



Planning and Land Use Committee Report

For the Meeting of March 19, 2015

To: Planning and Land Use Committee **Date:** March 5, 2015

From: Jim Handy, Senior Planner – Development Agreements

Subject: Development Permit with Variances Application No. 000410 for 549 Toronto 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 Application No. 000410 for 549 Toronto Street, in accordance with:

1. Plans date stamped February 23, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Section 3.3.4(1) - Site coverage reduced from 30% maximum to 44%;
 - ii. Section 3.3.9 – Site area reduced from 920m² minimum to 850m²;
 - iii. Section 3.3.10 – Front yard setback reduced from 9.0m to 6.2m;
 - iv. Section 3.3.12 – Side yard setbacks reduced from 4.6m to 2.2m (east) and 3.5m (west) side yards;
 - v. Schedule C, Section 7.2(h) – Landscape strip for surface parking and aisle reduced from 0.6m to nil (west) side yard.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Development Services Division, Sustainable Planning and Community Development Department."

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 (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.

Pursuant to Sections 920(8) and (9), where the purpose of designation is the establishment of objectives for the form and character of a commercial, industrial and multi-family development, a Development Permit may include requirements respecting the character of the development, including the landscaping, siting, form, exterior design and finish of buildings and other structures

but may not include requirements regarding the particulars of the landscaping or of the exterior design and finish of buildings and other structures.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit with Variances Application for the property located at 549 Toronto Street. The proposal is for a three-storey attached dwelling that includes five residential units. The Application proposes variances to site coverage, site area, landscaping, front and side yard setbacks.

The following points were considered in assessing this Application:

- the proposal is consistent with the objectives for multi-unit residential developments in Development Permit Area 16: General Form and Character of the OCP
- the proposal is consistent with the *Design Guidelines for Multi-Unit Residential, Commercial and Industrial Development (2012)*, *Advisory Design Guidelines for Buildings, Signs and Awnings* and *Guidelines for Fences, Gates and Shutters*
- the Application is identical to a proposal approved by Council in 2012. This Application is necessary because the previous Development Permit lapsed.

BACKGROUND

Description of Proposal

The proposal is for a three-storey attached dwelling that includes five residential units and includes the following details:

- a mix of exterior materials including corrugated galvanized metal siding, acrylic stucco, architectural brick veneer and fir panel siding
- an enclosed parking stall for each residential unit
- two visitor parking stalls
- six bike racks located adjacent to the building entrance
- secure bike parking provided within each individual residential unit
- individual balconies for each residential unit.

There are a number of variances associated with this proposal and these are discussed in more detail later in this report.

Sustainability Features

The applicant has not identified any specific sustainability features associated with this proposal, however, is noted that permeable pavers are proposed.

Existing Site Development and Development Potential

The Application site was previously occupied by a single-family dwelling which was demolished in 2014, however, the site is currently in the R3-2 Zone, Multiple Dwelling District.

Data Table

The following data table compares the proposal with the R3-2 Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal	R3-2 Zone Standard
Site area (m ²) - minimum	850*	920
Total floor area (m ²) - minimum	763	765
Density (Floor Space Ratio) - maximum	0.9	0.9
Height (m) - maximum	9.2	18.5
Site coverage (%) - maximum	44*	30
Open site space (%) - minimum	30	30
Storeys - maximum	3	n/a
Setbacks (m) – minimum		
North	6.2*	9
South	5.5	4.6
East	3.5*	4.6
West	2.2*	4.6
Landscape strip – side yard	Nil*	0.6
Parking - minimum	7 stalls	7 stalls
Visitor Parking - minimum	2 stalls	2 stalls
Bicycle storage - minimum	6 stalls	6 stalls
Bicycle rack – minimum	6	6

Relevant History

Council granted a Development Variance Permit for the variances identified in the current proposal on July 26, 2012. Soon after this approval, the OCP was adopted by Council and, as a result, the property became subject to Development Permit Area 16: General Form and Character. On October 25, 2012, Council subsequently approved a Development Permit for a three-storey attached dwelling that included five residential units. The Development Variance Permit and Development Permit both expired on July 26, 2014.

The current Application seeks a Development Permit with Variances for exactly the same proposal that was approved by Council in 2012.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on February 24, 2015, the Application was referred for a 30-day comment period to the James Bay 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 OCP identifies this property within DPA16, General Form and Character and, therefore, the applicable Design Guidelines are as follows:

- *Design Guidelines for Multi-Unit Residential, Commercial and Industrial*
- *Advisory Design Guidelines for Buildings, Signs and Awnings*
- *Guidelines for Fences, Gates and Shutters.*

The Application is consistent with the aforementioned Design Guidelines in the following ways:

- the proposal provides a transition in form and scale from established multiple unit residential buildings to the single family and duplex dwellings to the west through the proposed building form, height and massing
- the architectural approach is modern which further contributes to the rich and varied place character of the neighbourhood
- the proposal includes a primary unit entrance facing Toronto Street which is pronounced and identified with an overhead entry canopy, a landscaped pathway and accompanying terrace
- the south façade includes varied, high quality building materials including fir panel siding and brick veneer that contributes to an effective and visually interesting street edge for pedestrians
- parking is provided on site with five individually enclosed parking stalls and two surface, visitor parking stalls
- the proposed landscape plan indicates new garden beds and trees adjacent to the street and nearly all hard surfaced areas are finished with high quality permeable paving.

