

Planning and Land Use Committee Report For the Meeting of May 28, 2015

To:

Planning and Land Use Committee

Date:

May 14, 2015

From:

Leanne Taylor, Planner, Development Services Division

Subject:

Development Permit with Variances Application No. 00421 for 195 Bay

Street.

RECOMMENDATION

Staff recommend that Committee forward this report to Council and that after giving notice and allowing an opportunity for public comment, that Council consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00150 for 195 Bay Street, in accordance with:

- 1. Plans date stamped May 4, 2015.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - Part 10.28, Section 3: Reduce the minimum setback of the eastern internal boundary from 5m to 4.10m and on the southern internal boundary from 5m to 3.6m
- 3. The Development Permit lapsing two years from the date of this resolution.

LEGISLATIVE AUTHORITY

In accordance with Section 920(2) of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Official Community Plan*. A Development Permit may vary or supplement the *Zoning Regulation Bylaw* but may not vary the use or density of the land from that specified in the Bylaw.

In accordance with Section 922 of the *Local Government Act*, Council may issue a Development Variance Permit that varies a *Zoning Regulation Bylaw* provided the Permit does not vary the use or density of land from that specified in the *Zoning Regulation Bylaw*.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit with Variances Application for the property located at 195 Bay Street. The proposal is to construct a deck and an enclosed storage room on the south side of the existing building. The variances are related to reducing the side and rear yard setbacks.

The following points were considered in assessing this Application:

- The proposal is consistent with the design guidelines contained in Development Permit Area 13: Core Songhees.
- Two existing London Plane trees located on the property line in the adjacent Victoria West Park would be protected during the construction phase.
- The variance requests to reduce the side and rear yard setbacks are acceptable for the site and should have minimal impact on the adjacent Victoria West Park.

BACKGROUND

Description of Proposal

The proposal is for two setback variances to allow for the construction of a deck and an enclosed storage room. Specific details include:

- floor area of the deck would be 72.1m² and accommodate between 40 and 60 people
- a pergola would be constructed above the deck as a design feature to add to the aesthetics of the building and represent the Italian cultural heritage
- floor area of the enclosed storage area would be 18.2m² and large enough to store tables, chairs, etc.
- the enclosed storage room would screen the deck from Bay Street
- the exterior material of the enclosed storage room addition would be a stucco finish to match the existing building
- · an existing large blue bin on the south side of the existing building would be removed
- landscaping would be enhanced around the perimeter of the building.

The proposed variances are related to reducing the side and rear yard setbacks from 5m to 3.6m (eastern internal boundary) and 4.1m (southern internal boundary), respectively.

Sustainability Features

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

Active Transportation Impacts

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

Existing Site Development and Development Potential

The property is in the SSC Zone, Songhees Social Club District, and is occupied by the Leonardo Da Vinci Centre.

Data Table

The following data table compares the proposal with the existing SSC Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone. Two asterisks are used to identify the existing non-conformities.

Zoning Criteria	Proposal	Zone Standard SSC Zone n/a	
Site area (m²) - minimum	3,873		
Total floor area (m²) – maximum	723.89	1936.5	
Floor space ratio – maximum	0.19	0.50	
Height (m) – maximum	5.8 (addition)	9	
Site coverage	20.55	40	
Setbacks (m) - minimum Front (Bay Street) Rear (East) Side (South) Side (Wilson Street)	4.77** 4.1* 3.6* n/a	5 5 5 5	

Community Consultation

Consistent with the Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications, on April 16, 2015, the Application was referred for a 30-day comment period to the Victoria West CALUC. At the time of writing this report, a letter from the CALUC had not been received.

This 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

Development Permit Area and Design Guidelines

The Official Community Plan (OCP) identifies this property as being within Development Permit Area 13: Core Songhees. The proposal is consistent with the Advisory Design Guidelines for Buildings, Signs and Awnings and the Policy Plan and Design Guidelines for the Songhees Area of Victoria West (2008). The proposed design of the deck is sensitive to the existing physical setting, including the topography, adjacent trees and Victoria West Park. The design and placement of the deck considers the critical root zone of the London Plane trees in the Park.

Regulatory Considerations

Setback Variances

The applicant is requesting the following variances:

- reducing the side yard setback from 5m to 3.60m
- reducing the rear yard setback from 5m to 4.10m.

The main concern of constructing a deck and enclosed storage room on the south side of the existing building is the proximity of the existing London Plan trees along the property boundary on the adjacent parkland. A tree protection plan prepared by a certified Arborist was provided by the applicant (attached).

