



## Planning and Land Use Committee Report

For the Meeting of October 16, 2014

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**To:** Planning and Land Use Committee      **Date:** October 2, 2014  
**From:** Helen Cain, Senior Planner, Development Services Division  
**Subject:** Official Community Plan Amendment Application, Rezoning Application #00435 and Development Permit Application #000354 for the property located at 1310 Gladstone Avenue

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### Executive Summary

The purpose of this report is to provide Council with information, analysis and recommendations regarding an Official Community Plan Amendment Application, a Rezoning Application and a Development Permit Application for the property located at 1310 Gladstone Avenue. The proposal is for a new three-storey building with commercial uses at street level, and commercial or residential use on the upper storey with a floor space ratio (FSR) of 1.49:1.

The following points were considered in assessing these applications:

- The OCP designates the subject property as Traditional Residential, but the lot is adjacent to Fernwood Village, where the OCP envisions densities up to 1.5:1 FSR with potential bonus density up to a total of approximately 2.5:1 FSR. This proposal is aligned with objectives and policies in the OCP and *Fernwood Neighbourhood Plan 1994*.
- A list of potential commercial and residential uses are proposed that together would require between 11 and 26 parking stalls depending on the actual uses located on the site. The proposal includes two parking stalls in the rear yard, bicycle racks and storage spaces in compliance with Schedule C of the *Zoning Regulation Bylaw*. To further offset the on-site parking shortfall, the applicant has agreed to provide one Car Share membership per residential unit and commercial unit.
- The applicant has also agreed to secure four rental housing units in perpetuity and to provide a Statutory Right-of-Way to support the implementation of the Gladstone People-Priority Greenway.
- Staff consider the proposed design to align with objectives for the Development Permit Area and Heritage Conservation Area 6B Small Urban Villages Heritage, DPA 6B (HC).

Staff recommend that Council amend the OCP to designate the subject property as Small Urban Village and to include the lot in DPA 6B (HC), and to advance the applications to a Public Hearing.

### Recommendations

1. That Council direct staff to prepare the necessary Official Community Plan Amendment Bylaw and that concurrent with the Rezoning Application advance to a Public Hearing:
  - a. That Council give first reading to the Official Community Plan Amendment Bylaw;

- b. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2012-2016 Financial Plan and the *Capital Regional District Liquid Waste Management Plan* and *Capital Regional District Solid Waste Management Plan* pursuant to Section 882(3)(a) of the *Local Government Act* and deem those plans to be consistent with the proposed *Official Community Plan Amendment Bylaw*;
  - c. That Council consider consultation under Section 879(2) of the *Local Government Act* and determine that no referrals are necessary with the Capital Regional District Board; Councils of Oak Bay, Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District Board; and the provincial and federal governments and their agencies due to the nature of the proposed amendments;
  - d. That Council give second reading to the Official Community Plan Amendment Bylaw;
  - e. That Council refer the Official Community Plan Bylaw Amendment Bylaw for consideration at a Public Hearing.
- 2. That Council direct staff to prepare the *Zoning Regulation Bylaw* Amendment Bylaw that would authorize the proposed development outlined in Rezoning Application #00435 for 1310 Gladstone, subject to:
  - a. registration on the relevant property title of the following:
    - i. Section 219 Covenant to the satisfaction of the City Solicitor and Director of Sustainable Planning and Community Development for an easement through the driveway of the property located at 2009 Fernwood Road;
    - ii. Housing Agreement to the satisfaction of the City Solicitor and Director of Sustainable Planning and Community Development to ensure that the self-contained dwelling units are rental in perpetuity;
    - iii. Statutory Right-of-Way of 1.524 m. along Gladstone Avenue to the satisfaction of the City Solicitor and Director of Engineering and Public Works,
    - iv. Section 219 Covenant for sewage attenuation, as required, to the satisfaction of the City Solicitor and Director of Engineering and Public Works;
    - v. Car Share Agreement for each residential and commercial unit to the satisfaction of the City Solicitor, Director of Sustainable Planning and Community Development, and the Director of Engineering and Public Works.
  - b. securing the requisite monetary deposit to the Victoria Car Share Co-op to be held in trust by the applicant's lawyer, to the satisfaction of the City Solicitor and Director of Engineering and Public Works.
- 3. Following consideration of the Official Community Plan Amendment Bylaw and Rezoning Application #00435, that Council approve a Development Permit for 1310 Gladstone Avenue, in accordance with:
  - a. Plans for Rezoning Application #00435 and Development Permit Application #000354, stamped August 11, 2014;
  - b. Development meeting all Zoning Regulation Bylaw requirements;



- c. Final plans to be generally in accordance with plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

Respectfully submitted,

*Helen Cain*

Helen Cain  
Senior Planner  
Development Services Division

*adm*

*D.E. Day*

Deb Day, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:

Date:

*[Signature]*  
\_\_\_\_\_  
Jason Johnson  
*October 14, 2014*

HC:lw/aw

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## 1.0 Purpose

The purpose of this report is to present Council with information, analysis and recommendations regarding an Official Community Plan Amendment Application, a Rezoning Application and a Development Permit Application for the property located at 1310 Gladstone Avenue.

## 2.0 Background

### 2.1 Description of Proposal

The proposal is to rezone from the R1-B Zone (Single Family Dwelling District) to a new zone to permit a three-storey mixed-use building with commercial uses on the first and second storeys, and either office or four housing units on the third storey. These applications also include a request to amend the Official Community Plan (OCP) to include the subject site in Fernwood Village, which would require changing the land designation from Traditional Residential to Small Urban Village.

As stated in the applicant's letter (August 14, attached), the Fernwood Neighbourhood Resource Group (FNRG) is requesting a list of uses to accommodate potential tenants:

- retail
- office
- bakery
- hair salon
- yoga studio
- spa treatment
- bicycle repair shop
- food and drinking establishment.

The applicant's letter has also identified the potential location in the building and floor space for the uses as summarized in the chart below.

Proposed Use	Maximum Floor Space	Schedule C Requirements
<b>First storey (108 m<sup>2</sup> in total)</b>		
Athletic instruction (yoga studio) or	108 m <sup>2</sup>	11
Retail	108 m <sup>2</sup>	3
<b>Second storey (175 m<sup>2</sup> in total)</b>		
Food and drinking establishment or	175 m <sup>2</sup>	10
Retail	175 m <sup>2</sup>	5
<b>Third storey (149 m<sup>2</sup> in total)</b>		
Office or	149 m <sup>2</sup>	3
Multiple dwelling (four units)	4 (149 m <sup>2</sup> )	5

For these proposed commercial and residential uses, Schedule C requirements for vehicle parking would range between 11 and 26 stalls. The proposal includes two parking stalls at the rear of the proposed building with access through an easement along the driveway on the property located at 2009 Fernwood Road, which the FNRG owns. Compared to Schedule C, there would be a shortfall in parking stalls ranging from nine and 24 parking stalls depending on

the actual uses on the site at any given time. To help offset the potential impact on the availability of street parking in the vicinity of the subject site, the applicant has agreed to provide a Car Share membership for each residential and commercial unit, and would meet the Schedule C requirements for bicycle racks and bicycle storage spaces.

The proposed site plan, architecture and landscape design would include:

- building form and massing that is narrow, long, and set back from the street with space for a patio connecting the private to the public realm
- large storefront windows and exterior stairs and balconies on the third storey to connect activity in the building to people on the street
- exterior finishes of brick siding on the west, north and south elevations, horizontal wood siding on the east elevation and a metal roof
- decorative paving stones with landscape strips in the rear parking lot.

## 2.2 Green Building Features

The applicant's letter (March 7, 2014, attached) states that the Building Permit phase would endeavour to follow best practices with respect to energy and water conservation, construction waste management and use of high quality, durable materials with low toxicity.

## 2.3 Existing Site Development and Development Potential

The data table (below) compares the proposal with the neighbouring C-1 Zone (Restricted Commercial District). The proposal is less stringent than the zone standards for criteria identified with an asterisk.

Zoning Criteria	Proposal	Zone Standard C-1 Zone
Site area (m <sup>2</sup> ) – minimum	362.00	n/a
Total floor area (m <sup>2</sup> ) – maximum	540.23	n/a
Residential location	None on ground floor	None on ground floor
Density (Floor Space Ratio) – maximum	1.49:1*	1.4:1
Height (m) – maximum	10.56	12.00
Site coverage (%) – maximum	62	n/a
Open site space (%) – minimum	32	n/a
Storeys – maximum	3	n/a
Setbacks (m) – minimum		
North (rear)	7.50	6.00
South (south)	3.50*	6.00
East	0.00*	2.64
West	1.10*	3.00



Zoning Criteria	Proposal	Zone Standard C-1 Zone
Parking – minimum	2*	11 to 26 (actual uses would dictate parking requirement. 26 stalls indicates the highest parking requirement based on the combination of uses)
Visitor parking – minimum	1*	1 to 2 (actual uses would dictate parking requirement. Two stalls indicates the highest visitor parking requirement based on the combination of uses)
Bicycle storage – minimum	12	12
Bicycle rack – minimum	6*	12

## 2.4 Land Use Context

The immediately adjacent land uses are:

- North: three single-family dwellings
- South: townhouses
- West: one commercial building and a commercial and residential mixed-use building
- East: townhouses.

## 2.5 Legal Description

The west ½ of Lot 7, Section 75, Victoria District, Plan 277.

## 2.6 Consistency with City Policy

### 2.6.1 Official Community Plan, 2012

The proposal is aligned with objectives and policies in the OCP related to complete villages, placemaking, and strategic directions for the Fernwood neighbourhood. OCP Objective 6(f) provides direction to progress towards complete villages over time and Policy 6.1.7 states that Small Urban Villages should have commercial and community services in low-rise, ground-oriented, mixed-use buildings of up to four storeys on arterials and three storeys in other locations. Policy 21.8.4 provides direction to consider the expansion of Fernwood Village.

The proposed mixed-use building would require an OCP amendment because the subject property is designated Traditional Residential, where ground-oriented housing is the norm with apartment and mixed-use buildings on arterial and secondary arterial roads. Given the location of this lot adjacent to Fernwood Village and the overall fit of the proposal with OCP policies, staff recommend that Council change the land designation to Small Urban Village.

On a related matter, new development in Fernwood Village is subject to control and regulation in the Development Permit Area and Heritage Conservation Area 6B Small Urban Village Heritage, DPA 6B (HC). Staff consider this proposal to be aligned with DPA 6B (HC) objectives for revitalization of Fernwood Village through infill that is sensitive to existing place character. Accordingly, an OCP amendment to include the subject site in DPA 6B (HC) and to apply the associated guidelines in review and consideration of the proposed design would be appropriate.

Should Council support the OCP amendment, Council is required to consider consultation with the Capital Regional District Board; Councils of Oak Bay, Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District Board and the provincial government and its agencies. However, further consultation is not recommended as necessary for this amendment to the Urban Place Designation as this matter can be considered under policies in the OCP.

Council is also required to consider OCP Amendments in relation to the City's *Financial Plan* and the *Capital Regional District Liquid Waste Management Plan* and the *Capital District Solid Waste Management Plan*. This proposal will have no impact on any of these plans.

## **2.6.2 Fernwood Neighbourhood Plan, 1994**

The *Fernwood Neighbourhood Plan, 1994*, emphasizes the revitalization of Fernwood Village as the commercial hub of the neighbourhood. This plan contains a "summary map" that illustrates land uses and related policies, including the boundaries of Fernwood Village and the associated Development Permit Area and Heritage Conservation Area. As the map can be interpreted to show the subject property as located within Fernwood Village, the proposed mixed-use building is compatible with the local area plan.

## **2.8 Community Consultation**

In accordance with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning Applications*, the applicant consulted with the Fernwood CALUC on January 8, 2014 and February 4, 2014. A letter from the CALUC is attached to this report.

## **3.0 Issues**

The main issues related to these applications are:

- Fernwood Village expansion
- design review and analysis
- loss of front yard Maple tree
- vehicle parking shortfall.

## **4.0 Analysis**

### **4.1 Fernwood Village Expansion**

This proposal is aligned with key directions in the OCP and *Fernwood Neighbourhood Plan* to expand Fernwood Village as a commercial area. The OCP amendment to designate the subject property as located in a Small Urban Village is a logical extension of this neighbourhood hub. Moreover, the new mixed-use building would contribute to DPA 6B (HC) objectives to revitalize



Fernwood Village and the proposed design is well-suited to the character of this historic district. Should Council advance these applications to a Public Hearing, staff recommend another OCP amendment to expand DPA 6B (HC) to include the subject property within this DPA.

#### **4.2 Design Review and Analysis**

The proposed design for the new mixed-use building has been reviewed in relation to DPA 6B (HC), where form, character and finishes and landscaping details are controlled and regulated primarily in relation to the *Buildings, Signs and Awnings Advisory Design Guidelines, 1981*. Staff review and analysis of the design of the proposal are summarized below:

- building form, massing and scale are complementary to the adjacent one-storey commercial building and the three-storey townhouses
- architectural features, such as window openings, and exterior finishes (e.g. brick) that acknowledge the heritage character of Fernwood Village are appropriate
- connections between activity in the building and the street are fostered with shop windows, building entrances and an outdoor balcony on the upper storey.

