



Planning and Land Use Committee Report

Date: January 9, 2014 **From:** Helen Cain, Senior Planner
Subject: **Development Permit with Variances Application #000321 for 1521 Elford Street** – Application for a four-storey, 17-unit apartment with seven variances

Executive Summary

The purpose of this report is to provide information, analysis and recommendations regarding a Development Permit Application with Variances for the property located at 1521 Elford Street. This Application is to permit the construction of a four-storey, 17-unit apartment building in the R3-2 Zone, Multiple Dwelling District. The proposal has a total of seven variances from the *Zoning Regulation Bylaw* for site area, site coverage, open space, setback and parking.

The following points were considered in assessing this Application:

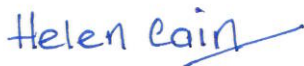
- While the subject property is designated as Traditional Residential in the *Official Community Plan, 2012*, the existing zone allows multiple dwellings.
- Variances related to site area, site coverage, open space and setback conditions are important considerations because the subject property is located adjacent to Stadacona Park, to the east, and single-family dwellings along Elford Street, to the north, which are also Traditional Residential but R1-B Zone, Single Family Dwelling.
- The proposed design does not fully comply with Development Permit Area (DPA) 16: General Form and Character objectives and applicable guidelines:
 - Staff are concerned that the urban design and associated variances for greater site coverage, reduced open space and narrow setbacks on all sides will not provide a comfortable visual transition from the apartment in relation to the houses along Elford Street or Stadacona Park.
 - Also, some aspects of the building form, massing and features are not human-scaled, including a three-storey street wall at the height of the adjacent house and a north elevation which lacks a clearly legible top, middle and base and is a partial “blank wall”.
- Staff have no objection to the relaxation of parking standards from 24 stalls to 21 stalls because the subject property is located along Pandora Avenue where that roadway is a secondary arterial and transit corridor.
- For the purpose of multi-modal transportation planning, staff have requested the registration of a Statutory Right-of-Way (SRW) of 2.4 m along Elford Street. The applicant has agreed and identifies this detail in the proposed plans.
- Given the proposed site plan has narrow setbacks and the building would have underground parking, the construction phase of the development may require Council approval of two encroachment agreements, one for the Elford Street public Right-of-Way and another for Stadacona Park.

Staff are recommending support for the Application, subject to design refinements that improve responsiveness to the land use context, visual transition, human-scale and subject to review by the Advisory Design Panel. To move forward efficiently, the staff recommendation also includes a condition for Council approval of any necessary encroachment agreements, prior to issuance of the Building Permit.

Recommendations

1. That Development Permit #000321 with Variances for 1521 Elford Street proceed for consideration at a Public Hearing, subject to:
 - (a) Referral to Advisory Design Panel with direction to consider plan revisions to improve the site plan, urban design, architecture and landscape design with specific attention to the context and transition, human-scaled form, massing and features.
 - (b) Plan revisions and refinements to the final design to address the matters that are identified above in 1(a), to the satisfaction of the Director of Sustainable Planning and Community Development.
 - (c) Preparation, execution and registration of a Statutory Right-of-Way of 2.4 m along Pandora Avenue to the satisfaction of the City Solicitor and Director of Engineering and Public Works.
2. That Council authorize the issuance of Development Permit with Variances #000321 in accordance with:
 - (a) Plans stamped December 16, 2013, for Development Permit with Variances #000321;
 - (b) Development meeting all *Zoning Regulation Bylaw* requirements, except for the following:
 - (i) Section 3.3.4(1) – Site coverage relaxed from 40% to 42.78%,
 - (ii) Section 3.3.6(2) – Open site space for multiple dwelling with enclosed parking relaxed from 60% to 46.50%,
 - (iii) Section 3.3.9 – Site area for lot with a multiple dwelling relaxed from 920 m² to 891 m²,
 - (iv) Section 3.3.10 – Front yard setback relaxed from 10.5 m to 5.24 m,
 - (v) Section 3.3.12 – Rear yard setback relaxed from 6.5 m to 5.2 m to 2.45 m,
 - (vi) Section 3.3.12 – Side yard setbacks relaxed from 6.5 m to 3.05 m and 4.41 m for the west and east sides, respectively,
 - (vii) Schedule "C" Section 16.A.12 (b) – Vehicle parking requirements are relaxed from 1.4 spaces per unit (24 stalls) to 1.24 spaces per unit (21 stalls) for a maximum total of 17 strata-titled dwelling units;
 - (c) Final plans to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development;
 - (d) Council approval of any necessary encroachment agreements to the satisfaction of the City Solicitor, Director of Engineering and Public Works and Director of Parks, Recreation and Culture, prior to the issuance of a Building Permit.