CONCLUSIONS

Allowing the construction of a deck and an enclosed storage room in the building would provide additional amenity space for the community centre to carry out cultural activities and host events. The proposal is consistent with the design guidelines contained in Development Permit Area 13: Core Songhees. Staff recommend for Council's consideration that the variance requests to reduce a side and rear yard setbacks are acceptable for the site.

ALTERNATE MOTION

That Council decline Development Permit with Variances Application No. 000421 for the property located at 195 Bay Street.

Respectfully submitted, eanne Taylor, Planner Alison Meyer, Assistant Director Andrea Hudson Development Services Division **Development Services Division Acting Director** Sustainable Planning and Sustainable Planning and Sustainable Planning Community Development Community Development and Community Development Report accepted and recommended by the City Manager: Jason Johnson Date:

LT/aw

S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\DP\DP000421\DP DVP PLUC REPORT TEMPLATE1 DOC.DOC

List of Attachments

- Zoning map
- Aerial map
- Letter from applicant dated May 5, 2015
- Arborist report dated April 30, 2015
- Plans dated May 4, 2015.





195 Bay Street Development Permit #000421







195 Bay Street
Development Permit #000421





Victoria Italian Assistance Centre Da Vinci Centre 195 Bay St. Victoria, BC V9A 3K4

May 5, 2015

Victoria City Hall Legislative Services #1 Centennial Square Victoria, BC V8W 1P6

Attention:

Mayor Lisa Helps and

Members of Victoria City Council

Dear Madam Mayor

Re.

Victoria Italian Assistance Centre - 195 Bay Street, Victoria, BC

Development Permit Variance Application

Background

The Victoria Italian Assistance Centre (the "Society") was incorporated into the British Columbia Registrar of Companies on March 25, 1955. The Society is a non-profit organization which operates to preserve and promote Italian heritage and Italian/Canadian kinship. The Society has been the registered owner of the property since 1970 and its membership built the hall located at 195 Bay Street (the "Da Vinci Centre").

The original mandate of the Society was to assist new immigrants of Italian origin to settle in Victoria and provide a place where members of the community could socialize, source employment and assimilate into the Canadian culture. The Society's mandate has evolved over the years as a result of an aging and reduced membership. The Da Vinci Centre is used for cultural activities i.e. Italian language classes, cooking classes, and to host events i.e. weddings, community parties, and charitable events.

The proceeds from the rental activities of the Society are used to create and promote cultural programs and to provide charitable and community donations to the University of Victoria, Hospice, BC Cancer Foundation, etc...The Da Vinci Centre has also been designated as a community gathering place in cases of emergency (i.e. earthquake).

The Society is a member of the Vic West Resilient Neighbourhood Resource Table which is comprised of business owners, non-profit organizations and the Vic West Community Association to work together in a coordinated effort to develop and implement strategies to build a resilient neighbourhood in the Vic West Community.



Proposal

The Da Vinci Centre is located in Vic West and zoned in the Songhees Social Club District. Under the current OCP the Da Vinci Centre has been designated in the Large Urban Village area. The permitted uses of the Da Vinci Centre are: (a) clubs: (b) public buildings; (c) places of worship: (d) public parking facilities.

The Society is proposing to build a terrazzo on the south side of the existing building (i.e. facing the park) which would include a portion being designated as enclosed storage space for the Society to store tables, chairs, etc...The proposed renovation will not affect or change the permitted uses of the Da Vinci Centre, nor will it change the permitted occupancy which is currently 360 people.

The proposed terrazzo has been designed by Franc D'Ambrosio, a prominent and well respected architect of Italian heritage and descent. The terrazzo is in keeping with the current architecture of the building while enhancing the exterior of the building and providing a more pleasant landscape of the building to visitors of the park.

The terrazzo and additional storage space does require two variances:

- (a) A South side yard setback. The reduction is from 5 meters to 3.6 meters; and
- (b) A East rear yard setback (eastern property line adjacent to the Municipal Park). The reduction is from 5 meters to 4.1 meters.

These variances are required to allow for the construction of the addition which would create a terrazzo that is 18.2 meters by 4 meters (i.e. 72.1 m2/776.1 sq ft). The storage space would be 4 meters by 5 meters (i.e. 18.6 m2/200.2 sq ft).

The topography of the site is essentially flat. There are two trees (London plane trees) which have been identified in the arborist report prepared by Tom Talbot (which has been submitted). The proposed variance requirement and construction methods for the terrazzo have been designed to minimize any impact on the critical root zone and health of the trees.

