Diameter (DBH)	Health Condition	Structural Condition	Reason for Removal
1	Big Leaf Maple	38	Fair	Fair	Servicing and/or parking
1A	Plum	33	Poor	Fair	Servicing and/or parking
2	Plum	74	Good	Good	Servicing and/or parking
5	Plum	52	Fair	Poor	Servicing and/or parking

Tree #	Species	Diameter (DBH)	Health Condition	Structural Condition	Reason for Removal
6	Plum	40	Poor	Poor	Servicing and/or parking
7	Garry oak	16	Fair	Fair	Servicing and/or parking
15	Arbutus	38	Poor	Poor	Building Construction/Excavation
16	Garry oak	87	Fair	Fair	Building Construction/Excavation
23	Garry oak	43	Good	Good	Building Construction/Excavation
24	Garry oak	71	Good	Good	Building Construction/Excavation
25	Garry oak	75	Good	Good	Building Construction/Excavation
27	Garry oak	47	Good	Good	Building Construction/Excavation
30	Garry oak	84	Fair	Good	Building Construction/Excavation
38	Garry oak	69	Fair	Fair	Building Construction/Excavation
39	Mountain Ash	30	Fair	Poor	Building Construction/Excavation
49	Holly	35	Good	Good	Building Construction/Excavation
64	English Hawthorn	38	Fair	Fair	Servicing and/or parking
71	Portuguese Laurel	55	Poor	Poor	Servicing and/or parking
81	Laburnum	34	Poor	Poor	Building Construction/Excavation
85	Western Red Cedar	30			Tree is dead
86	Western Red Cedar	31			Tree is dead
87	English Hawthorn	42	Poor	Poor	Building Construction/Excavation
89	English Laurel	Multi	Fair	Good	Building Construction/Excavation
90	Plum	40	Poor	Poor	Unsuitable for retention
92	Plum	88	Poor	Poor	Unsuitable for retention

# Trees Proposed for Retention

A total of 49 trees would be retained on the subject lot with this development project including 38 bylaw protected trees. Of the trees retained, 17 are Garry oaks ranging in size, the largest measuring 105 cm diameter. The project arborist has recommended several mitigation measures at various stages of the project to ensure these trees are retained. The feature tree on the lot is a 122 cm diameter arbutus that has been identified as a specimen tree under the tree bylaw. Modifications to the parking layout have been made to reduce impacts to tree roots and ensure retention of the tree.

# Protective Covenant

A no-build covenant is proposed to protect an area of approximately 1,468m<sup>2</sup> in the southern portion of the lot. Parts of the area are comprised of undisturbed rock outcroppings and naturalized areas. Invasive plants will be removed from the area, and it will be maintained as a naturalized area in perpetuity under the covenant.

# Proposed Planting

The landscape plan shows 29 new trees on the subject lot which meets the replanting requirements outlined in the *Tree Protection Bylaw*. The trees proposed are a variety of species including 14 native species (12 Garry oaks and two big leaf maple). Planting areas will be enhanced to meet the soil volume requirements in the tree bylaw.

Tree Status	Total # of Trees	To be REMOVED	To be PLANTED	NET CHANGE
On-site trees, bylaw protected	63	25	29	+4
On-site trees, not bylaw protected	11	0	0	0
Municipal trees	0	0	0	0
Neighbouring trees, bylaw protected	22	0	0	0
Neighbouring trees, not bylaw protected	9	0	0	0
Total	105	25	29	+4

# Tree Impact Summary Table

# EXEMPTION FROM SUBDIVISION/SERVICING BYLAW

Section 512 of the *Local Government Act* requires that a parcel being created through subdivision, which fronts on a highway, must have a minimum frontage of at least ten percent of the perimeter of the lot, even if the local government permits less than this minimum through a Development Variance Permit to or a site-specific Rezoning of the *Zoning Regulation Bylaw*. However, the provincial legislation enables Council to exempt a parcel from this minimum requirement as part of consideration of a land use application. The recommended and alternate motion includes consideration of this required exemption.

## CONCLUSIONS

The proposal is generally consistent with the *Official Community Plan* Traditional Residential Urban Place Designation and the 17 proposed and existing dwelling units will provide a diversity of homes, including family-oriented housing and retained rental units. The proposed heritage designation, and protection of a large portion of the landscape furthers the OCP and neighbourhood plan objectives to retain the historic building and significant existing site features. The proposed form and character is generally consistent with applicable design guidelines for Missing Middle Housing on a heritage property, with the exception of proposed front yard parking,

which would unnecessarily impact neighbouring properties as well the view of the heritage building from the public realm. Therefore, it is recommended that Council consider proceeding as outlined in the recommendation.

# ALTERNATE MOTIONS

# Option 1 – Waive the Public Hearing

# **Rezoning Application**

- 1. That Council instruct the Director of Sustainable Planning and Community Development to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in the staff report dated October 10, 2023 for 515 Foul Bay Road.
- 2. That, pursuant to section 30 of the *Land Use Procedures Bylaw*, Council waives the requirement for the holding of a public hearing.
- 3. That, after publication of notification in accordance with section 467 of the Local Government Act, first, second, and third reading of the zoning bylaw amendment be considered by Council once the following conditions are met:
  - a. plan revision to reduce the space dedicated to vehicle parking at the site's entrance to the satisfaction of the Director of Sustainable Planning and Community Development;
  - b. plan revision to propose an alternative permeable paving surface, to the satisfaction of the Director of Parks, Recreation and Facilities;
  - c. plan revision to label accessible parking stall, show dimensions in metric and provide a 1.5m hatched aisle, to the satisfaction of the Director of Engineering and Public Works;
  - d. plan revisions to correct the arborist report, tree management plan and landscape plans to the satisfaction of the Director of parks, Recreation and Facilities;
- 4. That following the third reading of the zoning amendment bylaw, the applicant prepare and execute the following legal agreements, with form satisfactory to the City Solicitor prior to adoption of the bylaw:
  - a. provision of a 1.6m wide statutory right-of-way for highway purposes along the Foul Bay Road frontage, with terms to the satisfaction of the Director of Engineering and Public Works;
  - b. provision of a detailed design, supply and installation of a new Rectangular Rapid Flashing Beacon (RRFB) pedestrian crossing of Foul Bay Road at its intersection with Chandler Avenue, including a curb extension at the west side of Foul Bay Road, wheelchair ramps, tactile indicators and all associated infrastructure, to the satisfaction of the Director of Engineering and Public Works;
  - c. protection, restoration and maintenance of the existing greenspace with a site area of approximately 1,468 m<sup>2</sup> in accordance the plans date stamped by Planning on September 14, 2023, which includes provision of a bee colony in the conservation area for a period of at least two years and ensuring that design and construction in the area follows the recommendations in the September 12, 2023 arborist report from Gye & Associates to minimize impacts to trees, to the satisfaction of the Director of Parks, Recreation and Facilities;

- securing five units in the existing multiple dwelling as rental units for the life of the building, with contents satisfactory to the Director of Sustainable Planning and Community Development;
- e. protection of the heritage registered building through a heritage conservation covenant, to the satisfaction of the Director of Sustainable Planning and Community Development;
- f. provision of no less than one adaptable unit, in accordance with the standards in the British Columbia Building Code and BC's Building Accessibility Handbook, to the satisfaction of the Director of Sustainable Planning and Community Development;
- g. provision of no less than three four-bedroom and six three-bedroom units, to the satisfaction of the Director of Sustainable Planning and Community Development;
- h. provision of transportation demand management measures, to the satisfaction of the Director of Engineering and Public Works, including:
  - i. two over-sized long-term bicycle parking spaces;
  - ii. 50% of required long-term bicycle parking with access to an electrical outlet;
  - iii. bicycle wash and maintenance facility.
- 5. That adoption of the zoning bylaw amendment will not take place until all of the required legal agreements that are registrable in the Land Title Office have been so registered to the satisfaction of the City Solicitor.
- 6. That the above Recommendations be adopted on the condition that they create no legal rights for the applicant or any other person, or obligation on the part of the City or its officials, and any expenditure of funds is at the risk of the person making the expenditure.

## **Development Permit with Variances Application**

That Council, after giving notice, consider the following motion:

- "1. That subject to the adoption of the necessary Zoning Regulation Bylaw amendment, Council authorize the issuance of Development Permit with Variances No. 00255 for 515 Foul Bay Road, in accordance with plans submitted to the Planning department and date stamped by Planning on September 14, 2023, in accordance with the following:
  - a. Subject to the proposed development meeting all City zoning bylaw requirements, except for the following variances:
    - i. reduce minimum front yard setback from 6.00m to 0.41m;
    - ii. reduce minimum side yard setback (north) from 4.00m to 3.08m;
    - iii. increase maximum eave projection from 0.75m to 0.79m;
    - iv. permit vehicle parking in the front yard;
    - v. reduce short-term bicycle storage from 18 spaces to 10 spaces;
    - vi. increase maximum driveway slope from 8.00% to 11.36%;
    - vii. reduce minimum two-way driveway width from 6.00m to 4.00m, and;
    - viii. increase maximum accessory building height from 3.50m to 4.00m.
  - b. Subject to registration of the following legal agreements on the property's title, with contents satisfactory to the Director of Sustainable Planning and Community Development and form satisfactory to the City Solicitor:
  - c. The property being subdivided into two lots.

- d. That pursuant to section 512(2) of the *Local Government Act*, Council exempts the existing property at 515 Foul Bay Road as well as the new proposed lot to be created by subdivision, as generally shown in the plans submitted to the Planning department and date stamped by Planning on September 14, 2023, from the minimum frontage requirements of section 512(1) at the time of subdivision.
- 2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.

## **Option Two - Decline**

That Council decline Rezoning Application No. 00807 for the property located at 515 Foul Bay Road.

Respectfully submitted,

Patrick Carroll	Karen Hoese, Director
Senior Planner	Sustainable Planning and Community
Development Services Division	Development Department

## Report accepted and recommended by the City Manager.

#### List of Attachments

- Attachment A: Subject Map
- Attachment B: Plans date stamped September 14, 2023
- Attachment C: Letter from applicant to Mayor and Council dated November 7, 2023
- Attachment D: Statement of Significance
- Attachment E: Community Association Land Use Committee Report dated October 25, 2021
- Attachment F: Pre-Application Consultation Comments from Online Feedback Form
- Attachment G: Heritage Advisory Panel minutes dated May 9, 2017
- Attachment H: Correspondence (Letters received from residents)
- Attachment I: Arborist Report dated September 12, 2023.



# **Council Report** For the Meeting of December 7, 2023

То:	Council	Date:	December 6, 2023
From:	Karen Hoese, Director, Sustainable Planni	ng and Co	ommunity Development
Subject:	Update on Rezoning Application No. Development Permit with Variances Foul Bay Road		

# RECOMMENDATION

## **Rezoning Application**

- 1. That Council instruct the Director of Sustainable Planning and Community Development to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in the staff report dated October 10, 2023 for 515 Foul Bay Road.
- 2. That, pursuant to section 464(3) of the *Local Government Act*, Council cannot hold a public hearing on this proposed development.
- 3. That, after publication of notification in accordance with section 467 of the Local Government Act, first, second and third reading of the zoning regulation bylaw amendment be considered by Council once the following conditions are met:
  - a. plan revision to reduce the space dedicated to vehicle parking at the site's entrance to the satisfaction of the Director of Sustainable Planning and Community Development
  - b. plan revision to propose an alternative permeable paving surface, to the satisfaction of the Director of Parks, Recreation and Facilities
  - c. plan revision to label accessible parking stall, show dimensions in metric and provide a 1.5m hatched aisle, to the satisfaction of the Director of Engineering and Public Works
  - d. plan revisions to correct the arborist report, tree management plan and landscape plans to the satisfaction of the Director of parks, Recreation and Facilities.
- 4. That following the third reading of the zoning amendment bylaw, the applicant prepare and execute the following legal agreements, with form satisfactory to the City Solicitor prior to adoption of the bylaw:
  - a. provision of a 1.6m wide statutory right-of-way for highway purposes along the Foul Bay Road, with terms to the satisfaction of the Director of Engineering and Public Works
  - b. provision of a detailed design, supply and installation of a new Rectangular Rapid Flashing Beacon (RRFB) pedestrian crossing of Foul Bay Road at its intersection with Chandler Avenue, including a curb extension at the west side of Foul Bay Road, wheelchair ramps, tactile indicators and all associated infrastructure, to the satisfaction of the Director of Engineering and Public Works

- c. protection, restoration and maintenance of the existing greenspace with a site area of approximately 1,468 m<sup>2</sup> in accordance with the plans date stamped by Planning on September 14, 2023, which includes provision of a bee colony in the conservation area for a period of at least two years and ensuring that design and construction in the area follows the recommendations in the September 12, 2023 arborist report from Gye & Associates to minimize impacts to trees, to the satisfaction of the Director of Parks, Recreation and Facilities
- d. securing five units in the existing multiple dwelling as rental units for the life of the building, with contents satisfactory to the Director of Sustainable Planning and Community Development
- e. provision of no less than one adaptable unit, in accordance with the standards in the British Columbia Building Code and BC's Building Accessibility Handbook, to the satisfaction of the Director of Sustainable Planning and Community Development;
- f. provision of no less than three four-bedroom and six three-bedroom units, to the satisfaction of the Director of Sustainable Planning and Community Development; and
- g. provision of transportation demand management measures, to the satisfaction of the Director of Engineering and Public Works, including:
  - i. two over-sized long-term bicycle parking spaces;
  - ii. 50% of required long-term bicycle parking with access to an electrical outlet;
  - iii. bicycle wash and maintenance facility.
- 5. That adoption of the zoning bylaw amendment will not take place until:

third reading of an associated heritage designation bylaw to designate the property known as 515 Foul Bay Road, as described in the Statement of Significance attached as Attachment D, pursuant to Section 611 of the Local Government Act, to the satisfaction of the Director of Sustainable Planning and Community Development,

# a. all of the required legal agreements that are registrable in the Land Title Office have been so registered to the satisfaction of the City Solicitor.

6. That the above Recommendations be adopted on the condition that they create no legal rights for the applicant or any other person, or obligation on the part of the City or its officials, and any expenditure of funds is at the risk of the person making the expenditure.

# **Development Permit with Variances Application**

# That Council, after giving notice, consider the following motion:

- "1. That subject to the adoption of the necessary *Zoning Regulation Bylaw* amendment, Council authorize the issuance of Development Permit with Variances No. 00255 for 515 Foul Bay Road, in accordance with plans submitted to the Planning department and date stamped by Planning on September 14, 2023, in accordance with the following:
  - a. Subject to the proposed development meeting all City zoning bylaw requirements, except for the following variances:
    - i. reduce minimum front yard setback from 6.00m to 0.41m
    - ii. reduce minimum side yard setback (north) from 4.00m to 3.08m
    - iii. increase maximum eave projection from 0.75m to 0.79m
    - iv. permit vehicle parking in the front yard
    - v. reduce short-term bicycle storage from 18 spaces to 10 spaces
    - vi. increase maximum driveway slope from 8.00% to 11.36%
    - vii. reduce minimum two-way driveway width from 6.00m to 4.00m

- viii. increase maximum accessory building height from 3.50m to 4.00m.
- b. Subject to the property being subdivided into two lots generally in accordance with plans submitted to the Planning department and date stamped by Planning on September 14, 2023.
- c. That pursuant to section 512(2) of the Local Government Act, Council exempts the existing property at 515 Foul Bay Road as well as the new proposed lot to be created by subdivision, as generally shown in the plans submitted to the Planning department and date stamped by Planning on September 14, 2023, from the minimum frontage requirements of section 512(1) at the time of subdivision.
- 2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution."

# Heritage Designation Application

That Council:

- 1. Instruct staff to prepare a heritage designation bylaw to designate the property at 515 Foul Bay Road, that first and second reading of the bylaw be considered by Council and that a Public Hearing date be set, and that the heritage designation bylaw provides for the following to the satisfaction of the Director of Sustainable Planning and Community Development:
  - a. no heritage alteration permit is required for interior alterations, repair and maintenance work that would not affect the exterior of the building, or;
  - b. a heritage alteration permit to allow for demolition of the building would be issued for the building if the building is damaged significantly due to fire, flood or similar event outside of the owner's control.
- 2. Approve the Statement of Significance for 515 Foul Bay Road attached as Attachment D to this report recognizing the building exterior as the historic features of the property.

# BACKGROUND

The purpose of this report is to provide Council with an update on the rezoning application and associated heritage designation for 515 Foul Bay Road. The application was presented at Committee of the Whole on November 16, 2023.

On November 30, 2023, Provincial Bill 44, Housing Statutes (Residential Development) Amendment Act, 2023 (Bill 44) was given Royal Assent. Most of the provisions of Bill 44 will come into force with the passage of regulations; however, section 5 of the Bill came into force on November 30<sup>th</sup>. Section 5 of Bill 44 amends Section 464 of the *Local Government Act*. It provides that local governments must not hold a public hearing on a proposed zoning bylaw if the bylaw is consistent with the Official Community Plan (OCP), and the bylaw's purpose is to permit a residential development. Bill 44 did not prohibit holding a public hearing for heritage designation bylaws and the LGA still requires a public hearing for heritage designation bylaws.

Given the rezoning application for 515 Foul Bay is considered consistent with the OCP, a revised recommendation pertaining to the Zoning Regulation Bylaw amendment has been provided to replace the original motion with the revised portions of the motion shown in bold, which will remove the requirement for a public hearing for the zoning amendment while still requiring a public hearing for the heritage designation bylaw prior to final adoption of the Zoning Regulation Bylaw amendment.

# CONCLUSION

That Council consider the revised recommendation that would advance the rezoning application without a public hearing consistent with current legislation.

Respectfully submitted,

Patrick Carroll Senior Planner Sustainable Planning and Community Development Department Karen Hoese, Director Sustainable Planning and Community Development Department

Report accepted and recommended by the City Manager.



## November 16, 2023, 9:00 A.M. COUNCIL CHAMBERS, CITY HALL, 1 CENTENNIAL SQUARE The City of Victoria is located on the homelands of the Songhees and Esquimalt People Meeting will recess for a lunch break between 12:00 p.m. and 1:00 p.m.

- PRESENT: Mayor Alto in the Chair, Councillor Caradonna, Councillor Coleman, Councillor Dell, Councillor Gardiner, Councillor Loughton, Councillor Thompson
- ELECTRONICALLY: Councillor Hammond
- ABSENT: Councillor Kim

PRESENT

STAFF PRESENT:
 S. Thompson – Deputy City Manager/ Chief Financial Officer, T. Soulliere – Deputy City Manager, C. Kingsley - City Clerk, C. Anderson - Deputy City Clerk, S. Johnson - Director of Communications and Engagement, T. Zworski - City Solicitor, K. Hoese - Director of Sustainable Planning and Community Development, A. Hudson - Assistant Director of Community Planning, K. Moore – Director of Business & Community Relations, A. Johnston – Assistant Director of Development Services, R. Kenny – Assistant Director of Transportation, R. Soward – Manager of Housing, M. Angrove – Senior Planner, M. Betanzo – Senior Planner, G. Hamblin – Senior Planner, J. Day – Senior Cultural Planner, A. Klus – Legislative Coordinator

# A. <u>TERRITORIAL ACKNOWLEDGEMENT</u>

Committee acknowledged that the City of Victoria is located on the homelands of the Songhees First Nation and Esquimalt First Nation communities, and thanked them for allowing us to live, work and play on their lands.

## B. INTRODUCTION OF LATE ITEMS

## B.1 <u>Council Member Motion: Housing Central - B.C.'s Affordable Housing</u> <u>Conference 2023</u>

Moved By Councillor Thompson Seconded by Councillor Coleman That item B.1 Council Member Motion: Housing Central – B.C's Affordable Housing Conference 2023 be added to the agenda under New Business as item H.2.

## CARRIED UNANIMOUSLY

#### C. <u>APPROVAL OF AGENDA</u>

Moved By: Councillor Caradonna Seconded By: Councillor Dell

That the agenda be approved as amended.

#### **CARRIED UNANIMOUSLY**

#### D. CONSENT AGENDA

Mayor Alto requested that item add F.1 Request for Removal from the Taxed Boulevard Program and H.2 Council Member Motion: Housing Central – B.C.'s Affordable Housing Conference 2023 be added to the consent agenda.

Councillor Coleman requested item E.1 – 515 Foul Bay Road: Rezoning Application No. 00807 and associated Development Permit with Variances Application No. 00255 (Fairfield) and E.3 – 10 Chown PI. Phase 2: Victoria Housing Reserve Fund Grant Application (Burnside) be removed from the consent agenda.

Moved By: Councillor Coleman Seconded By: Councillor Caradonna

That the following Consent Agenda items be approved:

#### F.1 Request for Removal from the Taxed Boulevard Program

Committee received a report dated October 17, 2023 from the City Clerk regarding a petition from the east side of the 1500 – 1600 block of Fell Street between Oak Bay Avenue and Leighton to remove the block from the Taxed Boulevard Program effective for the 2024 tax year.

That Council approve the removal of the following boulevard from the Taxed Boulevard Program effective for the 2024 tax year:

1. 1500 – 1600 Block of Fell Street

## H.1 <u>Council Member Motion: Housing Central - B.C.'s Affordable Housing</u> <u>Conference 2023</u>

Committee received a Council Member Motion dated November 08, 2023 form Councillor Loughton requesting that Council authorizes the attendance and associated costs for Councillor Loughton to attend Housing Central – B.C.'s Affordable Housing Conference hosted by the B.C. Non-Profit Housing Association in Vancouver from November 21-22, 2023.

That Council authorizes the attendance and associated costs for Councillor Loughton to attend Housing Central – B.C.'s Affordable Housing Conference hosted by the B.C. Non-Profit Housing Association in Vancouver from November 21-22, 2023.

Accommodation (1 night)	\$ 287.81
Transportation	\$ 200
Meals	\$ 70
TOTAL	\$ 557.81

The approximate cost for attending is:

# Estimated total cost = \$557.81

# H.2 <u>Council Member Motion: Housing Central - B.C.'s Affordable Housing</u> <u>Conference 2023</u>

Committee received a Council Member Motion dated November 16, 2023 from Councillor Thompson requesting that Council authorizes the attendance and associated costs for Councillor Thompson to attend Housing Central – B.C.'s Affordable Housing Conference hosted by the B.C. Non-Profit Housing Association in Vancouver from November 21-22, 2023.

That Council direct staff to:

 That Council authorizes the attendance and associated costs for Councillor Thompson to attend Housing Central – B.C.'s Affordable Housing Conference hosted by the B.C. Non-Profit Housing Association in Vancouver from November 21-22, 2023.

The approximate cost for attending is:

Accommodation (1 night)	\$ 287.81
Transportation	\$ 200
Meals	\$ 70
TOTAL	\$ 557.81

Estimated total cost = \$557.81

# CARRIED UNANIMOUSLY

# E. LAND USE MATTERS

#### E.1 <u>515 Foul Bay Road: Rezoning Application No. 00807 and associated</u> Development Permit with Variances Application No. 00255 (Fairfield)

Committee received a report dated October 10, 2023 from the Director of Sustainable Planning and Community Development regrading a Rezoning Application No. 00807 and associated Development Permit with Variances Application No. 00255 for the property located at 515 Foul Bay in order to rezone from the R1-G Zone, Gonzales Single Family Dwelling District to a new site-specific zone and subdivide the lot to allow for ground-oriented multiple dwellings at this location and recommending it proceed to a public hearing.

Committee discussed the following:

 Heritage designation versus covenant (as alternative), and the affect of a public hearing on build timelines

# Moved By Councillor Gardiner

Seconded By: Councillor Coleman

- 1. That Council instruct the Director of Sustainable Planning and Community Development to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in the staff report dated October 10, 2023 for 515 Foul Bay Road.
- 2. That first and second reading of the zoning regulation bylaw amendment be considered by Council and a public hearing date be set once the following conditions are met:
  - a. plan revision to reduce the space dedicated to vehicle parking at the site's entrance to the satisfaction of the Director of Sustainable Planning and Community Development;
  - b. plan revision to propose an alternative permeable paving surface, to the satisfaction of the Director of Parks, Recreation and Facilities;
  - c. plan revision to label accessible parking stall, show dimensions in metric and provide a 1.5m hatched aisle, to the satisfaction of the Director of Engineering and Public Works;
  - d. plan revisions to correct the arborist report, tree management plan and landscape plans to the satisfaction of the Director of parks, Recreation and Facilities;
  - e. preparation of a heritage designation bylaw to designate the property known as 515 Foul Bay Road, as described in the Statement of Significance attached as Attachment D, pursuant to Section 611 of the Local Government Act, to the satisfaction of the Director of Sustainable Planning and Community Development, and that the introductory readings of the Heritage Designation Bylaw be considered by Council concurrently with the Zoning Regulation Bylaw amendment.
- 3. That subject to approval in principle at the public hearing, the applicant prepare and execute the following legal agreements, with form satisfactory to the City Solicitor prior to adoption of the bylaw:
  - a. provision of a 1.6m wide statutory right-of-way for highway purposes along the Foul Bay Road, with terms to the satisfaction of the Director of Engineering and Public Works;
  - b. provision of a detailed design, supply and installation of a new Rectangular Rapid Flashing Beacon (RRFB) pedestrian crossing of Foul Bay Road at its intersection with Chandler Avenue, including a curb extension at the west side of Foul Bay Road, wheelchair ramps,

tactile indicators and all associated infrastructure, to the satisfaction of the Director of Engineering and Public Works;

- c. protection, restoration and maintenance of the existing greenspace with a site area of approximately 1,468 m<sup>2</sup> in accordance with the plans date stamped by Planning on September 14, 2023, which includes provision of a bee colony in the conservation area for a period of at least two years and ensuring that design and construction in the area follows the recommendations in the September 12, 2023 arborist report from Gye & Associates to minimize impacts to trees, to the satisfaction of the Director of Parks, Recreation and Facilities;
- securing five units in the existing multiple dwelling as rental units for the life of the building, with contents satisfactory to the Director of Sustainable Planning and Community Development;
- e. provision of no less than one adaptable unit, in accordance with the standards in the British Columbia Building Code and BC's Building Accessibility Handbook, to the satisfaction of the Director of Sustainable Planning and Community Development;
- f. provision of no less than three four-bedroom and six three-bedroom units, to the satisfaction of the Director of Sustainable Planning and Community Development; and
- g. provision of transportation demand management measures, to the satisfaction of the Director of Engineering and Public Works, including:
  - i. two over-sized long-term bicycle parking spaces;
  - ii. 50% of required long-term bicycle parking with access to an electrical outlet;
  - iii. bicycle wash and maintenance facility.
- 4. That adoption of the zoning bylaw amendment will not take place until all of the required legal agreements that are registrable in the Land Title Office have been so registered to the satisfaction of the City Solicitor.
- 5. That the above Recommendations be adopted on the condition that they create no legal rights for the applicant or any other person, or obligation on the part of the City or its officials, and any expenditure of funds is at the risk of the person making the expenditure.

#### Development Permit with Variances Application

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. 00807, if it is approved, consider the following motion:

- That subject to the adoption of the necessary Zoning Regulation Bylaw amendment, Council authorize the issuance of Development Permit with Variances No. 00255 for 515 Foul Bay Road, in accordance with plans submitted to the Planning department and date stamped by Planning on September 14, 2023, in accordance with the following:
  - a. Subject to the proposed development meeting all City zoning bylaw requirements, except for the following variances:
    - i. reduce minimum front yard setback from 6.00m to 0.41m;
    - ii. reduce minimum side yard setback (north) from 4.00m to 3.08m;
    - iii. increase maximum eave projection from 0.75m to 0.79m;
    - iv. permit vehicle parking in the front yard;
    - v. reduce short-term bicycle storage from 18 spaces to 10 spaces;

- vi. increase maximum driveway slope from 8.00% to 11.36%;
- vii. reduce minimum two-way driveway width from 6.00m to 4.00m, and;
- viii. increase maximum accessory building height from 3.50m to 4.00m.
- b. Subject to the property being subdivided into two lots generally in accordance with plans submitted to the Planning department and date stamped by Planning on September 14, 2023.
- c. That pursuant to section 512(2) of the Local Government Act, Council exempts the existing property at 515 Foul Bay Road as well as the new proposed lot to be created by subdivision, as generally shown in the plans submitted to the Planning department and date stamped by Planning on September 14, 2023, from the minimum frontage requirements of section 512(1) at the time of subdivision.
- 2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution."

#### Heritage Designation Application

That Council:

- 1. Instruct staff to prepare a heritage designation bylaw to designate the property at 515 Foul Bay Road, that first and second reading of the bylaw be considered by Council and that a Public Hearing date be set, and that the heritage designation bylaw provides for the following to the satisfaction of the Director of Sustainable Planning and Community Development:
  - a. no heritage alteration permit is required for interior alterations, repair and maintenance work that would not affect the exterior of the building, or;
  - b. a heritage alteration permit to allow for demolition of the building would be issued for the building if the building is damaged significantly due to fire, flood or similar event outside of the owner's control.
- 2. Approve the Statement of Significance for 515 Foul Bay Road attached as Attachment D to this report recognizing the building exterior as the historic features of the property.