Proposed Variances

The Application proposes six variances from the *Zoning Regulation Bylaw* which are discussed below:

Minimum Site Area

The Application seeks a variance to reduce the minimum site area from 920m² to 850m². As a result of the size and orientation of the parcel, the applicant has proposed a townhouse form of development. It is considered that the form of development proposed is appropriate for a site of this size.

Maximum Site Coverage

The applicant proposes an increase in site coverage from 30% to 44%. Due to the narrow lot configuration and the requirement for adequate drive-aisle width, the applicant proposes to cantilever the second and third levels into the drive aisle area to provide more functional floor plans for each of the units which has the effect of increasing the overall site coverage.

Landscaped Side Yard

Again, due to the narrow lot configuration and the required drive-aisle width, the applicant is requesting the elimination of the requirement for a landscaped side yard (west). The intent of this requirement within the zone is to provide for a landscaped area between the drive aisle and the lot line. In lieu of the required landscaped side yard, the applicant proposes to construct a 1.8m tall cedar fence over a concrete retaining wall in order to provide a visual barrier between the properties.

Side Yard Setbacks

The applicant is requesting a reduction in the required side yard setbacks on both the east and west sides of the proposed building. To the west, the applicant is requesting a 1.1m setback reduction from the required 4.6m resulting in a side yard of 3.5m. This setback would result in a separation distance of 13.4m between the proposed development and the habitable room windows of the seniors' residence to the west. It is considered that this proposed setback will not have an undue impact on the livability of the proposed or neighbouring dwellings.

To the east, the applicant is requesting a 2.4m setback reduction from the required 4.6m resulting in a side yard which is 2.2m. To the east is a surface parking lot that provides the required parking for the residents of 562 Simcoe Street, so this reduced setback will not have a negative impact on the neighbouring residential units.

Front Yard Setback

The proposed front setback reduction from 9m to 6.2m is consistent with other dwellings on Toronto Street. Furthermore, the proposal includes a primary unit entrance facing Toronto Street and the front building elevation includes a mix of high-quality building materials that contributes to an effective and visually interesting street edge for pedestrians.

CONCLUSIONS

The current Application seeks a Development Permit with Variances for exactly the same building design and variances from the *Zoning Regulation Bylaw* approved by Council in 2012. Applicable City Policy and Design Guidelines have not changed since the approval of the previous Development Permit. The proposal is considered to be consistent with the applicable Design Guidelines and, consistent with the previous staff recommendation, staff recommend that Council consider approving this Application.

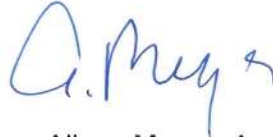
ALTERNATE MOTION

That Council decline Development Permit with Variances Application No. 000410 for the property located at 549 Toronto Street.


Respectfully submitted,



Jim Handy
Senior Planner – Development Agreements
Development Services Division



Alison Meyer, Assistant Director
Development Services Division
Sustainable Planning and
Community Development Department