The addition of the terrazzo will increase the marketability of the Da Vinci Centre and assist the Society in maintaining operations and fulfilling its mandate both to the Italian community and the community at large.

The Society has consistently paid annual property taxes to the City of Victoria and has never been a recipient of any municipal or provincial grants to assist with operating costs or property taxes.

Rationale/Hardship

The terrazzo will not interfere with the use and enjoyment of the park by the community but will provide a number of benefits and enhancements to the community:

- (a) The overall landscape of the current building will be enhanced.
- (b) The view scape from the park to the Da Vinci Centre will be enhanced.

- (c) The large blue storage bin will be removed to accommodate the terrazzo providing a more visually pleasant view of the Da Vinci Centre to those attending at the park.
- (d) There will provide more "eyes on the park" creating a more safe environment for visitors of the park.
- (e) The Society will be able to create a wheelchair accessible bathroom by renovating a portion of the interior hall and will then be able to install a wheelchair ramp or lift. The space currently designated for the wheelchair accessible bathroom is being used as storage space and by creating a storage space as part of the terrazzo.

The required setback of 5 meters in the site specific Songhees Social Club zoning is onerous and not consistent with other setback provisions and relaxations afforded to neighboring property owners which border the park. The requested variances do not impact any neighboring property owners. The Da Vinci Centre is unique in its geography and zoning and the requested variances would not be creating a new or negative precedent if approved.

Community Consultation

Vic West Community Association Land Use Committee

On March 17, 2015, representatives of the Society attended the Vic West Community Association Land Use Committee meeting and presented the renderings of the proposed terrazzo.

The Vic West Community Association Land Use Committee responded favourably to the proposal. The questions/comments raised by those in attendance at the meeting were as follow:

- (a) What is the maximum occupant capacity permitted on the terrazzo?
- (b) What measures will be taken to reduce any noise issues resulting from people on the terrazzo?
- (c) Which option of design/rendering will we be proposing as there were two options presented (i.e. one with pergola or one without). Those that attended the meeting responded more favourably to the rendering with the pergola.

The Society has considered and reviewed these questions/comments as follows:

- (a) In consultation with Mr. D'Ambrosio the maximum capacity of people allowed on the terrazzo is between 40 and 60 people depending on the use of small round tables or small rectangular tables.
- (b) The additional storage has been purposefully designed to also act as a "buffer" between the terrazzo and the residents across on Bay Street. Furthermore, in the unlikely event that there are noise issues, the Society will implement further noise abatement policies which would form part of the Society rental contract. There are already noise abatement measures in place to safeguard and restrict the noise level which are reasonable given the use of the Da Vinci Centre. The

Society has not had any known noise complaints or any other complaints from the community.

(c) The application being submitted is for the rendering with the pergola to be constructed as it is in keeping with the Italian cultural heritage.

Overall the feedback from the Vic West Community Association Land Use Committee and other members of the public has been favourable.

Respectfully submitted,

Taria Conforti

Vice-President of the

Victoria Italian Assistance Centre

cc: Vic West Community Association Land Use Committee



Talbot Mackenzie & Associates

Consulting Arborists

April 30, 2015

Victoria Italian Assistance Centre 195 Bay Street Victoria, BC V9A 3K4

Attention: Keith Barbon

MAY 0 1 2015

Development Services Division

Re: Amended arborist report for Victoria Italian Assistance Centre - 195 Bay Street

Assignment: Provide arborist services to review a proposal to construct a raised deck and storage room addition on the south side of the existing building at 195 Bay Street and assess the potential impacts on the adjacent trees.

Method: During our January 12, 2015 site visit, at your request, we identified and examined two London plane trees that are located on municipal property within Victoria West Park where they could potentially be impacted by the proposed construction of this deck addition. The information that was compiled is entered into a tree resource spreadsheet that is attached to this report. The trees of concern are a 59 cm d.b.h. London plane tree adjacent to the west corner of the proposed deck and a 45 cm d.b.h. London plane tree located near the east corner of the deck.

The plans that we reviewed show that the footing for the deck and storage area will be located 3.6 metres from the property boundary. A continuous strip footing that extends around the perimeter of the deck/storage room footprint will be constructed to support these additions.