#### CARRIED UNANIMOUSLY

### E.2 <u>902 Foul Bay Road: Request to endorse discharge of a covenant and housing agreement (Fairfield)</u>

Committee received a report dated November 02, 2023 from the Director of Sustainable Planning and Community Development regarding a report presenting Council with information, analysis and recommendations regarding an owner's request to support the termination and discharge of covenant and housing agreement number CB104564/CB137177 between the CRD and the owner for the property located at 902 Foul Bay Road.

Committee discussed the following:

- Loss of affordable units under requested discharge of covenant
- Affect of time spent on covenant removal on affordability of units

- Potential to set precedent to future projects
- Ability to return the decision to the CRD with conditions

#### Moved By Councillor Caradonna Seconded By Councillor Dell

That Council approve the Capital Regional District (CRD) terminating the housing agreement and Section 219 Covenant (registered under charge number CB104564 and notation number CB137177) between the CRD and the owner, which designated four dwelling units as affordable home ownership units for the property located at 902 Foul Bay Road.

#### Amendment:

Moved By Councillor Coleman Second By Councillor Gardner

That Council approve the Capital Regional District (CRD) terminating the housing agreement and Section 219 Covenant (registered under charge number CB104564 and notation number CB137177) between the CRD and the owner, which designated four dwelling units as affordable home ownership units for the property located at 902 Foul Bay Road, **subject to a contribution of \$250,000 to either the City of Victoria's Housing Reserve Fund or CRD's Housing Reserve Fund.** 

#### Amendment to the amendment:

Moved By: Councillor Gardener Seconded By: Councillor Loughton

That Council approve the Capital Regional District (CRD) terminating the housing agreement and Section 219 Covenant (registered under charge number CB104564 and notation number CB137177) between the CRD and the owner, which designated four dwelling units as affordable home ownership units for the property located at 902 Foul Bay Road, **subject to a contribution of \$250,000** to <u>either\_the City of Victoria's Housing Reserve Fund.</u> <u>or CRD's Housing Reserve Fund.</u>

FOR (6): Mayor Alto, Councillor Gardner, Councillor Hammond, Councillor Loughton, Councillor Dell, and Councillor Thompson OPPOSED (2): Councillor Caradonna, Councillor Coleman

#### CARRIED (6 to 2)

#### Amendment to the amendment

Moved By: Councillor Caradonna Seconded By: Councillor Dell

That Council approve the Capital Regional District (CRD) terminating the housing agreement and Section 219 Covenant (registered under charge number

CB104564 and notation number CB137177) between the CRD and the owner, which designated four dwelling units as affordable home ownership units for the property located at 902 Foul Bay Road, subject to a contribution of <u>\$60,000</u> <u>\$250,000</u> to the City of Victoria's <u>Housing Reserve Fund Local Amenities</u> <u>Reserve Fund.</u>

FOR (3): Councillor Caradonna, Councillor Dell, and Councillor Thompson OPPPOSED (5): Mayor Alto, Councillor Coleman, Councillor Gardner, Councillor Hammond, and Councillor Loughton

#### DEFEATED (3 to 5)

#### Amendment to amendment:

**Moved By**: Councillor Loughton **Seconded By**: Councillor Caradonna

That Council approve the Capital Regional District (CRD) terminating the housing agreement and Section 219 Covenant (registered under charge number CB104564 and notation number CB137177) between the CRD and the owner, which designated four dwelling units as affordable home ownership units for the property located at 902 Foul Bay Road, subject to a contribution of <u>\$250,000 a</u> minimum of \$60,000 to the City of Victoria's Housing Reserve Fund.

FOR (5): Mayor Alto, Councillor Caradonna, Councillor Dell, Councillor Loughton, and Councillor Thompson

OPPPOSED (3): Councillor Coleman, Councillor Gardner, and Councillor Hammond

#### CARRIED (5 to 3)

#### On the amendment as amended:

That Council approve the Capital Regional District (CRD) terminating the housing agreement and Section 219 Covenant (registered under charge number CB104564 and notation number CB137177) between the CRD and the owner, which designated four dwelling units as affordable home ownership units for the property located at 902 Foul Bay Road, subject to a contribution of a minimum of \$60,000 to the City of Victoria's Housing Reserve Fund.

FOR (5): Mayor Alto, Councillor Caradonna, Councillor Dell, and Councillor Thompson, Councillor Hammond

OPPOSED (3): Councillor Coleman, Councillor Gardner, and Councillor Hammond

#### CARRIED (5 to 3)

On the main motion as amended:

That Council approve the Capital Regional District (CRD) terminating the housing agreement and Section 219 Covenant (registered under charge number CB104564 and notation number CB137177) between the CRD and the owner, which designated four dwelling units as affordable home ownership units for the property located at 902 Foul Bay Road, subject to a contribution of a minimum of \$60,000 to the City of Victoria's Housing Reserve Fund.

FOR (5): Mayor Alto, Councillor Caradonna, Councillor Dell, Councillor Loughton, and Councillor Thompson

OPPOSED (3): Councillor Coleman, Councillor Gardiner, and Councillor Hammond

#### CARRIED (5 to 3)

Committee recessed at 10:40 a.m. and reconvened at 10:52 a.m. Councillor Loughton was noted as absent when the meeting reconvened.

#### E.3 <u>10 Chown PI. Phase 2: Victoria Housing Reserve Fund Grant Application</u> (Burnside)

Committee received a report dated November 02, 2023 from the Director of Sustainable Planning and Community Development regarding Victoria Housing Reserve Fund Grant Application for the property located at 10 Chown Pl. Phase 2 in order to present Council with information, analysis, and recommendations for a Victoria Housing Reserve Fund grant application from the Gorge View Society to assist in the construction of 77-units of affordable housing at 11 Chown Place.

Councillor Loughton rejoined the meeting at 10:56 a.m.

Moved By Councillor Coleman Seconded By Councillor Gardiner

That Council pass the following motion and bring it forward for ratification at the November 16th, 2023 daytime Council meeting:

- 1. That Council approve a grant from the Victoria Housing Reserve Fund to the Gorge View Society in the amount of \$692,500 to assist in the construction of a six-storey 68-unit apartment building and nine townhouses at 11 Chown Place, subject to the following conditions:
  - a. The applicant receives approval for the required development permit application and executes a Housing Fund Grant Agreement in the form satisfactory to the Director of Sustainable Planning and Community Development and the City Solicitor.
  - b. The applicant fulfills the applicable requirements of the Victoria Housing Reserve Fund Guidelines.
  - \$554,000 shall be payable to the applicant upon execution of the Housing Fund Grant Agreement and the remaining balance of \$138,500 shall be payable to the applicant once the City has issued all required occupancy permits for the project.

d. That the passage of this resolution creates no legal rights for the applicant or any other person, or obligation on the part of the City, until and unless all agreements are fully executed by the City.

#### Amendment:

#### Moved By: Councillor Coleman Seconded By: Councillor Gardner

That Council pass the following motion and bring it forward for ratification at the November 16th, 2023 daytime Council meeting:

- That Council approve a grant from the Victoria Housing Reserve Fund to the Gorge View Society in the amount of \$692,500 \$770,000 to assist in the construction of a six-storey 68-unit apartment building and nine townhouses at 11 Chown Place, subject to the following conditions:
  - a. The applicant receives approval for the required development permit application and executes a Housing Fund Grant Agreement in the form satisfactory to the Director of Sustainable Planning and Community Development and the City Solicitor.
  - b. The applicant fulfills the applicable requirements of the Victoria Housing Reserve Fund Guidelines.
  - c. \$554,000 \$616,000 shall be payable to the applicant upon execution of the Housing Fund Grant Agreement and the remaining balance of \$138,500 \$154,000 shall be payable to the applicant once the City has issued all required occupancy permits for the project.
  - d. That the passage of this resolution creates no legal rights for the applicant or any other person, or obligation on the part of the City, until and unless all agreements are fully executed by the City.

#### CARRIED UNANIMOUSLY

#### On the main motion as amended:

That Council pass the following motion and bring it forward for ratification at the November 16th, 2023 daytime Council meeting:

- 1. That Council approve a grant from the Victoria Housing Reserve Fund to the Gorge View Society in the amount of \$770,000 to assist in the construction of a six-storey 68-unit apartment building and nine townhouses at 11 Chown Place, subject to the following conditions:
  - a. The applicant receives approval for the required development permit application and executes a Housing Fund Grant Agreement in the form satisfactory to the Director of Sustainable Planning and Community Development and the City Solicitor.
  - b. The applicant fulfills the applicable requirements of the Victoria Housing Reserve Fund Guidelines.
  - c. \$616,000 shall be payable to the applicant upon execution of the Housing Fund Grant Agreement and the remaining balance of \$154,000 shall be payable to the applicant once the City has issued all required occupancy permits for the project.

d. That the passage of this resolution creates no legal rights for the applicant or any other person, or obligation on the part of the City, until and unless all agreements are fully executed by the City.

#### CARRIED UNANIMOUSLY

#### J. ADJOURNMENT OF COMMITTEE OF THE WHOLE

Moved By: Councillor Coleman Seconded By: Councillor Loughton

That the Committee of the Whole Meeting be adjourned at 11:23 a.m.

#### CARRIED UNANIMOUSLY

CITY CLERK

MAYOR



#### December 7, 2023, 2:12 P.M. COUNCIL CHAMBERS - 1 CENTENNIAL SQUARE, VICTORIABC To be held immediately following the Committee of the Whole Meeting The City of Victoria is located on the homelands of the Songhees and Esquimalt People

#### PRESENT: Mayor Alto in the Chair, Councillor Caradonna, Councillor Dell, Councillor Gardiner, Councillor Hammond, Councillor Kim, Councillor Loughton, Councillor Thompson PRESENT

#### ELECTRONICALLY: Councillor Coleman

STAFF PRESENT: J. Jenkyns - City Manager, S. Thompson - Deputy City Manager / Chief Financial Officer, C. Kingsley - City Clerk, C. Anderson -Deputy City Clerk, S. Johnson - Director of Communications and Engagement, S. Perkins - Director of Bylaw Services, T. Zworski -City Solicitor, P. Rantucci - Director of Strategic Real Estate, T. Soulliere - Deputy City Manager, K. Hoese - Director of Sustainable Planning and Community Development, S. Maichen - Legislative Coordinator,

#### A. <u>TERRITORIAL ACKNOWLEDGEMENT</u>

Council acknowledged that the City of Victoria is located on the homelands of the Songhees First Nation and Esquimalt First Nation communities, and thanked them for allowing us to live, work and play on their lands.

#### C. <u>APPROVAL OF AGENDA</u>

Moved By Councillor Dell Seconded By Councillor Thompson

That the agenda be approved

#### CARRIED UNANIMOUSLY

#### D. CONSIDERATION OF MINUTES

Moved By Councillor Thompson Seconded By Councillor Kim

That the following minutes be approved:

#### D.1 Minutes from the Daytime Council meeting held January 26, 2023

That the minutes from the Daytime Council meeting held January 26, 2023 be approved.

#### D.2 Minutes from the Evening Council meeting held April 13, 2023

That the minutes from the Evening Council meeting held April 13, 2023 be approved.

#### D.3 Minutes from the Evening Council meeting held June 22, 2023

That the minutes from the evening Council meeting held June 22, 2023 be approved.

#### D.4 Minutes from the Special Evening Council meeting held June 29, 2023

That the minutes from the special evening Council meeting held June 29, 2023 be approved.

#### D.5 Minutes from the Evening Council meeting held July 13, 2023

That the minutes from the evening Council meeting held July 13, 2023 be approved.

#### D.6 Minutes from the Daytime Council meeting held July 20, 2023

That the minutes from the daytime Council meeting held July 20, 2023 be approved.

#### D.7 Minutes from the Evening Council meeting held July 27, 2023

That the minutes from the Evening Council meeting held July 27, 2023 be approved.

#### D.8 Minutes from the Evening Council meeting held September 14, 2023

That the minutes from the Evening Council meeting held September 14, 2023 be approved.

#### D.9 Minutes from the Daytime Council meeting held September 28, 2023

That the minutes from the Daytime Council meeting held September 28, 2023 be approved.

#### D.10 Minutes from the Evening Council meeting held September 28, 2023

That the minutes from the Evening Council meeting held September 28, 2023 be approved.

#### CARRIED UNANIMOUSLY

#### **REPORTS OF COMMITTEE**

Council (to follow COTW) Meeting Minutes December 7, 2023

#### E.1 <u>Committee of the Whole</u>

- E.1.a Report from the November 16, 2023 COTW Meeting
  - E.1.a.a 515 Foul Bay Road: Rezoning Application No. 00807 and associated Development Permit with Variances Application No. 00255 (Fairfield)

Moved By Councillor Caradonna Seconded By Councillor Kim

MOTION TO CLOSE THE DECEMBER 7, 2023 COUNCIL MEETING TO THE PUBLIC:

That Council convene a closed meeting that excludes the public under Section 90 of the *Community Charter* for the reason that the following agenda items deal with matters specified in Sections 90(1) of the *Community Charter*, namely:

Section 90(1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

Section 90(1)(i) the receipt of advice that is subject to solicitorclient privilege, including communications necessary for that purpose.

#### Carried, by unanimous consent.

The daytime Council meeting was closed to the public at 2:24 p.m.

Councillor Loughton left the meeting at 2:30 p.m.

The daytime Council meeting was reopened to the public at 3:09 p.m.

#### Motion to refer:

Moved By Mayor Alto Seconded By Councillor Caradonna

That Council refers this matter to staff to negotiate a stronger heritage response and more certain rental housing tenure.

FOR (8): Mayor Alto, Councillor Caradonna, Councillor Coleman, Councillor Dell, Councillor Gardiner, Councillor Hammond Councillor Kim, Councillor Thompson Absent (1): Councillor Loughton

#### CARRIED

#### E. <u>REPORTS OF COMMITTEE</u>

#### E.1 <u>Committee of the Whole</u>

### E.1.a.b 902 Foul Bay Road: Request to endorse discharge of a covenant and housing agreement (Fairfield)

Moved By Councillor Dell Seconded By Councillor Caradonna

That Council approve the Capital Regional District (CRD) terminating the housing agreement and Section 219 Covenant (registered under charge number CB104564 and notation number CB137177) between the CRD and the owner, which designated four dwelling units as affordable home ownership units for the property located at 902 Foul Bay Road, subject to a contribution of a minimum of \$60,000 to the City of Victoria's Housing Reserve Fund.

FOR (5): Mayor Alto, Councillor Caradonna, Councillor Dell, Councillor Kim, Councillor Thompson OPPOSED (3): Councillor Coleman, Councillor Gardiner, Councillor Hammond Absent (1): Councillor Loughton

#### CARRIED (5 TO 3)

#### E.1.a.c Request for Removal from the Taxed Boulevard Program

Councillor Dell recused himself at 3:17 p.m. due to the conflict that the following item is in proximity to his house.

Moved By Councillor Coleman Seconded By Councillor Thompson

That Council approve the removal of the following boulevard from the Taxed Boulevard Program effective for the 2024 tax year:

1. 1500 - 1600 Block of Fell Street

FOR (7): Mayor Alto, Councillor Caradonna, Councillor Coleman, Councillor Gardiner, Councillor Hammond, Councillor Kim, Councillor Thompson Absent (1): Councillor Loughton Conflict (1): Councillor Dell

#### CARRIED

Councillor Dell rejoined the meeting at 3:18 p.m.

#### E.1.b Report from the November 23, 2023 COTW Meeting

#### E.1.b.a 133 and 135 Gorge Road East: Rezoning Application No. 00843 and associated Development Permit with Variances Application No. 00257 (Burnside)

Moved By Councillor Caradonna Seconded By Councillor Kim

**Rezoning Application** 

- 1. That Council instruct the Director of Sustainable Planning and Community Development to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in the staff report dated October 26, 2023, for 133 and 135 Gorge Road East.
- 2. That, pursuant to section 30 of the Land Use Procedures Bylaw, Council waives the requirement for the holding of a public hearing.
- 3. That, after publication of notification in accordance with section 467 of the Local Government Act first, second, and third reading of the zoning bylaw amendment be considered by Council once the following conditions are met:
  - a. the following revisions to the plans, to the satisfaction of the Director of Sustainable Planning and Community Development:
    - i. confirmation that the glass atrium connecting the two portions of the Phase One building incorporates birdfriendly design elements.
    - ii. That the applicant consider the inclusion of a daycare in the complex.
    - iii. Consider incorporating some units with deeper affordability in the development.
  - b. the following revisions to the plans, to the satisfaction of the Director of Engineering and Public Works:
    - i. revisions to the Gorge Road East SRW design to ensure a continuous accessible grade is maintained.
  - c. the following revisions to the plans, to the satisfaction of the Director for Parks, Facilities, and Recreation to address outstanding comments including:
    - i. confirm that Tree Minimum will be met on Phase One
    - ii. confirm that replacement tree plan meets the siting, soil volume and other requirements outlined in the Tree Protection Bylaw No. 21-035, Schedule E.
    - iii. a letter of consent from the owner at 123 Gorge Road East, agreeing to the removal of shared tree #765
    - iv. one additional boulevard tree to be planted on Gorge Road East frontage.
  - d. adjustments to the proposed variances necessary to accommodate the required plan revisions.

- 4. That following the third reading of the zoning amendment bylaw, the applicant prepare and execute the following legal agreements, with contents satisfactory to the Director of Sustainable Planning and Community Development and form satisfactory to the City Solicitor prior to adoption of the bylaw:
  - a. the property shall be rental in perpetuity
  - b. a Tenant Assistance Plan to be provided prior to Development Permit for Phase Two
  - c. a unit mix consisting of a minimum of forty junior twobedroom units, thirty-two two-bedroom units and sixteen three-bedroom units.
- 5. That following the third reading of the zoning amendment bylaw, the applicant prepare and execute the following legal agreements, with contents satisfactory to the Director of Engineering and Public Works and form satisfactory to the City Solicitor prior to adoption of the bylaw:
  - a. reciprocal access agreements registered between 137, 133, 129-135, and 155 Gorge Road East as necessary for the purpose of driveway and emergency vehicle access to a minimum width of 6 m and as determined necessary for turning radius
  - b. a statutory right-of-way of 4.94 m wide on Gorge Road East for highway purposes
  - c. a statutory right-of-way of a minimum of 2m wide on 133 Gorge Road East to provide pedestrian access from Gorge Road East to the northern boundary of 129-135 Gorge Road East
  - d. a blanket statutory right-of-way over 129-135 Gorge Road East for pedestrian access purposes, in accordance with the following requirements:
    - the statutory right-of-way location and design will generally be in the location in the plans dated October 27, 2023, and will be finalized prior to issuance of the Phase Two Development Permit
    - ii. the statutory right-of-way will connect the south end of 133 Gorge Road East to the Gorge waterway and be a minimum of 2m wide
    - iii. the owner may occupy and maintain the existing building within the right of way area until it is substantially destroyed or damaged.
  - e. a statutory right-of-way of a minimum of 15 m as measured from top of bank along the Gorge waterway for pedestrian access purposes, in accordance with the following requirements:
    - the statutory right-of-way location and design will generally be in the location in the plans dated October 27, 2023, and will be finalized prior to issuance of the Phase Two Development Permit
    - ii. the statutory right-of-way will provide pedestrian access along the Gorge waterway

- iii. the owner may occupy and maintain the existing building within the right of way area until it is substantially destroyed or damaged.
- f. provision of transportation demand management measures to be provided in phases to the satisfaction of the Director of Engineering including:
  - i. three car share vehicles
  - ii. three car share vehicle parking stalls equipped with Level 2 EV charging stations and all associated infrastructure and connections
  - iii. public access to the shared vehicle parking stalls,
  - iv. car share memberships and usage credits for residential units without access to a parking space
  - v. parking for mobility scooters
  - vi. ten percent of required bicycle parking to be oversized to accommodate cargo bikes
  - vii. fifty percent of the required long term bicycle parking to have access to an electrical outlet for charging
  - viii. BC Transit Eco-passes for ten percent of residential units for a minimum 5-year term
  - ix. a bicycle and mobility scooter maintenance station in each building of both Phase One and Phase Two for a total of five stations.
- g. a Section 219 covenant to secure provision of the following public realm improvements:
  - i. soil cells to achieve recommended soil volumes for all new street trees
  - ii. boulevard rain gardens on the municipal frontage of Gorge Road East in accordance with landscaping plans dated October 27, 2023.
- 6. That adoption of the zoning bylaw amendment will not take place until all of the required legal agreements that are registrable in the Land Title Office have been so registered to the satisfaction of the City Solicitor.
- 7. That subject to adoption of the zoning bylaw amendment, Council authorize the projecting encroachments over the City right of way on Gorge Road East generally as shown on the plans submitted to the City and date stamped October 27, 2023, provided that the applicant enters into an encroachment agreement with contents satisfactory to the Director of Engineering and Public Works and form satisfactory to the City Solicitor at the time of building permit approval.
- 8. That the above Recommendations be adopted on the condition that they create no legal rights for the applicant or any other person, or obligation on the part of the City or its officials, and any expenditure of funds is at the risk of the person making the expenditure.

#### **Development Permit with Variance Application**

That Council, after giving notice and after the public hearing for Rezoning Application No. REZ00843 if it is approved, consider the following motion:

"1. That subject to the adoption of the necessary Zoning Regulation Bylaw amendment, Council authorize the issuance of Development Permit with Variances No. 000627 for 133 and 135 Gorge Road East, in accordance with plans submitted to the Planning department and date stamped by Planning on October 27, 2023, subject to:

- a. proposed development meeting all City zoning bylaw requirements, except for the following variances:
  - i. increase the Phase One building storeys from six storeys to seven storeys
  - ii. increase the Phase One building height from 18.5m to 22.0m
  - iii. reduce the Phase One residential parking from 165 stalls to 95 stalls
  - iv. reduce the Phase One visitor parking from 18 stalls to 15 stalls
  - v. reduce the open site space from 50.0 percent to 41.0 percent.

2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution."

FOR (5): Mayor Alto, Councillor Caradonna, Councillor Dell, Councillor Coleman, Councillor Kim, Councillor Thompson OPPOSED (2): Councillor Gardiner, and Councillor Hammond Absent (1): Councillor Loughton

#### CARRIED (6 TO 2)

### E.1.b.b Council Member Motion: Delegated Development Permit applications for Missing Middle Housing

Moved By Councillor Caradonna Seconded By Councillor Kim

Councillor Kim left the meeting at 3:19 p.m.

That Council direct staff to consider options for making public Missing Middle project proposals with relevant details.

FOR (6): Mayor Alto, Councillor Caradonna, Councillor Coleman, Councillor Dell, Councillor Hammond, Councillor Thompson OPPOSED (1): Councillor Gardiner Absent (2): Councillor Kim, Councillor Loughton

#### CARRIED (6 TO 1)

### E.1.b.c Council Member Motion: BC Government Bills/Act concerning Land-use and housing development proposals

The Mayor declared that the Mover and Seconder for this item would be recorded the same as the previous item.

Moved By Councillor Caradonna Seconded By Councillor Kim

That staff report back within 12 months on the implications of the new provincial housing policies.

FOR (6): Mayor Alto, Councillor Caradonna, Councillor Coleman, Councillor Dell, Councillor Hammond, Councillor Thompson OPPOSED (1): Councillor Gardiner Absent (2): Councillor Kim, Councillor Loughton,

#### CARRIED (6 TO 1)

#### E.1.c Report from the November 27, 2023 Special COTW Meeting

Councillor Kim rejoined the meeting at 3:21 p.m.

#### E.1.c.a 2024-2028 Draft Financial Plan

Moved By Councillor Dell Seconded By Councillor Coleman

That Council:

1. At the November 27, 2023 Special Committee of the Whole meeting, direct staff to bring forward water, sewer, storm drain and solid waste rate bylaws to the December 7, 2023 daytime Council meeting for consideration.

FOR (8): Mayor Alto, Councillor Caradonna, Councillor Coleman, Councillor Dell, Councillor Gardiner, Councillor Hammond, Councillor Kim, Councillor Thompson Absent (1): Councillor Loughton

#### CARRIED

#### E.1.d Report from the December 07, 2023 COTW Meeting

#### E.1.d.a Administration of Property in City Custody Bylaw

Moved By Councillor Caradonna Seconded By Councillor Kim

- 1. That Council give first, second and third reading to the following bylaws:
  - a. Administration of Property in City Custody Bylaw No. 23-105

b. Miscellaneous Amendments Bylaw (For Administration of Property in City Custody Bylaw) No. 23-106

FOR (8): Mayor Alto, Councillor Caradonna, Councillor Coleman, Councillor Dell, Councillor Gardiner, Councillor Hammond, Councillor Kim, Councillor Thompson Absent (1): Councillor Loughton

#### CARRIED

#### E.1.d.b Council Member Motion: Canadian Capital Cities Organization Winter Meeting Ottawa, January 31 – February 2, 2024

Moved By Councillor Dell Seconded By Councillor Caradonna

 That Council authorizes the attendance and associated costs for Councillor Gardiner to attend the Canadian Capital Cities Organization Winter Meeting to be held in Ottawa, Ontario, from January 31 through February 2, 2024 (travel to Ottawa January 30, returning February 2 or 3).

The approximate cost for attending is:

Conference Registration Fee	\$ 00.00
Travel to/from Ottawa	\$ 1000.00
Taxis (Victoria X2 and Ottawa X2)	\$ 250.00
Accommodation (3 nights)	\$ 700.00
Food & Incidentals (4 dinner, 2 lunch, 2 b'fast)	\$ 250.00
Carbon tax offset	\$ 214.50

Note: (airfare lower on Saturday return for about same as one extra night accommodation) Estimated total cost = \$2414.50

FOR (8): Mayor Alto, Councillor Caradonna, Councillor Coleman, Councillor Dell, Councillor Gardiner, Councillor Hammond, Councillor Kim, Councillor Thompson Absent (1): Councillor Loughton

#### CARRIED

#### F. BYLAWS

#### F.1 Bylaws for 2024 Solid Waste and Utility Rates

Moved By Councillor Hammond Seconded By Councillor Dell

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

- 1. Waterworks Bylaw Amendment Bylaw (No.18) No. 23-095
- 2. Solid Waste Bylaw Amendment Bylaw (No.13) No. 23-096
- 3. Sanitary Sewer and Stormwater Utilities Bylaw Amendment Bylaw (No.11) No. 23-097

FOR (8): Mayor Alto, Councillor Caradonna, Councillor Coleman, Councillor Dell, Councillor Gardiner, Councillor Hammond, Councillor Kim, Councillor Thompson Absent (1): Councillor Loughton

#### CARRIED

Moved By Councillor Dell Seconded By Councillor Thompson

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

#### F.2 Bylaws for Administration of Property in City Custody

- 1. Property in Custody Bylaw No. 23-105
- 2. Miscellaneous Amendments Bylaw (For Property in Custody Bylaw) No. 23-106

#### F.3 Bylaw for Market Rental Building Revitalization Tax Exemption

1. Market Rental Building Revitalization Tax Exemption Bylaw No. 23-102

#### F.4 Amendment Bylaw for Patio Regulation Bylaw

1. Patio Regulation Bylaw, Amendment Bylaw (No. 2) No. 23-108

FOR (8): Mayor Alto, Councillor Caradonna, Councillor Coleman, Councillor Dell, Councillor Gardiner, Councillor Hammond, Councillor Kim, Councillor Thompson Absent (1): Councillor Loughton

#### CARRIED

#### F.5 Amendment Bylaw for Zoning Regulation Bylaw

Moved By Councillor Dell Seconded By Councillor Caradonna

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

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1324) No. 23-099

FOR (6): Mayor Alto, Councillor Caradonna, Councillor Coleman, Councillor Dell, Councillor Kim, Councillor Thompson OPPOSED (2): Councillor Gardiner, Councillor Hammond Absent (1): Councillor Loughton

#### CARRIED (6 TO 2)

#### Moved By Councillor Caradonna Seconded By Councillor Thompson

#### That the following bylaw be adopted:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1324) No. 23-099

FOR (6): Mayor Alto, Councillor Caradonna, Councillor Coleman, Councillor Dell, Councillor Kim, Councillor Thompson OPPOSED (2): Councillor Gardiner, Councillor Hammond Absent (1): Councillor Loughton

#### CARRIED (6 TO 2)

#### F.6 Amendment Bylaw for Vehicles for Hire Bylaw

Moved By Councillor Caradonna Seconded By Councillor Thompson

That the following bylaw **be adopted:** 

1. Vehicles for Hire Bylaw, Amendment Bylaw (No. 24) No. 23-081

FOR (8): Mayor Alto, Councillor Caradonna, Councillor Coleman, Councillor Dell, Councillor Gardiner, Councillor Hammond, Councillor Kim, Councillor Thompson Absent (1): Councillor Loughton

#### CARRIED

#### G. <u>NEW BUSINESS</u>

#### G.1 <u>539-545 ½ Fisgard Street and 16-18 Fan Tan Alley: Temporary Use Permit</u> Application No. 00030

Moved By Councillor Dell Seconded By Councillor Caradonna

- 1. That Council authorize the issuance of Temporary use Permit No. 00030 for 539-545 ½ Fisgard Street, in accordance with plans submitted to the Planning department and date stamped by Planning on August 14, 2023 to permit the additional use of a limited-service hotel.
- 2. That limited-service hotel means "the rental of four or more dwelling units, located in the same building, to tourists where no other hotel services or amenities are provided.
- 3. That the Temporary use Permit, if issued, expires three years from the date of this resolution.