Overall, staff consider the proposed design to comply with the guidelines for DPA 6B (HC).

#### **4.3 Loss of Front Yard Maple Tree**

In an early version of the proposal, the building was set back from the street in the southeast corner of the lot to take advantage of the canopy of the mature Maple tree. In response to staff's request for information, the applicant completed an Arborist Report (attached) which determined that the tree would not survive the construction stage of the development. Accordingly, the Maple tree is removed from the landscape plan, and the site plan was changed to bring the building closer to the street in order to connect the outdoor patio to the public realm.

#### **4.4 Vehicle Parking Shortfall**

Based on the current regulations in Schedule C of the *Zoning Regulation Bylaw*, the proposal would require a maximum of 26 vehicle parking stalls. However, some of the proposed uses (fitness facility, eating and drinking establishment) require a high number of stalls. If the list of uses were narrowed to retail on two storeys and housing above, 13 stalls would be required. Should the uses be limited to retail with third-storey offices, the requirement would be 11 stalls. Given the proposed development includes two stalls in the rear yard of the building, the parking shortfall compared to the bylaw requirements would, therefore, range from nine to 24 stalls, based on the current regulations. Residents and visitors of the building would also potentially compete for limited and frequently used two hour on-street parking stalls and would not be permitted to park within the Gladstone Avenue Residential Only Parking Zone, as the subject property is not adjacent to the designated area.

Staff requested a Parking Impact Study from the applicant to help determine the impact of the new mixed-use building on street parking near the Fernwood Avenue and Gladstone Avenue intersection. The applicant has chosen to not provide this report for the following reasons:

- the proponent would prefer to apply the resources required for the Parking Impact Study to the provision of Car Share Membership for all residential and



- commercial units, and
- the applicant is in the process of undertaking an informal study with observational data on street parking conditions, which would be provided to staff, prior to a Public Hearing, should Council decide to move the application forward.

Staff have explored a variety of additional transportation demand management (TDM) measures with the applicant to address the on-site shortfall in parking stalls. These include five year transit passes for residential and commercial units and an end-of-trip facility (showers), as well as the possibility of narrowing the range of uses to retail and residential, or retail and office, to remove the proposed uses with high parking requirements. The applicant has indicated that neither the cost of transit passes or the accommodation of a shower facility within the small building would be feasible, and that a yoga studio and a food and drinking establishment would be essential for the business model for their project.

It should also be noted that, in 2008, staff entered into a community-led engagement process with the Fernwood CALUC and residents, businesses and community groups to address the issue of parking congestion in the vicinity of the Gladstone Avenue and Fernwood Avenue intersection. These efforts resulted in the reduction of an existing resident-only parking zone and expansion of restricted two-hour parking for visitors to shops and community amenities in Fernwood Village. Should the proposal increase the pressure on street parking, and community members wish to extend the restricted parking and/or residential parking zone, staff would further consult with the area stakeholders on options for parking management.

Staff recommend support for the proposal as presented. While the availability of street parking near the subject site is an important issue, the proposed new mixed-use building would contribute to the revitalization of Fernwood Village. The informal study that the applicant is undertaking, in advance of the Public Hearing, would contribute valuable information to help assess the situation, and staff have on-going consultation with the community in efforts to address issues related to parking congestion. Should Council wish to address the parking shortfall more extensively, Council has the option to require additional TDM measures, such as transit passes and/or an end-of-trip facility.

## **5.0 Resource Impacts**

There are no resource impacts anticipated with these applications.

## **6.0 Conclusions**

This proposal for a mixed-use building is aligned with policy direction in the OCP and local area plan to revitalize and expand the area identified as Fernwood Village and the proposed design is well-suited to this historic commercial district. Staff recommend that Council amend the OCP to designate the subject property is part of a Small Urban Village area and within DPA 6B (HC) and advance these applications to a Public Hearing.

## **7.0 Recommendations**

### **7.1.1 Staff Recommendations**

1. That Council direct staff to prepare the necessary Official Community Plan Amendment Bylaw and that concurrent with the Rezoning Application advance to

a Public Hearing:

- a. That Council give first reading to the Official Community Plan Amendment Bylaw;
  - b. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2012-2016 Financial Plan and the *Capital Regional District Liquid Waste Management Plan* and *Capital Regional District Solid Waste Management Plan* pursuant to Section 882(3)(a) of the *Local Government Act* and deem those plans to be consistent with the proposed *Official Community Plan Amendment Bylaw*;
  - c. That Council consider consultation under Section 879(2) of the *Local Government Act* and determine that no referrals are necessary with the Capital Regional District Board; Councils of Oak Bay, Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District Board; and the provincial and federal governments and their agencies due to the nature of the proposed amendments;
  - d. That Council give second reading to the Official Community Plan Amendment Bylaw;
  - e. That Council refer the Official Community Plan Bylaw Amendment Bylaw for consideration at a Public Hearing.
2. That Council direct staff to prepare the *Zoning Regulation Bylaw Amendment Bylaw* that would authorize the proposed development outlined in Rezoning Application #00435 for 1310 Gladstone, subject to:
- a. registration on the relevant property title of the following:
    - i. Section 219 Covenant to the satisfaction of the City Solicitor and Director of Sustainable Planning and Community Development for an easement through the driveway of the property located at 2009 Fernwood Road,
    - ii. Housing Agreement to the satisfaction of the City Solicitor and Director of Sustainable Planning and Community Development to ensure that the self-contained dwelling units are rental in perpetuity,
    - iii. Statutory Right-of-Way of 1.524 m along Gladstone Avenue to the satisfaction of the City Solicitor and Director of Engineering and Public Works,
    - iv. Section 219 Covenant for sewage attenuation, as required, to the satisfaction of the City Solicitor and Director of Engineering and Public Works,
    - v. Car Share Agreement for each residential and commercial unit to the satisfaction of the City Solicitor, Director of Sustainable Planning and Community Development, and the Director of Engineering and Public Works;
  - b. securing the requisite monetary deposit to the Victoria Car Share Co-op to be held in trust by the applicant's lawyer, to the satisfaction of the City Solicitor and Director of Engineering and Public Works.
3. Following consideration of the Official Community Plan Amendment Bylaw and



Rezoning Application #00435, that Council approve a Development Permit for 1310 Gladstone Avenue, in accordance with:

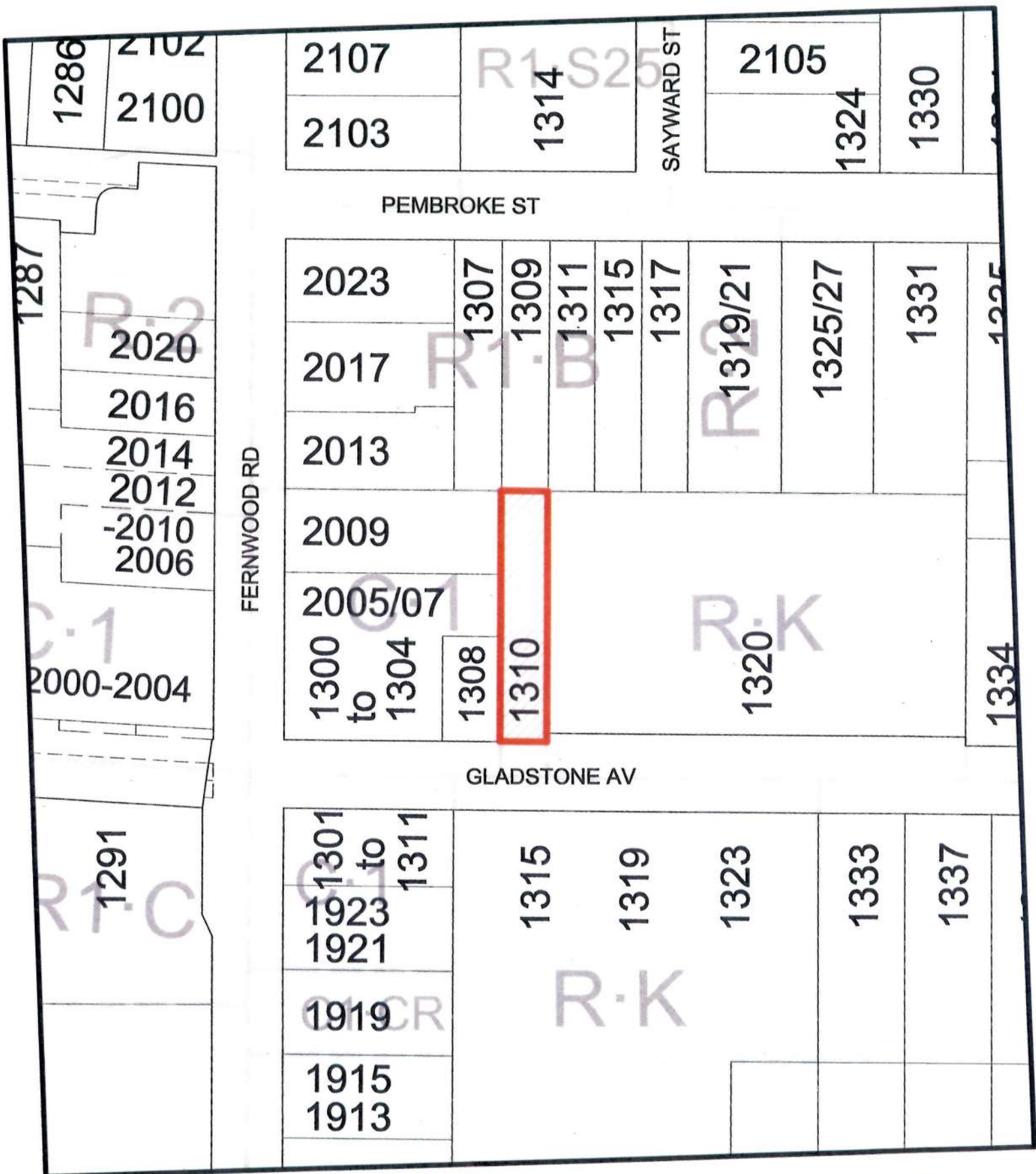
- a. Plans for Rezoning Application #00435 and Development Permit Application #000354, stamped August 11, 2014;
- b. Development meeting all *Zoning Regulation Bylaw* requirements;
- c. Final plans to be generally in accordance with plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

## **7.2 Alternate Recommendations (Decline)**

That Council decline Rezoning Application #00435 and Development Permit Application #000354 for the property located at 1310 Gladstone Avenue.

## **8.0 List of Attachments**

- Aerial map
- Zoning map
- Letters from Lee Herrin, Fernwood Neighbourhood Resource Group, stamped August 14, 2014, and March 7, 2014
- Plans for Rezoning Application #00435 and Development Permit Application #00354, stamped August 11, 2014
- Arborist Report, Talbot & Mackenzie & Associates, dated June 12, 2014
- Letter from Fernwood Community Association Land Use Committee, stamped March 7, 2014.



1310 Gladstone Avenue  
 Rezoning #00435  
 Bylaw #







1310 Gladstone Avenue  
 Rezoning #00435  
 Bylaw #







Fernwood NRG

August 11, 2014

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



**RE: 1310 Gladstone Avenue revised proposal for Official Community Plan Amendment, Rezoning and Development Permit Application.**

In response to the Application Review Summary dated Wednesday, March 26, 2014, we are pleased to submit our revised proposal for the above noted development. The subject of this letter is to provide an itemized update and clarification of new information on the proposal and should be reviewed in conjunction with the revised, bubbled drawings.

Specifically, the conditions to be met prior to the Planning and Land Use Committee are:

- 1. Consider the registration of an easement on the property at 2009 Fernwood Road to provide off-street parking as well as access and egress to the rear of the subject site.***

Fernwood NRG is prepared to register an easement on the property at 2009 Fernwood Road for the purposes of providing vehicle and pedestrian access to the rear yard of 1310 Gladstone Avenue. An inventory of 7 off-street parking stalls will be accessed, including the inclusion of 2 stalls on the 1310 Gladstone Avenue property.

- 2. Update Landscape Plan to include hard surface materials.***

The Site Plan & Landscape Plan on Sheet A0.00 has been updated with annotations identifying the hard surface materials.

- 3. Please provide at least one colour elevation plan.***

The two primary public elevations on Sheet A3.01 have been resubmitted in colour.

- 4. Letter to Mayor and Council to provide updated/new information on the proposal.***

This document is included to provide updated/new information on the proposal.



- 5. *No justification for the proposed parking variance has been provided. Providing no parking for this proposed development is not supportable. An on-site shortfall in parking for residents and their guests, employees and customers will have an impact on-street parking availability for residents and businesses of the neighbourhood.***

As noted in item 1, above, 2 off-street parking stalls have been accommodated in the rear yard of the property. These parking stalls will require an access agreement across the 2009 Fernwood Road site, which has an existing, non-conforming driveway access onto Fernwood Road. This existing access would service the existing 5 off-street parking stalls on 2009 Fernwood Road, plus the 2 proposed off-street parking stalls on 1310 Gladstone Avenue. The inclusion of these stalls emerged in response to a determination by a qualified arborist recommending removal of the existing tree on site which will enable the overall building to shift south on the property and facilitate the creation of the stalls.