Findings: From the information that was compiled during our site visit, it is our opinion that it will be possible to construct a continuous footing for most of its length at a distance of 3.6 metres out from the property boundary. It will be necessary to excavate 0.5 to 1.0 metres outside of this footprint to construct formwork and for perimeter drains, if required. It may be necessary to terminate this footing at the edge of the trees' critical root zone near the east end of the proposed deck where large surface roots are growing from the nearest tree and in the direction of the construction work. If large root structures are encountered at the footing location a portion of the deck in this location could be suspended over these roots by using pier footings on either side of the root structures.

Mitigation: We recommend the following procedures be implemented, to reduce the impacts on the adjacent park trees to be retained.

..../2

Excavation and supervision: Prior to, or at the time of construction, the arborist must supervise exploratory excavation to determine the size and density of the root development within the construction footprint. We can determine at that time which roots can be successfully pruned without having a detrimental impact on the trees, which roots must be retained and bridged and where pier footings can be safely located to bridge the footing over the critical root structures if they are encountered.

We further recommend that areas within the defined critical root zones remain exposed beneath the deck and are not covered by a concrete or similar solid floor.

Barrier fencing: We recommend that protective barrier fencing be erected around the subject trees to isolate their root zones from the construction impacts. The fencing should be erected at the perimeter of the critical root zones (identified in column CRZ in our spreadsheet) or 1 metre off the edge of the proposed deck footprint where this deck encroaches within the defined critical root zones (CRZ).

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

Pruning: The diameter of the canopy dripline spread for plane tree #1 at the west end of the deck is 15 metres, and for plane tree #2 at the east end of the deck is 12 metres. However due to historical pruning the average spread of the tree canopy on the building side of each tree is 6 metres out from the centre of the tree trunk. There do no appear to be any low scaffold limbs that will be in conflict with this deck or would require pruning or removal. It may be necessary to prune some of the smaller low epicormic growth from the limbs of tree #2 at the east end of the deck. In our opinion, the amount of pruning required should not have a detrimental impact on the subject trees. Any pruning of municipal trees must be completed by an ISA Certified Arborist, with the permission of the municipal arborist.

Work Area and Material Storage: It is important that the issue of storage of excavated soil, and construction material be reviewed prior to the start of construction; where possible, these activities should be kept outside of the critical root zones of trees that are to be retained.

Review and site meeting: Once the project receives approval, it is important that the project arborist meet with the principals involved in the project to review the information contained herein. It is also important that the arborist meet with the site foreman or supervisor before any excavation or other construction activity occurs.

Summary: London plane is a tree species that has a high tolerance to encroachment into its root system by construction and other activities. The construction will only encroach into a small portion of one quadrant of its defined critical root zone. The footprint and required excavation will be located outside of the area where the main structural supporting roots will be located

From our observations and information compiled during our site visits it is our opinion it will be possible to complete the construction of the deck and storage area without having a detrimental impact on the health or structure of the adjacent municipal park trees, if the precautions and recommendations outlined in this report are implemented and adhered to.

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

Yours truly,

Talbot Mackenzie & Associates

Tom Talbot & Graham Mackenzie ISA Certified & Consulting Arborists

Enclosures: Tree Resource Spreadsheet, Barrier Fencing Diagram, Tree Location Plan, Construction plans reviewed.

Disclosure Statement

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

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

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

Key to Headings in Resource Table

d.b.h. – *diameter at breast height* - diameter of trunk, measured in centimetres at 1.4 metres above ground level

PRZ – *protected root zone* - the area of land surrounding a bylaw protected tree. Indicates the radius of a circle of protected land, measured in metres.

CRZ – *critical root zone* - estimated optimal size of tree protection zone based on tree species, condition and age of specimen and the species tolerance to root disturbance. Indicates the radial distance from the trunk, measured in metres.

Crown spread – indicates the diameter of the crown spread measured in metres to the dripline of the longest limbs.

Condition health/structure -

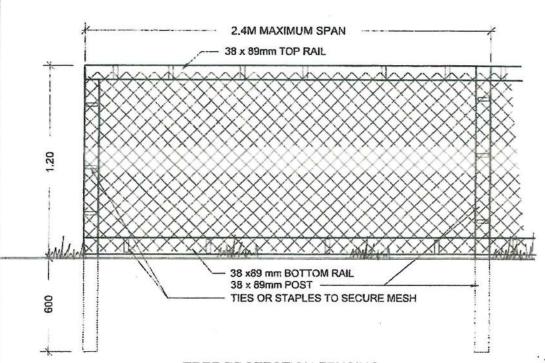
- Good no visible or minor health or structural flaw
- Fair health or structural flaw present that can be corrected through normal arboricultural or horticultural care.
- Poor significant health or structural defects that compromise the longterm survival or retention of the specimen.