Councillor Loughton rejoined the meeting at 3:30 p.m.

Moved By Councillor Hammond Seconded By Councillor Gardiner

MOTION TO CLOSE THE DECEMBER 7, 2023 COUNCIL MEETING TO THE PUBLIC:

That Council convene a closed meeting that excludes the public under Section 90 of the *Community Charter* for the reason that the following agenda items deal with matters specified in Sections 90(1) of the *Community Charter*, namely:

Section 90(1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

Section 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

FOR (7): Mayor Alto, Councillor Coleman, Councillor Dell, Councillor Gardiner, Councillor Hammond, Councillor Loughton, Councillor Thompson OPPOSED (2) Councillor Caradonna, Councillor Kim

#### CARRIED (7 to 2)

The daytime Council meeting was closed to the public at 3:36 p.m. and reopened at 3:55 p.m.

#### On the main motion:

FOR (7): Mayor Alto, Councillor Caradonna, Councillor Coleman, Councillor Dell, Councillor Kim, and Councillor Thompson OPPOSED (2): Councillor Gardiner, Councillor Hammond

#### CARRIED (7 TO 2)

#### I. <u>CLOSED MEETING</u>

Moved By Councillor Dell Seconded By Councillor Kim

MOTION TO CLOSE THE DECEMBER 7, 2023 COUNCIL MEETING TO THE PUBLIC

That Council convene a closed meeting that excludes the public under Section 90 of the *Community Charter* for the reason that the following agenda items deal with matters specified in Sections 90(1) and/or (2) of the *Community Charter*, namely:

Section 90(1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

Section 90(1)(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;

Section 90(1)(c) labour relations or other employee relations;

Section 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and

Section 90(2) A part of a council meeting must be closed to the public if the subject matter being considered relates to one or more of the following:

Section 90(2)(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.

#### CARRIED UNANIMOUSLY

The Daytime Council meeting was closed to the public at 4:04 p.m.

#### H. <u>APPROVAL OF CLOSED AGENDA</u>

Moved By Councillor Dell Seconded By Councillor Loughton

That the closed agenda be approved

#### CARRIED UNANIMOUSLY

#### L. <u>NEW BUSINESS</u>

#### L.1 Legal Advice – Community Charter Section 90(1)(i)

Council discussed a legal matter. The discussion was recorded and kept confidential.

#### L.2 Legal Advice – Community Charter Section 90(1)(i)

Council discussed a legal matter. The discussion was recorded and kept confidential.

#### L.3 Legal Advice – Community Charter Section 90(1)(i)

Council discussed a legal matter. The discussion was recorded and kept confidential.

#### L.4 Appointment – Community Charter Section 90(1)(a)

Council discussed an appointment matter. The discussion was recorded and kept confidential.

#### L.5 Appointment – Community Charter Section 90(1)(a)

Council (to follow COTW) Meeting Minutes December 7, 2023

Council discussed an appointment matter. The discussion was recorded and kept confidential.

#### L.6 Employee Relations – Community Charter Section 90(1)(c)

Council discussed an employee relations matter. The discussion was recorded and kept confidential.

#### L.7 Intergovernmental Relations – Community Charter Section 90(2)(b)

Council discussed an intergovernmental matter. The discussion was recorded and kept confidential.

#### L.8 Intergovernmental Relations – Community Charter Section 90(2)(b)

Council discussed an intergovernmental matter. The discussion was recorded and kept confidential.

#### M. ADJOURNMENT

Moved By Councillor Caradonna Seconded By Councillor Dell

That the Council meeting be adjourned at 5:40 p.m.

#### CARRIED UNANIMOUSLY

CITY CLERK

MAYOR

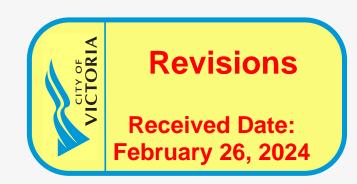






# design group

#103 - 891ATTREE AVENUE VICTORIA, B.C. V9B 0A6 P. 250.382.7374 F. 250.382.7364



Date Aug 31, 2023

**Project Address** 515 Foul Bay Road

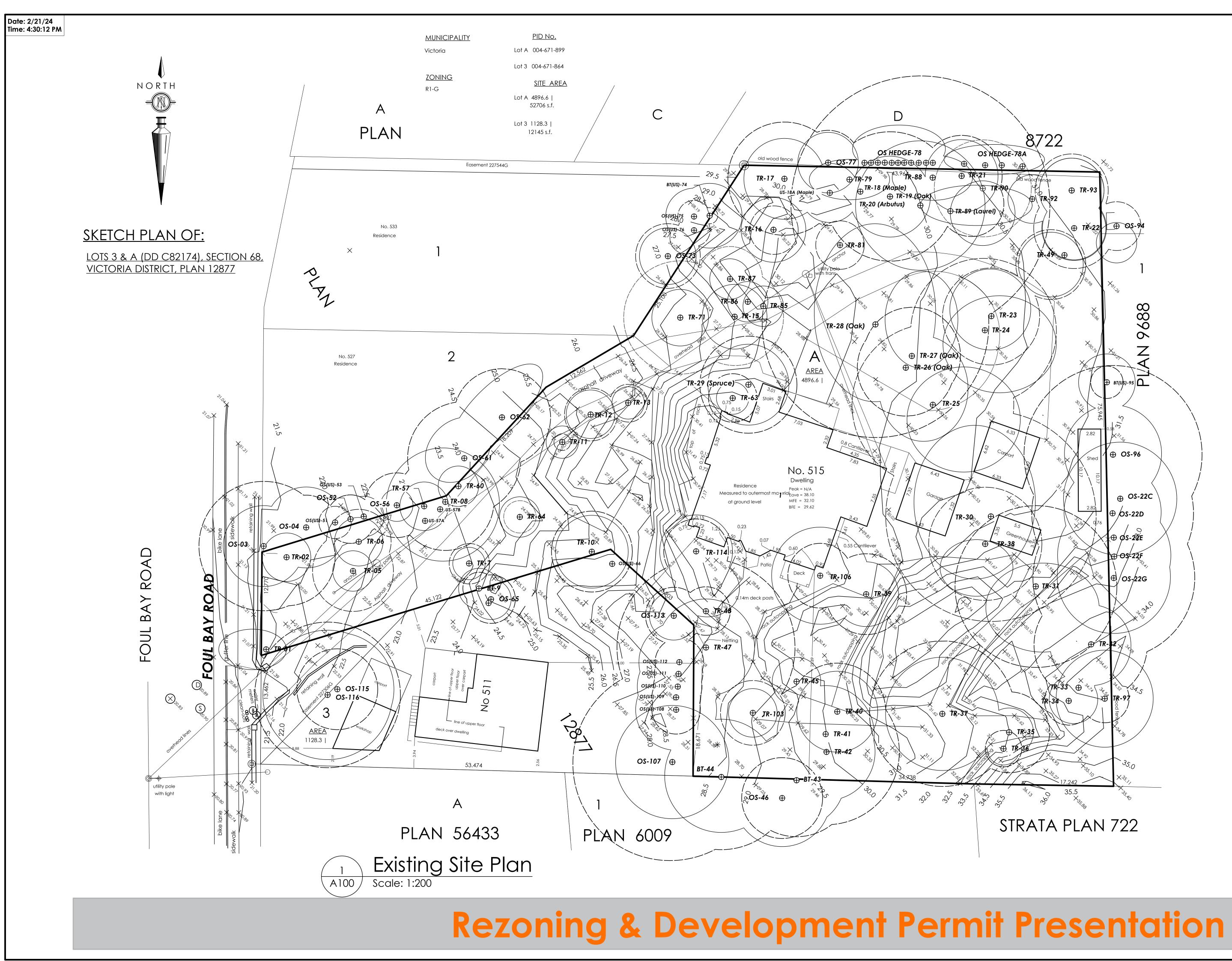
Prepared for GMC Projects Inc.

> Project # 8466

Scale Not To Scale

> Drawn By MDK

Page Number A000





#103 - 891ATTREE AVENUE VICTORIA, B.C. V9B 0A6 P. 250.382.7374 F. 250.382.7364

> Date Aug 31, 2023

Project Address 515 Foul Bay Road

Prepared for GMC Projects Inc.

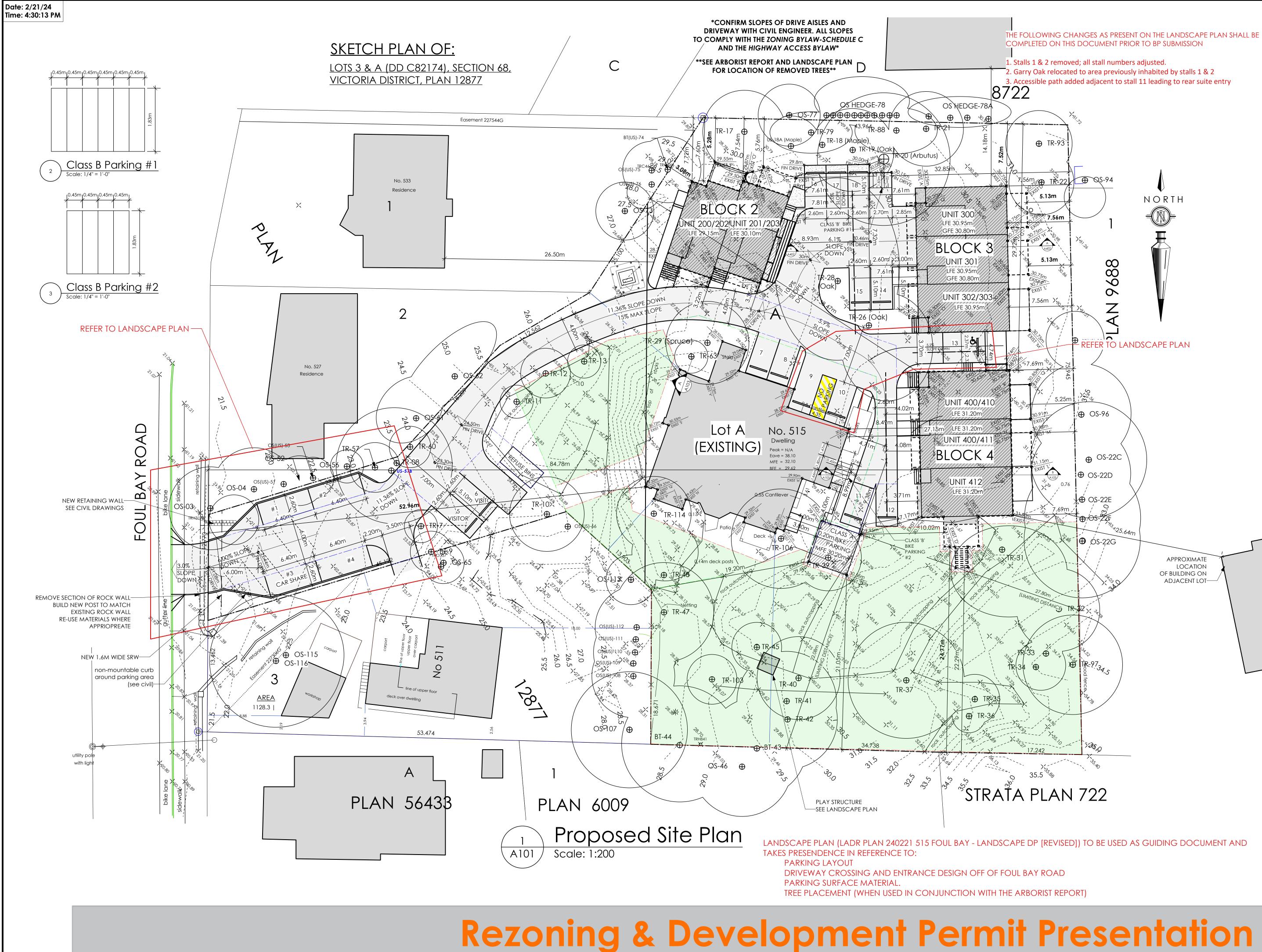
> Project # 8466

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Drawn By MDK

Page Number A100



# **Rezoning & Development Permit Presentation**



DRIVEWAY CROSSING AND ENTRANCE DESIGN OFF OF FOUL BAY ROAD

TREE PLACEMENT (WHEN USED IN CONJUNCTION WITH THE ARBORIST REPORT)

Page Number

688 0 Ζ 1 REFER TO LANDSCAPE PLAN 37.5 5.25m (⊕ OS-96  $\oplus$  OS-22C ⊕ OS-22D 0.76 X⊕ OS-22E 0 7.69m ⊕ ØS-22G APPROXIMATE LOCATION OF BUILDING ON ADJACENT LOT-IT<u>₹</u>-9734.5

NORTH

-(1)-

⊕ TR-93

5.13m

5.13m

7.56m

VICTORIA, B.C. V9B 0A6 P. 250.382.7374 F. 250.382.7364

9 I design group

#103 - 891ATTREE AVENUE

Date Aug 31, 2023

**Project Address** 

515 Foul Bay Road

**Prepared for** 

GMC Projects Inc.

Project #

8466

Scale

1:200

Drawn By MDK

A101

Date: 2/21/24 Time: 4:30:13 PM					
PROJECT INFORMATION TABLE A					
Building Number	1 (all existing)	2	3	4	
Height of building (m) (Midpoint of Roof)	11.59 m.	10.14 m.	9.88 m.	9.71 m.	
Height of building (m) (Underside of highest ceiling)	0.00 m.	0.00 m.	0.00 m.	0.00 m.	
Number of Storeys	3.5	3	3	3	
Building Setbacks (m)					
Front yard	1.75 m	0.41 m.	29.89 m.	30.06 m.	
Rear yard (East) to building face	27.15 m	33.75 m.	7.56 m.	7.69 m.	
Rear yard (East) to structure	27.15 m	32.85 m.	5.13 m.	5.25 m.	
Side yard (North)	26.91 m	5.26 m.	7.52 m.	29.72 m.	
Side yard (South)	25.89 m	54.85 m.	50.51 m.	22.29 m.	
Side yard (West)	N/A	3.08 m.	26.37 m.	38.47 m.	
Combined side yards (North + South)	52.80 m	60.11 m.	58.03 m.	52.01 m.	
Residential Use Details					
Total number of units	5	4	4	4	
Unit type, e.g., 1 bedroom	1 bedroom	1 or 3 bedroom	1 or 3 bedroom	1 or 3 bedroom	
Ground-orientated units	1	2	1	1	
First Storey area (excluding garage area)	303.61 sq.m.	120.39 sq.m.	150.58 sq.m.	177.52 sq.m.	
Garage Area	N/A	N/A	44.46 sq.m.	N/A	
Second storey area	293.57 sq.m.	119.82 sq.m.	183.18 sq.m.	188.93 sq.m.	
Third storey area	232.72 sq.m.	113.18 sq.m.	183.18 sq.m.	188.93 sq.m.	
Fourth storey area	78.50 sq.m.	N/A	N/A	N/A	
Total building floor area (excluding required parking)	908.4 sq.m.	353.39 sq.m.	524.20 sq.m.	555.38 sq.m.	

REFER TO PAGE A106 FOR FRONT PROPERTY LINE SETBACK GRAPHIC AND CALCULATION.

PROJECT INFORMATION TABLE B	
Lot Number	Α
Zone (existing)	R1-G
Lot Area	4896.55 sq.m.
Height of building (m)	11.59 m.
Lot Coverage	20.12%
Floor Space Ratio	0.48 TO 1.0
Number of storeys	3 & 3.5
Parking stalls (number) on site (Garages included)	20
Bicycle parking number (Class A-storage and rack)	13
Cargo Bike parking (Class A-storage and rack)	2
Bicycle parking number (Class B-racks)	10
Building Setbacks (m)	
Front yard	0.41 m.
Rear yard (East) to Building/Structure	5.13 m.
Rear yard (East) to Habital Rooms With Windows	7.56 m.
Side yard (North) to Building/Structure	5.26 m.
Side yard (North) to Habital Rooms With Windows	7.52 m.
Side yard (South)	22.29 m.
Side yard (West)	3.08 m.
Combined side yards (North + South)	15.08 m.
Open Site Space	
Open Site Space	60.81%
Front Yard Open Site Space	50.29%

<b></b>	
PROJECT INFORMATION TABL	E (Accessory)
Site Area (sq.m.)	4896.55 sq.m.
Rear yard area	389.27 sq.m.
Rear yard site coverage $\%$	0.00%
Height of building (m)	3.42 m.
Number of storeys	1
Building Setbacks (m)	
Front yard	17.92 m.
Rear yard	26.05 m.
Side yard (North)	48.34 m.
Side yard (South)	21.05 m.
Between buildings (Block 1)	4.00 m.
Between buildings (Block 4)	7.17 m.
Residential Use Details	
Total number of units	1
Unit type, e.g., 1 bedroom	Class 'A' Bike
Ground-orientated units	1
Total Floor Area	22.30 sq.m.

ALL VEHICLE PARKING STALLS TO BE ENGERGISED AS PER CITY OF VICTORIA ZONING REGULATION BYLAW SCHEDULE C

<u>Average</u>	Grade C	alculation	: Existing	<u>g (Block 1)</u>
A to B:	(28.92 +	29.04) ÷ 2	x 3.01	= 87.27
B TO C:	(29.04 +	29.52) ÷ 2	x 2.68	= 78.56
C TO D:	(29.52 +	29.63) ÷ 2	x 7.03	= 208.02
D TO E:	(29.63 +	29.72) ÷ 2	x 2.32	= 68.85
E TO F:	(29.72 +	30.04) ÷ 2	x 7.84	= 234.14
F TO G:	(30.04 +	29.85) ÷ 2	x 7.55	= 226.10
G TO H:	(29.85 +	29.90) ÷ 2	x 3.43	= 102.45
H TO I:	(29.90 +	29.31) ÷ 2	x 6.68	= 197.74
l to J:	(29.31 +	29.30) ÷ 2	x 0.92	= 26.84
J TO K:	(29.30 +	29.24) ÷ 2	x 0.59	= 17.24
K TO L:	(29.24 +	29.26) ÷ 2	x 4.01	= 117.41
L TO M:	(29.26 +	29.32) ÷ 2	x 0.61	= 17.98
M TO N:	(29.32 +	29.62) ÷ 2	x 7.46	= 219.98
N TO O:	(29.62 +	29.41) ÷ 2	x 1.25	= 36.87
O TO P:	(29.41 +	29.34) ÷ 2	x 3.62	= 106.47
P TO Q:	(29.34 +	29.37) ÷ 2	x 1.23	= 35.96
Q TO R:	(29.37 +	29.32) ÷ 2	x 1.34	= 39.32
R TO S:	(29.32 +	30.55) ÷ 2	x 7.90	= 236.47
S TO T:	(30.55 +	30.72) ÷ 2	x 0.57	= 17.58
T TO U:	(30.72 +	29.54) ÷ 2	x 6.53	= 196.80
U TO V:	(29.54 +	29.75) ÷ 2	x 3.58	= 105.99
V TO A:	<b>(29.75</b> +	28.92) ÷ 2	x 5.07	= 148.64
			Tota	= 2526.69

Average Grade: 2526.69 ÷ 85.23 = 29.65m

#### Average Grade Calculation: Block 2

#### A to B: $(30.25 + 30.75) \div 2 \times 9.75 = 29$ B TO C: $(30.75 + 30.60) \div 2 \times 0.91 = 27$

Average Grade Calculation: Block 3

A TO B:	(28.32 +	28.54) ÷ 2	x 1.83 = 52.03
B TO C:	(28.54 +	28.35) ÷ 2	x 1.22 = 34.70
C TO D:	(28.35 +	28.95) ÷ 2	x 4.06 = 116.32
D TO E:	<b>(28.95</b> +	29.40) ÷ 2	x 1.32 = 38.51
E TO F:	(29.40 +	29.40) ÷ 2	x 5.79 = 170.23
F TO G:	(29.40 +	29.47) ÷ 2	x 0.53 = 15.60
G TO H:	(29.47 +	29.47) ÷ 2	x 0.76 = 22.40
H TO I:	(29.47 +	29.47) ÷ 2	x 7.77 = 228.98
I TO J:	(29.47 +	29.47) ÷ 2	x 0.76 = 22.40
J TO K:	(29.47 +	29.95) ÷ 2	x 5.11 = 151.82
K TO L:	(29.95 +	30.62) ÷ 2	x 4.19 = 126.89
L TO M:	(30.62 +	29.80) ÷ 2	x 2.44 = 73.71
M TO N:	(29.80 +	29.50) ÷ 2	x 1.60 = 47.44
N TO O:	(29.50 +	29.87) ÷ 2	x 1.12 = 33.25
O TO P:	(29.87 +	29.55) ÷ 2	x 4.13 = 122.70
P TO Q:	(29.55 +	28.87) ÷ 2	x 3.15 = 92.01
Q TO R:	(28.87 +	29.98) ÷ 2	x 1.83 = 53.85
R TO A:	<b>(29.98</b> +	28.32) ÷ 2	x 9.04 = 263.52
			Total = 1666.35

Average Grade: 1666.35 ÷ 56.65 = 29.41m

### Average Grade Calculation: Bike Parking

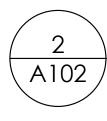
A TO B:	(29.95 +	29.80) ÷ 2	x 4.88	= 145.79
B TO C:	(29.80 +	29.60) ÷ 2	x 5.18	= 153.85
C TO D:	(29.60 +	30.55) ÷ 2	x 4.88	= 146.77
d to a:	(30.55 +	29.95) ÷ 2	x 5.18	= 156.70
			Tota	I = 603.10

Average Grade: 603.10 ÷ 20.12 = 29.98m



-SUBJECT PROPERTY





### Context Plan Scale: Not To Scale

### \*MAP IMAGE FOR CONTEXT PLAN TAKEN FROM VICMAP

Artistic Rendering



A to B: $(30.25 + 30.75) \div 2 \times 9.75 = 297.38$	A to B: $(30.90 + 31.40) \div 2 \times 2.69 = 83.79$
B TO C: $(30.75 + 30.60) \div 2 \times 0.91 = 27.91$	B TO C: $(31.40 + 31.90) \div 2 \times 3.66 = 115.84$
C TO D: $(30.60 + 30.75) \div 2 \times 2.44 = 74.85$	C TO D: $(31.90 + 31.90) \div 2 \times 1.64 = 52.32$
D TO E: $(30.75 + 30.75) \div 2 \times 4.11 = 126.38$	D TO E: $(31.90 + 32.22) \div 2 \times 2.54 = 81.43$
E TO F: $(30.75 + 30.75) \div 2 \times 2.44 = 75.03$	E TO F: $(32.22 + 32.22) \div 2 \times 1.22 = 39.31$
F TO G: $(30.75 + 30.75) \div 2 \times 2.44 = 75.03$	F TO G: $(32.22 + 31.98) \div 2 \times 2.54 = 81.53$
F TO G: $(30.75 + 30.75) \div 2 \times 2.44 = 75.03$	G TO H: $(31.98 + 31.98) \div 2 \times 1.64 = 52.45$
H TO I: $(30.75 + 30.75) \div 2 \times 2.44 = 75.03$	H TO I: $(31.98 + 31.50) \div 2 \times 3.66 = 116.17$
H TO I: $(30.75 + 30.75) \div 2 \times 2.44 = 74.85$	I to J: $(31.50 + 31.50) \div 2 \times 4.22 = 132.93$
J TO K: $(30.60 + 30.60) \div 2 \times 2.44 = 74.85$	J TO K: $(31.50 + 30.90) \div 2 \times 5.73 = 178.78$
J TO K: $(30.60 + 30.60) \div 2 \times 1.71 = 52.33$	K TO L: $(30.90 + 31.15) \div 2 \times 2.44 = 75.70$
K TO L: $(30.60 + 30.75) \div 2 \times 5.03 = 154.67$	L TO M: $(31.15 + 30.96) \div 2 \times 4.19 = 130.12$
M TO N: $(30.75 + 30.30) \div 2 \times 12.19 = 372.10$	M TO N: $(30.96 + 30.75) \div 2 \times 2.44 = 75.29$
N TO O: $(30.30 + 30.30) \div 2 \times 1.219 = 372.10$	N TO O: $(30.75 + 30.91) \div 2 \times 2.44 = 75.23$
N TO O: $(30.30 + 30.25) \div 2 \times 1.22 = 36.94$	P TO Q: $(30.91 + 30.85) \div 2 \times 4.19 = 129.39$
P TO Q: $(30.25 + 30.15) \div 2 \times 13.82 = 417.36$	Q TO R: $(30.75 + 30.75) \div 2 \times 2.44 = 75.15$
Total = 2182.52	R TO S: $(30.75 + 30.75) \div 2 \times 1.77 = 54.43$
Average Grade: 2182.52/ 71.52 = 30.52m	S TO T: $(30.75 + 30.74) \div 2 \times 0.30 = 9.22$ T TO U: $(30.74 + 30.74) \div 2 \times 0.76 = 23.36$ U TO V: $(30.74 + 30.63) \div 2 \times 2.54 = 77.94$ V TO W: $(30.63 + 30.63) \div 2 \times 0.76 = 23.28$ WTO X: $(30.63 + 30.30) \div 2 \times 6.91 = 210.51$ X TO Y: $(30.30 + 30.30) \div 2 \times 1.83 = 55.45$ Y TO Z: $(30.30 + 30.25) \div 2 \times 1.22 = 36.94$ Z TO A: $(30.25 + 30.90) \div 2 \times 15.65 = 478.50$

Average Grade Calculation: Block 4

Average Grade: 2500.47/ 81.02 = 31.03m

# **Rezoning & Development Permit Presentation**

3

A102



#103 - 891ATTREE AVENUE VICTORIA, B.C. V9B 0A6 P. 250.382.7374 F. 250.382.7364

Date Aug 31, 2023

**Project Address** 515 Foul Bay Road

Prepared for GMC Projects Inc.