Respectfully submitted,



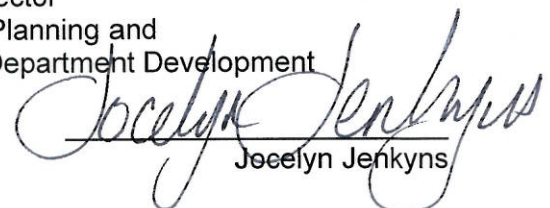
Helen Cain
Senior Planner
Development Services





Deb Day, Director
Sustainable Planning and
Community Department Development

Report accepted and recommended by the City Manager:


Jocelyn Jenkyns

HC:aw

1.0 Purpose

The purpose of this report is to present Council with information, analysis and recommendations with respect to a Development Permit Application with seven variances for the property located at 1521 Elford Street.

2.0 Background

2.1 Description of Proposal

The applicant is proposing the construction of a four-storey, 17-unit strata-titled apartment building on a corner lot at the intersection of Pandora Avenue and Elford Street. This proposal would comply with the R3-2 Zone, Multiple Dwelling District, for land use and density, but includes seven variances for the following:

- minimum site area for a multiple dwelling
- maximum site coverage
- minimum open site space
- minimum setback in front yard
- minimum setback for rear and side yards
- minimum vehicle parking stalls.

The proposed architecture and landscape design for the apartment building includes:

- form and massing: four-storey, apartment with top (fourth) floor stepped back from street wall on north, south, east and west elevations, and enclosed parking.
- siding: mix of stucco and horizontal wood panels as primary materials with stone veneer details at building base on the west, east and south elevations
- balconies: metal railings with glazed inset panels
- windows and doors: vinyl windows
- pathways and patios: individual units at grade with patios surfaced in non-permeable pavers and concrete for driveway along north side of the building to underground parking
- trees and plantings: removal of two Gary Oak trees in the rear (north setback), retention of a Red Maple boulevard tree on Elford Street, five new boulevard trees on Pandora Avenue and new trees, shrubs and groundcover around the edge of each private patio area, in all four setbacks.

With respect to plan details related to the Tree Protection Bylaw, two Gary Oaks on the subject site would be removed. Staff support their removal because one tree, near the west property line, is in poor condition and the other, near the north property line, would be affected at the construction stage for underground parking. Loss of the Gary Oak trees would be mitigated through the five new boulevard trees on Pandora Avenue, and at the corner of Elford Street.

2.3 Land Use Context

The subject property is located at the corner of Elford Street and Pandora Avenue, where the latter is a secondary arterial. This site is next to Stadacona Park and one block to the west of Stadacona Village, with commercial and community services within walking distance (200 m).

New residential infill that is low-to-medium density is well-suited to the surrounding block of Pandora Avenue, where the place character features the park, but also includes apartment forms of four to six storeys. It is also appropriate for this block of Elford Street which has two single-family dwellings and a large, six-storey apartment directly across from the subject site.

The immediate land use context includes:

- to the west and south, three parcels are in the R3-2 Zone, Multiple Dwelling District
- to the north and east, three parcels are in the R1-B Zone, Single Family Dwelling District.

2.4 Community Consultation

In accordance with Council's *Community Association Land Use Committee (CALUC) Procedures* for processing Development Permit Applications with Variances, staff referred this Application to the Fernwood CALUC. No comments were received prior to writing this staff report.

2.5 Existing Site Development and Development Potential

The data table (below) compares the proposal with the existing R3-2 Zone, Multiple Dwelling District. The proposed new four-storey apartment building is less stringent than the standard zone in criteria identified with an asterisk (*) below.

Zoning Criteria	Proposal	Zone Standard R3-2
Site area (m ²) – minimum	891*	920
Total floor area (m ²) – maximum	1390.51	1425.5
Density (Floor Space Ratio) – maximum	1.57:1	1:6:1
Height (m) – maximum	12.68	18.5
Storeys	4	n/a
Site coverage (%) – maximum	42.78*	40
Open site space (%) – minimum	46.50*	60
Storeys – maximum	4	n/a (18.5 m in height)
Setbacks (m) – minimum		
Front (south/Pandora Avenue)	5.24*	10.5
Rear (north)	2.45*	6.5
Side (west/Elford Street)	3.05*	6.5
Side (east/Stadacona Park)	4.41*	6.5
Centre line (right-of-way width)	11.96 (Elford St). 15.05 (Pandora Ave)	10.5 (4 storeys) 10.5 (4 storeys)

Parking – minimum	21*	24
Visitor parking – minimum	3	2
Bicycle storage – minimum	18	16
Bicycle rack – minimum	6	6

2.6 Legal Description

Lot 9, Section 75, Victoria District, Plan 2307.