Report accepted and recommended by the City Manager:  _____
Jason Johnson

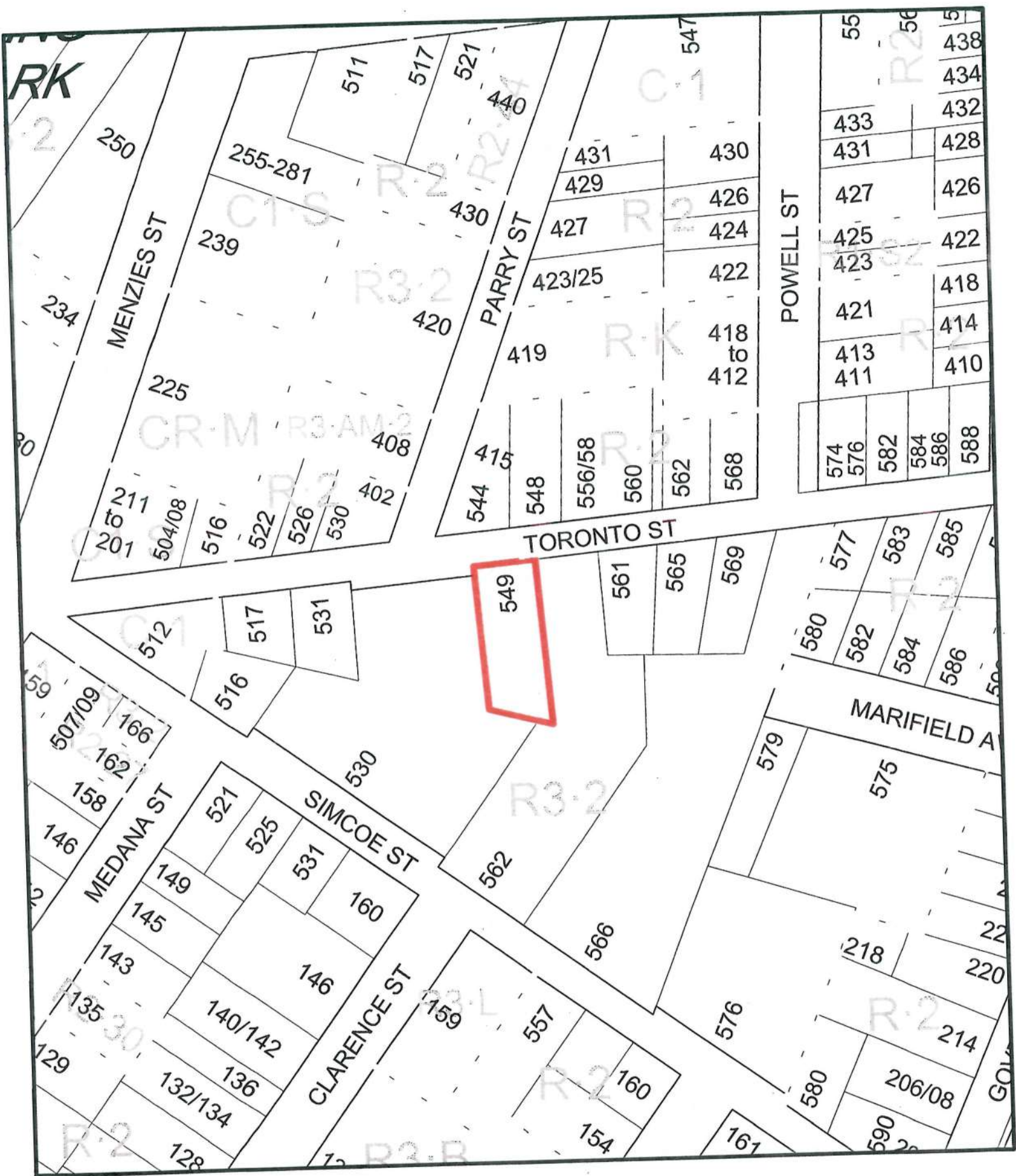
Date: March 4, 2015

JH:aw

S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\DP\DP000410\DP DVP PLUC REPORT TEMPLATE1.DOC

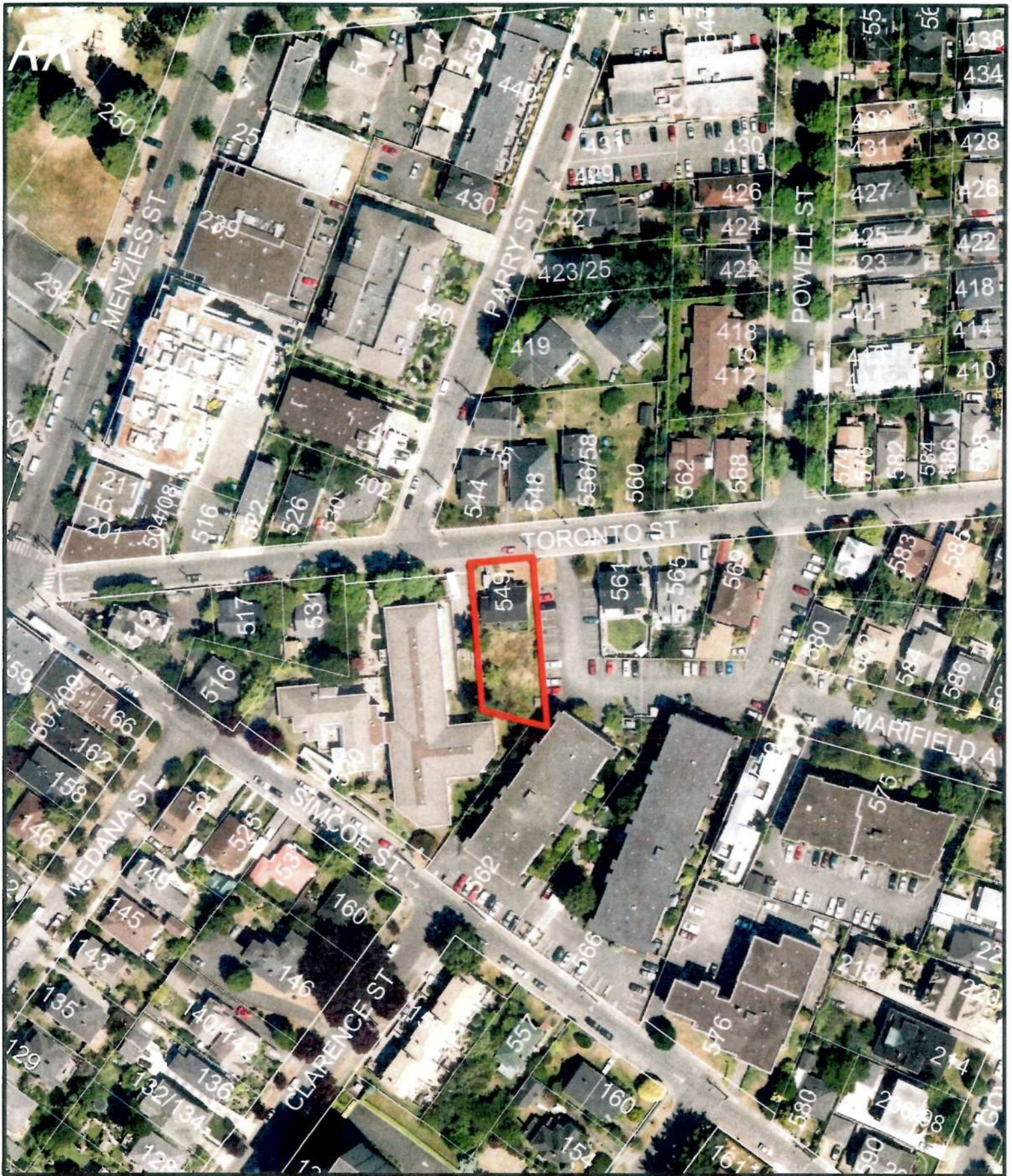
List of Attachments

- Zoning map
- Aerial photo
- Applicant's letter to Council dated February 23, 2015
- Plans dated February 23, 2015.