In rationalizing the vehicle parking provisions for this proposal, we would like to solidify the case for Fernwood's urban village designation and, pending a successful OCP amendment, the inclusion of the 1310 Gladstone Avenue site within the village, as a vibrant neighbourhood village focused on pedestrian activity. There is precedent within the City of Victoria, such as the Old Town zoning guidelines, which acknowledge a less vehicle-centered form and character. We believe that it is this form and character that is envisioned in the OCP for the urban village. Unfortunately, meeting the Schedule C off-street parking requirements for vehicle parking impedes the realization of this form and character.

We submit that the rezoning of 1310 Gladstone Avenue, as part of an expanded urban village, should establish a comprehensive zoning standard which establishes the parking in perpetuity, one which more accurately reflects the form and character of Fernwood Village. The 2 off-street stalls proposed make provision for vehicle parking, albeit modestly, but without detracting from the village fabric. In fact, the proposal affords scheduling opportunities relative to the use of both properties (2009 Fernwood Road and 1310 Gladstone Avenue) such that an inventory of 7 stalls is available for use for the different tenancies during a typical week. Today, 2009 Fernwood Road is in use as an office which requires daytime parking during the work week, while for 1310 Gladstone Avenue we envision retail, restaurant and/or recreation as the primary parking demand generators, all of which create the highest demand on evenings and weekends.

To provide context, we have evaluated the maximum parking demand range based on the uses envisioned for the project and have determined, referencing Schedule C, that the upper floor would require between 2 and 3 vehicle parking stalls (office or residential use), the main floor would require between 5 and 10 vehicle parking stalls (retail or restaurant use, assuming 50 seats maximum), and the lower floor would require between 3 and 11 vehicle parking stalls (retail or recreational uses), for a total on-site, Schedule C requirement of between 10 and 24 vehicle stalls. A summary matrix of the various vehicle parking demand generation is as follows:

Schedule C, Potential Off Street Parking Calculations Based on Potential Tenancies

Potential Uses	Calculation	# of Parking Spaces Req'd
<b>Lower Floor (108 sq.m.)</b>		
Yoga Studio	1 space per 9.5 sq.m.	11
Treatment Studio/Spa Rooms	1 space per 37.5 sq.m.	3
Retail	1 space per 37.5 sq.m.	3
Bicycle Repair Shop	1 space per 37.5 sq.m.	3
<b>Main Floor (175 sq.m.)</b>		
Eating & Drinking Establishment (40-50 seat)	1 space per 5 seats	10
Retail	1 space per 37.5 sq.m.	5
Clothing Shop/Furniture Shop	1 space per 37.5 sq.m.	5
Hair Salon	1 space per 37.5 sq.m.	5
Services	1 space per 37.5 sq.m.	5
Bakery	1 space per 37.5 sq.m.	5
<b>Upper Floor (148.9 sq.m.)</b>		
Residential use in CA-3 zone	0.7 space per dwelling unit	3
Local Offices (assuming all 4 spaces occupied)	1 space per 65 sq.m.	2

On a final note, we would anticipate that the neighbourhood village with this proposed addition would continue to serve the local neighbourhood. That is, the principle patronage and proprietors for all of the proposed uses would be the Fernwood neighbourhood. Our proposal seeks to encourage pedestrian and alternative transportation modes, including bicycles, which are accommodated in the front yard, the rear yard, and as secured space within the building on the lower floor. This provision of excess bicycle parking is envisioned as an additional mitigation of the more modest vehicle parking provisions noted above.

6. ***The proposed rezoning and potential increase in density for this property may contribute to an overtaxing of the sanitary sewer system. Attenuation may be required to reduce the additional load on the sanitary sewer. Discharge rates provided by a qualified Engineer are to be submitted to the Engineering Department including the intended means to attenuate sewage.***

Discharge rates and the intended means to attenuate sewage are provided in the attached as prepared by engineer Peter Ferguson of McElhanney.



- 7. An Arborist report, by an ISA Certified Arborist, is required to provide an inventory of the trees impacted by the proposal. The Tree Preservation Bylaw 05-106 protected Big Leaf Maple is indicated as retained. The report is to detail the construction impacts and the required mitigation measures required to successfully retain this tree. A detail of the proposed tree well around the Big Leaf Maple is required as part of the arborist report. A Terms of Reference for the arborist report is available by contacting the Parks Development Officer.**

A report addressing the condition of the on-site Big Leaf Maple was prepared by ISA Certified Arborist, Tom Talbot of Talbot Mackenzie & Associates, Consulting Arborists, recommending removal of this tree. We propose to work closely with the Parks Department to determine the suitability of reinstating a specimen street tree that will meet the City of Victoria guidelines.

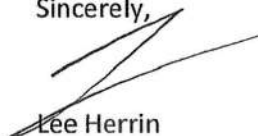
**Additional review comments were included in the Application Review Summary and are noted as follows:**

1. The requested Statutory Right-of-Way of 1.524 meters is acceptable and the proposal reflects consideration of this provision. A formal response to this request by Engineering will be provided prior to submitting a Building Permit application.
2. Additional Engineering information provided is noted and will be addressed prior to Public Hearing and/or a Building Permit application as itemized.
3. All items noted from Permits and Inspections have been acknowledged and addressed through the resubmission of a Code Analysis, with annotations as appropriate included on the resubmitted plans.
4. All items noted from the Fire Department have been acknowledged and addressed through the resubmission of a Code Analysis, the proposed access provisions across 2009 Fernwood Road, or will be provided prior to submitting a Building Permit application.

As per our original submission and letter to Mayor and Council dated March 6, 2014 (attached for reference), we reiterate our request for the establishment of a site specific zone for the proposed 1310 Gladstone Avenue project. We submit that the Zoning Plan Check of the proposal to a C-1 Zone is not aligned with the form and character of the proposed development within the Fernwood urban village. We note that the CA-3 Zoning Bylaw is an existing bylaw that substantially reflects the nature of this heritage conservation area/urban village and as such, we have referenced this Bylaw on our revised cover sheet for comparison.

We trust that the above responses to the Application Review Summary further support the proposal for this sensitive, neighbourhood-scaled building. We welcome the opportunity to appear before the Planning and Land Use Committee and to continue our work with staff to realize this important project.

Sincerely,



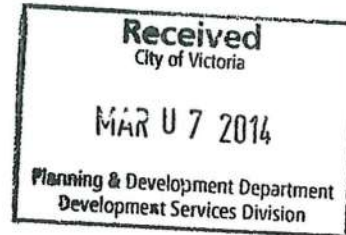
Lee Herrin  
Executive Director



## Fernwood NRG

March 6, 2014

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



### **RE: 1310 Gladstone Avenue proposal for Official Community Plan Amendment, Rezoning and Development Permit Application**

Fernwood NRG is an enterprising non-profit based in Fernwood. Originally incorporated in 1979 to manage the Fernwood Community Centre, our mandate has grown significantly since our acquisition of the Cornerstone Building (1301 Gladstone Avenue) in 2005. At that time, we received significant media attention for our efforts to revitalize the core of our neighbourhood through renovation of the then derelict building. Looking back, we can certainly say that our project was a tremendous success. Now, Fernwood is a vital and thriving neighbourhood that has attracted significant international attention to the City of Victoria, including an article in the *New York Times* in 2012 (<http://nyti.ms/1fbwqf8>), and just last month in the *Oregonian* (<http://bit.ly/1CvHvu>). Working with our partners and supporters in the neighbourhood, we have transformed Fernwood Village from a serious civic liability and embarrassment into a tremendous asset to the City's image and reputation. It is our great pleasure to put before you the following proposal which we believe will begin the process of moving Fernwood Village into the 21<sup>st</sup> century, laying down the foundation for the continued growth and health of our neighbourhood long into the future.

#### **Description of Proposal**

The proposal seeks to rezone the existing R1-B designated site at 1310 Gladstone Avenue to a site specific zone to support the development of a three storey mixed use project in the heart of Fernwood Village. The proposal will change the current land use to ones which are consistent with those uses existing in the village core, increase density at a neighbourhood node, create lease space for neighbourhood oriented commercial activities at the street and below, with up to four rental accommodations and/or small scale workplaces above.

#### **Government Policies**

The site is adjacent to the designated development permit area DPA 6B (HC): Small Urban Villages Heritage. The proposed development complements the special features, characteristics and conditions of the designation including:

- Development of "commercial and community services that support adjacent Traditional and Urban Residential areas";
- "revitalization through infill";
- "residential mixed use development with active commercial at the street level";
- "low rise commercial...and residential mixed-use development...with built form and place character appropriate to a node punctuating a surrounding residential area";



- And meeting the objective of enhancing “the area through infill...with a high quality of architecture, landscape and urban design that responds to its heritage setting through sensitive and innovative interventions.”

With respect to Neighbourhood Directions for Fernwood, Section 21 of the OCP, the proposal is consistent with the strategic direction which considers “expanding Fernwood Village to provide capacity for a broader range of business and community services for residents within walking distance.”

Further, with respect to the OCP, the placemaking policies in the plan are reflected in the development proposal, specifically:

- “That new buildings and features contribute to the sense of place in development permit areas and heritage conservation areas through sensitive and innovative responses to existing form and character”;
- And “that social vibrancy is fostered and strengthened through human scale design of buildings, streetscapes and public spaces”.

### **Project Benefits and Amenities**

The proposal would create additional neighbourhood oriented commercial space on two levels, complementing activities and uses supported in the village core. In replacing an ageing single family dwelling, the proposal increases density in an appropriate location in the neighbourhood, with the intent that the uses would support the local market, thereby reducing transportation impacts, and enriching neighbourhood livability. The project frontage will preserve a mature specimen tree at the street and introduce a meaningful, south facing patio along the commercial streetscape. Quality detailing throughout the project is intended to complement the existing Fernwood character, achieving appropriate “fit”.

### **Need and Demand**

The proposal affords additional commercial use space serving the local neighbourhood and small scale rental housing in the village core. Space demand in the village core is high for small scale commercial uses, both merchants and offices, including space to serve small scale proprietors and not for profit organizations. The intent is that the proposal would serve, over time, a variety of uses and tenures, reflecting the vibrancy of a village and the culture of the neighbourhood.

### **Neighbourhood**

The proposed uses are consistent with those existing in the village, effectively expanding the village core on an adjacent site. The existing lot and use is marooned between village commercial and multi-family residential uses. The lot is dimensionally and topographically challenged, necessitating a clever, site specific form that continues the commercial streetscape along Gladstone Avenue, resolves through block vistas from adjacent parcels, particularly from Fernwood Road, invites connectivity to the street on three levels, and affords a complementary massing, proportionate in scale, fenestration and materiality to the village core.

## **Impacts**

The proposal both complements the Village core and improves the streetscape, providing animation through the proposed uses and density. The immediate neighbours will benefit from a betterment of the current site conditions – including the erection of a new structure, the inclusion of landscape areas which complement the streetscape and the introduction of mixed uses transitioning the village to multi-family residential.

## **Design and Development Permit Guidelines**

The proposal will conform to the referenced applicable guidelines for DPA 6B (HC) including the advisory design guidelines for buildings, signs and awnings and guidelines for fences, gates and shutters. In addition, the proposal meets the guideline which encourages the building “to have shop windows and building entrances that are oriented to face the street”.

In addition, the project will also reflect the objectives of DPA 16: General Form and Character, specifically:

- “To support commercial...and multi-unit residential developments that provide a sensitive transition to adjacent and nearby areas with built form that is often three storeys, or lower”;
- “To integrate commercial...and multi-unit residential buildings in a manner that is complementary to established place character in a neighbourhood...including its heritage character”;
- “To enhance the place character of established areas and their streetscapes through high quality architecture, landscape and urban design that responds to each distinctive setting through sensitive and innovative interventions”;
- And “to achieve more livable environments through considerations for human-scaled design, quality of open spaces, privacy impacts, [and] safety”.

## **Safety and Security**

The proposal embraces key CPTED principles. The massing and its orientation to the street and adjacent sites promotes natural surveillance. Walkways, fencing, lighting and signage promote movement to and from the building’s entrances, creating strong connections to the street, overlook and visibility. Public and private is clearly delineated through paving treatments, signage and building edge, reinforcing ownership/control thereby discouraging trespassing or nuisance behavior. Finally, the project benefits from local ownership and the presence of the owner in the community ensuring that the project is maintained, not neglected, thereby discouraging negative activity.

## **Transportation**

The project does not meet the vehicle parking standards of Schedule C. The proposal reinforces the promotion of neighbourhood oriented services within an existing village core, prioritizing a pedestrian and bicycle culture over vehicle users. Within the context of the dimensional and topographical constraints of the physical site, the provision of onsite parking is impractical. It is understood that a broader community wide plan is necessary to address street parking for transient visitors to the neighbourhood.