Relative Tolerance – relative tolerance of the selected species to development impacts.

TREE RESOURCE for 195 Bay Street

Tree #	d.b.h. (cm)	CRZ	Species	Crown Spread(m)	Condition Health	Condition Structure	Relative Tolerance	Remarks / Recommendations
1	59	5.0	London plane	15.0	good	fair	good	Located near the west corner of the proposed deck. Narrow stem unions wth some bark included at the unions. The Canopy spread on building side of the tree extends an average distnace of 6 metres out from the centre of the trunk.
2	45	5.0	London plane	12.0	good	fair	good	Located near the east corner of the proposed deck. Large surface roots extend toward the area of proposed construction. Large surface roots have been injured by mowing. The Canopy spread on building side of the tree extends an average distnace of 6 metres out from the centre of the trunk.

Phone: (250) 479-8733 Fax: (250) 479-7050 email: Treehelp@telus.net



TREE PROTECTION FENCING
FENCE WILL BE CONTRUCTED USING
38 X 89 mm (2"X4") WOOD FRAME:
TOP, BOTTOM AND POSTS. *
USE ORANGE SNOW-FENCING MESH AND
SECURE TO THE WOOD FRAME WITH
"ZIP" TIES OR GALVANZIED STAPLES

* IN ROCKY AREAS, METAL POSTS (T-BAR OR REBAR) DRILLED INTO ROCK WILL BE ACCEPTED

DETAIL NAME:

TREE PROTECTION FENCING

DATE: DRAWN:

Oct 30/07

APP'D.

DM RR

SCALE:

N.T.S.

E105

DRAWING

J.E. ANDERSON & ASSOCIATES B.C. Land Surveyors - Consulting Engineers Victoria & Nanalmo, B.C. Ph: 727-2214 Fox: 727-3395

B.C. LAND SURVEYORS BUILDING LOCATION CERTIFICATE

File: 24224

Civic: 195 Bay Street, Victoria, BC

Legal: Lot 1, District Lot 119, Esquimalt District, Plan 45914. Dimensions are in metres and are derived from Plan 45914.

This sketch does not constitute a redefinition of the legal boundaries hereon described and is not to be used in any manner which would assume same.

This plan was prepared for confirmation of the City of Victoria building bylaw and is for the exclusive use of our client: Victoria Italian Assistance Center

This building location certificate has been prepared in accordance with the Manual of Standard Practice and is Certified Correct this 10th day of February, 2015.

This document is not valid unless originally signed and sealed

Ryan P. Hourston, BCLS

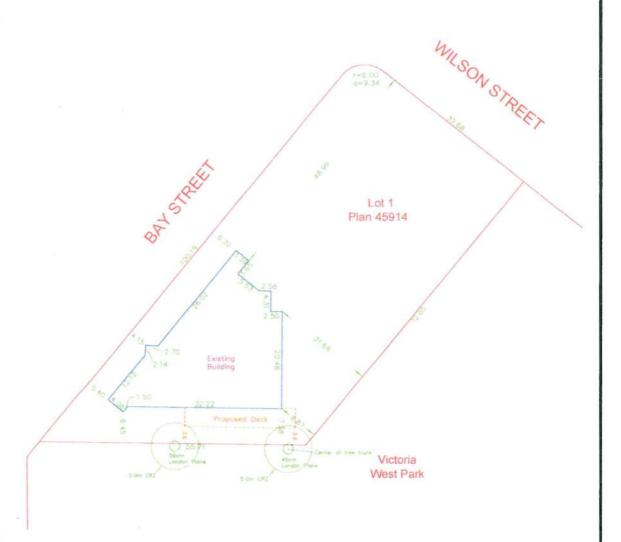
O Copyright 2015 J.E. Anderson & Associates. All rights reserved. No person may copy, reproduce transmit or alter this document in whole or in part without the consent of the signatory.