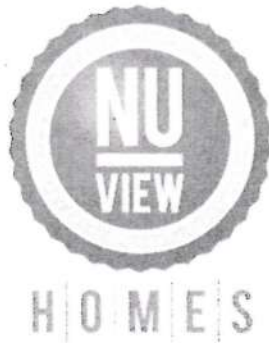
549 Toronto Street
Development Permit #000410





549 Toronto Street
Development Permit #000410





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

Thursday February 19, 2015

Re: Development Permit Application
549 Toronto Street
(Previously DP#000285, DVP#000106)

Your Worship and Members of Council;

On behalf of the owners of 0943861 BC Ltd., we are submitting this application for a Development Permit, with Variances for the property located at 549 Toronto Street, in James Bay.

We are reapplying for a Development Permit, with Variances as the previously approved DP & DVP for this property lapsed. DVP#000106 was approved in July of 2012 and following that process, the OCP was adopted by the Council and this property was brought under the new DP Area 16 designation, thereby necessitating the application for a Development Permit. DP#000285 was approved in October 2012, however the expiry date was back-dated to the DVP's expiry date of July 26, 2014. Operating under the pretense that the application date would coincide with the DP expiry date (October), the owners carried forward with the design process preparing to submit for BP. It was brought to light in May that the DP's deadline wasn't October, but in fact July 26th, 2014. Understanding the necessity of meeting the DP's expiry date, the owner's met with the City of Victoria's Permit and Inspections Department to discuss the impending expiry and what efforts could be carried out to sustain the DP and "substantially commence construction" as the drawings were not ready for BP submission. Direction was given by the Permit and Inspections Department to demolish and excavate the pre-existing single-family dwelling and it was cross-referenced with the City's Solicitor that these efforts would constitute "start of work." Later, the efforts expended by the owners to sustain the project's DP and DVP with the City of Victoria's Permit and Inspections Department and the City of Victoria's Solicitor while initially approved, were deemed futile. Thus, Your Worship and Members of Council are now receiving this reapplication.

The property is zoned R3-1 R3-2 Multiple Dwelling District. To the east, there is a parking lot serving a four-story residential building on the lot located to the south east, and to the west there is the two-story extended care wing of the Beckley Farm Lodge. The property is situated one block from the intersection of Toronto and Menzies Streets, within easy walking distance of the core area



HOMES

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of James Bay. The single-family home that previously stood at 549 Toronto Street was demolished and excavated in July 2014 (BP051305) as directed by the City of Victoria.

The project that is being submitted today is of the exact vernacular, layout, fit and finish as what was presented to and approved by Your Worship and Council in 2012. The project is five three-story townhomes with attached garages, bicycle storage and two on-site visitor stalls and visitor bike lock-up area, with a total FSR of 0.9 to 1. Throughout the process of the previous DVP & DP approval, many changes to the exterior finishes, design features, massing, etc. were made in response to comments received at the various stages of review.

There were five variances previously approved in regards to this project:

- Section 3.3.4(1) – Site coverage relaxed from 30% max to 44%.
- Section 3.3.9 – Site area relaxed from 920 m² minimum to 850 m².
- Section 3.3.10 – Front yard setback relaxed from 9.0 m to 6.2 m.
- Section 3.3.12 – Side yard setbacks relaxed from 4.75 m to 2.2 m (east) and 3.5 m (west) side yards.
- Schedule C Section 7.2(h) – Landscape strip for surface parking and aisle relaxed from 0.6 m to nil (west) side yard.

** Please reference attachment "Development Variance Permit Application – 549 Toronto Street Revisions and Rationale Information" for an elaboration on the above previously approved variances.

The design and materials incorporated with this submission and that were previously approved are in keeping with Design Guidelines for Multi-Unit Residential, Commercial and Industrial buildings, referenced in the OCP. The following key points were addressed in this proposal:

- New development should be compatible with and improve the character of established areas through design that is unifying, sensitive and innovative.
- Provide a transition in its form and massing to lower-density building forms.
- Be designed to address privacy.
- New development is encouraged to add interest to the streetscape through variations in building height, rooflines, and massing.
- Buildings should be located to provide an effective street edge while respecting the established, desired streetscape rhythm.
- Visual and physical connections between the public street and buildings should be developed (e.g. patios and spill-out activity, views to and from interior spaces, awnings and canopies).
- Individual entrances with direct connections to the public sidewalk are encouraged.



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- Building bases should be well designed and articulated, especially along facades that are adjacent to a street.
- Perceived building mass should be mitigated through the use of architectural elements, visually interesting rooflines, stepping-back of upper floors, detailing that creates rhythm and visual interest, or other design solutions.
- Porches, steps, alcoves, or other design features are encouraged to make transitions from the public realm of the street and sidewalk to the private realm of residences.
- The use of building elements such as raised terraces, forecourts, or landscaping should be considered to enhance residential entrances.
- Exterior building materials should be high quality, durable, and capable of weather gracefully.
- Open space should be useable, attractive, and well integrated with the design of the building.
- Consideration should be given to the inclusion of private open space in residential developments in the form of courtyards, recessed balconies, terraced balconies or rooftop gardens.
- Use of high quality, permeable and durable paving materials in parking and pedestrian areas is encouraged. Paved surfaces with visual interest should be provided.
- The use of alternative modes of transportation should be promoted in site design.
- Visible and secure parking or storage should be provided for bicycles.
- Safe and easily identified access for pedestrians, bicycles and vehicles should be provided.