The project meets the bicycle parking standards of Schedule C with provisions for residents and visitors/customers.



The proposal is situated along the Gladstone Avenue Greenway. The proposed project enhances the greenway with the inclusion of a gracious patio, animating the commercial activity of the street while preserving an existing mature specimen tree.

### **Heritage**

The existing single family house on the property has no heritage status. No heritage buildings will be impacted by the proposed development.

### **Green Building Features**

The proposed development occurs on an existing developed site within an urban village, therefore the ecological footprint of the larger community is not expanded. Socially, the project reflects demand in the immediate community for local commercial activities and small scale commercial office/residential flexible units.

While no specific metric or green rating system will be pursued on the project, best practices with respect to durability, energy efficiency, water conservation, construction waste management, and the specification of quality, low toxicity materials will be applied. The project, if financially feasible, will endeavor to incorporate solar hot water pre-heat panels to offset domestic water heating uses within the building.

### **Infrastructure**

Preliminary review of engineering infrastructure confirms adequate capacity for sewer, storm and water for the proposed development. It is anticipated that a detailed design and review will confirm the necessary capacity.

As the proposal is located within an existing village, the project will benefit from direct access to pedestrian and bicycle infrastructure, as well as a significant park space, access to a community centre and local commercial services.

### **Summary**

We believe that our proposal represents a sensitive, neighbourhood-scaled building that meets many civic goals while also strengthening the fabric of our neighbourhood. Our organization owns the building across the street (the Cornerstone Building), and an adjacent office building at 2009 Fernwood Road. We also have an option to purchase two further nearby properties at 2013 and 2017 Fernwood Road. We will be coming back to Council later this year with a further proposal to redevelop those properties as affordable housing for families. Our organization has been a vital part of Fernwood for 35 years and our interests lie in building sensitive, attractive, functional and efficient buildings that will become Fernwood landmarks for generations to come.

Sincerely,

A handwritten signature in black ink, appearing to be 'Lee Herrin', written in a cursive style.

Lee Herrin  
Executive Director

# APPLICATION FOR REZONING, DEVELOPMENT PERMIT & OCP AMENDMENT

2013 54/83 177 - 56 views

PROPOSED 2000	SITE SPECIFIC	CA-31 ZONE - GOLD TOWN DISTRICT
SITE AREA	362 +/-2	FLOOR AREA
TOTAL FLOOR AREA	580 213 +/-2	AREA
COMMERCIAL FLOOR AREA	177 +/-2	FLOOR
FLOOR SPACE RATIO	1.43 +/-1	SPACE
LOT COVERAGE	6.0%	0.00%
OPEN SPACE	63%	0.00%
HEIGHT OF BUILDING	20 1/2' +/-4	15 0' +/-4
NUMBER OF STORIES		
PARKING SPACES PER LOT	2	ADMIT 1000
VEHICLE PARKING SPACES (STORAGE & RACK)	12	1000
BIOSCIENCE RESEARCH		1000 1000
FRONT YARD	3' +/-4' (EXISTING)	9' +/-4'
REAR YARD	8' +/-4' (EXISTING)	9' +/-4'
SIDE YARD	8' +/-4' (EXISTING)	9' +/-4'
USE YARD	11' +/-4' (EXISTING)	9' +/-4'
COMBINED SIDE YARDS	11' +/-4'	9' +/-4'
RECOMMENDED USE DETAILS		
TOTAL NUMBER OF UNITS	8	
UNIT TYPE	2-1 BACHELOR, 2-ONE BEDROOM	
COULDED COVERTED UNITS	NO	
MINIMUM UNIT FLOOR AREA	231 +/-2	
MINIMUM FLOOR FLOOR AREA	201 +/-2	

1210 CLACKBURN AVENUE, VICTORIA, BC  
FACET, CENTRUM  
100-210-026 IN THE CITY OF VICTORIA



Drawn by	W
Checked by	C

A0.00



# BC Land Surveyors Site Plan of 1310 Gladstone Avenue

Legal - The West 1/2 of Lot 7, Section 75, Victoria District, Plan 277

Parcel Identifier: 009-192-026

Scale - 1:200



All distances are shown in metres.

The intended print size is 11" by 17".

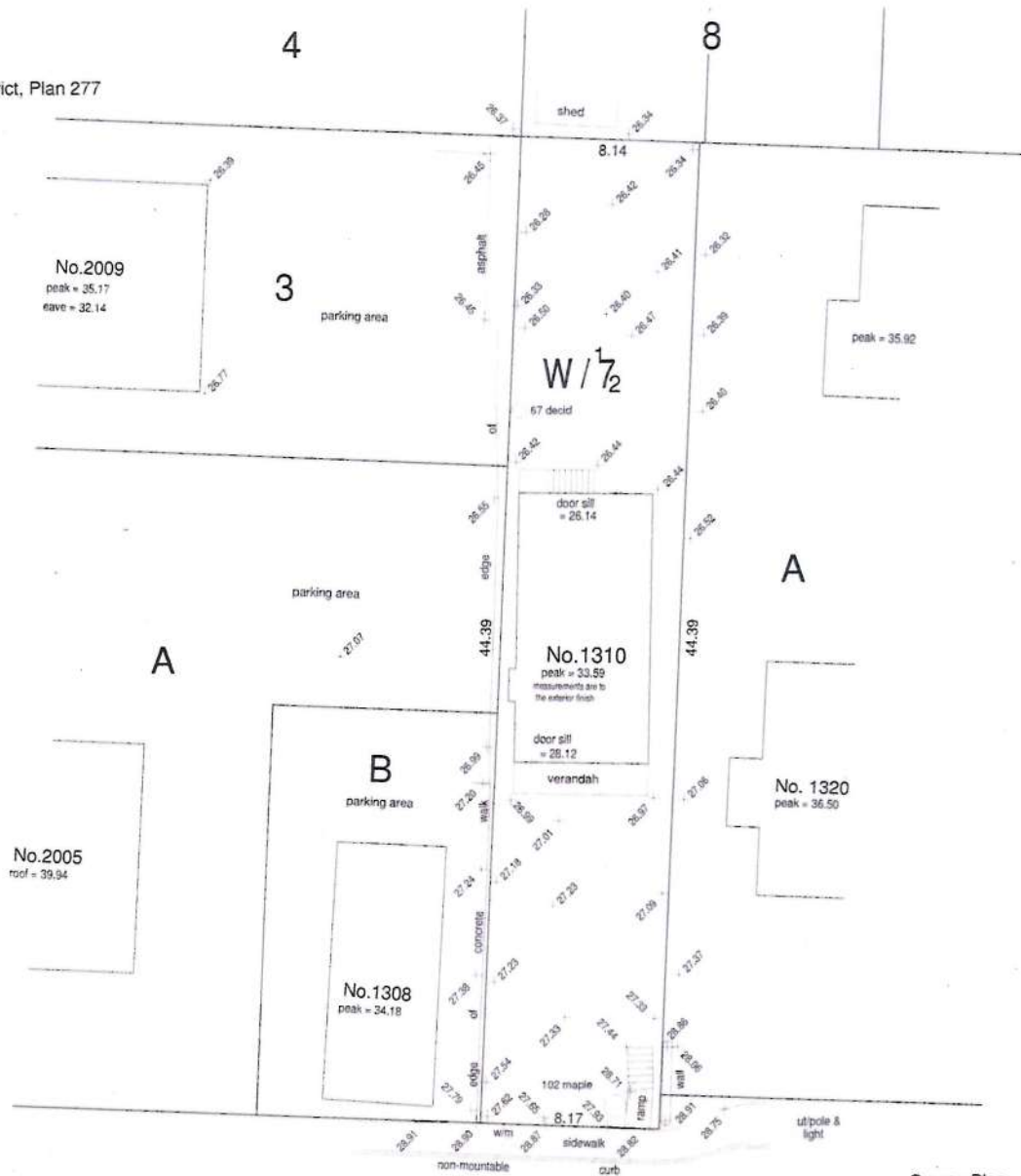
Tree diameters are in centimetres.

Geodetic elevations shown (in METRES)

Site Area = 362 m<sup>2</sup>

November 6, 2013

File: 11,641 Site (16)  
**POWELL & ASSOCIATES**  
BC Land Surveyors  
250-2950 Douglas Street  
Victoria, BC V8T 4N4  
phone (250) 382-8855



**CHRISTINE LINTOTT ARCHITECT**

Issue: Development Permit & OCP Amendment  
Date: March 6, 2014

Revision: No. Description Date  
Revised to include integration of City Staff Review August 11, 2014

Consultant

**Proposed Development**  
1310 Gladstone Avenue  
Victoria, BC

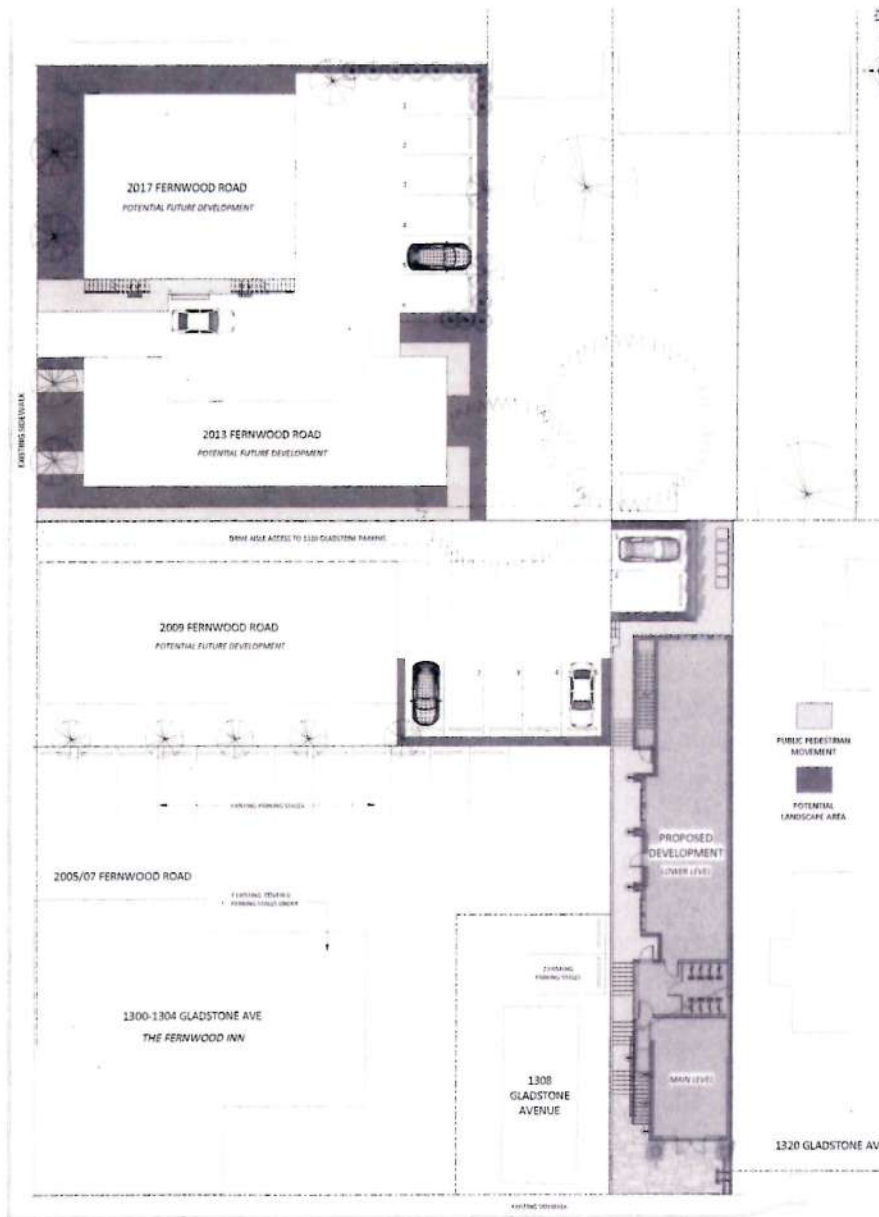
Survey Plan

Drawn by: A1.00  
Checked by: CL  
Date: 11/06/13

Gladstone Avenue

1 Survey Plan  
1:100

1  
Overall Site Context  
1 : 150



GLADSTONE AVENUE



AERIAL VIEW COURTESY OF CITY OF VICTORIA, VICMAP

EXISTING SITE CONTEXT PLAN



PROPOSED DEVELOPMENT LOCATION  
1310 GLADSTONE AVENUE

PROPOSED SITE CONTEXT PLAN

CHRISTINE LINTOTT ARCHITECT

Issue Date  
Recommending Development Permit & OCP Amendment March 6, 2014

Revision No. Description Date  
Revisions to include integration of City Staff Review August 11, 2014