2.7 Consistency with City Policy

2.7.1 Official Community Plan, 2012

The proposed development is consistent with the relevant land use policies of the *Official Community Plan 2012* (OCP). In accordance with the OCP, the new apartment building is subject to DPA16 General Form and Character. The objectives of DPA 16 are:

4. (a) *To support commercial, industrial 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.*
- (b) *To integrate commercial, industrial and multi-unit residential developments in a manner that is complementary to established place character in a neighbourhood or other areas, including its heritage character.*
- (c) *To enhance the place character of established areas and their streetscapes through high quality of architecture, landscape and urban design that responds to each distinctive setting through sensitive and innovative interventions.*
- (d) *To achieve more livable environments through considerations for human-scaled design, quality of open spaces, privacy impacts, safety and accessibility.*

The proposed development at 1521 Elford Street does not fully comply with DPA 16 objectives for residential infill with a high quality of design that is complimentary to the place character of Pandora Avenue and Elford Street.

2.8 Consistency with Design Guidelines

The proposal is subject to review under DPA 16 General Form and Character. Building form, character, finishes and landscaping details are controlled and regulated in relation to the *Design Guidelines for Multi-Unit Residential, Commercial and Industrial Development (2012)*. The proposed development responds well to the design considerations as summarized below.

2.8.1 Context and Transition

The form and massing of the proposed apartment are modest in relation to the scale and height of the adjacent buildings to the west and south, which are a large, six-storey apartment and a long, four-storey apartment, respectively. While the fourth storey is stepped back on all sides, the north and east setbacks are narrow and this will result in an abrupt transition from the apartment's three-storey street wall to the smaller Elford Street houses and a park setting.

2.8.2 Streetscape and Relationship to the Street

The new apartment would add variety to the streetscape along both frontages with respect to height and massing. The south elevation would be narrow compared to the surrounding streetscape, where the north and south sides of Pandora Avenue have large apartments with street walls which are an entire block in length. On Elford Street, the west streetscape has similar conditions, but the houses along the east side are small and set back from the street, so the new apartment would change the streetscape rhythm. Both its south and west elevations would be visually and physically connected to the street through main entrances, unit doors to private patios and plantings to soften the interface between private and public realms.

2.8.3 Human-Scaled Massing, Height and Architectural Features

Elements of the proposed design contribute to human-scale, such as a fourth storey stepped back from the building base on all sides, main entrances on the Pandora Avenue and Elford Street frontages, unit doors, patios and projecting balconies on the second and third storeys. However, the north elevation lacks a legible base and its middle section is a "blank wall". The three-storey street wall is also out-of-scale with the adjacent houses and park setting. The narrow north and east setbacks would not provide much visual relief from the building face for neighbours and users of Stadacona Park.

2.8.4 Exterior Finishes

The proposed mix of exterior finishes includes: stucco and horizontal wood panels as primary materials and stone veneer detailing at building base. Windows are vinyl and balcony doors and railings are metal with inset glazing.

2.8.5 Landscaping

The landscape design includes the removal of two Gary Oak trees within the south (rear) and west (side) setback and the retention of a Red Maple boulevard tree on Elford Street, as well as five new boulevard trees on Pandora Avenue and at the southwest corner of the site. New trees, shrubs and groundcover will be planted within all setbacks near the property lines and around the edge of private patio areas.

2.8.6 Parking, Access and Circulation

A driveway across Elford Street would provide access and egress to the north quadrant of the site leading to the underground parking. The layout includes one vehicle stall that would meet the standards for universal access as well as horizontal and vertical bicycle storage facilities. The visitor bicycle rack will be placed in front of the main entryway in the Pandora Avenue façade, where it will be visible from the street.

3.0 Issues

The key issues related to this Development Permit with Variances Application are:

- Impact of variances
- context and transition
- human-scaled massing, height and features
- multi-modal transportation planning
- encroachment into public Right-of-Way and park.

4.0 Analysis

4.1 Impact of Variances

The proposal includes seven variances related to parking, site area, site coverage, open space and setbacks. Staff have no objection to the relaxation of the parking standard from 24 stalls to 21 stalls because the subject property is located along Pandora Avenue where that roadway is a secondary arterial and transit corridor. However, the extensive building footprint combined with the relatively small amount of open space and narrow setbacks on all sides would result in a site plan with little “breathing room” for a comfortable visual transition from the new apartment to the houses to the north and Stadacona Park to the south. Visual relief should be provided through wider setbacks, more open space, a smaller building footprint or design refinements to the building mass, such as a setback at the third and fourth storeys, instead of the fourth storey only, in combination with additional urban design and landscaping refinements.