Green building initiatives will be implemented as per the BC Building Code.

Sincerely,

Martine Kiliwnik
Nu-View Homes

Enc. (Development Variance Permit Application – 549 Toronto Street Revisions and Rationale Information, 3 pages)



HOMES

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PROJECT DESCRIPTION

CIVIC ADDRESS:
549 Toronto Street, Victoria, BC

LEGAL DESCRIPTION:
District Lot 5, Decker Farm,
Victoria City, Plan 36

VICTORIA ZONING BYLAW SUMMARY

ZONING:	R3-2
USES:	MULTIPLE DWELLING
	PERMITTED PROPOSED
SITE AREA:	929 m ² 850 m ²
SITE COVERAGE:	30% (255 m ²) 44% (374 m ²) (DVP approved)
TOTAL FLOOR AREA:	763 m ² 763 m ²
FLOOR SPACE RATIO:	0.9 to 1 0.9 to 1
SETBACKS:	REQUIRED
FRONT:	9.0 m 6.30 m (2.8 m DVP approved)
REAR:	4.75 m (1/2 height) 5.50 m
SIDE (EAST):	4.75 m 2.20 m (2.55 m DVP approved)
SIDE (WEST):	4.75 m 3.50 m (1.25 m DVP approved)
OPEN SITE SPACE %:	30% (255 m ²) 30% (255 m ²)
PARKING:	7 stalls 7 stalls (incl. 2 visitor)
BICYCLE PARKING:	6-Class 1 (1 stall per unit) 6-Class 1 in persons
	6 Space Rack-Class 2 (at bldg. entrance) 6 Space Rack - Class 2 (at entrance/utility)
HEIGHT OF BUILDING:	16.3 m Max 9.2 m
NUMBER OF STOREYS:	up to 6 storeys 3 storeys

Note: Refer to drawing sheet A302 for Unit Summary.

BUILDING CODE SUMMARY

REFERENCED DOCUMENT: BRITISH COLUMBIA BUILDING CODE 2006 - PART 3

OCCUPANCY CLASSIFICATIONS: RESIDENTIAL GROUP C

BUILDING AREA (Building Footprint): 306 m²

BUILDING HEIGHT: 3 STOREYS

NUMBER OF STREETS FACING: 1

CONSTRUCTION REQUIREMENTS: GROUP C, Up to 4 Storeys, Sprinklered Section 3.2.2.4.5
Combustible or non-combustible construction permitted.

PROJECT DIRECTORY:

DEVELOPMENT TEAM

de Hoog & Kienitz architects

277 Ford Street

Victoria, BC V8V 3K3

tel: 250 858 3367

fax: 250 858 3397

LANDSCAPE ARCHITECT

LADR

28-498 Douglas Rd.

Victoria, BC V8E 1B8

tel: 250 858 3367

fax: 250 858 3397

tel: 250 858 0105

fax: 250 412 0495

LIST OF DRAWINGS:

ARCHITECTURAL:

A100 PROJECT DATA

A201 FLOOR PLANS

A202 ELEVATIONS & MATERIALS

A401 BUILDING SECTIONS

A500 PERSPECTIVE VIEWING

A502 PERSPECTIVE VIEWS

A503 PERSPECTIVE VIEWS

LANDSCAPE:

L1 LANDSCAPE CONCEPT PLAN

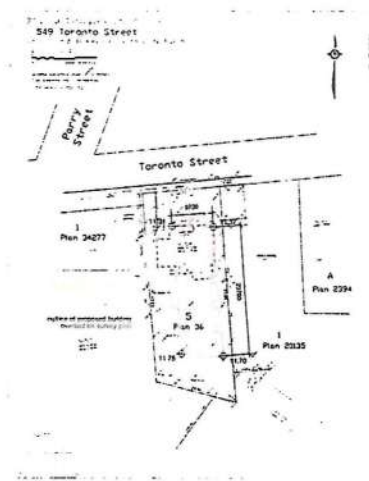


1 CONTEXT PLAN - AERIAL PHOTO

1:500

AVERAGE GRADE:

11.31 + 11.37 / 2 = 11.34 x 9.7m =	110.0
11.37 + 11.70 / 2 = 11.53 x 20.7m =	342.5
11.70 + 11.75 / 2 = 11.72 x 9.7m =	113.7
11.75 + 11.51 / 2 = 11.53 x 29.7m =	342.5
968.7 / 78.8 = 11.53 m gradient	



2 SITE SURVEY PLAN - EXISTING

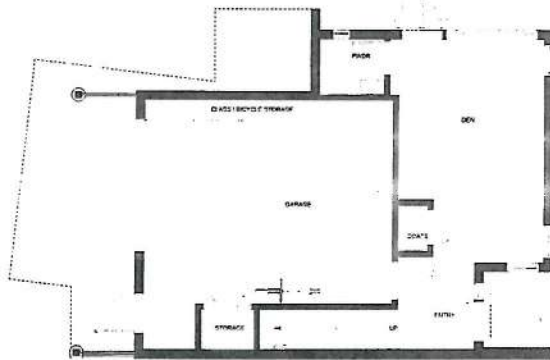
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549 TORONTO STREET
ISSUED FOR DEVELOPMENT PERMIT