Consultant

Proposed Development

1310 Gladstone Avenue  
Victoria, BC

Site Context Plans

Drawn by  
Checked by

A1.01

Scale As indicated

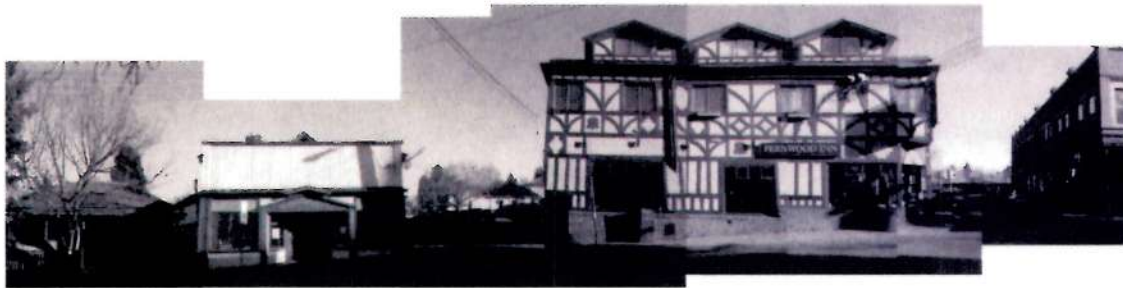




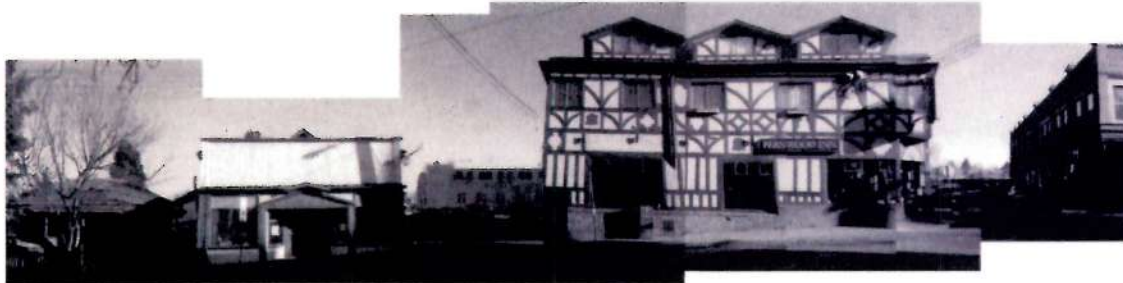
EXISTING GLADSTONE STREET ELEVATION



PROPOSED GLADSTONE STREET ELEVATION



EXISTING FERNWOOD STREET ELEVATION



PROPOSED FERNWOOD STREET ELEVATION

CHRISTINE  
LINTOTT  
ARCHITECT

Issue: \_\_\_\_\_ Date: \_\_\_\_\_  
Revising: \_\_\_\_\_  
Development Permit  
& DCP Amendment March 6, 2014

Revision: \_\_\_\_\_  
No. Description Date  
Resubmission to  
include integration of August 11, 2014  
City Staff Review

Consultant

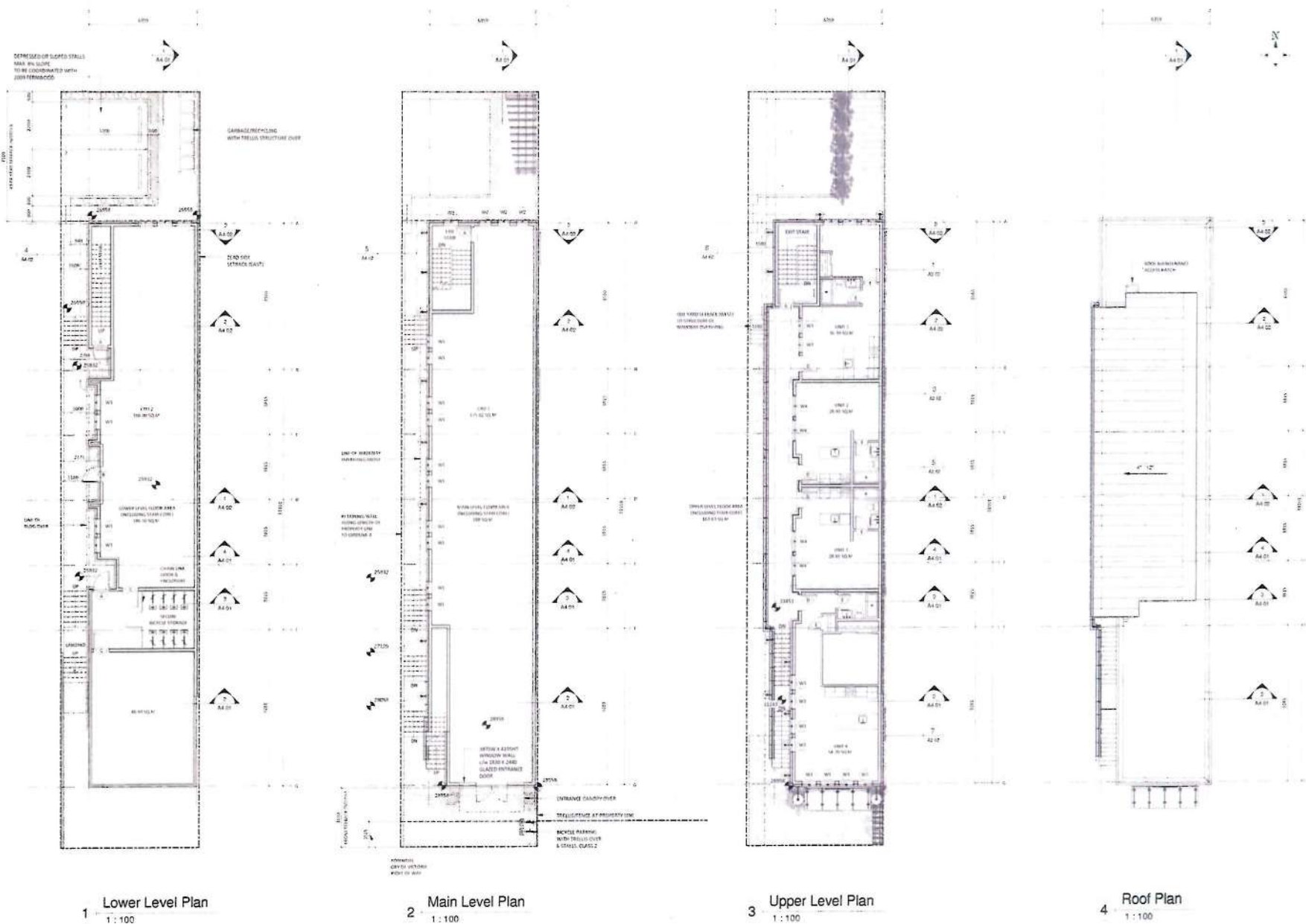
Proposed  
Development

1310 Gladstone Avenue  
Victoria, BC

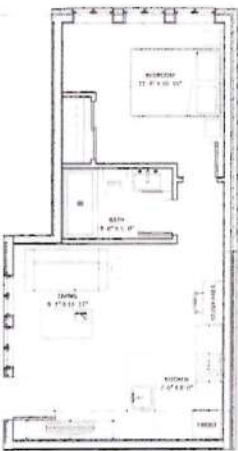
Context Street Elevations

Drawn By: \_\_\_\_\_  
Checked By: \_\_\_\_\_

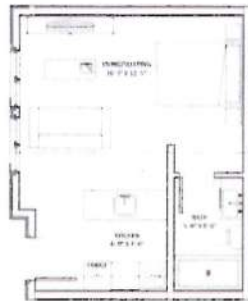
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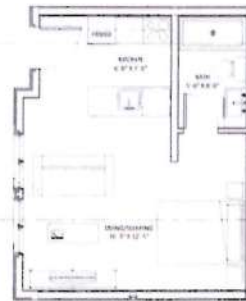




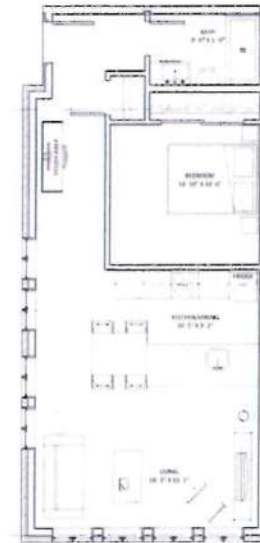
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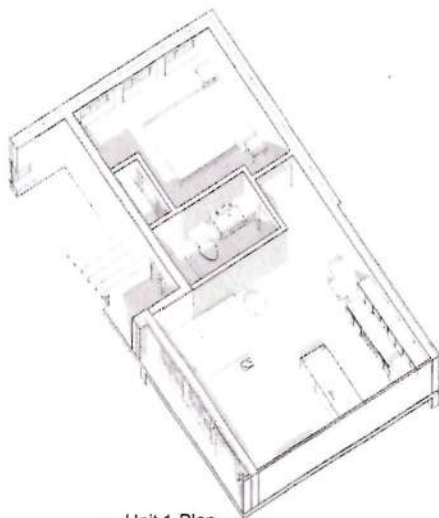
3 Unit 2 Plan  
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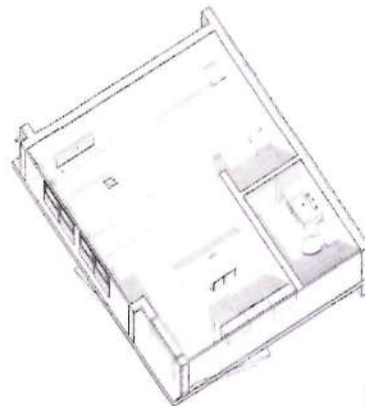
5 Unit 3 Plan  
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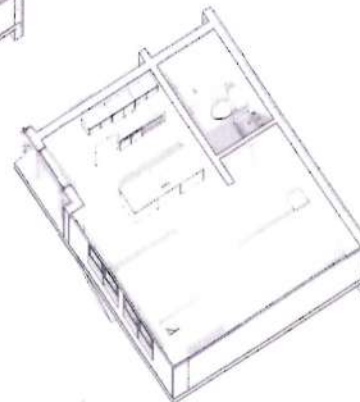
7 Unit 4 Plan  
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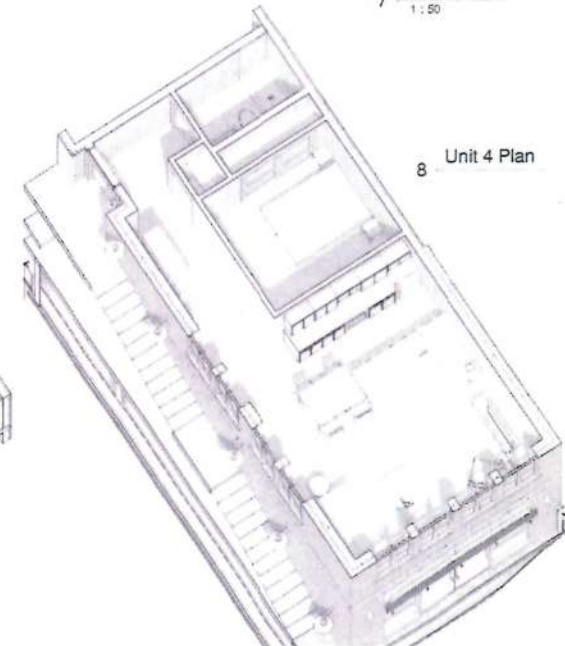
2 Unit 1 Plan