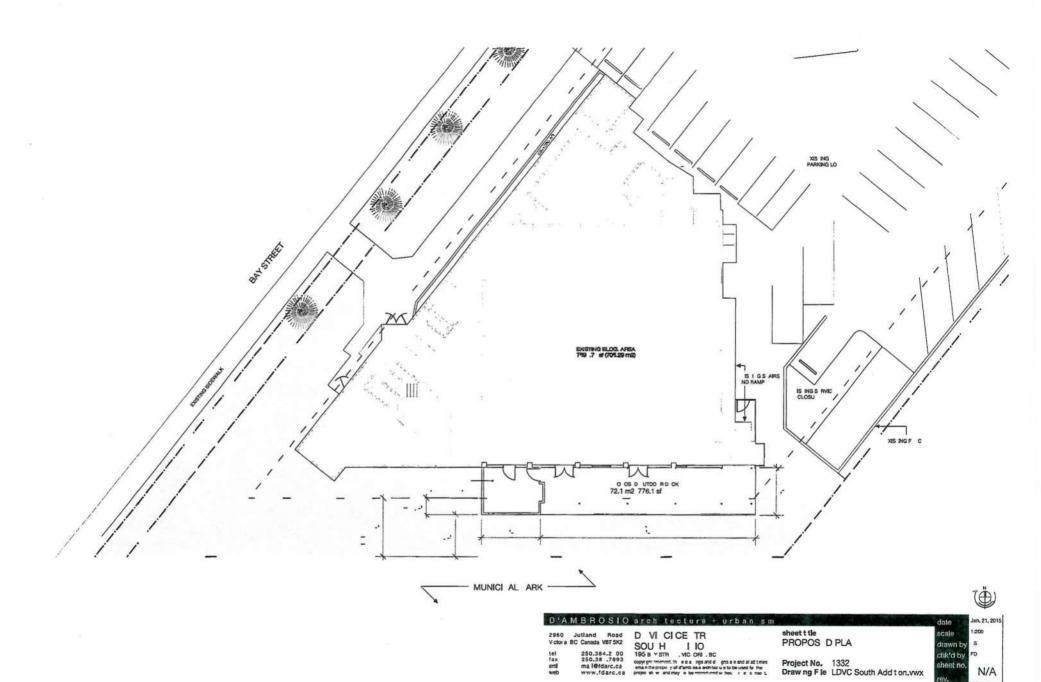
The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decisions made, or actions taken based on this document.

Subject to charges, legal notations, and interests shown on: Title No.S118254 (P.I.D. 008-893-331)