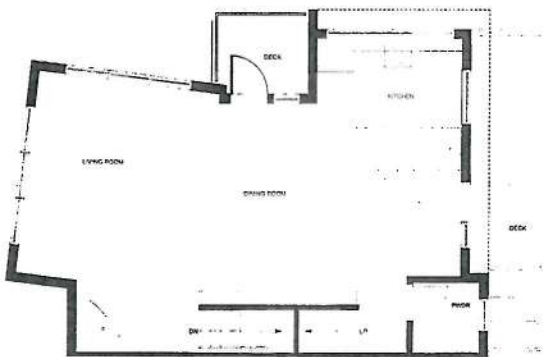
19 FEBRUARY 2015

Project Name	
Project Number	
Project Date	
Project Status	
Project Location	
Project Owner	
Project Architect	
Project Engineer	
Project Designer	
Project Draftsman	
Project Checker	
Project Approver	

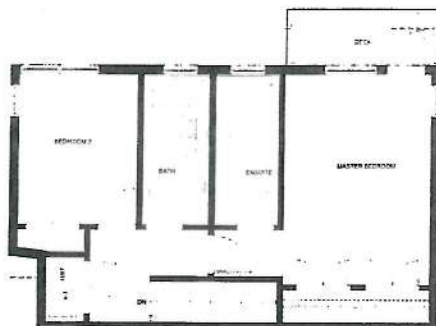
de Hoog & Kienitz architects	
277 Ford Street	
Victoria BC V8V 3K3	
tel: 250 858 3367	
fax: 250 858 3397	
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Project Designer	
Project Draftsman	
Project Checker	
Project Approver	



1 UNIT TYPE A - L1 FLOOR PLAN
1:50

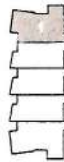


2 UNIT TYPE A - L2 FLOOR PLAN
1:50

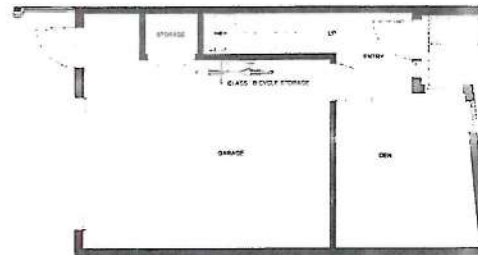


3 UNIT TYPE A - L3 FLOOR PLAN
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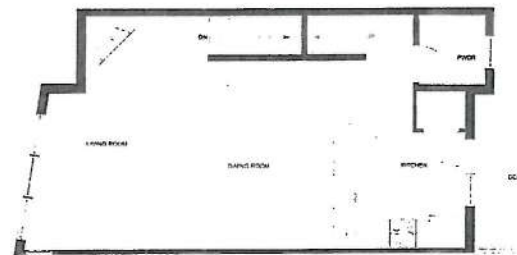
UNIT TYPE A
L1 55.3 sq.m. (incl. porch)
L2 55.2 sq.m.
L3 54.1 sq.m.
TOTAL 171.6 sq.m. (1847 s.f.)



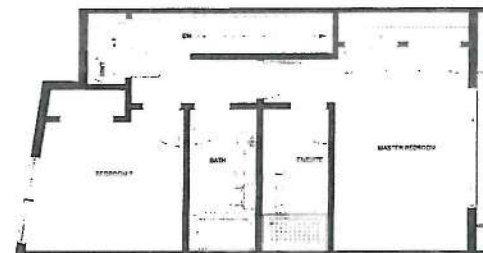
KEY PLAN



4 UNIT TYPE B - L1 FLOOR PLAN
1:50



5 UNIT TYPE B - L2 FLOOR PLAN
1:50



6 UNIT TYPE B - L3 FLOOR PLAN
1:50

UNIT TYPE B
L1 47.5 sq.m. (incl. porch)
L2 55.5 sq.m.
L3 53.0 sq.m.
TOTAL 156.0 sq.m. (1686 s.f.)