4 Unit 2 Plan



6 Unit 3 Plan



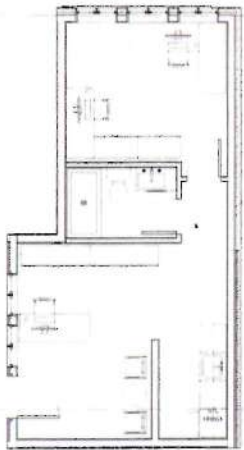
8 Unit 4 Plan

**Proposed  
Development**

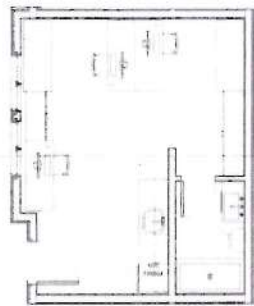
1310 Gladstone Avenue  
Victoria, BC

Enlarged Office Plans

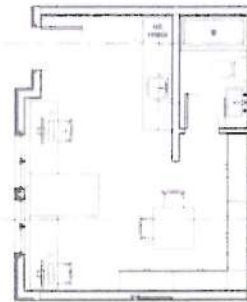
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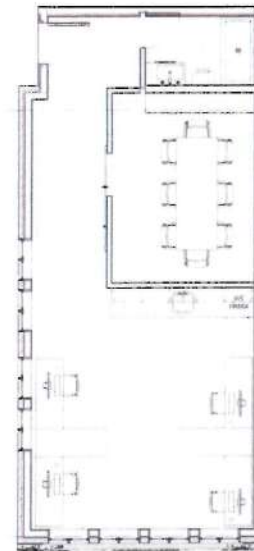
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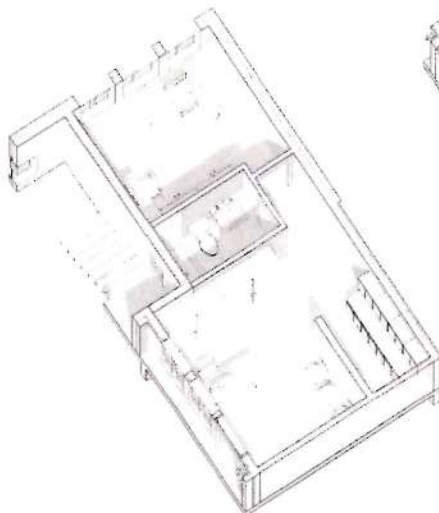
3 Unit 2 Office Plan  
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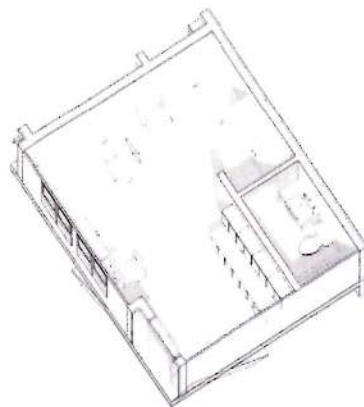
5 Unit 3 Office Plan  
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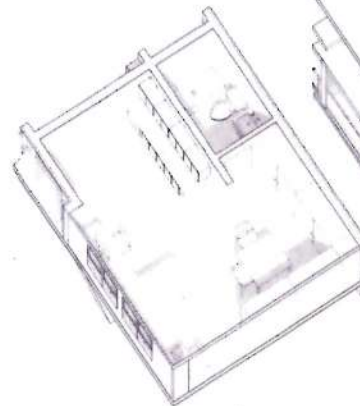
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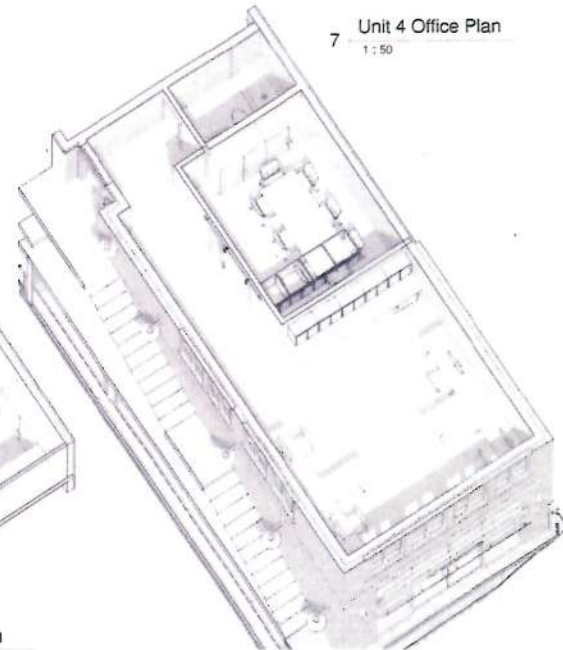
2 Unit 4 Office Plan



4 Unit 3 Office Plan

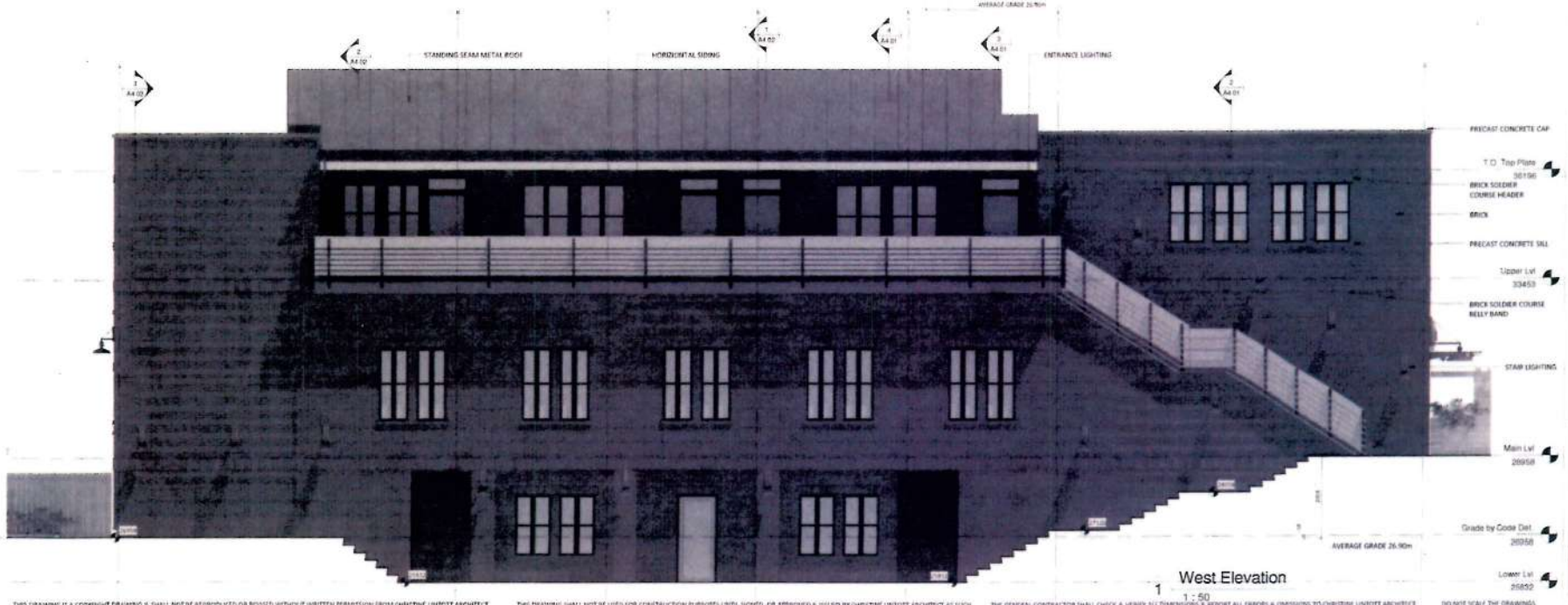
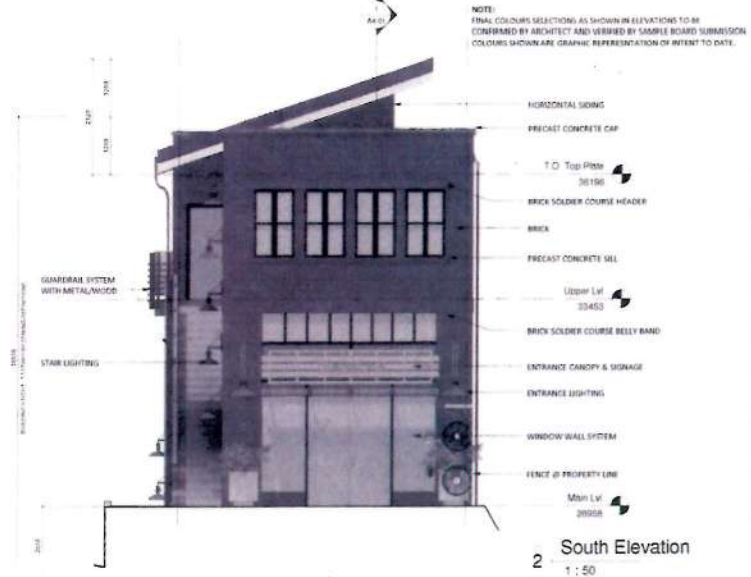
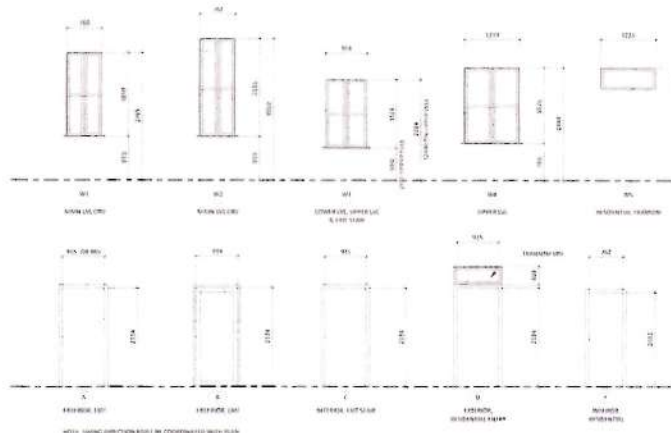


6 Unit 2 Office Plan



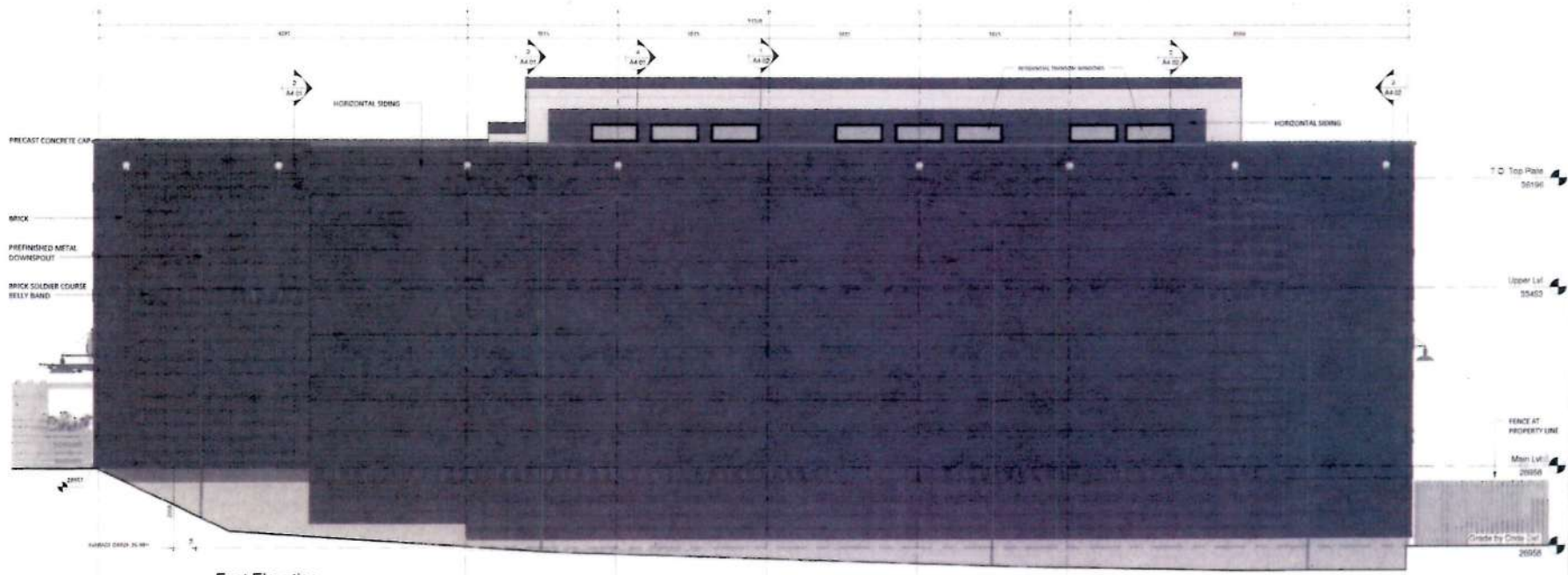
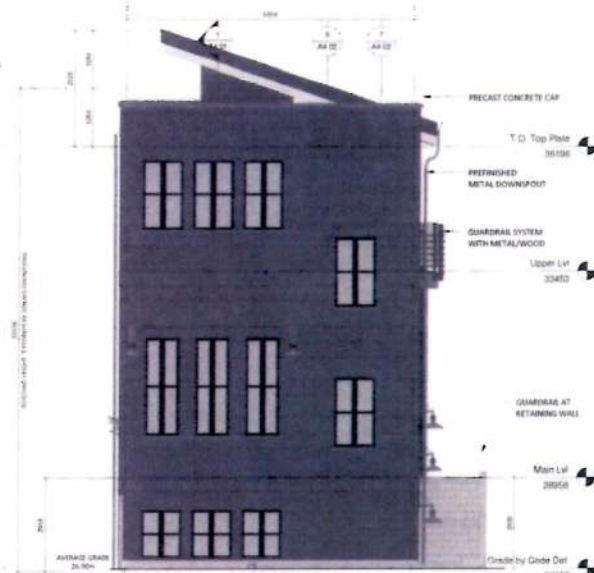
8 Unit 1 Office Plan





NOTE:  
FINAL COLOURS SECTIONS AS SHOWN IN ELEVATIONS TO BE  
COORDINATED BY ARCHITECT AND VERIFIED BY SAMPLE BOARD SUBMISSION  
COLOURS SHOWN ARE GRAPHICAL REPRESENTATION OF INTENT TO DATE.