Scale 1:500









DA VINCI CENTRE SOUTH ADDITION

195 Bay Street, Victoria, BC

Contacts

Chemical Survivors Marian Association Commer 165 Bay Street

tm 340 131 412

Architect Practices active to 2000 Arters food Fage (VA-even

List of Drawings Architectural

AD 1 Cover Sheet

At 1 Feeting the a French Dam and Star Areas

A2 1 Feating and Proposed Sheetons Soundards Dan

All Supre Constants and Rendering of Proposed Address

Landscape

. . A. Common supersy t Paster Fo

Revised Development Permit Package

2960 Jutland Road Victoria BC Canada V3T5K2 tel 250.384.2400 fax emil@idiac.ca web www.fdarc.ca

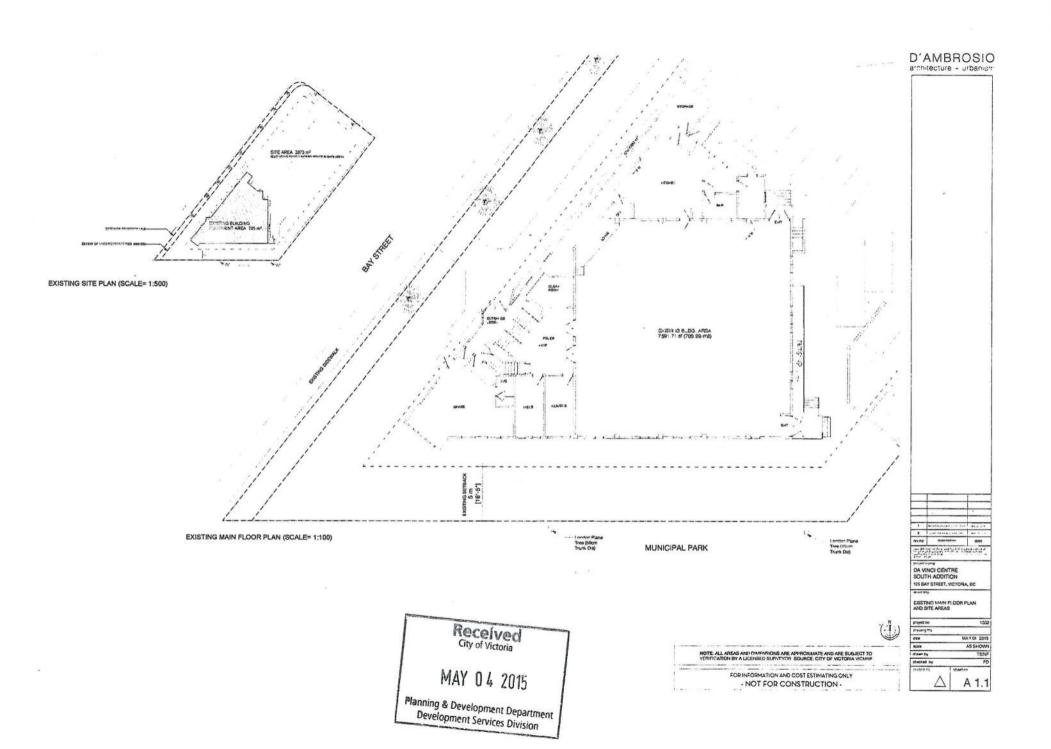
Plans Issued

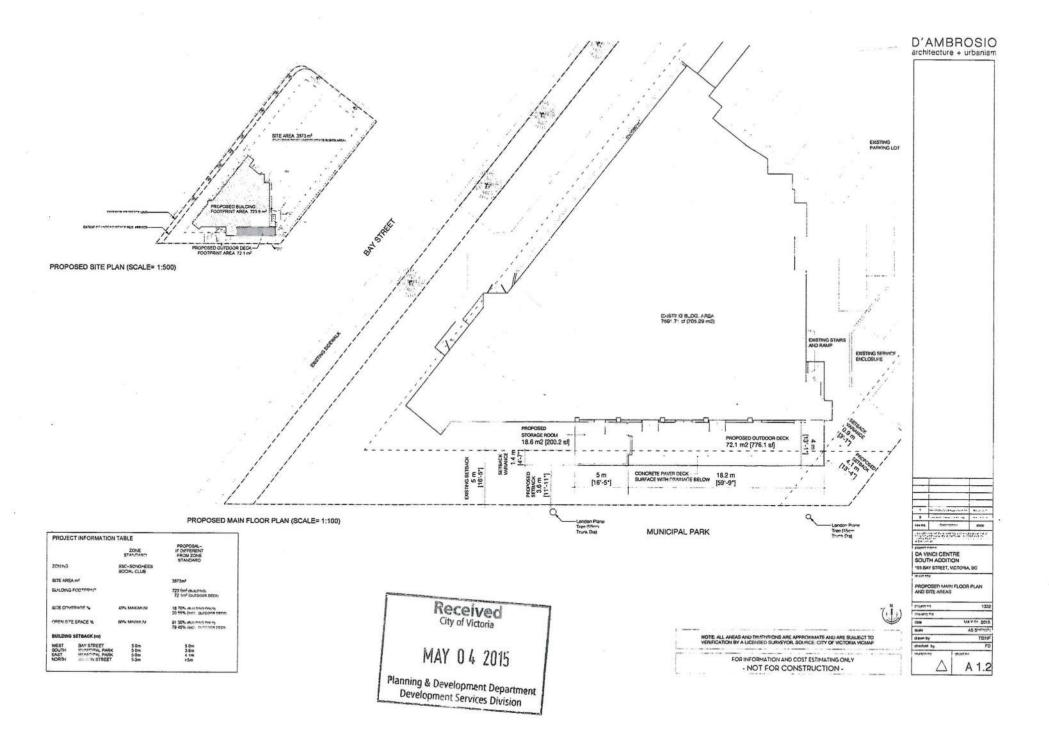
01 May 2015

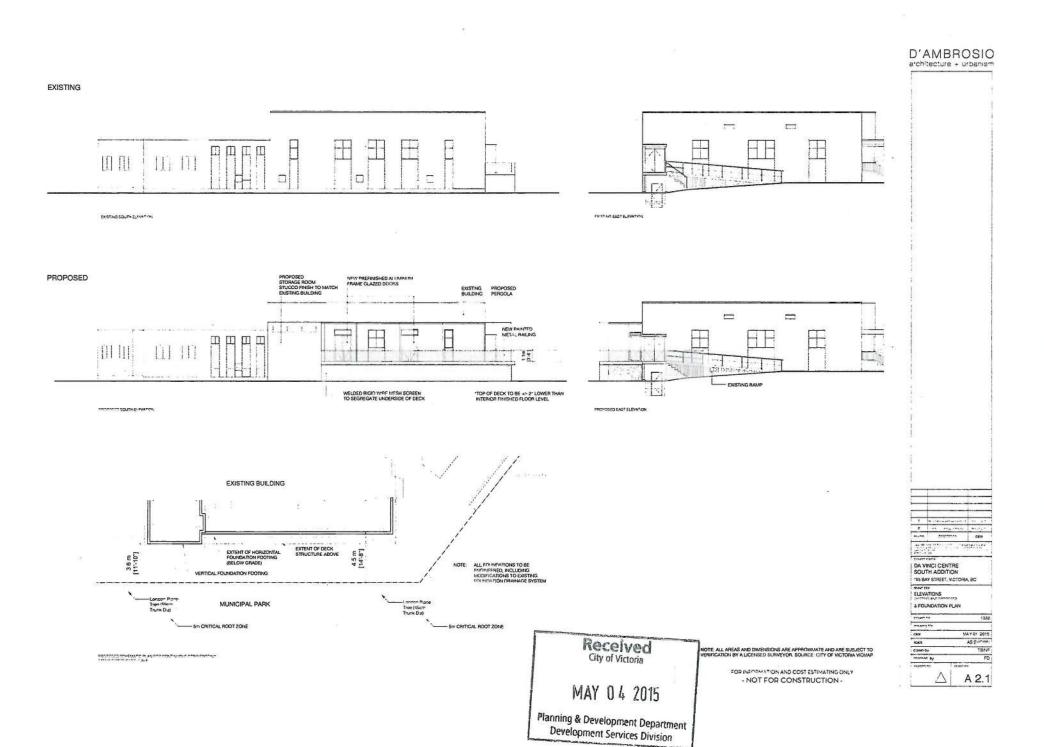
Received City of Victoria

MAY 04 2015

Planning & Development Department Development Services Division

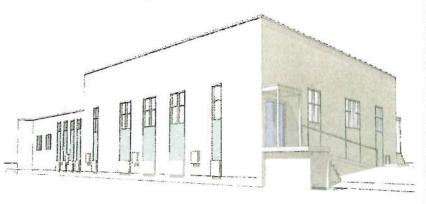












SOUTH SIDE OF ENDING SUITOR

PROPOSED



Received