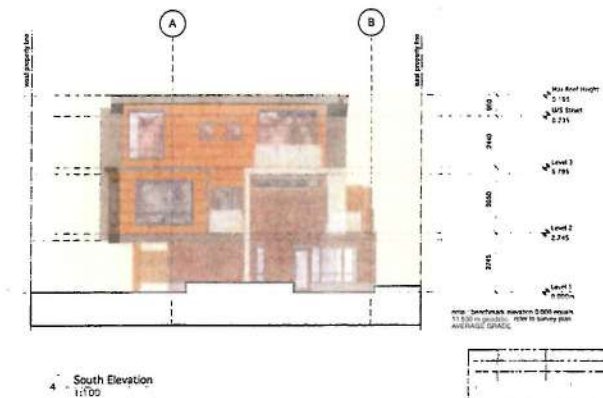
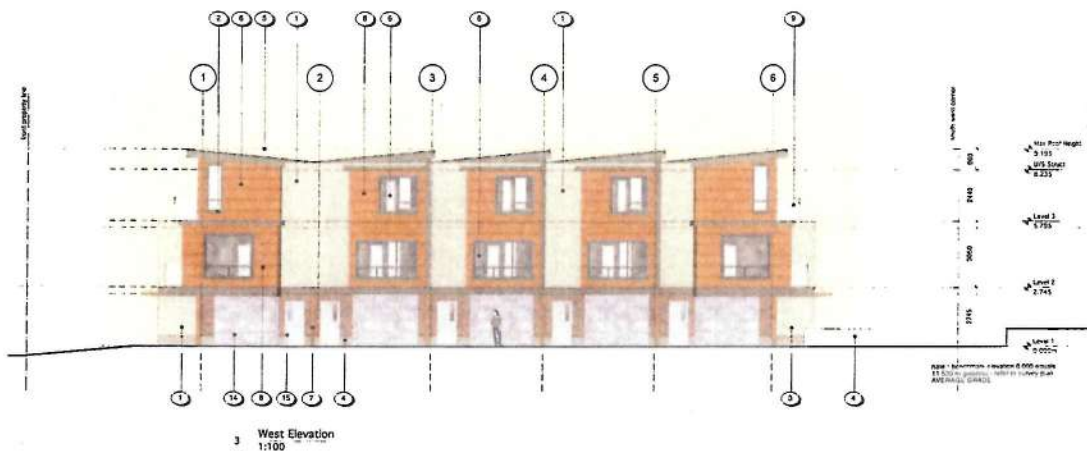
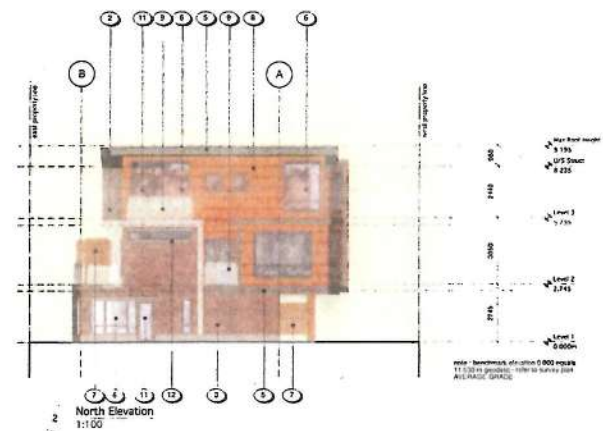
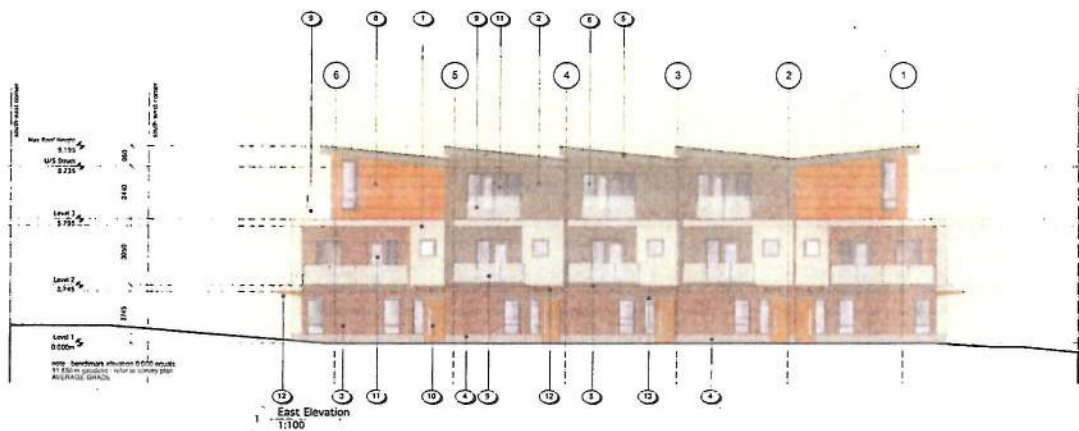


KEY PLAN



Project Name	Toronto Street Townhomes
Client	1000000000
Architect	da Voog & Kieruff architects
Scale	1:50
Date	10/07/15

da Voog & Kieruff architects
200 Toronto Street
Toronto, ON
Unit Plans
A202



MATERIALS SCHEDULE

- | | | |
|--|---|----------------------------------|
| 1 CORRUGATED GALVANIZED METAL SIDING | 7 WOOD SHIPMENT COLLARS / LATTICE SCREEN | 13 GLASS AND WOOD |
| 2 EXTERIOR STAINLESS STEEL CHIMNEY CAP | 8 SELECT GLASS FOR PANEL SIDING | 14 PRECAST CONCRETE LATEL / DILL |
| 3 ARCHITECTURAL BRICK VENEER | 9 TIMBERED GLASS GUARDRAIL WITH ALUM CHAIRS | 15 GLASS AND ALUMINUM |
| 4 FINISHED CONCRETE WALL | 10 FINISHED BRICK AND BRASS | 16 WOOD KIDS EXTERIOR METAL DOOR |
| 5 PRE-FINISHED METAL PANELS & FLASHING | 11 EXTERIOR GLASS DOOR TO HATCH | 17 PRE-PAINTED METAL |
| 6 BRICKWORK, BRICKWORK, BRICKWORK ALUM | 12 EXTERIOR GLASS DOOR TO HATCH | |

Project Information	
Project Name	Toronto Street Townhouses
Client	545 Toronto Street
Architect	de Haeg & Klunz Architects
Scale	1:100
Date	2015-10-15
Elevations and Materials	
A301	

[illegible]



Selling Agent	Listing Office	Phone	Fax

Property Details

Address: _____ City: _____ Province: _____ Postal Code: _____

Bedrooms: _____ Bathrooms: _____ Square Feet: _____ Year Built: _____

de Hoog & Kienul Architects

Toronto Street Townhouses

500 Toronto Street, Unit 201, Toronto, Ontario M5T 1A2

Perspective Views

A502

[illegible]