2 North Elevation  
1:50



1 East Elevation  
1:50

CHRISTINE LINTOTT  
ARCHITECT

Issue Date  
Revision No. Description Date  
Revising Development Permit & OCP Amendment March 6, 2014

Revision No. Description Date  
Revising Development Permit & OCP Amendment August 11, 2014

Consultant

Proposed  
Development

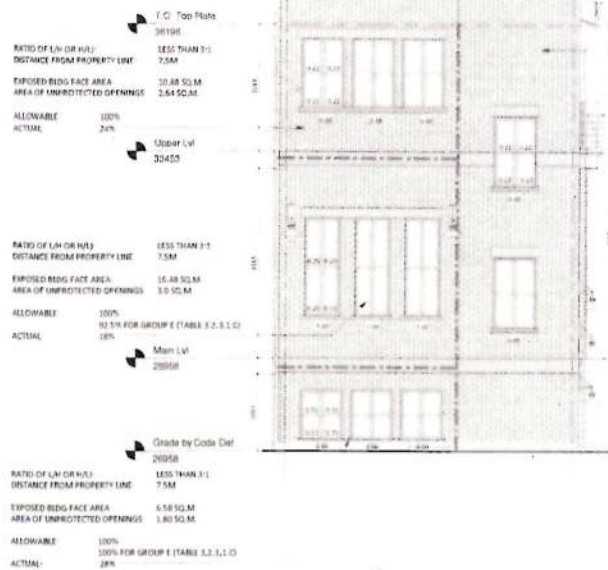
1310 Gladstone Avenue  
Victoria, BC

Exterior Elevations

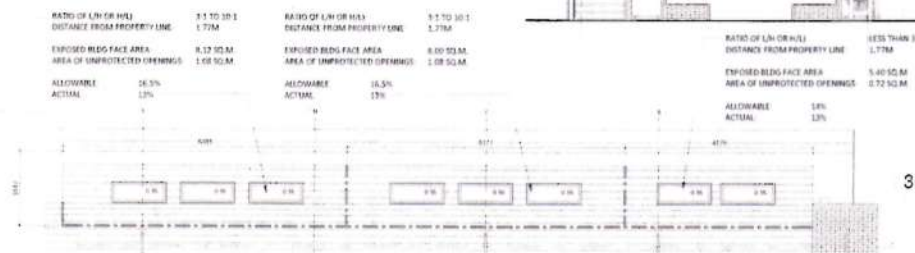
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Checked by

A3.02

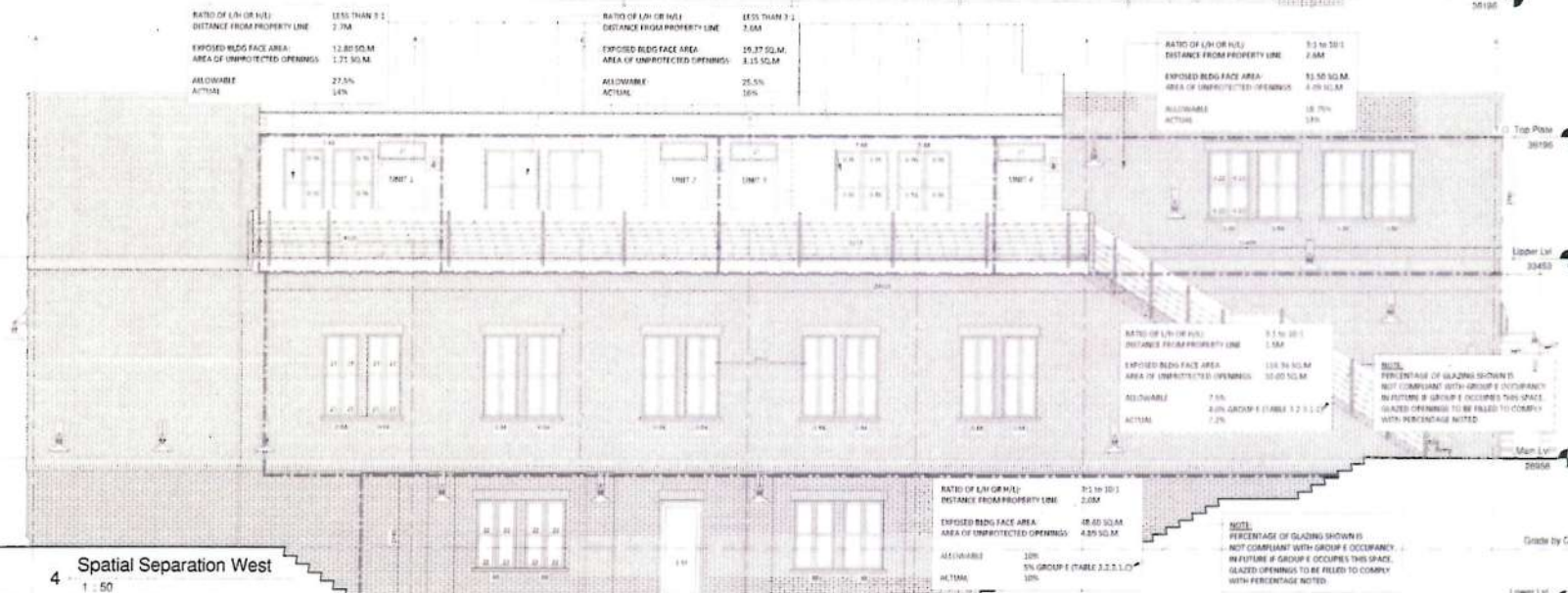


1 Spatial  
1:50

## 2 1:50



## 3 1:50



## 4 1:50

THE DRAWING(S) SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNLESS SIGNED FOR APPROVAL AND USED BY THE SAME INDIVIDUAL AS SHOWN.

DOESN'T SCALE THE CHALLENGE

CHRISTINE  
LINTOTT  
ARCHITECT

Issue	Date
Reopening Development Permit & OCP Amendment	March 6, 2014

Revision No.	Description	Date
	Resubmission to include integration of City Staff Review	August 11, 2014