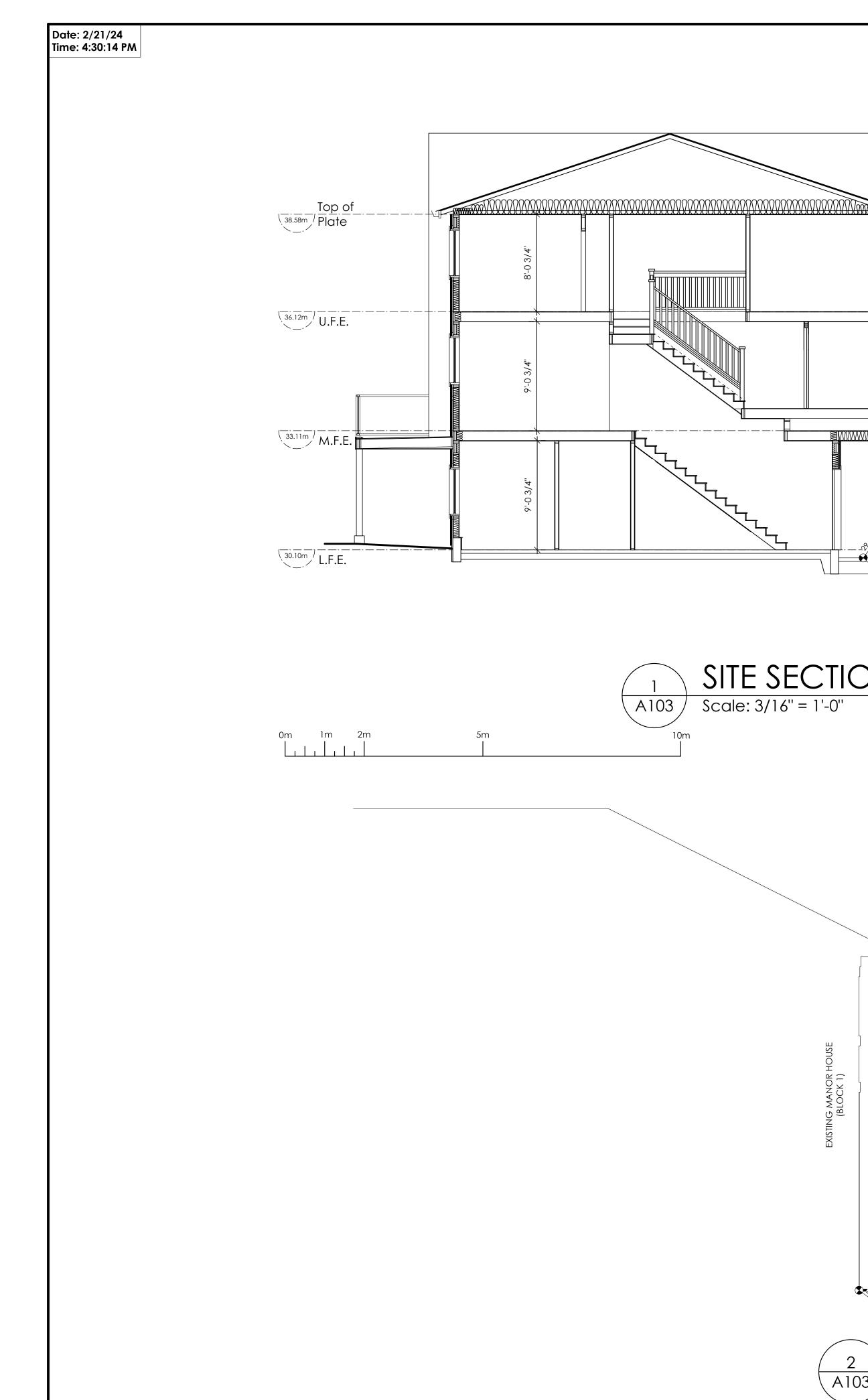
> Project # 8466

> > Scale

As Shown

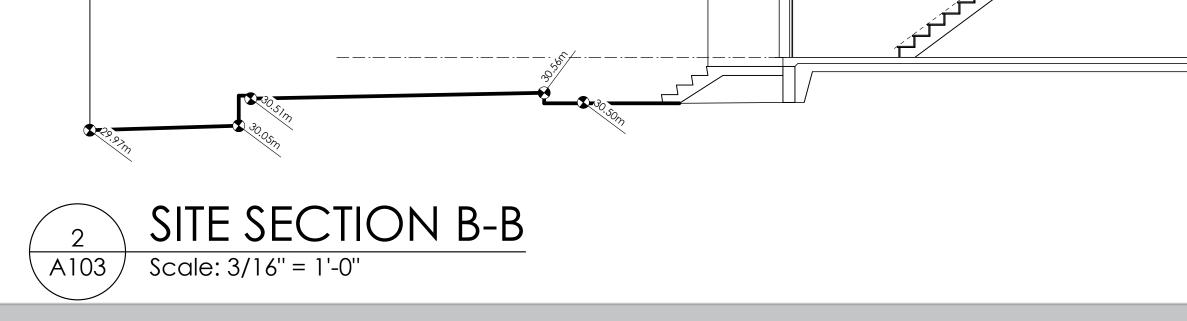
Drawn By MDK

Page Number A102

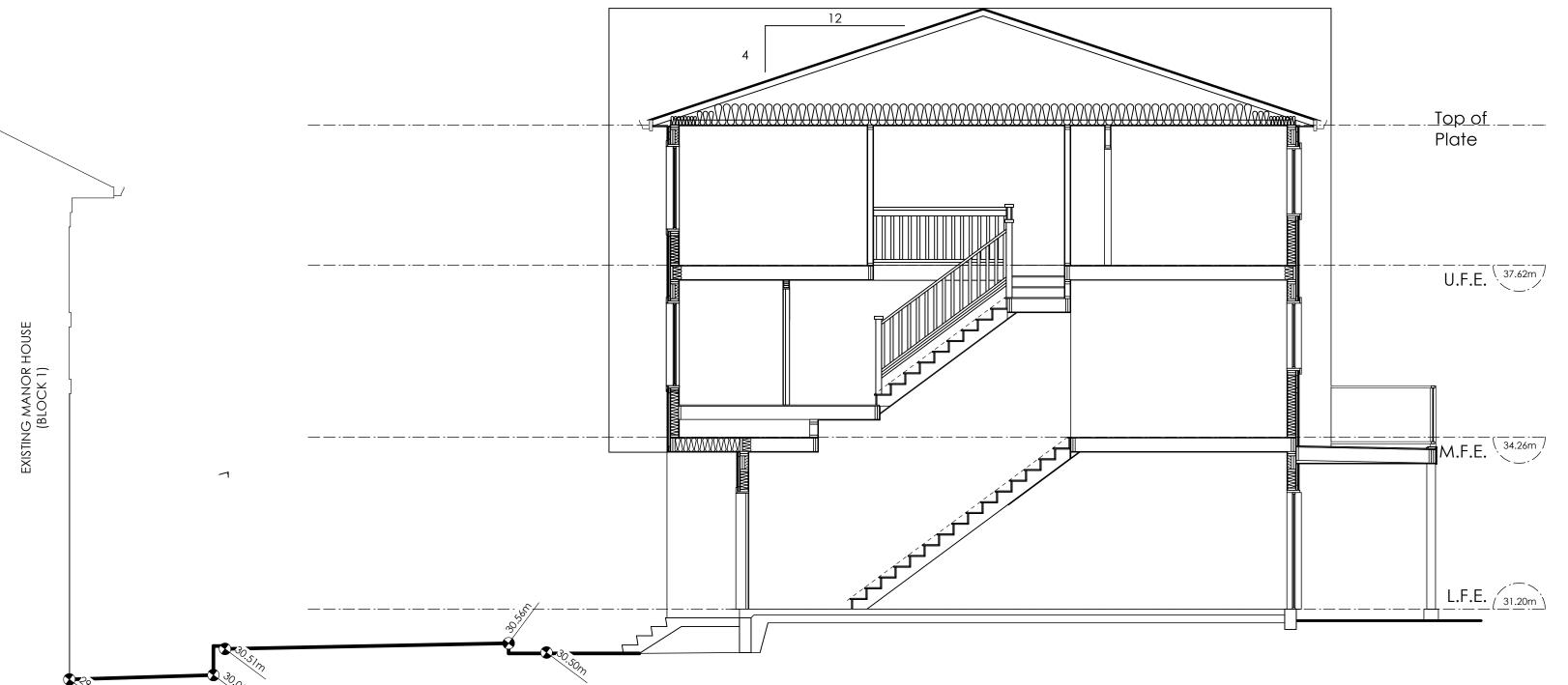


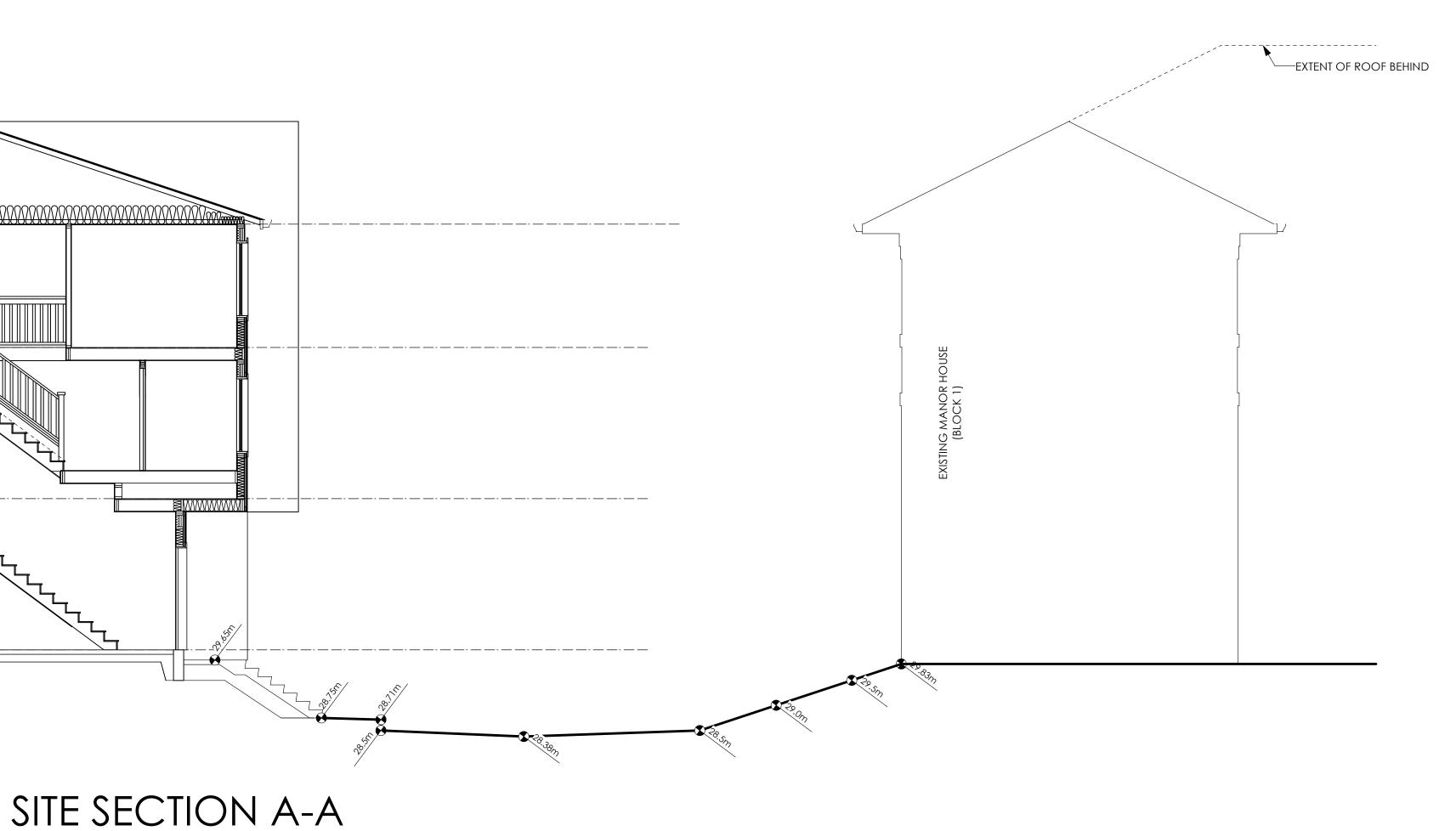


# **Rezoning & Development Permit Presentation**



•





# design group

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> Date Aug 31, 2023

**Project Address** 515 Foul Bay Road

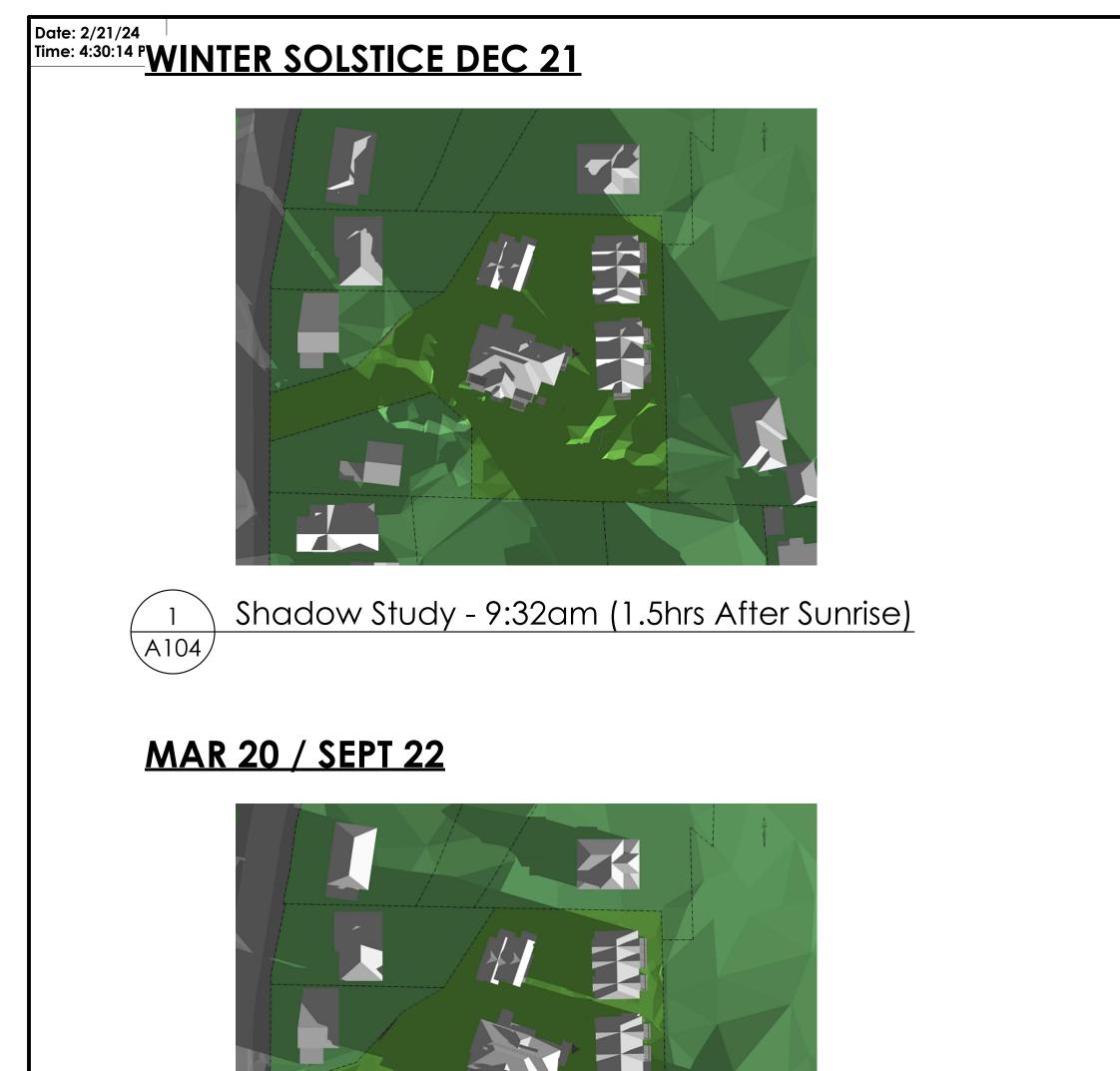
Prepared for GMC Projects Inc.

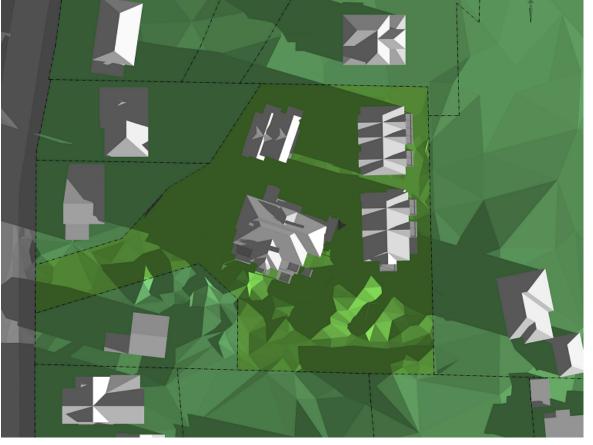
> Project # 8466

Scale Not To Scale

> Drawn By MDK

Page Number A103

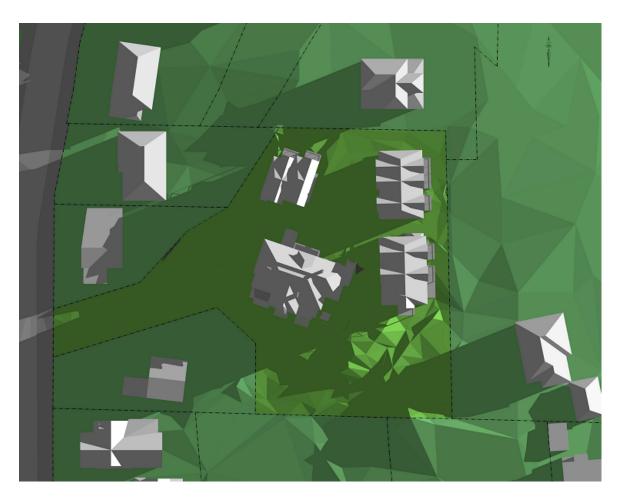






Shadow Study - 8:45am (1.5hrs After Sunrise)

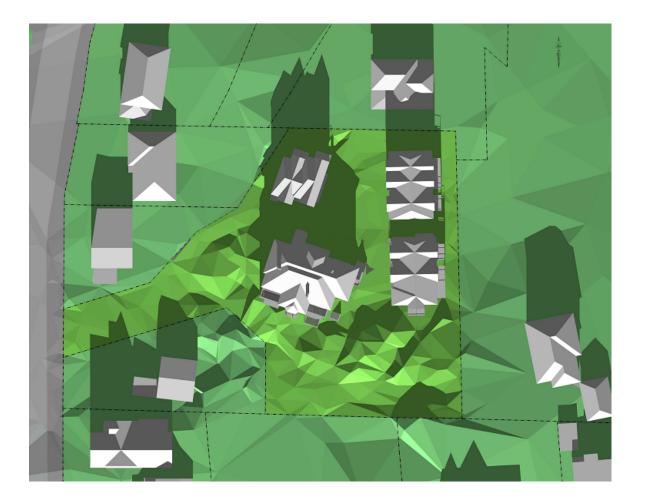
### **SUMMER SOLSTICE JUNE 21**



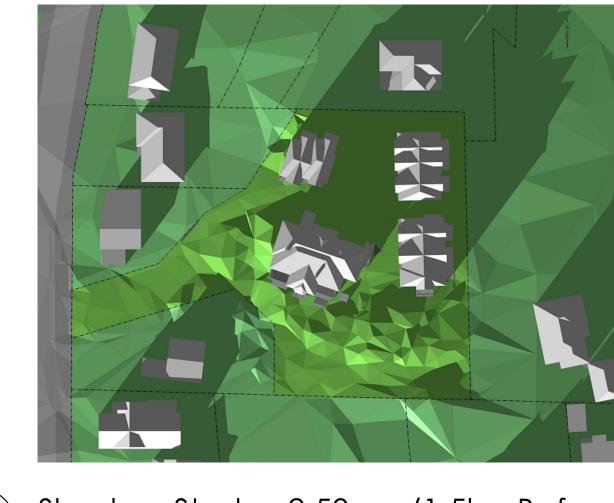


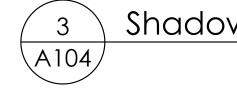
Shadow Study - 6:41am (1.5hrs After Sunrise)

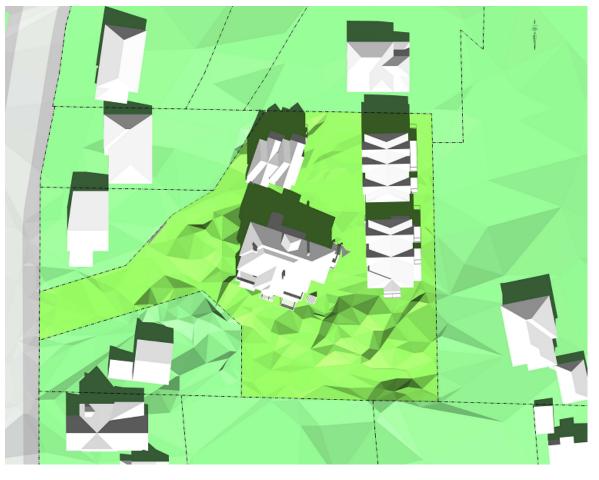




Shadow Study - 12:11pm (Solar Noon)





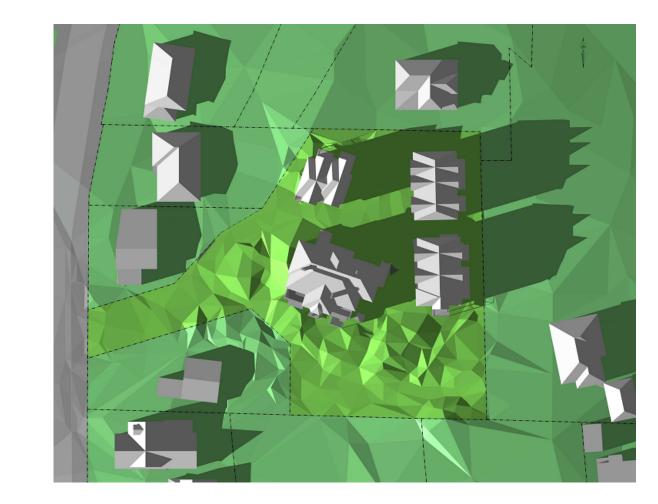


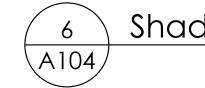


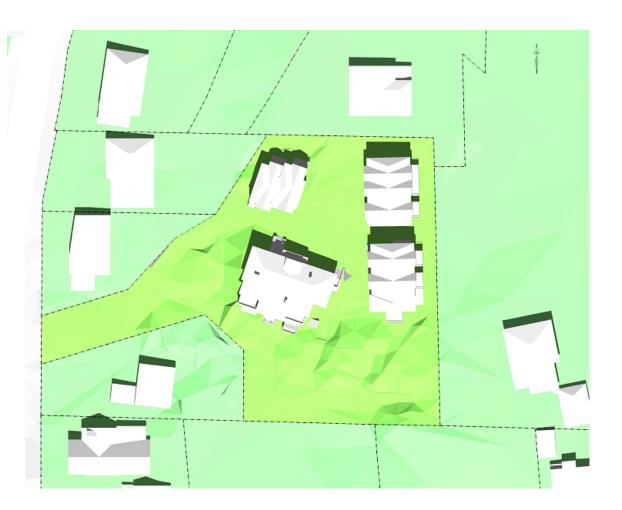
2

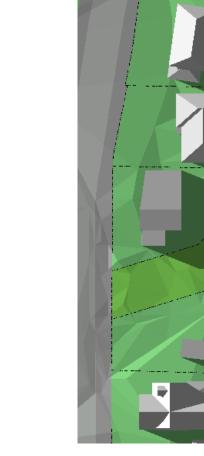
A104

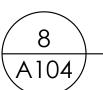
Shadow Study - 1:20pm (Solar Noon)











Shadow Study - 1:15pm (Solar Noon)

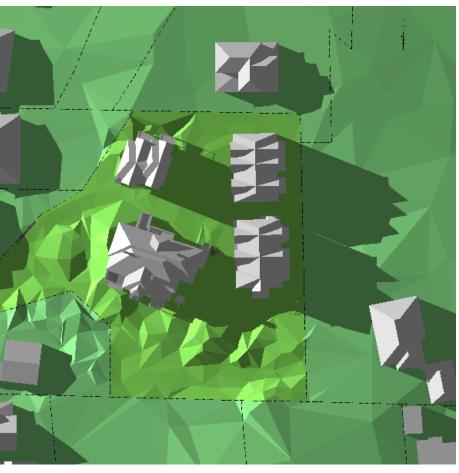


Shadow Study - 7:48pm (1.5hrs Before Sunset)

# **Rezoning & Development Permit Presentation**

### Shadow Study - 2:50pm (1.5hrs Before Sunset)

### Shadow Study - 5:56pm (1.5hrs Before Sunset)



# design group

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> Date Aug 31, 2023

Project Address 515 Foul Bay Road

**Prepared for** GMC Projects Inc.

> Project # 8466

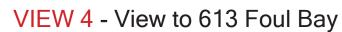
Scale Not To Scale

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Page Number A104

### Date: 2/21/24 Time: 4:30:17 PM









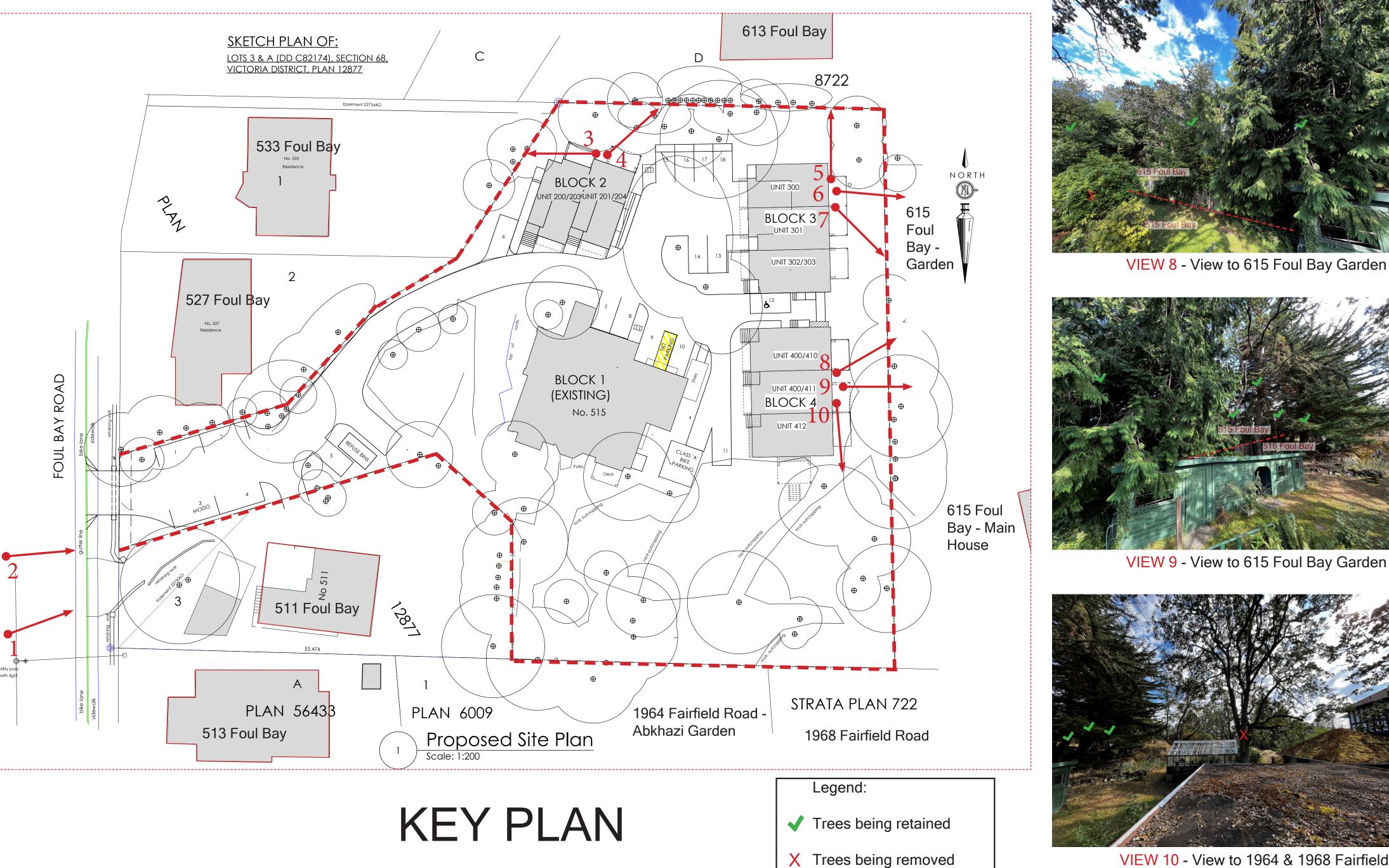
VIEW 3 - View to 533 Foul



VIEW 2 - NorthWest corner of Chandler & Foul Bay



VIEW 1 - SouthWest corner of Chandler & Foul Bay





VIEW 5 - View to 613 Foul Bay



VIEW 6 - View to 615 Foul Bay Garden



VIEW 7 - View to 615 Foul Bay Main House

# **Rezoning & Development Permit Presentation**

VIEW 10 - View to 1964 & 1968 Fairfield Road to Abkhazi Garden

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Date Aug 31, 2023

**Project Address** 515 Foul Bay Road

Prepared for GMC Projects Inc.