Recommended Nursery Stock

Trees

Total: 7

Botanical Name	Common Name	Size
<i>Acer palmatum</i> 'Sango Kaku'	Coral Bark Japanese Maple	2.5m ht.
<i>Acer rubrum</i> 'Bowhall'	Bowhall Red Maple	6cm cal.
<i>Stewartia pseudocamellia</i>	Japanese Stewartia	5 cm cal

Large Shrubs

Total: 26

Botanical Name	Common Name	Size
<i>Hamamelis x intermedia</i> 'Jelena'	Jelena Witch Hazel	1.5m ht #10 pot
<i>Physocarpus opulifolius</i> 'Center Glow'	Pacific Ninebark 'Center Glow'	#3 pot
<i>Pieris</i> 'Forest Flame'	Forest Flame Pieris	#5 pot
<i>Taxus baccata</i> 'Fastiglata'	Irish Yew	#5 pot, 1.5 m ht.

Medium Shrubs

Total: 22

Botanical Name	Common Name	Size
<i>Pieris japonica</i> 'Prelude'	Prelude Pieris	#5 pot
<i>Rhododendron</i> 'Dora Amateis'	Dora Amateis Rhododendron	#5 pot
<i>Viburnum tinus</i> 'Spring Bouquet'	Spring Bouquet Viburnum	#5 pot

Small Shrubs

Total: 56

Botanical Name	Common Name	Size
<i>Cornus stolonifera</i> 'Kelsey'	Kelsey Dogwood	#2 pot
<i>Rosa rugosa</i> 'Snow Pavement'	Snow Pavement Series Rose	#1 pot

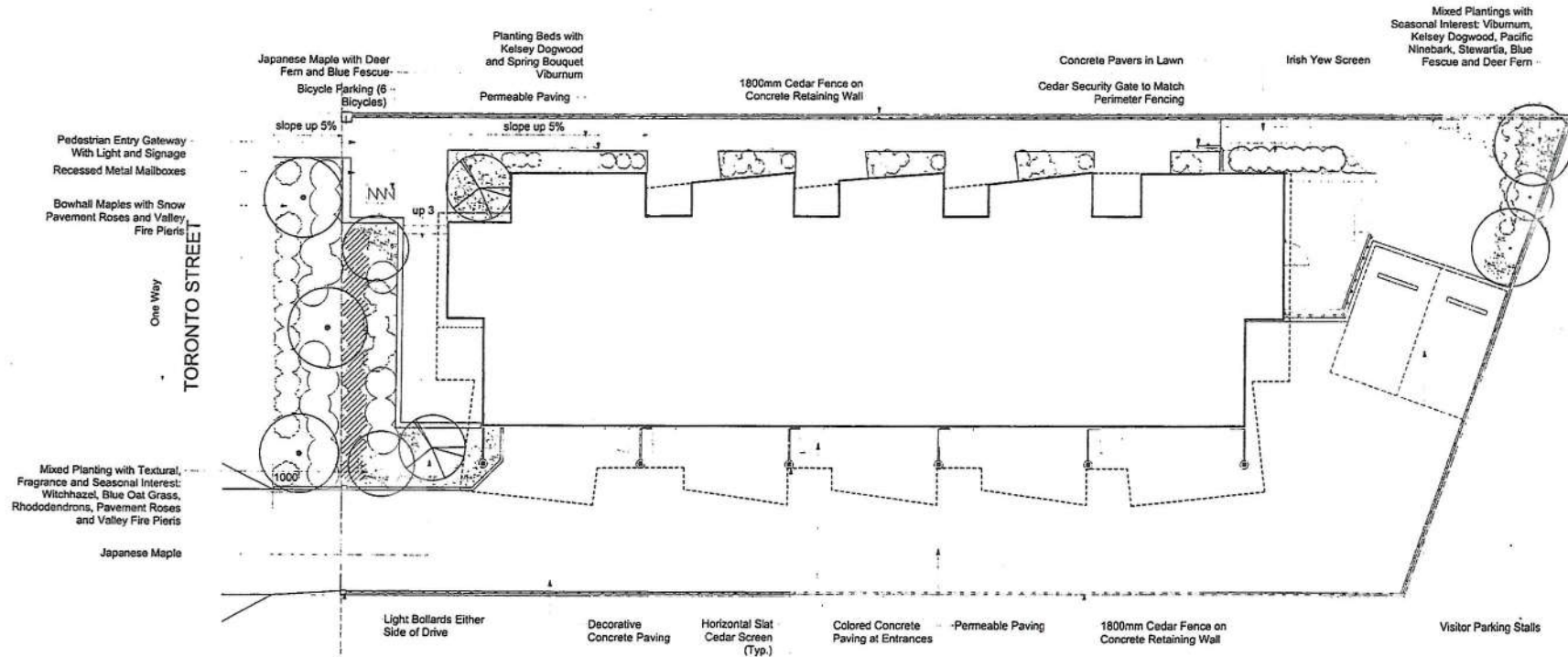
Perennials, Annuals and Ferns

Total: 74

Botanical Name	Common Name	Size
<i>Blechnum spicant</i>	Deer Fern	#1 pot
<i>Festuca glauca</i>	Common Blue Fescue	#1 pot
<i>Helictotrichon sempervirens</i>	Blue Oat Grass	#1 pot

Notes:

1. All work to be completed to current BCSLA Landscape Standards
2. All soft landscape to be irrigated with an automatic irrigation system



549 Toronto St. Landscape Concept Plan



LADR

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Feb 19-15 Re-issued for DP