Consultant

Proposed  
Development

1310 Gladstone Avenue  
Victoria, BC

### Limiting Distance Calculations

A0.01

41

1.50

Proposed Development

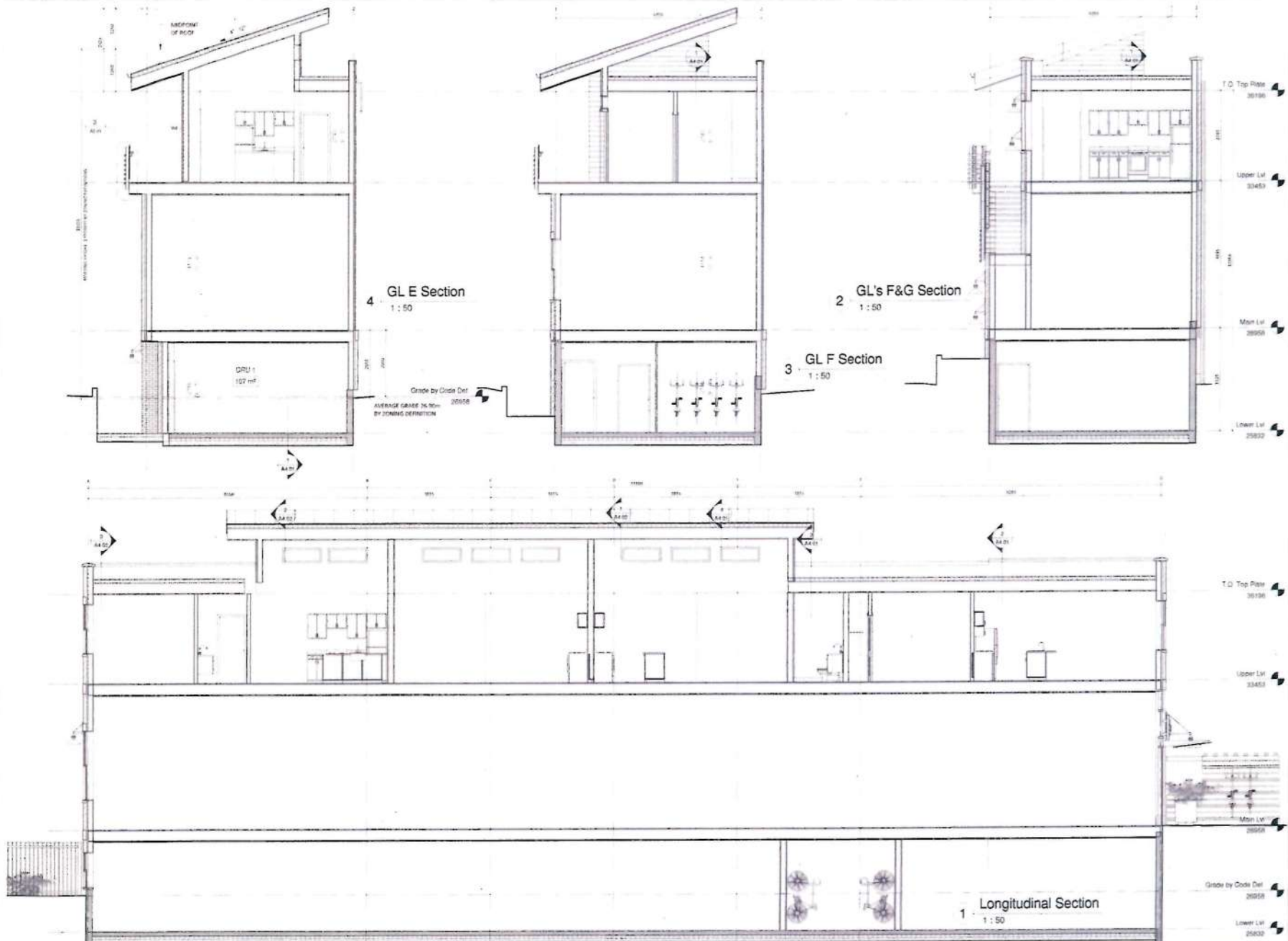
1310 Gladstone Avenue  
Victoria, BC

Building Sections

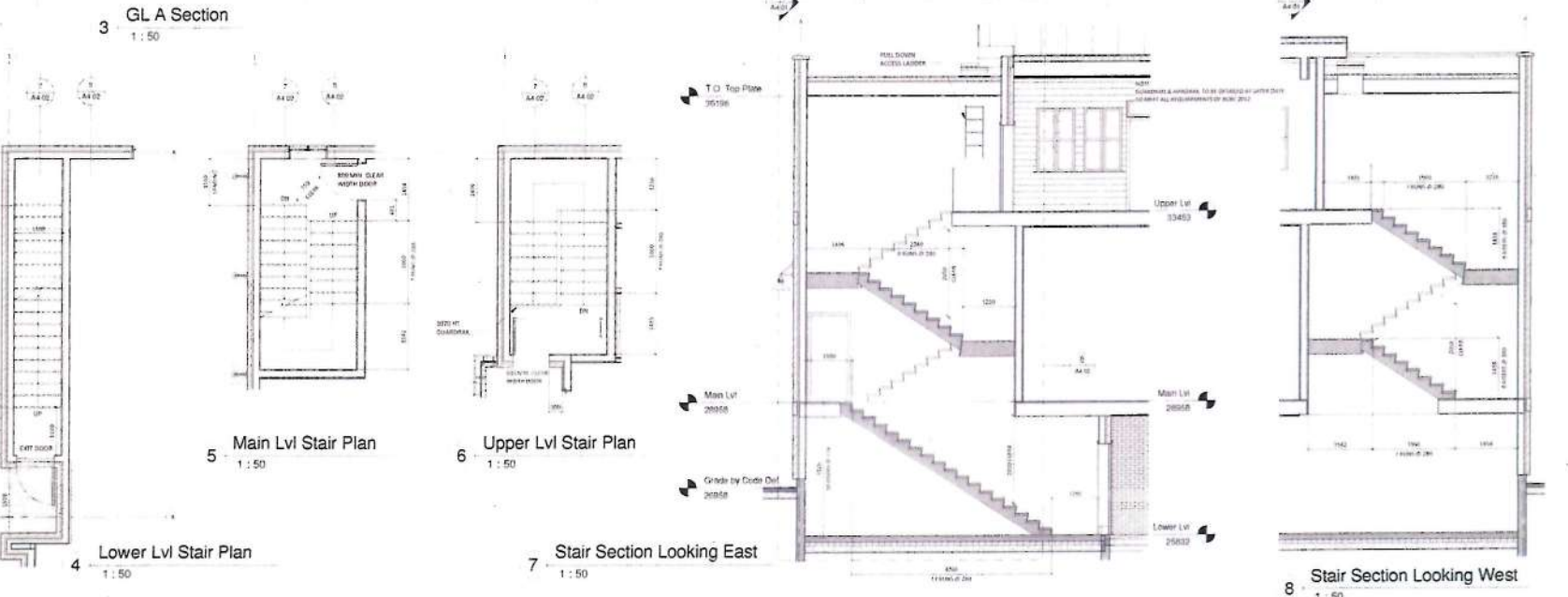
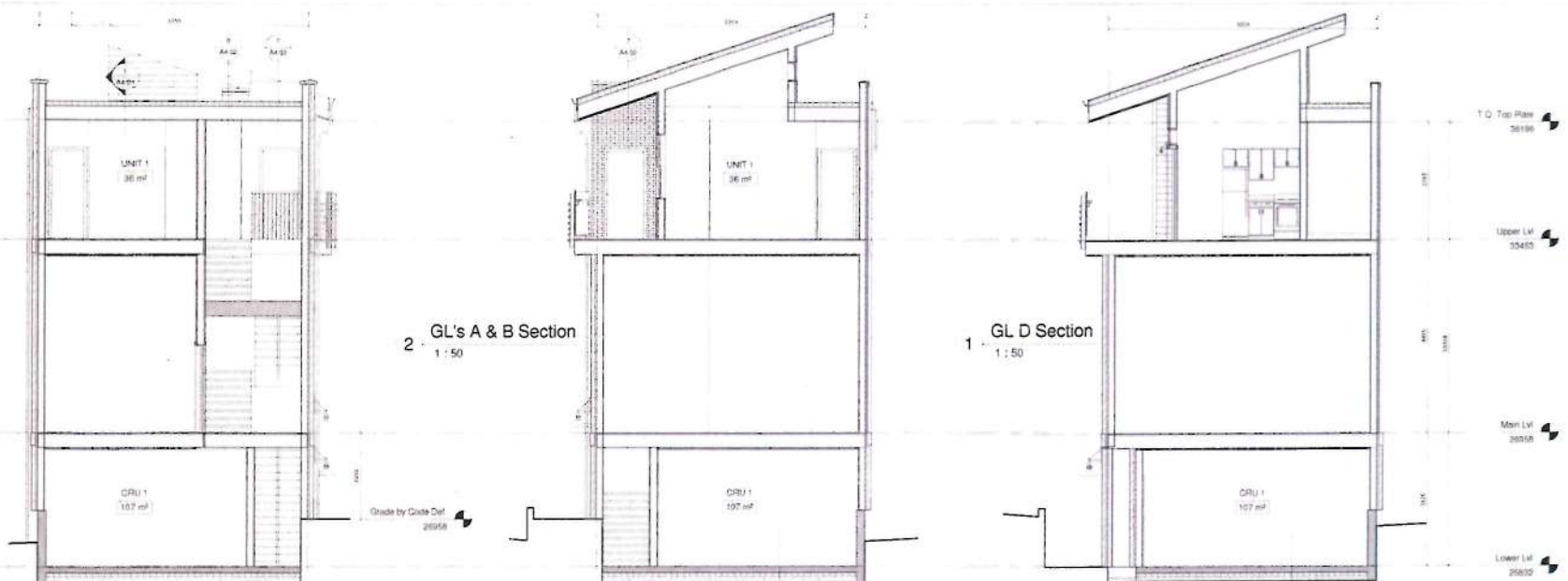
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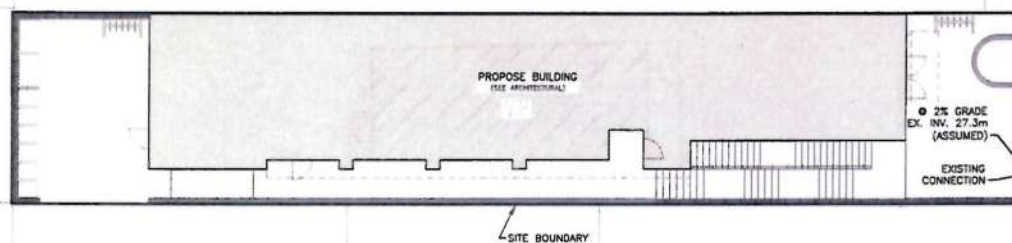
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GLADSTONE AVENUE

EX. INV. 27.0m  
(INTERPOLATED)

PRELIMINARY  
FOR DISCUSSION  
PURPOSES ONLY

LEGAL PLAN & AND SURVEY  
INFORMATION PROVIDED BY POWELL &  
ASSOCIATES B.C. LAND SURVEYORS

SEE ARCHITECTURAL, LANDSCAPING,  
MECHANICAL & ELECTRICAL DRAWINGS  
FOR ADDITIONAL INFORMATION

THIS DRAWING AND DESIGN IS THE PROPERTY OF WILSHAMMER CONSULTING SERVICES LTD. AND SHALL NOT BE USED, REPRODUCED, OR REPRODUCED WITHOUT THE CONSENT OF THE SAID COMPANY. WILSHAMMER CONSULTING SERVICES LTD. WILL NOT BE HELD RESPONSIBLE FOR THE IMPROPER OR UNAUTHORIZED USE OF THIS DRAWING AND DESIGN.

[illegible]

**McElhanney**  
McElhanney Consulting Services Ltd.  
500 - 1080 CLAPHAM STREET  
VICTORIA, BC V8W 4A5  
PH (250) 375-6221  
FAX (250) 375-6222

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PROJECT:	1310 GLADSTONE AVENUE
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### SITE PLAN

SCALE	AS SHOWN	VERT. 1/4"
PROJECT NO.	14-275	
APPROVED AUTHORITY FILE NO.		
DRAWING NO.	14-275-01	





## Talbot Mackenzie & Associates

Consulting Arborists

June 12, 2014

Fernwood Neighbourhood  
Resource Development Group  
1310 Gladstone Avenue  
Victoria, BC

Attention: Lenore Rankin

Re: 1310 Gladstone Avenue

During our June, 06, 2014 site visit, at your request, we were assigned to visually examine the health and structural characteristics of the above-ground portions, trunk, crown and root collar of a 100 cm d.b.h. Big Leaf maple tree located in the front garden of the property at 1310 Gladstone Avenue. For the purpose of detecting internal cavities and decay, we also took resistograph readings from the lower trunk and root collar and inspected cavities and pruning wounds in the canopy, at the location where the tree was previously topped.

The following information and observations were compiled during this site visit:

1. The tree is located in a relatively high use commercial/residential neighbourhood with street parking, and frequent foot traffic that passes beneath its canopy.
2. The root system of this tree is confined to a relatively small planting location bounded by the adjacent buildings and a concrete retaining wall along the street.
3. A hydro primary conductor and communication service lines pass through and conflict with the canopy growth.
4. It appears that the tree may have been topped or radically pruned historically to address these service conflicts, and the tree canopy has since grown above this topping/pruning location. Large occluded and open wounds are also visible at this location. A large open cavity is visible on the lowest scaffold limb that extends to the east over the sidewalk and neighbouring property.
5. The visual indicators in the tree canopy, i.e. foliage size, colour and density and annual growth shoot elongation indicate that the tree is reasonably healthy.
6. Fruiting bodies of the *Kretzschmaria deusta* wood decay pathogen are visible and attached to the lower trunk at the root collar. *Kretzschmaria deusta* is a disease pathogen that breaks down both cellulose and lignin in the wood tissues, causing a white rot that attacks the trunks, root collar and structural roots in many deciduous tree species. The disease is difficult to diagnose visually or through sampling as there is seldom evidence of a decline in tree health, and internal cavities may not form within the trunk tissues as the strength of the wood degrades. Infected trees may fail as a result of the infection and deterioration of the structural roots, without any evidence of decline in the tree canopy.

7. The resistograph readings taken detected an internal cavity within the root collar; however, there may not be a large cavity opening present within the trunk even though the strength of the wood tissues have degraded. Decay within the root collar was found to be extensive and a large cavity present. The readings were generally low on all sides of the trunk, which indicates infected wood tissues that are dead or have lost structural strength. Increment core samples were also taken to confirm the resistograph findings. The samples show a narrow band of live wood tissues surrounding the circumference of the trunk that is bordered by a zone line. The tissues beyond this zone line show evidence of infection by the decay pathogen and a progressive deterioration in tissue quality and structure toward the centre of the trunk.

The two main risk factors identified for this tree are the large cavity in the low scaffold limb, and the decay and cavity associated with the infection by the identified decay pathogen. This risk assessment will span over a three year time frame, and, as such, it is our opinion that within this period there is a moderate to high risk that either the low scaffold limb or the entire tree will fail as a result of the defects that were detected.

The options to mitigate this risk are:

1. To remove the tree entirely which will remove the existing and any residual risk associated with retaining the tree.
2. To prune the canopy to reduce its overall size and spread by approximately 30% of its present size and reduce the length and size of the low scaffold limb. This will lower the existing and residual risk; however, as this decay pathogen is known to cause whole tree failure due to the deterioration of the root system, or trunk shearing as a result of weakened brittle wood tissues, the tree's function in the landscape will be short term and, ultimately, its removal will be required.

In our opinion, from the information compiled during our examination, this is not a tree that you can retain in the landscape in the long term. Theoretically, it could possibly survive as long as ten to twenty years if crown reduction pruning is completed on a cyclical basis to control the height and spread of its canopy and if the decay pathogen does not spread rapidly within the root system. The rate that the decay pathogen spreads within the tissues is likely to increase if the vitality of the tree is impacted by the proposed construction on the property. The risk of failure will also increase in future years as the decay continues to spread and consume wood tissues.

Given the modifications to the proposed building entrance and access from the street that will be required, and the precautions that will have to be adhered to during this construction period, it may be more beneficial to remove the tree prior to the construction and replant it with a healthy structurally sound specimen that can be retained as a permanent part of the landscape.

Should you decide to retain this tree, we recommend that it be examined on a three year cycle.



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

**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.



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March 7, 2014

Mayor and Council  
City of Victoria

Re: 1310 Gladstone Avenue

The proposal to rezone 1310 Gladstone Avenue from R1-B to a Site-Specific zone - allowing construction of a three-storey multi-use building - was formally presented at the Fernwood Community Association Land Use Committee meeting January 8, 2014. 35 people attended this meeting. (A preliminary community meeting had been held on November 6, 2013.)

Comments and questions were plentiful, especially regarding how this development would relate to future development of three other nearby properties recently purchased by the Neighbourhood Resource Group (2009, 2013 and 2017 Fernwood Rd), and the potential total impact on the surrounding area. The allotted time proved inadequate, so a follow-up meeting was held on February 4, 2014 to allow a more fulsome discussion.

This proposed mixed-use building will be primarily commercial with four residential rental units - two bachelor and two one-bedroom. The proponent may be requesting permission to rent some of the residential units as commercial units. A total variance to the number of parking spaces is being requested.

At the community meetings, supporters endorsed more commercial space and generally didn't think the proposed full parking variance is an issue. Those opposed believe we have enough commercial activity in the area and that parking is a chronic problem that this proposal will only exacerbate. The strongest concerns come from those people living in the same block of Gladstone Avenue

The Fernwood Neighbourhood Plan recommends that R1-B zoned lands on Gladstone be retained. This is consistent with the 2012 Official Community Plan (OCP), which does not include this property in the designated Small Urban Village Development Permit Area (Map 49, page 200). 1310 Gladstone Avenue, along with the remainder of the block, remains 'Traditional Residential'. The description of 'Traditional Residential' (6.1.5 page 35) includes '...mixed-use buildings up to three stories in height located along arterial and secondary arterial roads'. The OCP does not identify Gladstone Avenue as either an arterial or secondary arterial road. (Map 4 Page 54).



The OCP envisions the population in the 'Traditional Residential' areas increasing over time through infill and redevelopment, consistent with density and use ranges set out in the document (6.22, page 49).

Anticipating this eventual population increase, the OCP's strategic direction for Fernwood's Small Urban Village includes the following: "Consider expanding Fernwood Village to provide capacity for a broader range of businesses and services for residents within walking distance." (21.8.4 page 145). The OCP's vision for Fernwood's Small Urban Village in the citywide context has commercial activity primarily serving local people (21.7.2 page 145).

Of the identified Small Urban Villages in the OCP, Fernwood's Small Urban Village currently has the largest number of commercial and arts activities that serve both local residents and the greater Victoria area; the Belfry Theater, Theater Inconnu, Fernwood Inn, Stage Wine Bar, a methadone clinic, dentist, CaVa Restaurant, Pandora Arts, a Yoga Studio, hairdresser and others. To be consistent with the vision expressed in the OCP, it could be argued that Fernwood's Small Urban Village should not be expanded until the population in the area has increased. Current commercial and arts activities in Fernwood's Small Urban Village contribute to parking concerns that are expressed regularly by neighbouring residents.

If this property were to be included in Fernwood's Small Urban Village Development Permit Area the current proposals FSR is greater than the FSR of 1.5:1 shown for Small Urban Villages in the OCP (p 39).

The OCP is a thirty-year vision document, a road map of sorts, allowing for changes to occur incrementally over time. This proposal places the burden of increasing commercial development, somewhat unexpectedly, on the remaining residential section of Gladstone Avenue. This contradicts the stated position and spirit of the OCP concerning developments in 'Traditional Residential' areas. (6.22, page 49).

In light of the above, a proposal to develop a creative duplex or triplex with parking underneath would be more in keeping with both the Fernwood Neighbourhood Plan and the OCP.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'David Maxwell', with a large, stylized loop at the end.

David Maxwell, Chair  
Land Use Committee  
Fernwood Community Association

Pc: Development Services Division, Sustainable Planning and Community Development  
Department, City of Victoria