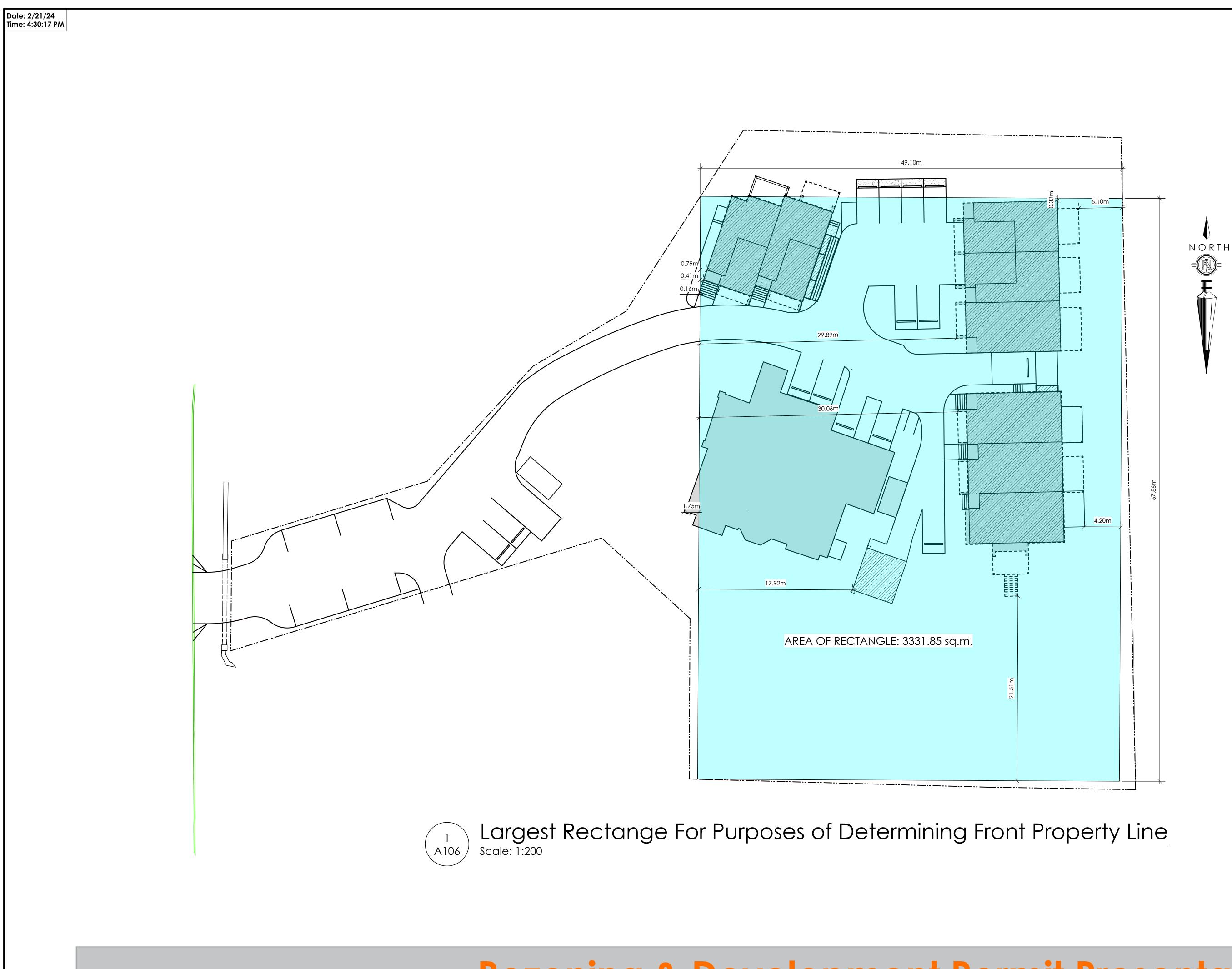
> Project # 8466

> > Scale

Not To Scale

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# **Rezoning & Development Permit Presentation**

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> Date Aug 31, 2023

**Project Address** 515 Foul Bay Road

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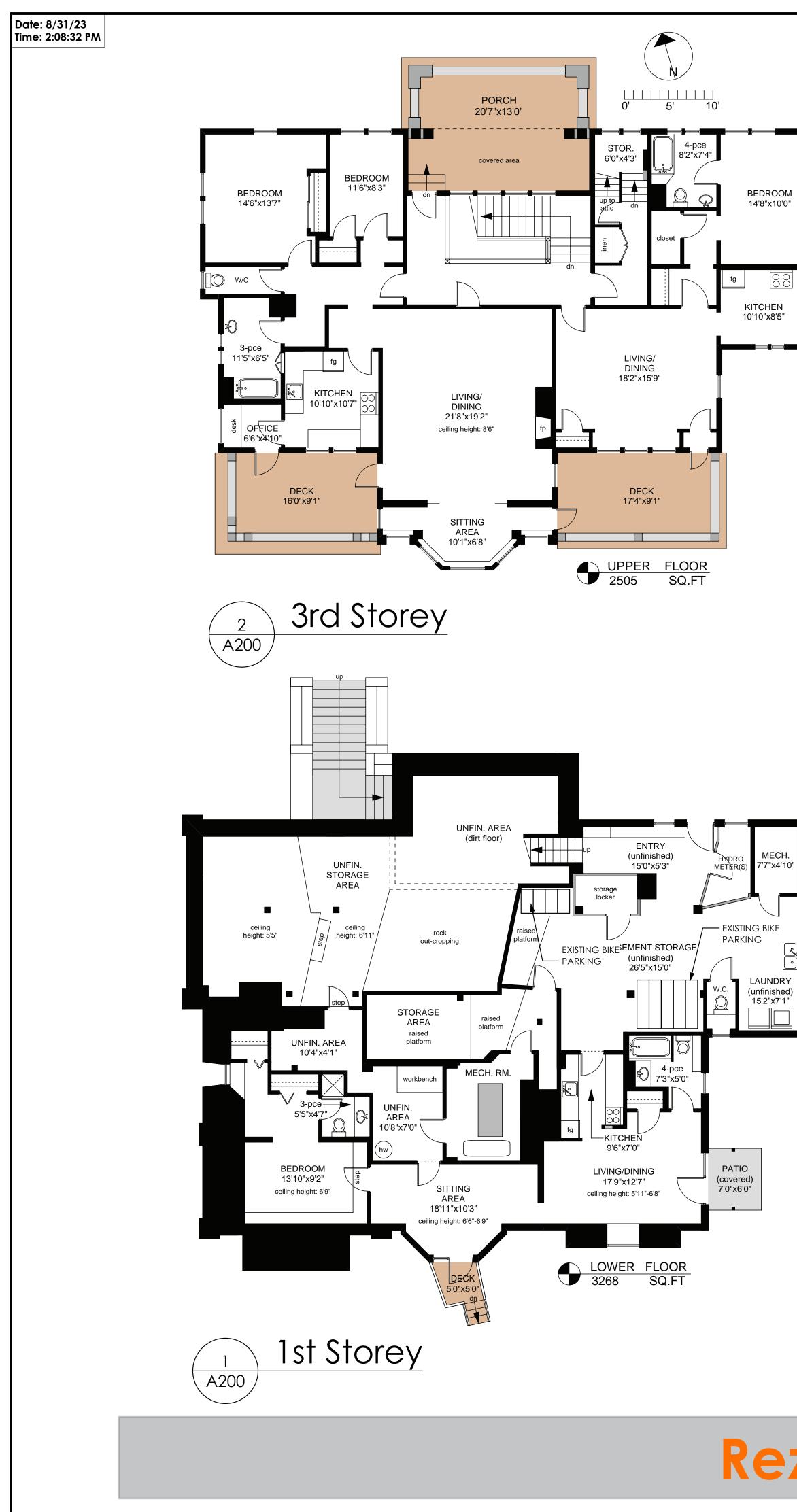
> Project # 8466

> > Scale

1:200

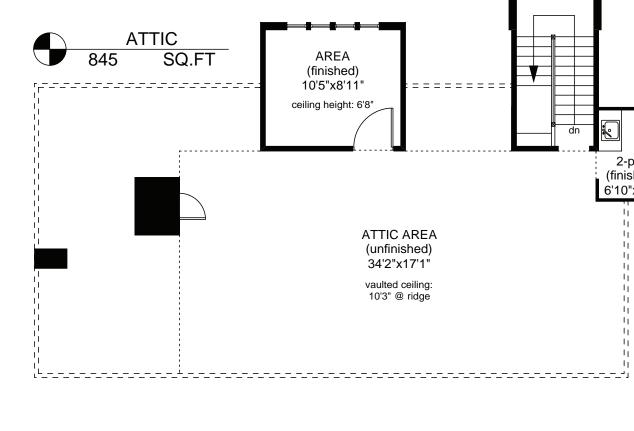
Drawn By MDK

Page Number A106



# BEDROOM 14'8"x10'0"

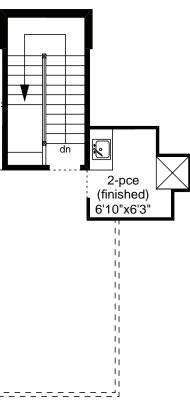
MAIN UPPER LOWER ATTIC	FINISHED SQ. FT. 3160 2505 2389 259	UNFINISHED SQ. FT. 0 0 879 586	TOTAL SQ. FT. 3160 2505 3268 845
TOTAL	8313	1465	9778
GARAGE	0	507	507
CARPORT	0	441	441
DECKS	0	531	531
PORCHES	0	361	361
PATIOS	0	147	147
G-HOUSE	0	197	197
SHED	0	304	304



4th Storey (<u>2</u> (A200)



# **Rezoning & Development Permit Presentation**





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Date Aug 31, 2023

Project Address 515 Foul Bay Road

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A200





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> Date Aug 31, 2023

Project Address 515 Foul Bay Road

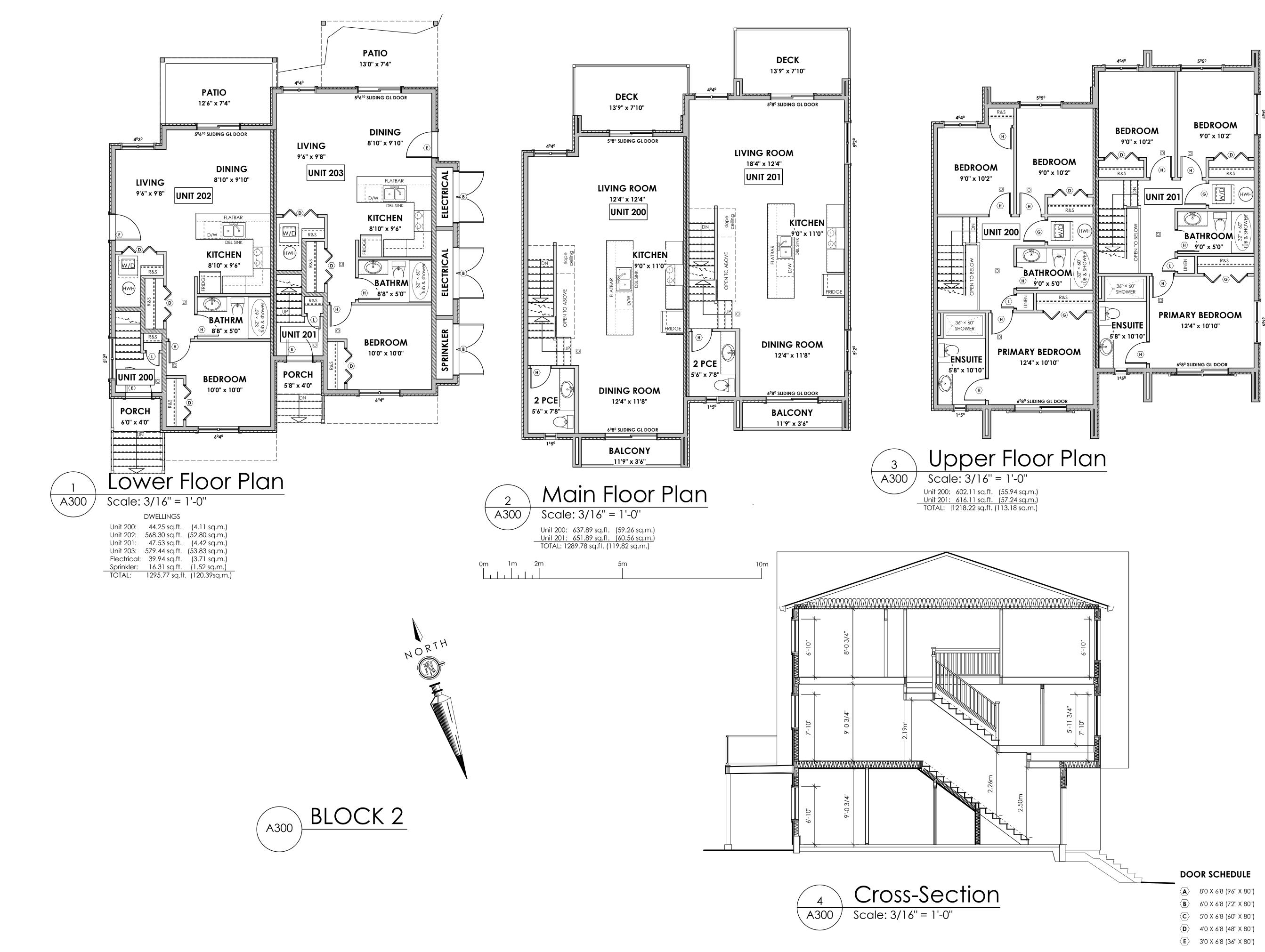
Prepared for GMC Projects Inc.

> Project # 8466

Scale Not to Scale

Drawn By MDK

Page Number A201





# **Rezoning & Development Permit Presentation**

$\langle \mathbf{A} \rangle$	8'0 X 6'8 (96'' X 80'')	$\langle \mathbf{G} \rangle$
$\langle \mathbf{B} \rangle$	6'0 X 6'8 (72'' X 80'')	$\langle \mathbf{H} \rangle$
$\langle \mathbf{c} \rangle$	5'0 X 6'8 (60'' X 80'')	$\langle \mathbf{I} \rangle$
$\langle \mathbf{D} \rangle$	4'0 X 6'8 (48'' X 80'')	$\langle \mathbf{K} \rangle$
$\langle \mathbf{E} \rangle$	3'0 X 6'8 (36'' X 80'')	$\langle \mathbf{L} \rangle$

(F) 2'10 X 6'8 (34" X 80") 2'8 X 6'8 (32" X 80") 2'6 X 6'8 (30" X 80") 2'4 X 6'8 (28'' X 80'') 2'0 X 6'8 (24'' X 80'') 1'6 X 6'8 (18'' X 80'')



#103 - 891ATTREE AVENUE VICTORIA, B.C. V9B 0A6 P. 250.382.7374 F. 250.382.7364

Date

Aug 31, 2023

**Project Address** 515 Foul Bay Road

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> Project # 8466

Scale 3/16" = 1'-0"

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Page Number





Elevation	Area of Exposed Building Face	Limiting Distance	Opening % Permitted	Opening % Proposed	FRR	Type of Construction <sup>1</sup>	Type of Cladding <sup>1</sup>	Elevation	Area of Exposed Building Face	Limiting Distance	Opening % Permitted	Opening % Proposed	FRR	Type of Construction <sup>1</sup>	Type c Claddir
South								North							
Unit 200	41.00 sq.m.	3.22 m.	38.00 %	31.51 %	1 hour	В	A	Unit 200	31.68 sq.m.	7.60 m.	100.00 %	26.61 %	45 min.	В	A
Unit 201	38.82 sq.m.	3.35 m.	43.00 %	33.28 %	1 hour	В	A	Unit 201	32.93 sq.m.	7.54 m.	100.00 %	25.60 %	45 min.	В	A
Unit 202	13.37 sq.m.	3.22 m.	24.00 %	16.68 %	1 hour	В	A	Unit 202	12.97 sq.m.	7.60 m.	100.00 %	22.74 %	45 min.	В	A
Unit 203	12.61 sq.m.	3.35 m.	24.00 %	17.68 %	1 hour	В	A	Unit 203	12.77 sq.m.	7.54 m.	100.00 %	25.76 %	45 min.	В	A
East								West							
Unit 201	74.83 sq.m.	7.61 m.	100.00 %	4.97 %	45 min.	В	A	Unit 200	61.58 sq.m.	3.08 m.	18.00 %	1.51 %	1 hr.	В	A
Unit 203	10.41 sq.m.	7.61 m.	100.00 %	18.73 %	45 min.	В	A	Unit 202	28.65 sq.m.	3.08 m.	24.00 %	6.81 %	1 hr.	В	А
Electrical Closets	16.37 sq.m.	7.81 m.	100.00 %	0.00 %	45 min.	В	A	*TABLE COMPLIES	S WITH BCBC 9.10.14.4.(1)(	(a), 9.10.14.4.(7),	and Table 9.10.14.	5-A			
Sprinkler Closet	8.05 sq.m.	8.93 m.	100.00 %	0.00 %	45 min.	В	A								

<sup>1</sup> Type of Construction Used:

A = Combustible B = Non Combustible \*TABLE COMPLIES WITH BCBC 9.10.14.4.(1)(a), 9.10.14.4.(7), and Table 9.10.14.5-A 0m im 2m Unit 200 and 201 prorated to 38% and 42% respectively.

# **Rezoning & Development Permit Presentation**



## design group 9

#103 - 891ATTREE AVENUE VICTORIA, B.C. V9B 0A6 P. 250.382.7374 F. 250.382.7364

Date

Aug 31, 2023

# **Project Address**

515 Foul Bay Road

### Prepared for

GMC Projects Inc.

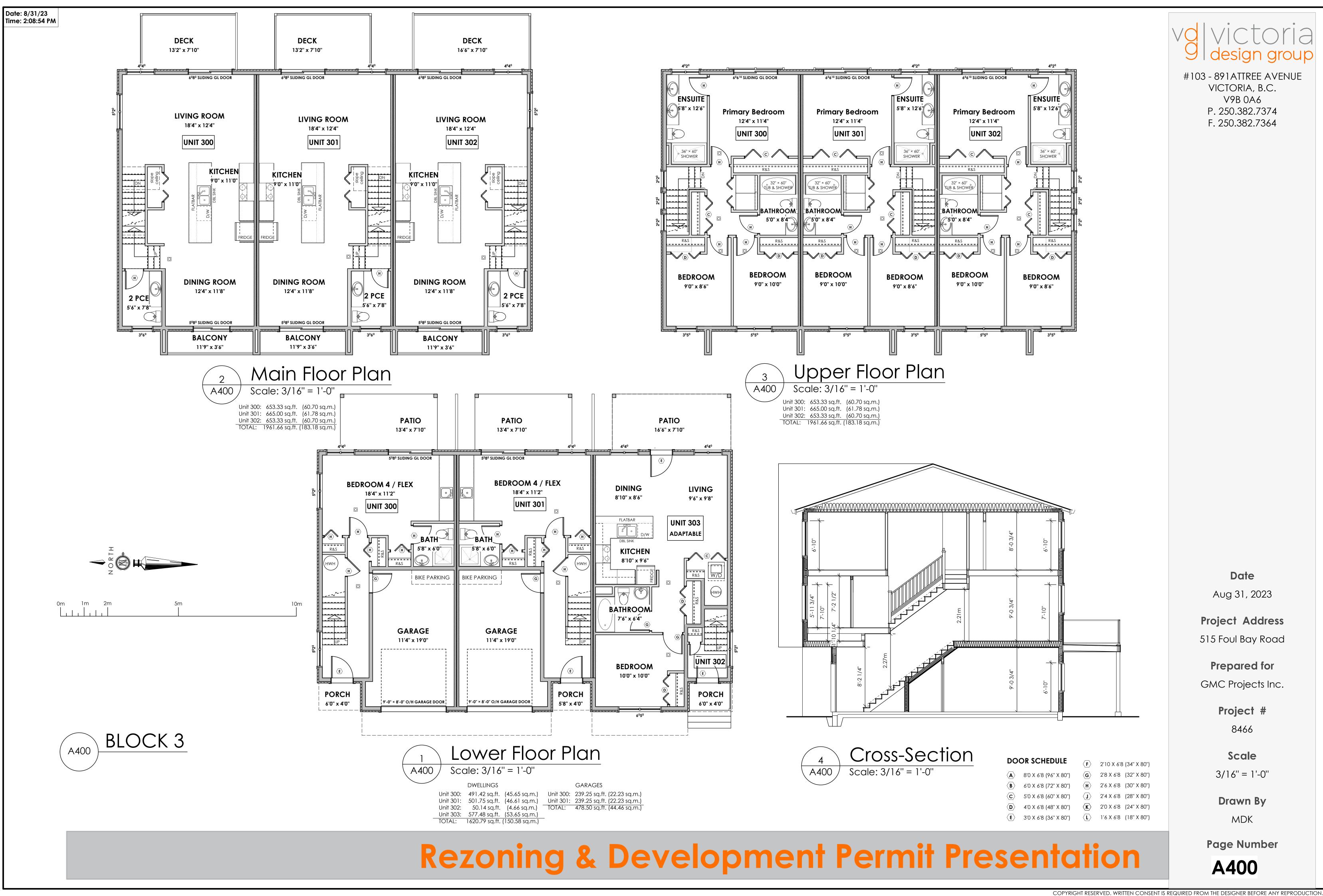
Project # 8466

Scale 3/16" = 1'-0"

Drawn By MDK

Page Number

A301



$\langle \mathbf{A} \rangle$	8'0 X 6'8 (96'' X 80'')
$\langle \mathbf{B} \rangle$	6'0 X 6'8 (72'' X 80'')
$\langle \mathbf{c} \rangle$	5'0 X 6'8 (60'' X 80'')
$\langle \mathbf{D} \rangle$	4'0 X 6'8 (48'' X 80'')
$\langle \mathbf{E} \rangle$	3'0 X 6'8 (36'' X 80'')

$\rangle$	2'10 X 6'8	(34'' X 80'')
$\rangle$	2'8 X 6'8	(32'' X 80'')
$\rangle$	2'6 X 6'8	(30'' X 80'')
$\rangle$	2'4 X 6'8	(28'' X 80'')
$\rangle$	2'0 X 6'8	(24'' X 80'')
$\rangle$	1'6 X 6'8	(18'' X 80'')



#103 - 891ATTREE AVENUE VICTORIA, B.C. V9B 0A6 P. 250.382.7374 F. 250.382.7364

> Date Aug 31, 2023

**Project Address** 515 Foul Bay Road

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> Project # 8466

Scale 3/16" = 1'-0"

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A400







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> Date Aug 31, 2023

**Project Address** 515 Foul Bay Road

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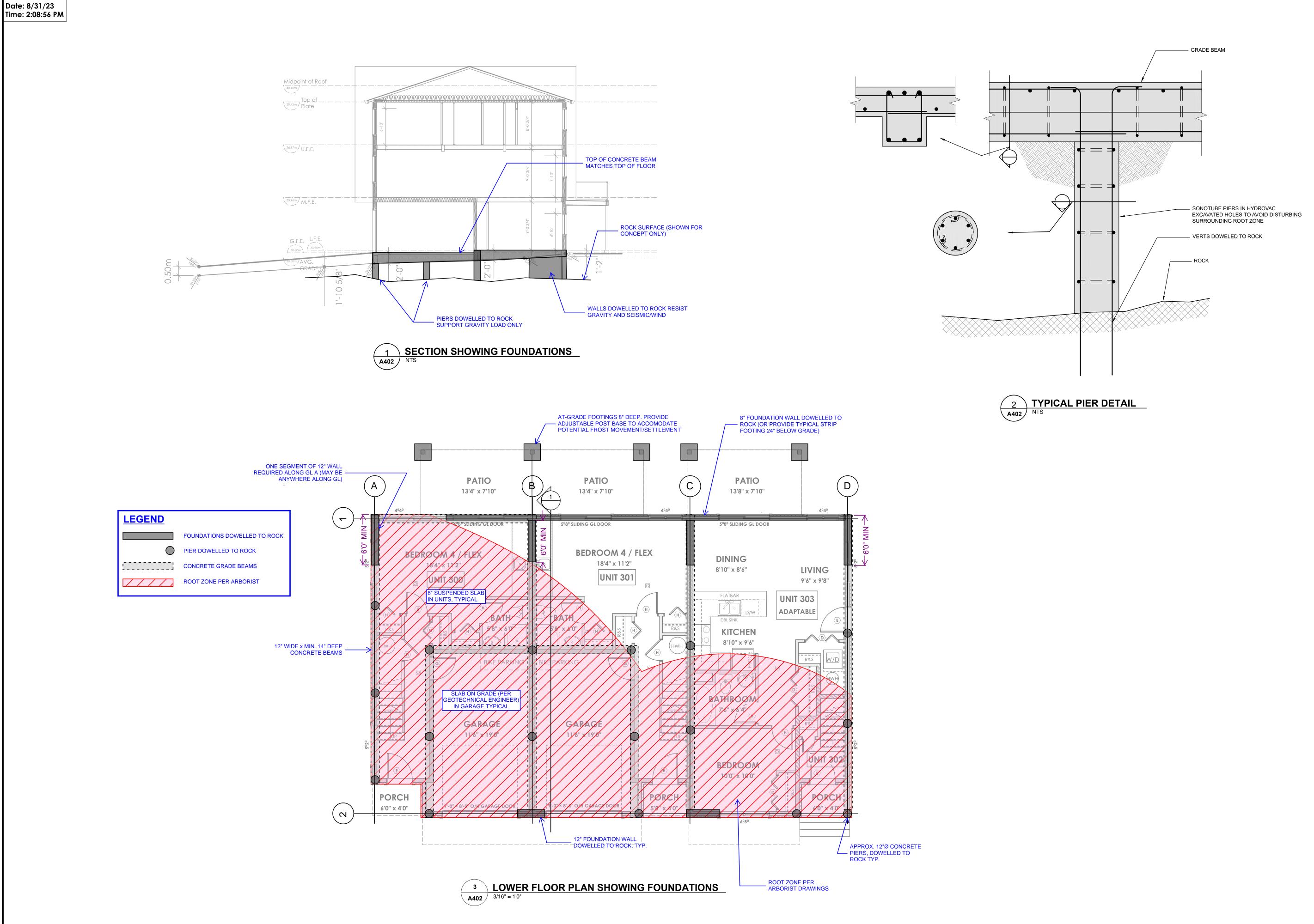
> Project # 8466

Scale 3/16" = 1'-0"

Drawn By MDK

Page Number

A401



**Rezoning & Development Permit Presentation** 

## 9 design

#103 - 891ATTREE AVENUE VICTORIA, B.C. V9B 0A6 P. 250.382.7374 F. 250.382.7364

Date

Aug 31, 2023

**Project Address** 515 Foul Bay Road

**Prepared for** GMC Projects Inc.

> Project # 8466

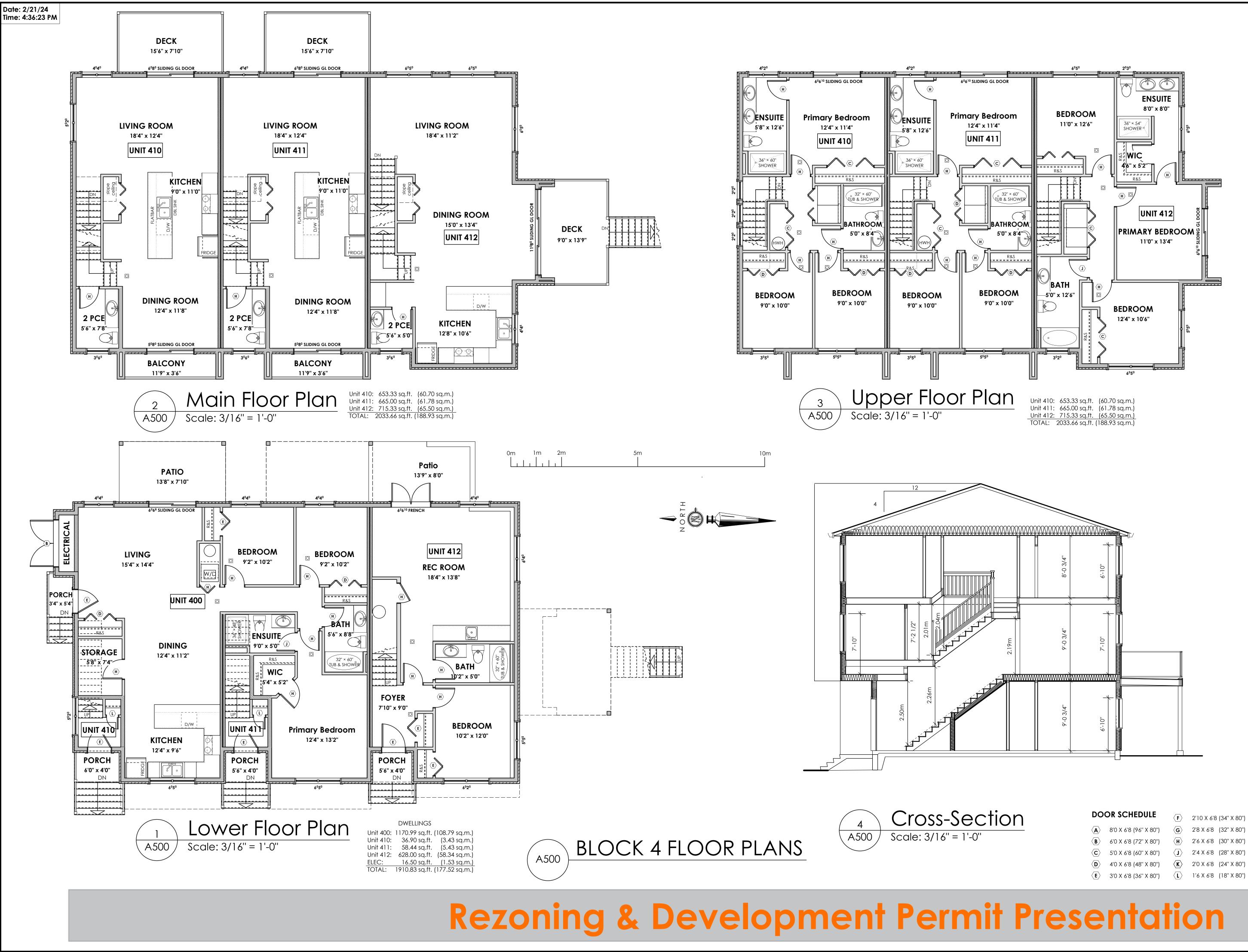
Scale 3/16" = 1'-0"

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# A402

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> Date Aug 31, 2023

**Project Address** 515 Foul Bay Road

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> Project # 8466

Scale 3/16" = 1'-0"

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RR	Type of Construction <sup>1</sup>	Type of Cladding <sup>1</sup>	
min.	A	В	
min.	А	В	
our	А	В	
our	А	В	
min.	A	A	*
min.	А	А	

					-		
Elevation	Area of Exposed	Limiting	Opening %	Opening %	FRR	Type of	Туре
Elevation	Building Face	Distance	Permitted	Proposed	ГКК	Construction <sup>1</sup>	Clad
South							
Unit 412	102.01 sq.m.	25.38 m.	100.00 %	24.69 %	45 min.	A	A
North							
Unit 400	21.70 sq.m.	2.37 m.	24.00 %	8.57 %	1 hr.	A	E
Unit 410	85.52 sq.m.	2.37 m.	18.00 %	4.13 %	1 hr.	A	E
Electrical	6.95 sq.m.	1.61 m.	18.00 %	0.00 %	1 hr.	A	E
*TABLE COMPLIES	S WITH BCBC 9.10.14.4.(1)(	a), 9.10.14.4.(7),	and Table 9.10.14.5	5-A			

# **Rezoning & Development Permit Presentation**



#103 - 891ATTREE AVENUE VICTORIA, B.C. V9B 0A6 P. 250.382.7374 F. 250.382.7364

> Date Aug 31, 2023

**Project Address** 515 Foul Bay Road

Prepared for GMC Projects Inc.