City of Victoria

MAY 04 2015

Planning & Development Department Development Services Division

> NOTE, ALL AREAS AND DISFINSIONS ARE APPROXIMATE AND ARE SUBJECT TO VERIFICATION BY A LICENSED SHITVEYOR, SOURCE, CITY OF VICTORIA VICINAP

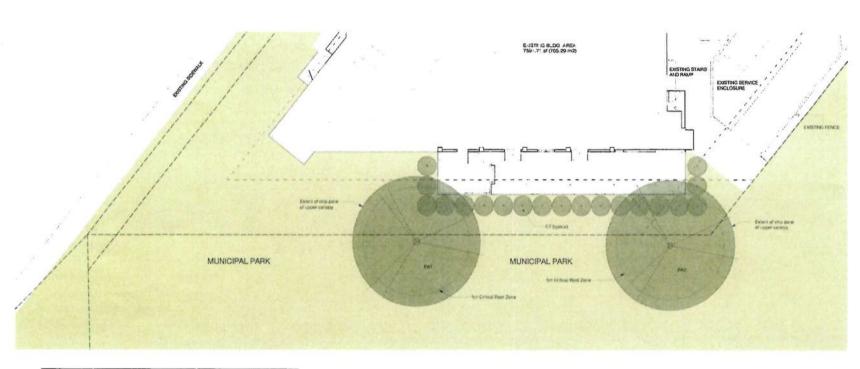
> > FOR INFORMATION AND COST ESTIMATING ONLY - NOT FOR CONSTRUCTION -

-		
÷	and the market	94 P WT
evno	description	date
25		11111
SOUT	INCI CENTRE TH ADDITION NY STREET, VICTORIA	BC
Post E	*	
	ING CONDITIONS / ERING OF PROPOS SION	
-		

there by Fi

FERTIFICATE RESIDERING OF PROPOSED COURS ACCORD





PROPOSED LANDSCAPE + PLANTING PLAN (SCALE= 1:100)

Received
City of Victoria

MAY 0 4 2015

Planning & Development Department Development Services Division

NOTE: ALL AREAS AND DIMENSIONS ARE APPROXIMATE AND ARE SUBJECT TO VERIFICATION BY A LICENSED SURVEYOR, SOURCE: CITY OF VICTORIA VICINAP

FOR INFORMATION AND COST ESTIMATING ONLY
- NOT FOR CONSTRUCTION -



NAME OF THE PERSON OF T