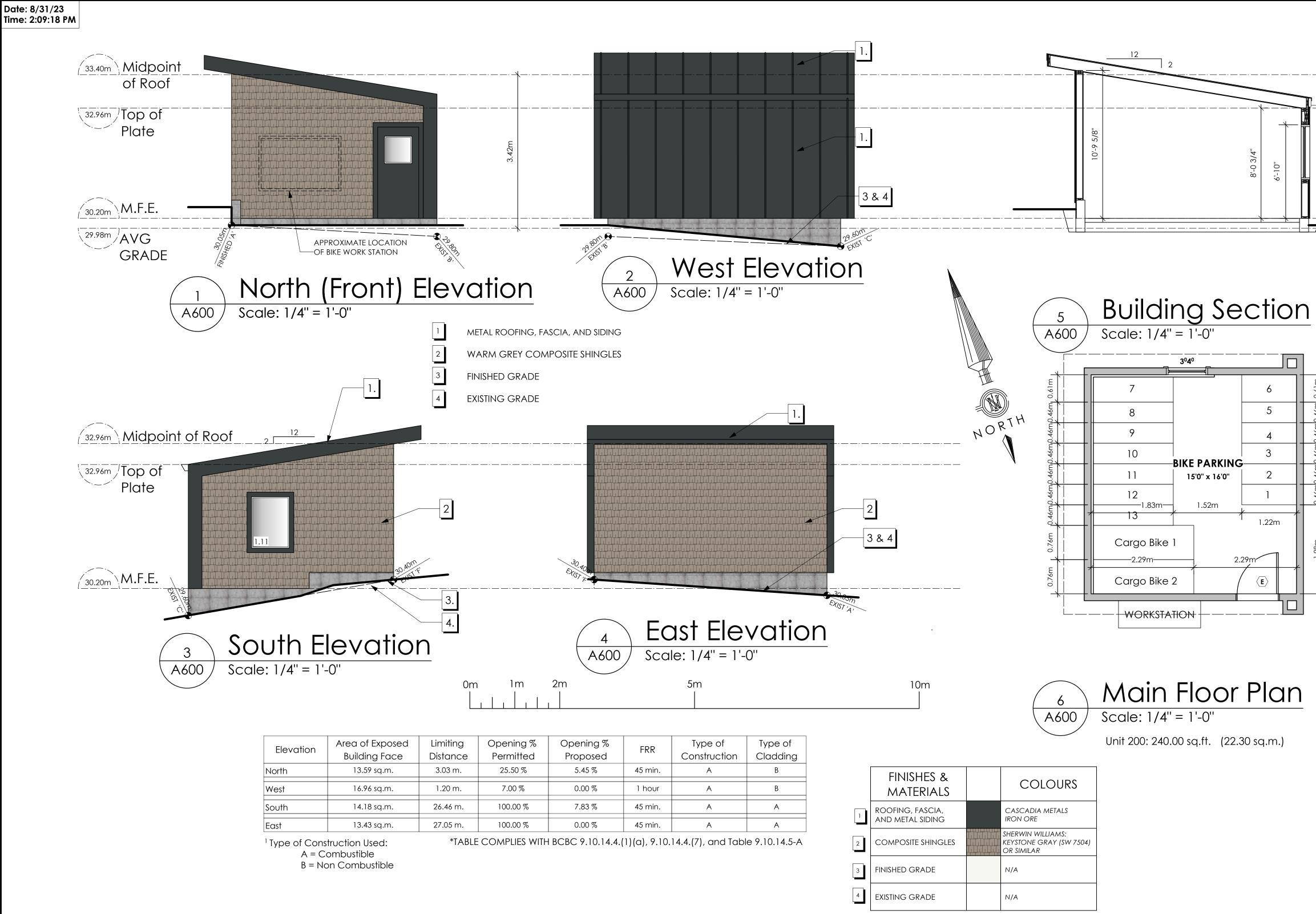
> Project # 8466

Scale 3/16" = 1'-0"

Drawn By MDK

Page Number A501

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# **Rezoning & Development Permit Presentation**

## victoria 9 design group

#103 - 891ATTREE AVENUE VICTORIA, B.C. V9B 0A6 P. 250.382.7374 F. 250.382.7364

Date

Aug 31, 2023

**Project Address** 515 Foul Bay Road

Prepared for GMC Projects Inc.

> Project # 8466

Scale Not to Scale

Drawn By MDK

Page Number

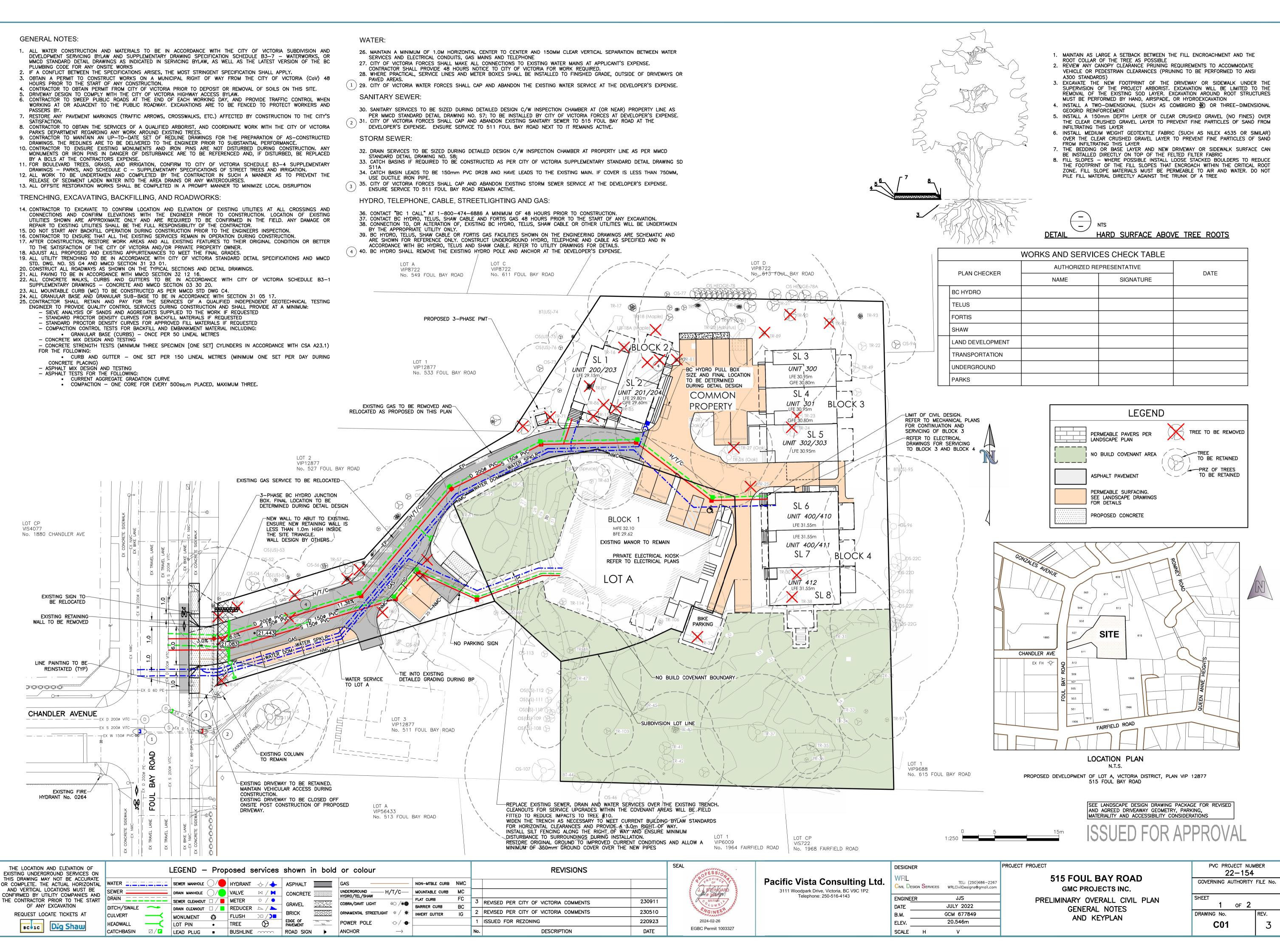
A600

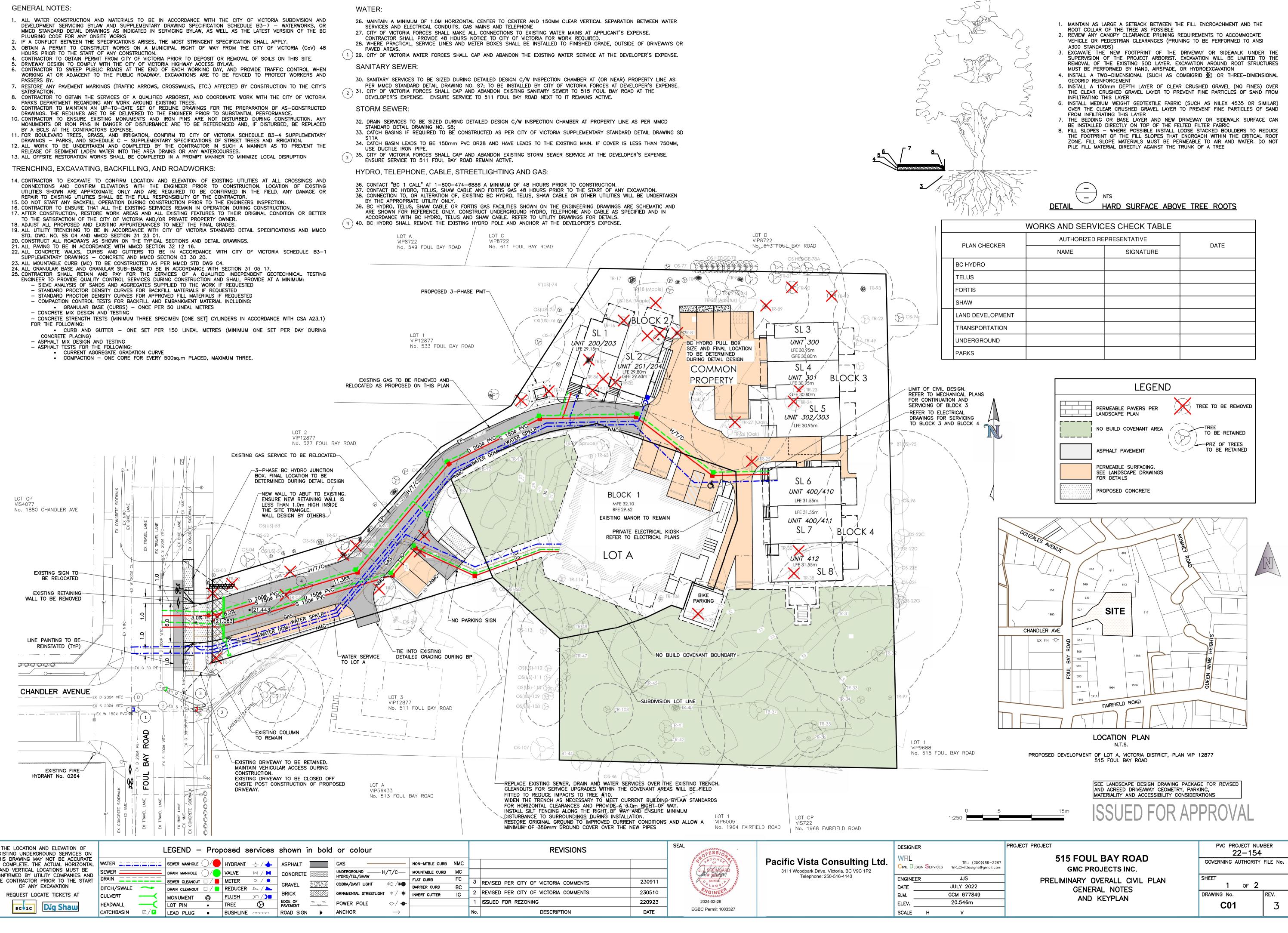
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### DOOR SCHEDULE

$\langle \mathbf{A} \rangle$	8'0 X 6'8 (96'' X 80'')	$\langle \mathbf{G} \rangle$	2'8 X 6'8	(32'' X 80'')
$\langle \mathbf{B} \rangle$	6'0 X 6'8 (72'' X 80'')	$\langle \mathbf{H} \rangle$	2'6 X 6'8	(30'' X 80'')
$\langle \mathbf{c} \rangle$	5'0 X 6'8 (60'' X 80'')	$\langle \mathbf{I} \rangle$	2'4 X 6'8	(28'' X 80'')
$\langle \mathbf{D} \rangle$	4'0 X 6'8 (48'' X 80'')	$\langle \mathbf{K} \rangle$	2'0 X 6'8	(24'' X 80'')
$\langle \mathbf{E} \rangle$	3'0 X 6'8 (36'' X 80'')	$\langle \mathbf{L} \rangle$	1'6 X 6'8	(18'' X 80'')

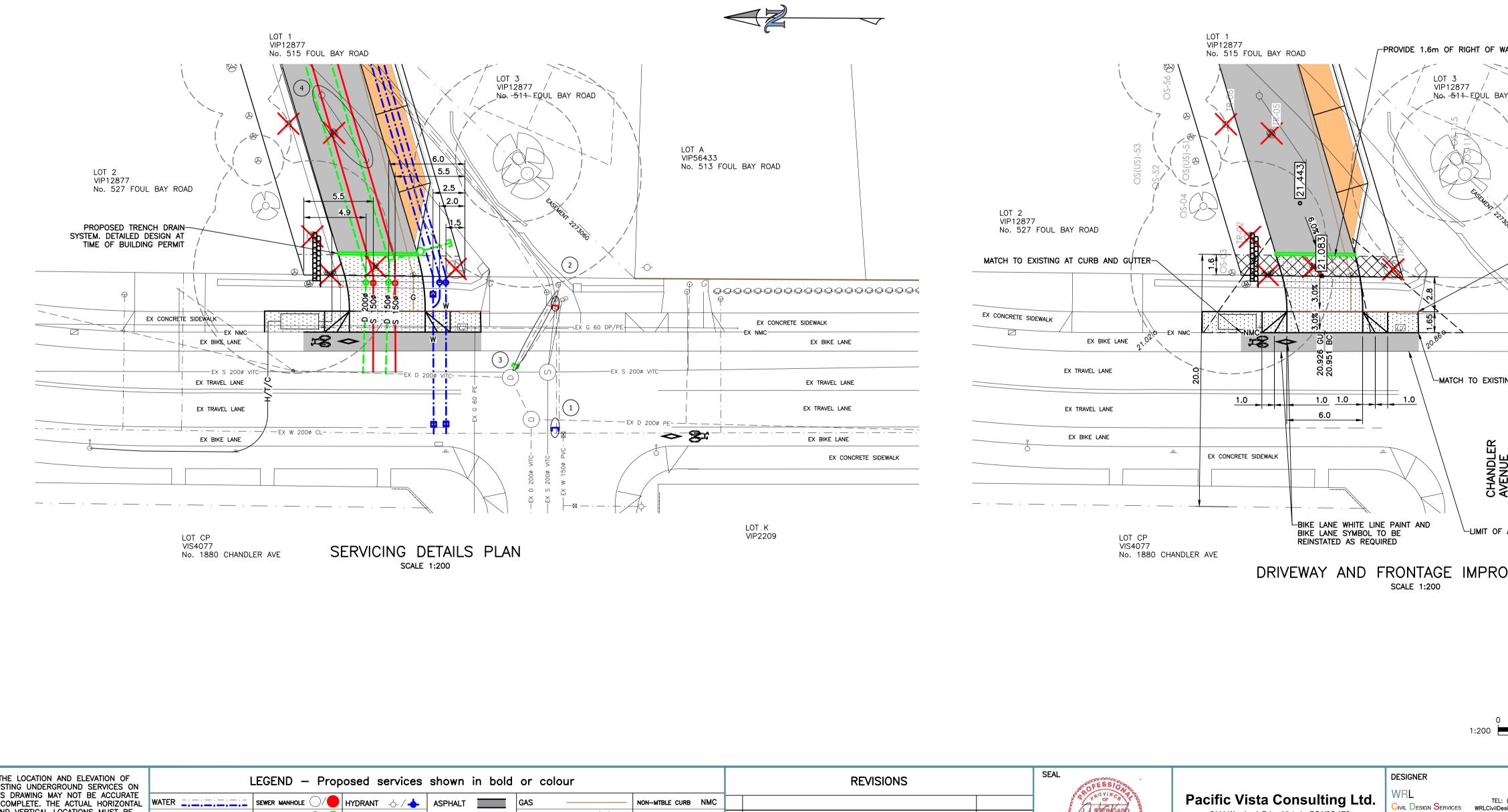
⟨**F**⟩ 2'10 X 6'8 (34" X 80")



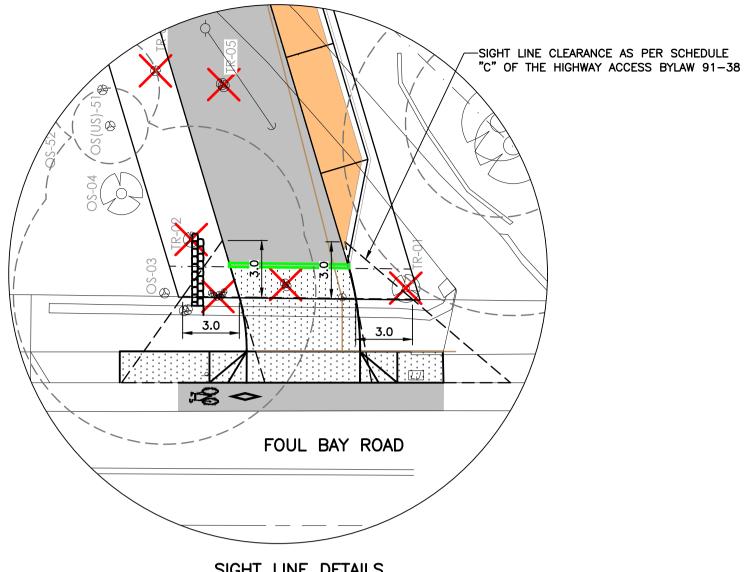


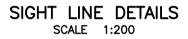
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2024-02	THE LOCATION AND ELEVATION OF EXISTING UNDERGROUND SERVICES ON		LEGEND – Proposed services sl	shown in bold or colour		REVISIONS		SEAL		DESIGNER	
Ŭ.	AND VERTICAL LOCATIONS MUST BE	WATER	SEWER MANHOLE / HYDRANT A		NON-MTBLE CURB NMC			AL SKENGAPD	Pacific Vista Consulting Ltd. 3111 Woodpark Drive, Victoria, BC V9C 1P2	WRL Civil Design	TEL: (250 SERVICES WRLCivilDesigns
ESIGN OER	THE CONTRACTOR PRIOR TO THE START	DRAIN			FLAT CURB FC BARRIER CURB BC	3 REVISED PER CITY OF VICTORIA COMMENTS	230911	C BRITISH F	Telephone: 250-516-4143	ENGINEER DATE	JJS JULY 2022
	REQUEST LOCATE TICKETS AT	CULVERT HEADWALL		BRICK CONSISTENT ORNAMENTAL STREETLIGHT * / *	INVERT GUTTER IG		230510 220923	2024-02-2 <del>0</del>		B.M	GCM 677849 20.546m
				ROAD SIGN $\blacktriangleright$ ANCHOR $\rightarrow$		No. DESCRIPTION	DATE	EGBC Permit 1003327		SCALE	н v



- (4) 40. BC HYDRO SHALL REMOVE THE EXISTING HYDRO POLE AND ANCHOR AT THE DEVELOPER'S EXPENSE.
- STORM SEWER: 35. CITY OF VICTORIA FORCES SHALL CAP AND ABANDON EXISTING STORM SEWER SERVICE TO 515 FOUL BAY ROAD AT THE DEVELOPER'S EXPENSE. ENSURE SERVICE TO 511 FOUL BAY ROAD NEXT TO IT REMAINS ACTIVE. HYDRO, TELEPHONE, CABLE, STREETLIGHTING AND GAS:
- SANITARY SEWER: 2 31. CITY OF VICTORIA FORCES SHALL CAP AND ABANDON EXISTING SANITARY SEWER AT THE DEVELOPER'S EXPENSE. ENSURE SERVICE TO 511 FOUL BAY ROAD REMAIN ACTIVE.
- WATER: 1 29. CITY OF VICTORIA WATER FORCES SHALL CAP AND ABANDON THE EXISTING WATER SERVICE AT THE DEVELOPER'S EXPENSE.





1:200

LEGEND		
PERMEABLE PAVERS PER LANDSCAPE PLAN NO BUILD COVENANT AREA NO BUILD COVENANT AREA TO BE RETAINED PRZ OF TREES		
ASPHALT PAVEMENT TO BE RETAINED PERMEABLE SURFACING. SEE LANDSCAPE DRAWINGS FOR DETAILS PROPOSED CONCRETE		
AY IN FAVOUR OF THE CITY OF VICTORIA FOR ROAD		
NG AT CURB AND GUTTER FOUL BAY ROAD EX TRAVEL LANE		
EX BIKE LANE EX CONCRETE SIDEWALK		
ASPHALT PAVING LOT K VIP2209		
SEE LANDSCAPE DESIGN DRAWING PACKAM AND AGREED DRIVEAWAY GEOMETRY, PARI MATERIALITY AND ACCESSIBILITY CONSIDER ISSUED FOR AP	KING, ATIONS	
(250)686-2267 signs@gmail.com 22 849 1	PVC PROJECT NUMB 22-154 GOVERNING AUTHORITY F SHEET 2 OF 2 DRAWING No. C02	

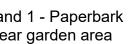
### PRECEDENT IMAGES

1

2



# 515 Foul Bay Road | Landscape Concept Plan



#### 6 - Class B Bike parking stalls

Existing mature tree to be retained in center of - courtyard. Bark mulch added at base of trunk

Courtyard at center of proposed buildings supports vehicle parking and is intended to serve as a future - shared flexible-use amenity space for residents. Permeable asphalt surfacing preserves water infiltration to support existing trees

> Retained trees along north property line with wood chip mulch below

1M width access paths provide access to rear unit entrances and maintenance access to planting beds (Typ.)

Wood chip access path along eastern property line

1 - Paperbark Maple tree

3 - Bigleaf Maple trees where gaps in existing tree canopies allow

1 - Vine Maple tree Shade tolerant seeded meadow mix at edge of courtyard parking areas (Typ.) - 1 - Paperbark Maple tree

- 2 - Vine Maple trees

1 Garry Oak Tree

Accessible entry path to suites (permeable asphalt)

New 1800mm ht. fence along east property line Patios feature rectilinear concrete unit pavers and provide access to rear unit entrances - 1 - Paperbark Maple tree

Areas of existing vegetation to be retained. Invasives to be removed, trees and large shrubs to be pruned as necessary to support longterm health of retained species (Typ.)

Ground level garden patios feature large format concrete pavers set in aggregate (Typ.)

450-750mm wide wood chip garden path splits around retained mature trees as necessary (Typ.)

- 1 - Garry Oak tree

3 - Garry Oak trees planted within covenant area

Wood chip garden path expands to allow small seating nodes where possible without impacting the adjacent sensitive landscape

Extent of No Build Covenant Area

6' Cedar Fence (Typ. partial west property line, south property line, east property line)

Garden bench at termination of trail in southeastern corner of site

> FEB 8-24 MAY 18-23 SEP 22-22 SEP 15-22 AUG 18-22 AUG 01-22 JAN 21-22 DEC 16-21 SEPT 17-21

LADR LANDSCAPE ARCHITECTS

Project No: 2119 Aug-19-21

WILDLIFE CORRIDOR

10M



J.X.X

10

Shared fenceline to be coordinated with Abkhazi Garden Approximate location of apiary

35.5

e in

EXPOSED

ROCK

OUTCROP

EXTENT OF NO BUILD COVENANT AREA



#### TREE INVENTORY TABLE

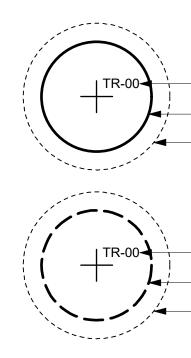
G&A Tree ID	Common Name	DBH (cm)	PRZr (m)	Structural Condition	Health	Location	Retention Suitability	Sp. Res.	Regulatory Status	Action	Rationale/ Comments
1	Big Leaf Maple	38	6	fair	fair	ON-SITE	UNSUITABLE	poor	Protected	REMOVE	Poor specimen. Replace with more resilient sp for this location.
2	Plum	74	6	good	good	ON-SITE	SUITABLE	fair	Protected	REMOVE	Conflicts with new d/w, svcs or parking
	Douglas fir	51	8	good	fair	OFF-SITE	SUITABLE	fair	Protected	RETAIN	
	Oriental spruce	61	8	good	good	OFF-SITE	SUITABLE	fair	Protected	RETAIN	
	Plum Plum	52 40	5	fair	poor	ON-SITE ON-SITE	UNSUITABLE UNSUITABLE	fair fair	Protected Protected	REMOVE REMOVE	Conflicts with new d/w, svcs or parking Conflicts with new d/w, svcs or parking
	Garry oak	16	2	poor good	poor good	ON-SITE	SUITABLE	fair	Protected	REMOVE	Conflicts with new d/w, svcs or parking
	Sycamore maple	51	6	good	good	ON-SITE	SUITABLE	good	Protected	RETAIN	
	Garry oak	12	2	good	good	BOUNDARY	SUITABLE	fair	Protected	RETAIN	
	Garry oak	32	5	fair	fair	ON-SITE	SUITABLE	fair	Protected	RETAIN	
	Garry oak	10	1	good	good	ON-SITE	SUITABLE	fair	Protected	RETAIN	Under utility lines
	Garry oak	20	3	fair	good	ON-SITE	SUITABLE	fair	Protected	RETAIN	Under utility lines
	Garry oak	13	2	fair	good	ON-SITE	SUITABLE	fair	Protected	RETAIN	Under utility lines
	Arbutus	38	6	poor	poor	ON-SITE	UNSUITABLE	fair	Protected	REMOVE	Conflicts with new construction
	Garry oak Garry oak	<b>87</b> 80	<b>8</b> 7	fair	fair	ON-SITE ON-SITE	SUITABLE SUITABLE	fair fair	Protected	REMOVE RETAIN	Conflicts with new construction
	Sycamore maple	30	4	fair fair	fair fair	ON-SITE ON-SITE	SUITABLE	good	Protected Protected	RETAIN	Heavy ivy threatening tree
	Garry oak	62	8	fair	good	ON-SITE	SUITABLE	fair	Protected	RETAIN	Narrow stem attachment with included bark
	Arbutus	122	16	good	good	ON-SITE	SUITABLE	fair	Protected	RETAIN	Included electrical cord
1	Garry oak	36	5	fair	fair	ON-SITE	SUITABLE	fair	Protected	RETAIN	
2	Plum	32	5	fair	fair	ON-SITE	UNSUITABLE	fair	Protected	RETAIN	
	Garry oak	62	8	good	good	OFF-SITE	SUITABLE	fair	Protected	RETAIN	Offsite tree - no tag
	Monterey cypress	68	10	good	good	OFF-SITE	SUITABLE	poor	Protected	RETAIN	Offsite tree - no tag
	Monterey cypress Monterey cypress	46 48	7	good good	good	OFF-SITE OFF-SITE	SUITABLE SUITABLE	poor	Protected Protected	RETAIN RETAIN	Offsite tree - no tag Offsite tree - no tag
	Monterey cypress	40 118	10	fair	good good	OFF-SITE	SUITABLE	poor poor	Protected	RETAIN	Offsite tree - no tag
	Garry oak	43	6	good	good	ON-SITE	SUITABLE	fair	Protected	REMOVE	Conflicts with new construction
	Garry oak	71	9	good	good	ON-SITE	SUITABLE	fair	Protected	REMOVE	Conflicts with new construction
	Garry oak	75	10	good	good	ON-SITE	SUITABLE	fair	Protected	REMOVE	Conflicts with new construction
	Garry oak	73	9	good	good	ON-SITE	SUITABLE	fair	Protected	RETAIN	
	Garry oak	47	6	good	good	ON-SITE	SUITABLE	fair	Protected	REMOVE	Conflicts with new construction
	Garry oak	105	14	fair	good	ON-SITE	SUITABLE	fair	Protected	RETAIN RETAIN	Class to main structure
	Oriental spruce Garry oak	49 <b>84</b>	6 13	good fair	good good	ON-SITE ON-SITE	SUITABLE SUITABLE	fair <b>fair</b>	Protected Protected		Close to main structure. Conflicts with new construction
	Garry oak	91	10	fair	fair	ON-SITE	SUITABLE	fair	Protected	RETAIN	
	Garry oak	76	7	fair	fair	ON-SITE	SUITABLE	fair	Protected	RETAIN	
3	Garry oak	16	2	fair	fair	ON-SITE	SUITABLE	fair	Protected	RETAIN	
	Garry oak	21	3	fair	fair	ON-SITE	SUITABLE	fair	Protected	RETAIN	
	Royal walnut	30	5	good	fair	ON-SITE	SUITABLE	poor	Protected	RETAIN	
	Garry oak Garry oak	14	2	fair	fair	ON-SITE ON-SITE	SUITABLE SUITABLE	fair fair	Protected	RETAIN RETAIN	
	Garry oak	70 <b>69</b>	9 7	good fair	good fair	ON-SITE ON-SITE	SUITABLE	fair	Protected Protected		Conflicts with new construction
9	Mountain ash	30	5	fair	poor	ON-SITE	SUITABLE	poor	Protected	RETAIN	Owner wishes to retain this tree.
	Pear	65	6	poor	poor	ON-SITE	UNSUITABLE	fair	Protected	RETAIN	
	Sitka spruce	55	7	good	fair	ON-SITE	SUITABLE	good	Protected	RETAIN	
2	Sitka spruce	57	9	dead snag	dead	ON-SITE	UNSUITABLE	good	Protected	RETAIN	No action reg'd at this time.
	•			•				Ů			
	Western Red cedar Western Red cedar	68 78	10 12	good	good	BOUNDARY BOUNDARY	SUITABLE SUITABLE	poor	Protected	RETAIN RETAIN	Boundary tree
	Western Red cedar	40	12	good dead snag	good dead	ON-SITE	UNSUITABLE	poor poor	Protected Protected	RETAIN	Boundary tree No action req'd at this time.
	Western Red cedar	35	6	fair	fair	OFF-SITE	SUITABLE	poor	Protected	RETAIN	
	Western Red cedar	101	13	fair	poor	ON-SITE	UNSUITABLE	poor	Protected	RETAIN	In decline
	Garry oak	22	3	fair	good	ON-SITE	SUITABLE	fair	Protected	RETAIN	
	English holly	35	4	good	good	ON-SITE	UNSUITABLE	good	Protected	REMOVE	Conflicts with new construction
	English holly	12	1	fair	fair	OFF-SITE	UNSUITABLE	good	Unprotected	RETAIN	Provides screening
	English holly	26	2	fair	good	OFF-SITE	UNSUITABLE	good	Unprotected	RETAIN	Provides screening
	English holly	46	4	fair	good	OFF-SITE		good	Protected	RETAIN	Provides screening
	Plum Laburnum	60 45	6 4	fair	fair	ON-SITE ON-SITE	SUITABLE UNSUITABLE	fair fair	Protected Protected	RETAIN RETAIN	
	Portuguese laurel clump	45 76	4	poor fair	poor good	OFF-SITE	SUITABLE	poor	Protected	RETAIN	6 stems, 10 - 28cm in dbh
	Portuguese laurel clump	67	6	fair	fair	OFF-SITE	SUITABLE	poor	Protected	RETAIN	8 stems, 10 - 25cm in dbh
3	English hawthorn	36	3	fair	poor	ON-SITE	UNSUITABLE	good	Protected	RETAIN	
64	English hawthorn	38	3	fair	fair	ON-SITE	UNSUITABLE	good	Protected	REMOVE	Conflicts with parking
	Garry oak	35	3	good	good	OFF-SITE	SUITABLE	fair	Protected	RETAIN	
	Portuguese laurel	55	6	poor	poor	ON-SITE	UNSUITABLE	good	Protected	REMOVE	Poor condition, invasive sp. Bdg conflict
	Red elm	32	4	good	good	OFF-SITE	SUITABLE	fair	Protected	RETAIN	
, ,	Red cedar Lawson cypress	12 58	2 8	good good	fair fair	OFF-SITE OFF-SITE	SUITABLE SUITABLE	good	Unprotected Protected	RETAIN RETAIN	
	Lawson cypress	58 88	8	fair	fair	OFF-SITE	SUITABLE	poor fair	Protected	RETAIN	Row of 11 mature cypress, 15 - 34cm dbh
	Red cedar hedge	50	4	good	good	OFF-SITE	SUITABLE	poor	Unprotected	RETAIN	Row of 4 trees, 5 - 20cm dbh

SOIL TABLE			Replace	ement Trees Pro	oposed	Soil Volume Required (m3)				
			Α	В	С	D	E	F	G	
Planting Area ID	Area (M2)	Soil Volume multiplier*	Estimated soil Volume	# Small	# Medium	# Large	Small	Medium	Large	Total **
					Onsite					
1	10.77	1.00	10.77	1.0			8.00			8.0
2	240.55	1.00	240.55			8.0			240.0	240.0
3	65.25	0.92	60.03			2.0			60.0	60.0
4	101.55	1.00	101.55	3.0		2.0	18.00		60.0	78.0
5	69.70	1.00	69.70	1.0		1.0	8.00		35.0	43.0
6	116.10	1.00	116.10	4.0		2.0	24.00		60.0	84.0
7	8.80	1.00	8.80	1.0			8.00			8.0
8	35.00	0.92	8.05			1.0	0.00		35.0	35.0
9	38.10	0.92	35.05			1.0			35.0	35.0
10	66.50	1.00	66.50			2.0			60.0	60.0
11	35.00	1.00	35.00			1.0			35.0	35.0
12	8.80	1.00	8.80	1.0			8.00			8.0
				Offsite (	Excluding City	Property)				
Planting										
Area OSA X										
		Offsite (E	Excluding City F	Property)			E	F	G	TOTAL
							lf B = 1. B x 8	$If C = 1. C \times 20$	lf D = 1. D x 35	<b>E</b> , <b>E</b> , <b>O</b>

If B = 1, B x 8 | If C = 1, C x 20 | If D = 1, D x 35 | E + F + G Calculation If B > 1, B x 6 | If C > 1, C x 15 | If D > 1, D x 30 |

\* On ground (excluding exposed bedrock): use 1, On structure: use depth of soil, On soil cells: use 0.92, On structural soil: use 0.2 \*\* Total must not exceed A. If Total exceeds A, then the number or size of proposed replacement trees must be reduced

### TREE LEGEND



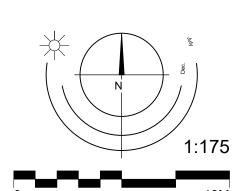
#### **EXISTING TREE TO BE RETAINED**

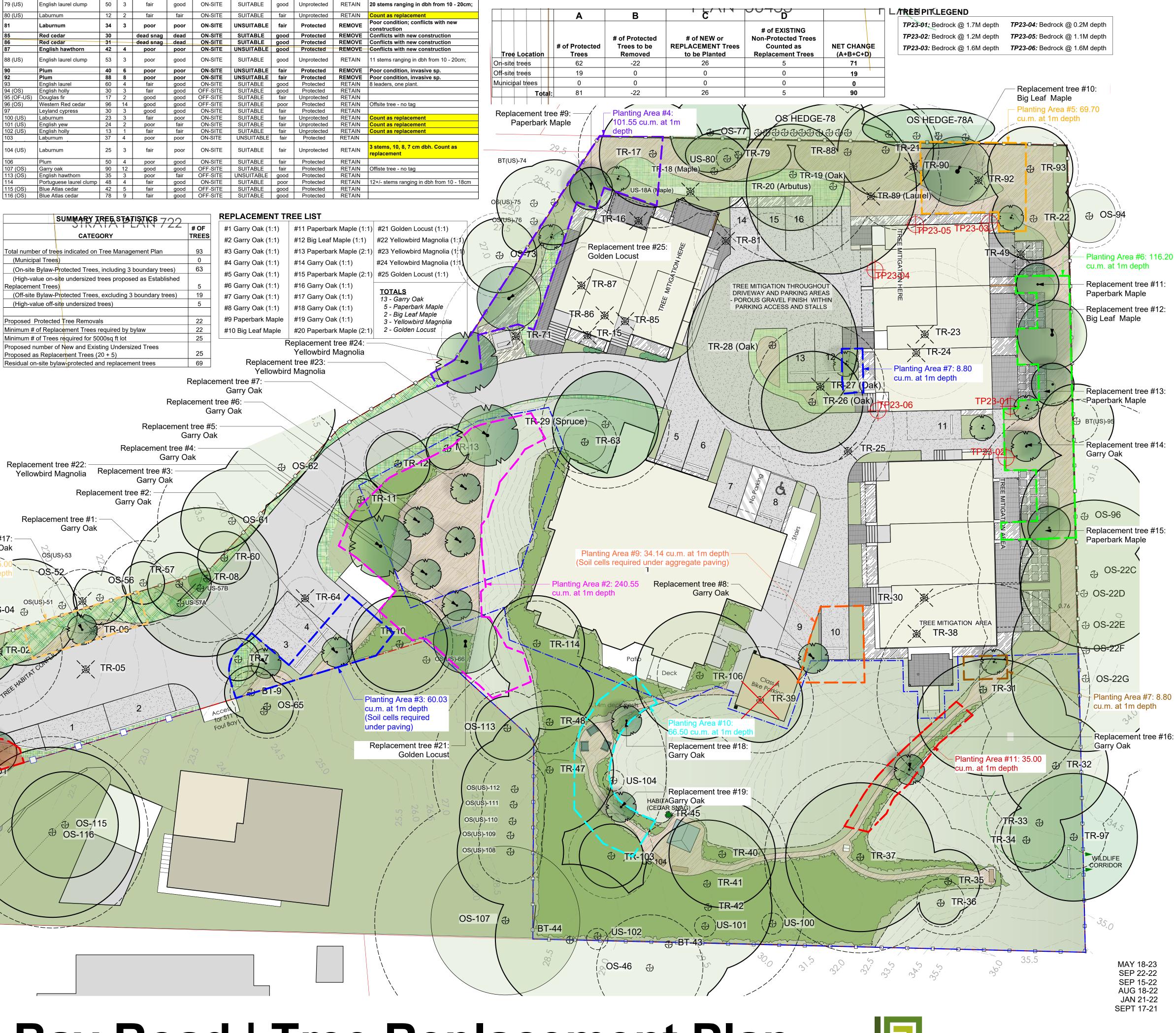
-TREE IDENTIFICATION NUMBER APPROXIMATE TREE CANOPY -CRITICAL ROOT ZONE

### **EXISTING TREE TO BE REMOVED**

-TREE IDENTIFICATION NUMBER APPROXIMATE TREE CANOPY -CRITICAL ROOT ZONE

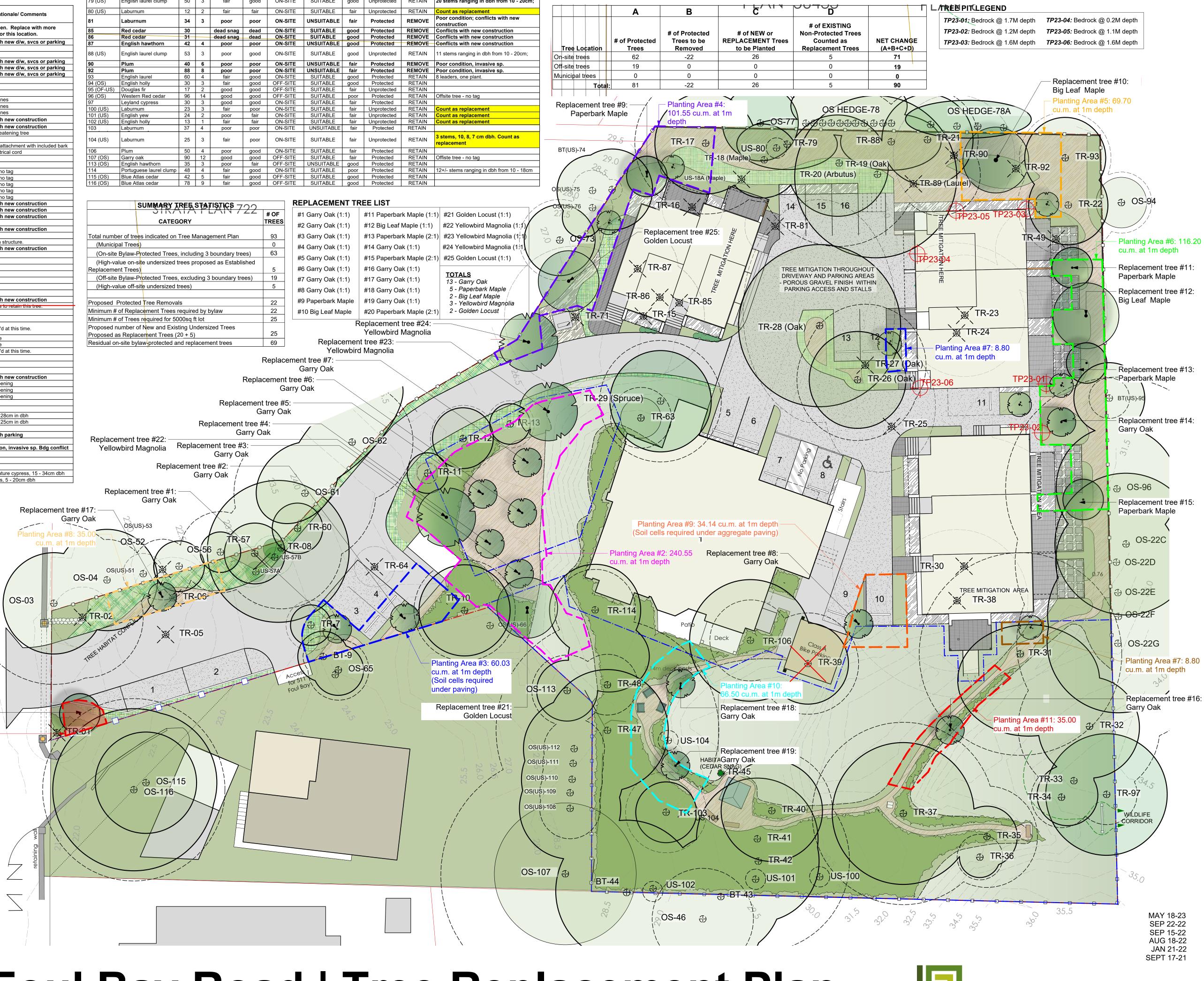
Replacement tree #20: Paperbark Maple Planting Area #1: 10.77 cu.m. at 1m depth











# 515 Foul Bay Road | Tree Replacement Plan





LADR LANDSCAPE ARCHITECTS

#3-864 Queens Ave. Victoria B.C. V8T 1M5 Phone: (250) 598-0105

### Statement of Significance 515 Foul Bay Road

#### **Description of Historic Place**

515 Foul Bay Road, built in 1910, is a 2.5 storey house located in the Gonzales neighbourhood of Victoria. Designed by the notable local architect Samuel Maclure, in the British Arts and Crafts Style, it features numerous box bays, a hipped roof, fieldstone cladding on the foundation.

#### Heritage Value

The heritage value of 515 Foul Bay Rd., lies with its connection to Samuel Maclure who was one of the preeminent architects in British Columbia during the late 18<sup>th</sup> and early 19<sup>th</sup> centuries. Maclure began working as an architect in 1887 in New Westminster and with his partner, Charles Henry Clow, he designed the Royal Columbian Hospital as well as several residences. In 1892 he moved to Victoria and established a solo practice where he designed the Temple Building, the residence named Ruhebuhne and the BMO Manager's residence in Vernon, BC. He worked with F.M. Rattenbury on the Lieutenant-Governor's home and his greatest achievement came in 1907, when he received the commission to build Hatley Park for James and Laura Dunsmuir. Built in 1910, 515 Foul Bay marks a transition from Maclure's earlier use of the Prairie and Queen Anne Styles in residential architecture to his use of the British Arts and Crafts Style. With a new partner, Cecil Fox, Maclure emerged as the foremost architect in the province, and from 1905-15 his Vancouver office alone recorded over 60 major commissions. Maclure continued to design splendid buildings and residences until his death in 1929, and his practice closed shortly after due in part to the Great Depression.

515 Foul Bay was built for Edwin M. and Bertha Tracksell who resided there until 1916 or 1917. From 1919 to 1923, the Hon. John Wallace DeBeque Farris and his family lived there. Farris moved to the West Coast to become a city prosecutor and later, a Liberal MLA for Vancouver from 1916-24, the BC Attorney-General and Minister of Labour from 1918-21. In his political career he served as Senator and President of the Canadian Bar Association. Farris' wife, Evelyn, founded the University Women's Club of Vancouver in 1907 and was a member of the senate and board of governors at the University of BC for 30 years. Other past residents included a Minister of Public Works and Railways and a Lieutenant Colonel of the Canadian military.

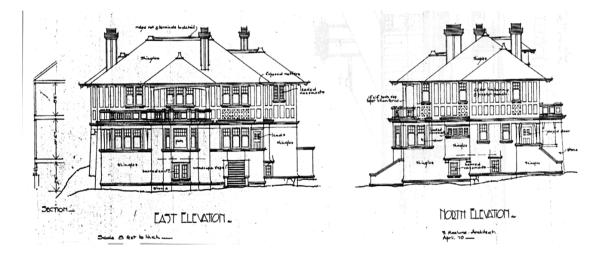
#### Heritage Character Defining Elements

Key elements that express the heritage value of 515 Foul Bay Rd. include:

- · designed by notable local architect Samuel Maclure
- · location on original grounds in the Gonzales neighbourhood of Victoria
- form, scale and massing

Key elements that define the heritage character of the building's exterior include:

- · projected half-timbered upper storey over stone-clad lower storey
- hipped roof
- open eaves with exposed raftertails
- · rubble fieldstone cladding with irregular granite quoins
- · two-storey angled bay superimposed on a box bay on the south façade
- two lower level box bays on the south façade
- multi-level balustraded porches
- hipped dormer on north façade
- · cantilevered box bay on the north façade
- 6-over-1 double hung sash windows



#### 515 FOUL BAY ROAD





#### 515 FOUL BAY ROAD





Letter to Mayor and Council City of Victoria

Nov 8 2023

From home owner of 511 Foul Bay Road.

#### Regarding Rezoning Application for 515 Foul Bay Road.

I am the owner of 511 Foul Bay Road and have shared a driveway with 515 Foul Bay since 1962.

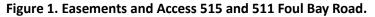
The sewer, water, storm, power and telephone services for the 1925 mansion (now five rental suites) runs across my property under the current driveway and is enabled by easement 227306G. See Figure 1.

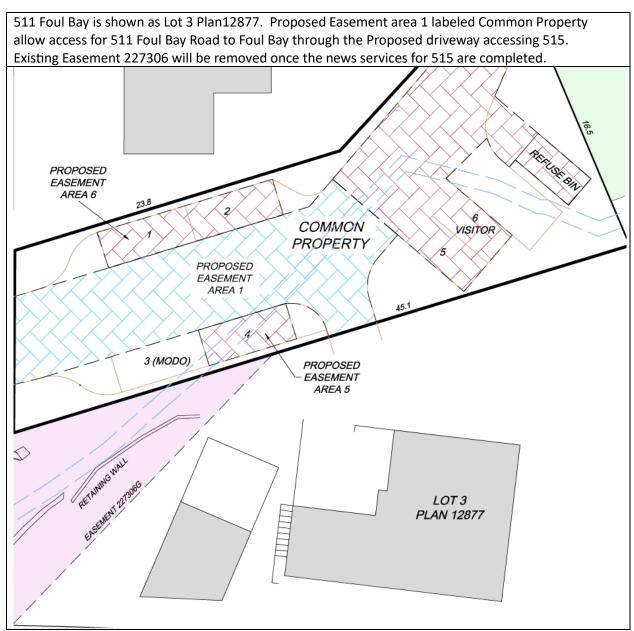
There has been informal use by 515 over a potion of my property (511) to have road access to their property and there has also been informal use by 511 for road access across their property.

We have negotiated a new access easement which will formalize and make legal the access rights for both properties should the rezoning be approved. I am in support of the change in zoning sought by Edwin Lane Projects Ltd.

Though legal arrangements between neighbors are beyond the scope of the City of Victoria this letter is for information that the access and services have been resolved. During earlier negotiations with a previous developer of 515 I sought and got former council support for approval of the development contingent on resolution of the access for 511 by 515 onto Foul Bay Road.

The sharing of the proposed driveway (by Edwin Lane within their panhandle access to their property) with myself as owner of 511 creates a single entry and egress point on Foul Bay Road and considered safer than maintaining two active driveways in this school zone. I will maintain the stone gates and use the old drive way for off street parking but not for access to my property as I can then use the new double wide drive.





Thanks for your time.

Mike Fenger of 511 Foul Bay Road Victoria BC. V8S 4G9

#### Good morning

I am writing to express my full support of the proposal for 515 Foul Bay Road. I live in the townhouse complex immediately across Foul Bay from the site and am delighted at the prospect of more diverse housing options in the area. We would not be able to afford to live in this community were it not for a townhouse option and appreciate the concept that will provide varying housing options for folks.

I am sad that they have reduced the number of homes in their final proposal but understand and appreciate how responsive they have been to the wishes of the overall community. The final concept and preservation of current rental stock is a terrific compromise.

We previously lived next door to a project they developed on Cook St and were impressed with their behaviour as good neighbours. Construction effects the nearby residents, and they did all they could to work with us to mitigate any negative impact. We had a different experience with the construction of the Black and White project so greatly respect the community values demonstrated.

I hope you support the project and look forward to welcoming new neighbours.

Thank you Ellen Henry 3-1880 Chandler Ave Dear Mayor and Council,

Nov. 13, 2023

I am writing in regard to the proposed 515 Foul Bay development. I would like direct your attention to the aerial photo of Queen Anne Heights. Please, notice the continuous canopy cover on 515, 611 and my property 615. With the proposed development this continuity of coverage will be gone.

I'm sure that you are aware of the benefits of groves of trees in times of climate change. The trees on 515 protect our trees from breakage during the wind storms off the Juan De Fuca and in turn to protect lower Gonzales from the harsh winter winds from the north. These are enormous trees near the top of the hill which are unusual and valuable. The project proposes to cut down 25 bylaw protected trees while leaving the rest vulnerable, this is a large sacrifice.

Thank you for your attention, Virginia Errick

615 Foul Bay Rd. Figure 1: Aerial Map



Hello,

I am writing in regards to the proposal GMC Projects has for development of 515 Foul Bay. I am a current tenant at 515 where I live with my family.

I've been aware of these plans for quite some time, and can say I do support GMC. They have done a very good job of managing this property since taking over 3 years ago. I will miss this beautiful spot once the changes come,

but at least a responsible company is behind the change.

Sincerely,

Casey Palov

#### **Dear Mayor Alto and Councillors**

Thank you for taking the time to read our message below, as we appreciate your commitment to creating a world class city that offers community for families and residents to thrive, and enjoy the magnificent natural setting that Victoria is known for, and we all love!

## Today, I am writing to you to voice our concerns about the current proposed Development Permit at <u>515 Foul Bay Rd.</u>

We respectfully ask the city to **request the developer make some concessions to make the development less destructive to the natural environment and scale back the units and heights.** 

The proposal represents a significant step in the wrong direction with regard to maintaining urban forest protection in the Gonzales neighbourhood. We recognize the challenge of housing vs environment, but feel this site is more important for its environment values and the long term sustainability of our urban natural habitat for biodiversity and protection of the Garry Oak ecosystem.

Our other objection is with the height of the proposed development. At 3 stories plus roof, the 10 meter plus wall will block significant amount of light, and result in our yard and garden receiving no sunlight until late morning most of the year.

Additionally we will now have significant amounts of traffic with 23 residences of cars coming and going , with an ever increasing amount of Amazon and other deliveries daily.

We absolutely support development of the property, but feel a smaller number of units with reduction to two stories is more appropriate for this particular site.

We recognize the need to develop additional housing for the city, but given the location and neighbourhood, believe this particular approach will only exacerbate the pricing challenge by presenting a new level of entry point likely 1.5 plus million plus for a townhouse, thus supporting moving SFD to 2.5 million plus.

Cheers, Sean Cavanagh 533 foul bay rd Dear Mayor and Council,

The planners have not responded in time for me to write in detail. Please, be aware that there are some problems with the lot division and the heritage designation on the property at 515 Foul Bay Rd.

Please, ask questions about it.

My unanswered questions are as follows:

By creating an oddly shaped lot around the existing house isn't that triggering more variances? Does the setback chart reflect the lot division?

Is there an arborist report which shows or states what tree protection will be used for our trees located on the property line with 515 during construction? Will there be blasting?

Also, option 1 to waive the Public Hearing seems to be facilitated by a covenant on the Maclure Tracksell House. Is this correct? Does the covenant provide the equivalent status and protection as heritage designation? Is designation necessary for redevelopment? Was there no Heritage Review for the current plans?

Thank you for your consideration, Virginia Errick 615 Foul Bay Rd. Dear Mayor and Council,

We need your **URGENT** attention. On Thursday's Nov 16<sup>th</sup> COTW, staff brought forward our application of which you may have read the staff report and our letter giving some of the challenges we have faced along the long road to that moment. We are writing to respond to the question posed by Councillor Caradona as to what our preference is given that we were not able to speak and respond in the moment. The reason we wish to make this clarification is that our position is not what was stated by staff and the recommendation from COTW was not what we had hoped for. We do not fault the staff member presenting as they are our second planner in this process and were not privy to the discussions with heritage and planning staff from September 2020 and they are pushing for what policy supports. As you may have experienced in your time in Council, sometimes policy can be the enemy of common sense and other objectives, some of which develop over time before new policy can be developed. Ultimately, the recommendation be reconsidered by Council and the option of not having a public hearing and proceeding with a heritage covenant instead of designation be recommended with a fixed timeline for staff to prepare and for us to agree on the language. We have been asking for this since our process began as you will see below.

In our letter, you may have noted the frustration with the process and length of time to get to this juncture. Frankly, that was the most muted way we could speak to it, but we wish to communicate that our frustrations are high. The additional costs we have incurred for this relatively small missing middle project as a result of five formal resubmissions and the impact of rising rates and construction costs, which are seven-figure increases, have created a situation where the project is teetering on viability. We have completed multiple heritage projects because we love heritage buildings and have made significant investment to rehabilitate several such as The Adelphi Block (formerly Fields Shoes) at the corner of Yates and Government, which we completely revitalized and breathed new life into in 2020. However these projects are not as much financially rewarding as they are personally to ourselves and our company knowing we have contributed to the enhancement of our history and hopefully as a result increase civic pride and the view of Victoria for the many visitors it welcomes each year.

However, for the Manor House at 515 Foul Bay, we have always communicated to planning and heritage staff since before we even acquired the property, that designation creates an uninsurable liability within customary insurance policies and we proposed a design covenant to protect the heritage architecture instead. It was former heritage planner, John O'Reilly, that stated he felt we could likely identify amended wording to the standard heritage designation bylaw to provide us the protection we need, whilst achieving designation instead of a covenant. After hearing nothing on the matter for an extended period, in January of 2023 we reached out to staff and communicated that we would like to resolve this outstanding matter around the wording, to confirm if heritage designation would be workable. As a result, we were requested by staff to prepare a heritage bylaw that provided the wording that we could agree to, for which we engaged legal council to do. After a few months and significant expense, our lawyer provided to the CoV legal and heritage staff a copy of our proposed wording in April of 2023. We and our legal counsel continued to follow up with staff to resolve this matter. It was not until August of 2023 that we were informed by heritage planner Kristal Stevenot that the wording we provided in our proposed document was not workable by staff. At no point did we receive any revisions from staff on what would be workable and to this day we have still not received anything. As a result, our expectation was that a design covenant, as we had originally proposed, would be the approach, or no covenant or

designation. Our main focus at this time was simply to get the application before COTW given the increased risk of project viability. We used every effort to be the squeakiest wheel we could to have our application come before COTW as soon as possible. Despite staff's knowledge of this situation and our persistent requests to be at COTW in October, planning staff, not heritage, informed us in October that they would still be pursuing a heritage designation and felt modified wording could likely be agreed to. We expressed concern at the time, the process had taken (over 3 years since our first enquiry and now 22 months since our formal submission) and the reality that a heritage designation required a public hearing. Regardless, staff maintained their position as they have communicated to you.

Further, when the question was asked of staff how long this process would take, it was stated that it would be 4-5 weeks. That is contrary to the discussion we had with our planner, Patrick Carrol, immediately following the COTW meeting. It will take staff 4-6 weeks to draft the bylaw (uncertain of if that is before or after the recommendation is received by Council), another few weeks for legal, then there is the notification period meaning a public hearing likely at the earliest in February, and this assumed we can find common ground on the legal language for which we still have not yet received any formal comments on since we provided it in April (7 months ago). In our companies history, we have never once experienced meeting the timelines estimated by staff. It always takes longer.

So, to again answer the question of what our desire is, it is for Council to reconsider the recommendation, to remove the requirement of a public hearing, and to proceed with a design covenant to protect the heritage architecture.

Gonzales is a controversial Neighbourhood and we underwent substantial community engagement in good faith and we have built strong support from the neighbourhood, including several immediate neighbours, with a majority (70%) of responses to our CALUC meeting in support. While I know some of you desire a public hearing, the reality is that direction, with the time and risk involved, runs a high degree of possibility being final nail in this projects coffin. We need your help to ensure all this effort, time and expense, was not a waste. Please, reconsider your recommendation as we have noted and provide staff a timeline to agree on the design covenant so we are not held up in another way in achieving our rezoning enactment.

#### Respectfully,

#### Richard

Richard Gill Development Manager GMC Projects Inc.

200 – 101 Island Highway Victoria B.C. V9B 1E8 Dear Mayor and Council,

In follow up to our email of yesterday, regarding the application for 515 Foul Bay, we write to confirm that this situation seems to have resulted from a miscommunication with staff. From the time of our early discussions with CoV planning and heritage staff in 2020, our preference was the route of a Heritage Covenant on this project and we were only open to a Heritage Designation if we could agree on modified wording. We provided wording that was not agreeable to staff. We hope that when this project comes before Council again next week that you will change the recommendation from COTW and approve the alternate motion Option 1 as presented in the staff report to waive a public hearing and proceed with a heritage covenant.

Please reach out for any clarification on the above or for more background.

Sincerely,

Richard

Richard Gill Development Manager GMC Projects Inc.

200 – 101 Island Highway

Dear Mayor & Council,

We wish to provide you with a follow up since our email(below) on this same subject. Last Thursday our lawyer received amended wording from City legal staff on a draft heritage designation bylaw to what we provided in April 2023. This was the first time we had seen revised language from the City that would be agreeable to them. In the essence of time, we reviewed this over the weekend, recognized several key issues, met with our lawyers earlier this week, drafted and proposed further amended language and met with legal, heritage and planning staff to ideally agree upon language to ensure designation would be workable. Through that meeting we have now provided further our 3<sup>rd</sup> version of amended language with the hopes of achieving agreement. Unfortunately, staff have not yet been able to confirm agreement with the most recent language but we can say this is our best effort. There remains substantial risk that if staff are unable to confirm agreement, prior to your consideration of the recommendation made by COTW, that staff and ourselves may be unable to agree to the language for heritage designation. In this case it is our understanding, that this application would need to return to Council for direction, adding time to the process. As such, in the absence of agreement from staff, prior to your decision, we respectfully request that alternative option 1 be moved by Council to proceed with a heritage covenant not designation. In the event that prior to your consideration of the decision from COTW, staff are able to agree to our most recent version of the bylaw, we would support proceeding with heritage designation.

Respectfully,

Richard

Richard Gill Development Manager GMC Projects Inc. I am dismayed that you want to plunk 500 housing units for 1,500 people on the site of this heritage building!

While I am all in favour of intelligent housing development, but increasing the number of people so greatly on such a small parcel of land so close to downtown will bring increased traffic and unmanageable streets, not to mention noise and disruptions. Already streets in Victoria are TERRIBLE, busy as they are with construction, repair, and all manner of traffic with cars, trucks, motorcycle, scooters, bikes, wheel chairs, and skateboards. What about the children in the nearby school? And the many elderly people who live in this neighbourhood?

Victoria had been SUCH a lovely city so that I came back 2 years ago but ever since coming back I have told other friends who were planning to move here to stay away as the quality of life has been really undermined by a neoliberal corporate agenda that seems to have only money in its sight, as the city council seems to be.

While this housing development is by a not-for-profit, which I applaud, it is still outrageously ambitious to put 1500 people onto a small piece of land. Of course that means high towers, which will create shadow and block the sun.

I wish there was some really *creative* urbanists and city leaders who would not give the city over to the developers to make tons of profits....

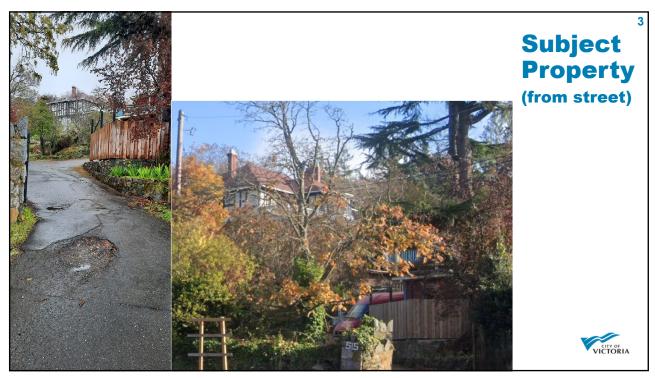
How many f YOU live nearby that development? How many of the church leaders live near that development? I doubt many of you or church leaders live nearby.

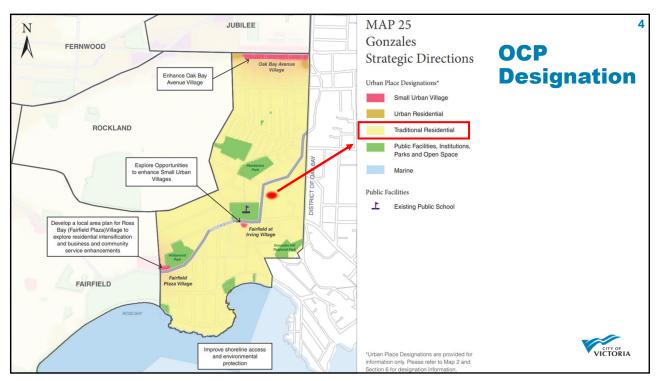
The lack of imagination is well on its way to killing a sense of community and liveable space in Victoria, which is really unfortunate. I am grateful for the intelligence of previous administrations who protected Beacon Hill Park; was the group in charge today made decisions about Beacon Hill Park, I have no doubt that Beacon Hill Park would never have existed because you would have give it to your friends developers.

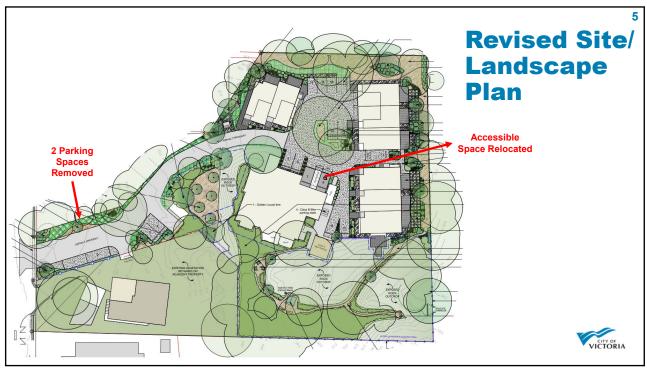
C. Roy McClure & Vancouver

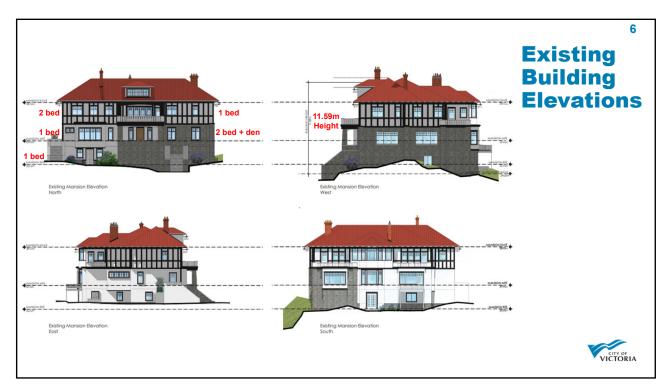


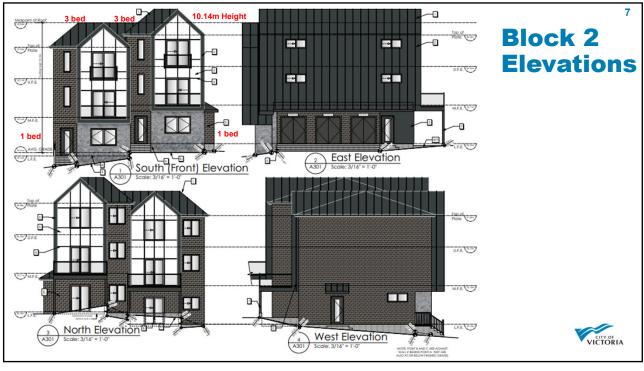




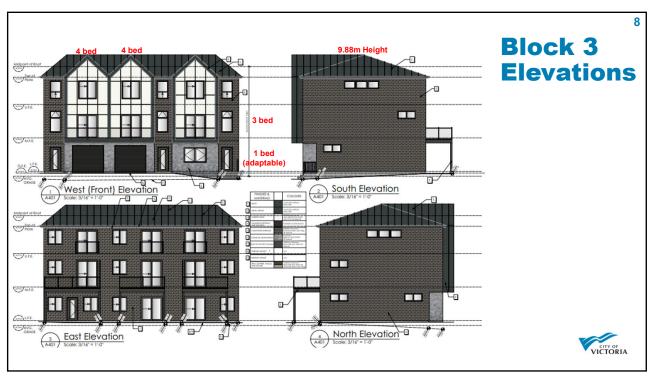


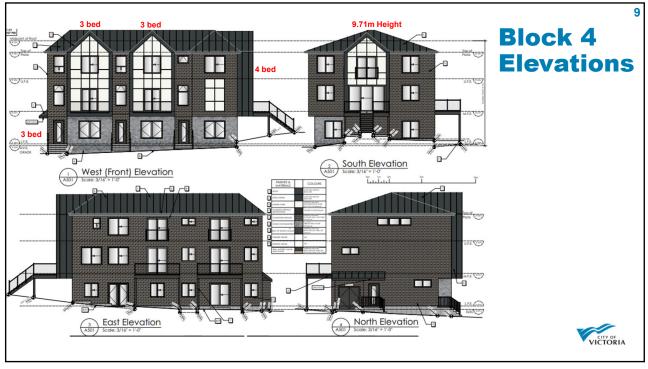


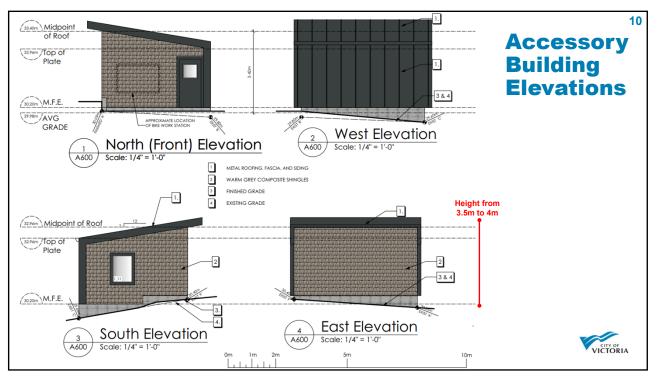


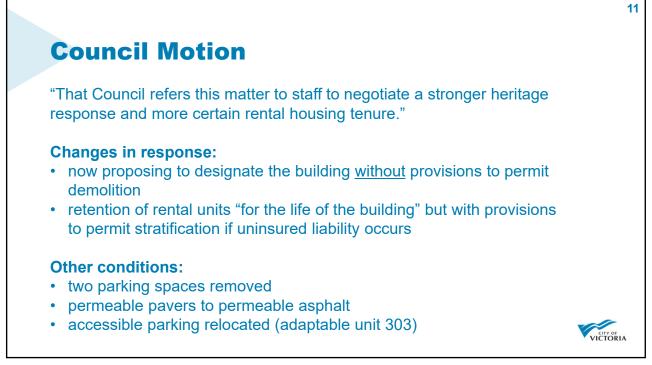




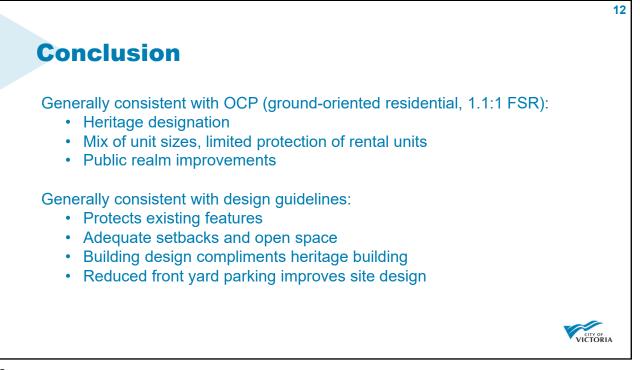












#### D. <u>CONSENT AGENDA</u>

Committee requested that item H.1 - Council Member Motion: Reimbursement of Association of Vancouver Island and Coastal Communities (AVICC) Conference (April 12-14, 2024) be removed from the consent agenda.

Moved and Seconded:

That the following Consent Agenda items be approved:

#### E.1 <u>Minutes from the Committee of the Whole meeting held March 14,</u> 2024

That the minutes from the Committee of the Whole meeting held March 14, 2024 be approved.

#### E.2 Minutes from the Committee of the Whole meeting held April 4, 2024

That the minutes from the Committee of the Whole meeting held April 4, 2024 be approved.

#### F.1 <u>515 Foul Bay Road: Rezoning Application No. 00807, Development</u> Permit with Variances Application No. 00255 and Heritage Designation Application No. 00163 (Fairfield)

Committee received an update report dated April 11, 2024 from the Director of Sustainable Planning and Community Development regarding the property located at 515 Foul Bay Rd to rezone from the R1-G Zone, Gonzales Single Family Dwelling District to a new site-specific zone to permit three ground-oriented multiple dwelling buildings on one lot and retention of an existing five-unit heritage-registered house conversion on a separate lot with a shared panhandle driveway and recommending that this application proceed to bylaw readings.

#### **Rezoning Application**

- That Council instruct the Director of Sustainable Planning and Community Development to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in the staff reports dated October 10, 2023 and April 3, 2024 for 515 Foul Bay Road.
- 2. That, after publication of notification in accordance with section 467 of the Local Government Act, first, second and third reading of the zoning regulation bylaw amendment be considered by Council.
- 3. That following the third reading of the zoning amendment bylaw, the applicant prepare and execute legal agreements securing the following, with form satisfactory to the City Solicitor prior to adoption of the bylaw:
  - a. provision of a 1.6m wide statutory right-of-way for highway purposes along the Foul Bay Road frontage, with terms to the satisfaction of the Director of Engineering and Public Works

- b. provision of a detailed design, supply and installation of a new Rectangular Rapid Flashing Beacon (RRFB) pedestrian crossing of Foul Bay Road at its intersection with Chandler Avenue, including a curb extension at the west side of Foul Bay Road, wheelchair ramps, tactile indicators and all associated infrastructure, to the satisfaction of the Director of Engineering and Public Works
- c. protection, restoration and maintenance of the existing greenspace with a site area of approximately 1,468 m<sup>2</sup> in accordance with the plans date stamped by Planning on February 26, 2024, which includes provision of a bee colony in the conservation area for a period of at least two years and ensuring that design and construction in the area follows the recommendations in the February 23, 2024 arborist report from Gye & Associates to minimize impacts to trees, to the satisfaction of the Director of Parks, Recreation and Facilities
- a minimum of five units in the existing multiple dwelling as rental units for the life of the building as outlined in the report dated April 3, 2024, with contents satisfactory to the Director of Sustainable Planning and Community Development
- e. provision of no less than one adaptable unit, in accordance with the standards in the British Columbia Building Code and BC's Building Accessibility Handbook, to the satisfaction of the Director of Sustainable Planning and Community Development; and
- f. provision of transportation demand management measures, to the satisfaction of the Director of Engineering and Public Works, including:
  - i. two over-sized long-term bicycle parking spaces;
  - ii. 50% of required long-term bicycle parking with access to an electrical outlet;
  - iii. bicycle wash and maintenance facility.
- 4. That adoption of the zoning bylaw amendment will not take place until:
  - a. third reading of an associated heritage designation bylaw to designate the property known as 515 Foul Bay Road, as described in the Statement of Significance attached as Attachment F, pursuant to Section 611 of the Local Government Act, to the satisfaction of the Director of Sustainable Planning and Community Development,
  - b. all of the required legal agreements that are registrable in the Land Title Office have been so registered to the satisfaction of the City Solicitor.
- 5. That the above Recommendations be adopted on the condition that they create no legal rights for the applicant or any other person, or

obligation on the part of the City or its officials, and any expenditure of funds is at the risk of the person making the expenditure.

#### **Development Permit with Variances Application**

That Council, after giving notice, consider the following motion:

- 1. That subject to the adoption of the necessary *Zoning Regulation Bylaw* amendment, Council authorize the issuance of Development Permit with Variances No. 00255 for 515 Foul Bay Road, by plans submitted to the Planning department and date stamped by Planning on February 26, 2024, in accordance with the following:
  - a. Subject to submission of revised plans to align architectural site plans and landscape plans, to the satisfaction of the Director of Sustainable Planning and Community Development.
  - b. Subject to the proposed development meeting all City zoning and subdivision and development servicing bylaw requirements, except for the following variances:
    - i. reduce minimum front yard setback from 6.00m to 0.41m
    - ii. reduce minimum side yard setback (north) from 4.00m to 3.08m
    - iii. increase maximum eave projection from 0.75m to 0.79m
    - iv. permit vehicle parking in the front yard
    - v. reduce short-term bicycle storage from 18 spaces to 10 spaces
    - vi. increase maximum drive aisle slope from 8.00% to 11.36%
    - vii. reduce minimum two-way drive aisle width from 6.00m to 4.00m
    - viii. increase maximum accessory building height from 3.50m to 4.00m
    - ix. permit above-ground electrical, telecommunication and cable television services.
  - c. That pursuant to section 512(2) of the Local Government Act, Council exempts the existing property at 515 Foul Bay Road as well as the new proposed lot to be created by subdivision, as generally shown in the plans submitted to the Planning department and date stamped by Planning on February 26, 2024 from the minimum frontage requirements of section 512(1) at the time of subdivision.
- 2. That the Development Permit with Variances, if issued, expires two years from the date of this resolution.

#### Heritage Designation Application No. 000163

That Council:

- 1. Instruct staff to prepare a heritage designation bylaw to designate the property at 515 Foul Bay Road, that first and second reading of the bylaw be considered by Council and that a Public Hearing date be set.
- 2. Approve the Statement of Significance for 515 Foul Bay Road attached as Attachment F to this report recognizing the building exterior as the historic features of the property.

#### F.3 <u>522 St. Charles Street: Rezoning Application No. 00816.</u> Development Variance Permit Application No. 00279 and Heritage Designation Application No. 00202 (Rockland)

Committee received a report from the Director of Sustainable Planning and Community Development dated April 3, 2024 regarding the property located at 522 St. Charles Street to rezone a portion of the property from R1-A Zone, Rockland Single Family Dwelling District to R1-B Zone, Single Family Dwelling District to accommodate subdivision of the property, and to rezone the remainder of the property to a site specific zone to permit an existing three-unit house conversion proposed for retention and heritage designation and recommending that this application proceed to bylaw readings.

#### **Rezoning Application**

- 1. That Council instruct the Director of Sustainable Planning and Community Development to prepare the necessary zoning regulation bylaw amendment that would authorize the proposed development outlined in the staff report dated April 3, 2024, for 522 St. Charles Street.
- 2. That, after publication of notification in accordance with section 467 of the *Local Government Act*, first, second and third reading of the zoning regulation bylaw amendment be considered by Council once the following conditions are met:
  - a. plan revision to show and label all trees (including ID #'s, protected root zones and canopy spread) for trees to be retained and removed on both site and landscape plans, label replacement trees and update the Tree Preservation Summary tables accordingly, to the satisfaction of the Director of Parks, Recreation and Facilities;
  - plan revision to consider new sanitary sewer and storm drain services and to provide dimensions of the two proposed water services, to the satisfaction of the Director of Engineering and Public Works.
- 3. That adoption of the zoning regulation bylaw amendment will not take place until:
  - a. third reading of an associated heritage designation bylaw to designate the property known as 522 St. Charles Street, as described in the Statement of Significance attached as

Attachment E, pursuant to Section 611 of the *Local Government Act*, to the satisfaction of the Director of Sustainable Planning and Community Development.

4. That the above recommendations be adopted on the condition that they create no legal rights for the applicant or any other person, or obligation on the part of the City or its officials, and any expenditure of funds is at the risk of the person making the expenditure.

#### **Development Variance Permit Application**

That Council, after giving notice, consider the following motion:

- That subject to the adoption of the necessary zoning regulation bylaw amendment, Council authorize the issuance of Development Variance Permit No. 00279 for 522 St. Charles Street, in accordance with plans submitted to the Planning Department and date stamped by Planning on February 9, 2024, subject to:
  - a. The proposed development meeting all City zoning regulation bylaw requirements, except for the following variances:
    - i. reduce the minimum lot width from 15m to 14.30m for proposed Lot A
    - ii. reduce the minimum front yard setback from 7.50m to 6.10m for proposed Lot A
    - iii. reduce the minimum rear yard setback from 9.23m to 8.23m for proposed Lot A
    - iv. reduce the minimum south side yard setback from 3.00m to 1.54m for proposed Lot B.
- 2. That the Development Variance Permit, if issued, expires two years from the date of this resolution."

#### Heritage Designation Application

That Council:

- Instruct the Director of Sustainable Planning and Community Development to prepare a heritage designation bylaw that would designate the property at 522 St. Charles Street, that first and second reading of the bylaw be considered by Council and that a public hearing date be set.
- 2. Approve the Statement of Significance for 522 St. Charles Street attached as Attachment E to this report recognizing the building exterior as the historic features of the property.

#### CARRIED UNANIMOUSLY

#### E.1.a Report from the April 25, 2024 COTW Meeting

Moved and Seconded:

That the following recommendations from the April 25, 2024 Committee of the Whole meeting be approved:

E.1.a.a 515 Foul Bay Road: Rezoning Application No. 00807, Development Permit with Variances Application No. 00255 and Heritage Designation Application No. 00163 (Fairfield)

#### **Rezoning Application**

- That Council instruct the Director of Sustainable Planning and Community Development to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in the staff reports dated October 10, 2023 and April 3, 2024 for 515 Foul Bay Road.
- 2. That, after publication of notification in accordance with section 467 of the Local Government Act, first, second and third reading of the zoning regulation bylaw amendment be considered by Council.
- That following the third reading of the zoning amendment bylaw, the applicant prepare and execute legal agreements securing the following, with form satisfactory to the City Solicitor prior to adoption of the bylaw:
  - a. provision of a 1.6m wide statutory right-of-way for highway purposes along the Foul Bay Road frontage, with terms to the satisfaction of the Director of Engineering and Public Works
  - b. provision of a detailed design, supply and installation of a new Rectangular Rapid Flashing Beacon (RRFB) pedestrian crossing of Foul Bay Road at its intersection with Chandler Avenue, including a curb extension at the west side of Foul Bay Road, wheelchair ramps, tactile indicators and all associated infrastructure, to the satisfaction of the Director of Engineering and Public Works
  - c. protection, restoration and maintenance of the existing greenspace with a site area of approximately 1,468 m<sup>2</sup> in accordance with the plans date stamped by Planning on February 26, 2024, which includes provision of a bee colony in the conservation area for a period of at least two years and ensuring that design and construction in the area follows the recommendations in the February 23, 2024 arborist report from Gye &

Associates to minimize impacts to trees, to the satisfaction of the Director of Parks, Recreation and Facilities

- d. a minimum of five units in the existing multiple dwelling as rental units for the life of the building as outlined in the report dated April 3, 2024, with contents satisfactory to the Director of Sustainable Planning and Community Development
- e. provision of no less than one adaptable unit, in accordance with the standards in the British Columbia Building Code and BC's Building Accessibility Handbook, to the satisfaction of the Director of Sustainable Planning and Community Development; and
- f. provision of transportation demand management measures, to the satisfaction of the Director of Engineering and Public Works, including:
  - i. two over-sized long-term bicycle parking spaces;
  - ii. 50% of required long-term bicycle parking with access to an electrical outlet;
  - iii. bicycle wash and maintenance facility.
- 4. That adoption of the zoning bylaw amendment will not take place until:
  - a. third reading of an associated heritage designation bylaw to designate the property known as 515 Foul Bay Road, as described in the Statement of Significance attached as Attachment F, pursuant to Section 611 of the Local Government Act, to the satisfaction of the Director of Sustainable Planning and Community Development,
  - b. all of the required legal agreements that are registrable in the Land Title Office have been so registered to the satisfaction of the City Solicitor.
- 5. That the above Recommendations be adopted on the condition that they create no legal rights for the applicant or any other person, or obligation on the part of the City or its officials, and any expenditure of funds is at the risk of the person making the expenditure.

#### **Development Permit with Variances Application**

That Council, after giving notice, consider the following motion:

1. That subject to the adoption of the necessary *Zoning Regulation Bylaw* amendment, Council authorize the issuance of Development Permit with Variances No.

00255 for 515 Foul Bay Road, by plans submitted to the Planning department and date stamped by Planning on February 26, 2024, in accordance with the following:

- a. Subject to submission of revised plans to align architectural site plans and landscape plans, to the satisfaction of the Director of Sustainable Planning and Community Development.
- b. Subject to the proposed development meeting all City zoning and subdivision and development servicing bylaw requirements, except for the following variances:
  - i. reduce minimum front yard setback from 6.00m to 0.41m
  - ii. reduce minimum side yard setback (north) from 4.00m to 3.08m
  - iii. increase maximum eave projection from 0.75m to 0.79m
  - iv. permit vehicle parking in the front yard
  - v. reduce short-term bicycle storage from 18 spaces to 10 spaces
  - vi. increase maximum drive aisle slope from 8.00% to 11.36%
  - vii. reduce minimum two-way drive aisle width from 6.00m to 4.00m
  - viii. increase maximum accessory building height from 3.50m to 4.00m
  - ix. permit above-ground electrical, telecommunication and cable television services.
- c. That pursuant to section 512(2) of the Local Government Act, Council exempts the existing property at 515 Foul Bay Road as well as the new proposed lot to be created by subdivision, as generally shown in the plans submitted to the Planning department and date stamped by Planning on February 26, 2024 from the minimum frontage requirements of section 512(1) at the time of subdivision.
- 2. That the Development Permit with Variances, if issued, expires two years from the date of this resolution.

#### Heritage Designation Application No. 000163

That Council:

1. Instruct staff to prepare a heritage designation bylaw to designate the property at 515 Foul Bay Road, that first and second reading of the bylaw be considered by Council and that a Public Hearing date be set.

- 2. Approve the Statement of Significance for 515 Foul Bay Road attached as Attachment F to this report recognizing the building exterior as the historic features of the property.
- E.1.a.b 522 St. Charles Street: Rezoning Application No. 00816, Development Variance Permit Application No. 00279 and Heritage Designation Application No.00202 (Rockland)

#### **Rezoning Application**

- 1. That Council instruct the Director of Sustainable Planning and Community Development to prepare the necessary zoning regulation bylaw amendment that would authorize the proposed development outlined in the staff report dated April 3, 2024, for 522 St. Charles Street.
- 2. That, after publication of notification in accordance with section 467 of the *Local Government Act*, first, second and third reading of the zoning regulation bylaw amendment be considered by Council once the following conditions are met:
  - a. plan revision to show and label all trees (including ID #'s, protected root zones and canopy spread) for trees to be retained and removed on both site and landscape plans, label replacement trees and update the Tree Preservation Summary tables accordingly, to the satisfaction of the Director of Parks, Recreation and Facilities;
  - b. plan revision to consider new sanitary sewer and storm drain services and to provide dimensions of the two proposed water services, to the satisfaction of the Director of Engineering and Public Works.
- 3. That adoption of the zoning regulation bylaw amendment will not take place until:
  - a. third reading of an associated heritage designation bylaw to designate the property known as 522 St. Charles Street, as described in the Statement of Significance attached as Attachment E, pursuant to Section 611 of the *Local Government Act*, to the satisfaction of the Director of Sustainable Planning and Community Development.
- 4. That the above recommendations be adopted on the condition that they create no legal rights for the applicant or any other person, or obligation on the part of the City or its officials, and any expenditure of funds is at the risk of the person making the expenditure.

#### **Development Variance Permit Application**

That Council, after giving notice, consider the following motion:

- 1. That subject to the adoption of the necessary zoning regulation bylaw amendment, Council authorize the issuance of Development Variance Permit No. 00279 for 522 St. Charles Street, in accordance with plans submitted to the Planning Department and date stamped by Planning on February 9, 2024, subject to:
  - a. The proposed development meeting all City zoning regulation bylaw requirements, except for the following variances:
    - i. reduce the minimum lot width from 15m to 14.30m for proposed Lot A
    - ii. reduce the minimum front yard setback from 7.50m to 6.10m for proposed Lot A
    - iii. reduce the minimum rear yard setback from 9.23m to 8.23m for proposed Lot A
    - iv. reduce the minimum south side yard setback from 3.00m to 1.54m for proposed Lot B.
- 2. That the Development Variance Permit, if issued, expires two years from the date of this resolution."

#### Heritage Designation Application

That Council:

- Instruct the Director of Sustainable Planning and Community Development to prepare a heritage designation bylaw that would designate the property at 522 St. Charles Street, that first and second reading of the bylaw be considered by Council and that a public hearing date be set.
- 2. Approve the Statement of Significance for 522 St. Charles Street attached as Attachment E to this report recognizing the building exterior as the historic features of the property.

#### CARRIED UNANIMOUSLY