4.1 Context and Transition

In DPA 16, new infill should be sensitive to its context. One relevant guideline (Policy 1.2) is that “where new development is directly abutting lands in a different OCP Urban Place Designation, or it directly abuts a different Development Permit Area, the design should provide a transition between areas in ways that respond to established form and character, and that anticipate any future development”. While the subject site is zoned for multiple dwellings, it is designated as Traditional Residential, and this is also the case for all parcels adjacent to Stadacona Park. The design as presented does not provide an adequate visual transition to the Elford Street houses or a broader park setting. The proposal could be refined to increase setback conditions along the north and west sides of the apartment and alter the form and massing through measures such as stepping back the third and fourth floors. Refinements to improve the responsiveness of the design to the adjacent land use context may involve significant changes to both the site plan and overall architectural program.

4.2 Human-Scaled Massing, Height and Features

Policy 2.1.3 of the applicable design guidelines states that “new development that is located on a corner site should be designed to contribute to both streetscapes”. In DPA 16, where infill is often introduced in a low-scale, low-density context, such as Traditional Residential areas, one key consideration is human-scaled massing, height and architectural features. The proposed massing on the west elevation has a three-storey street wall, which is approximately the height of the adjacent house, and a north elevation without a clear building base and central “blank wall” visible from the street. Design refinements are required to mitigate the visual impact of building massing, perceived height and north elevation features.

4.3 Multi-Modal Transportation Planning

To enable the future improvement of sidewalks along Pandora Avenue, staff are requesting a Statutory Right-of-Way (SRW) of 2.40 m along that frontage to be registered on property title, prior to a Public Hearing. The applicant has agreed and the plans identify the requested SRW.

4.4 Encroachment into Public Right-of-Way and Park

If it is determined that excavation for the underground parking in this proposal will result in anchor pins remaining in the public Right-of-Way along Elford Street or in Stadacona Park. Council approval to authorize an encroachment agreement, or agreements, will be required before the commencement of excavation and construction. Staff recommend Council approval for any necessary encroachments agreements prior to the issuance of a Building Permit.

5.0 Resource Impacts

There are no anticipated resource impacts associated with this proposal.

6.0 Options

Option 1 (Staff Recommendation - Design Refinements)

1. That Development Permit #000321 with Variances for 1521 Elford Street proceed for consideration at a Public Hearing, subject to:
 - (a) Referral to Advisory Design Panel with direction to consider plan revisions to improve the site plan, urban design, architecture and landscape design with specific attention to the context and transition, human-scaled form, massing and features.
 - (b) Plan revisions and refinements to the final design to address the matters that are identified above in 1(a), to the satisfaction of the Director of Sustainable Planning and Community Development.
 - (c) Preparation, execution and registration of a Statutory Right-of-Way of 2.4 m along Pandora Avenue to the satisfaction of the City Solicitor and Director of Engineering and Public Works.
2. That Council authorize the issuance of Development Permit with Variances #000321 in accordance with:
 - (a) Plans stamped December 16, 2013, for Development Permit with Variances #000321;
 - (b) Development meeting all *Zoning Regulation Bylaw* requirements, except for the following:
 - (i) Section 3.3.4(1) – Site coverage relaxed from 40% to 42.78%,
 - (ii) Section 3.3.6(2) – Open site space for multiple dwelling with enclosed parking relaxed from 60% to 46.50%,
 - (iii) Section 3.3.9 – Site area for lot with a multiple dwelling relaxed from 920 m² to 891 m²,
 - (iv) Section 3.3.10 – Front yard setback relaxed from 10.5 m to 5.24 m,
 - (v) Section 3.3.12 – Rear yard setback relaxed from 6.5 m to 5.2 m to 2.45 m,
 - (vi) Section 3.3.12 – Side yard setbacks relaxed from 6.5 m to 3.05 m and 4.41 m for the west and east sides, respectively,

- (vii) Schedule "C" Section 16.A.12 (b) – Vehicle parking requirements are relaxed from 1.4 spaces per unit (24 stalls) to 1.24 spaces per unit (21 stalls) for a maximum total of 17 strata-titled dwelling units;
- (c) Final plans to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development;
- (d) Council approval of any necessary encroachment agreements to the satisfaction of the City Solicitor, Director of Engineering and Public Works and Director of Parks, Recreation and Culture, prior to the issuance of a Building Permit.

Option 2 (Proposal as Presented by the Applicant)

1. That Development Permit #000321 with Variances for 1521 Elford Street proceed for consideration at a Public Hearing, subject to:
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 - (d) Council approval of any necessary encroachment agreements to the satisfaction of the City Solicitor, Director of Engineering and Public Works and Director of Parks, Recreation and Culture, prior to the issuance of a Building Permit.

Option 3 (Decline)

That Council decline Development Permit with Variances Application #00321.

7.0 Conclusions

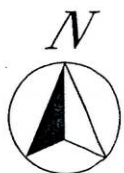
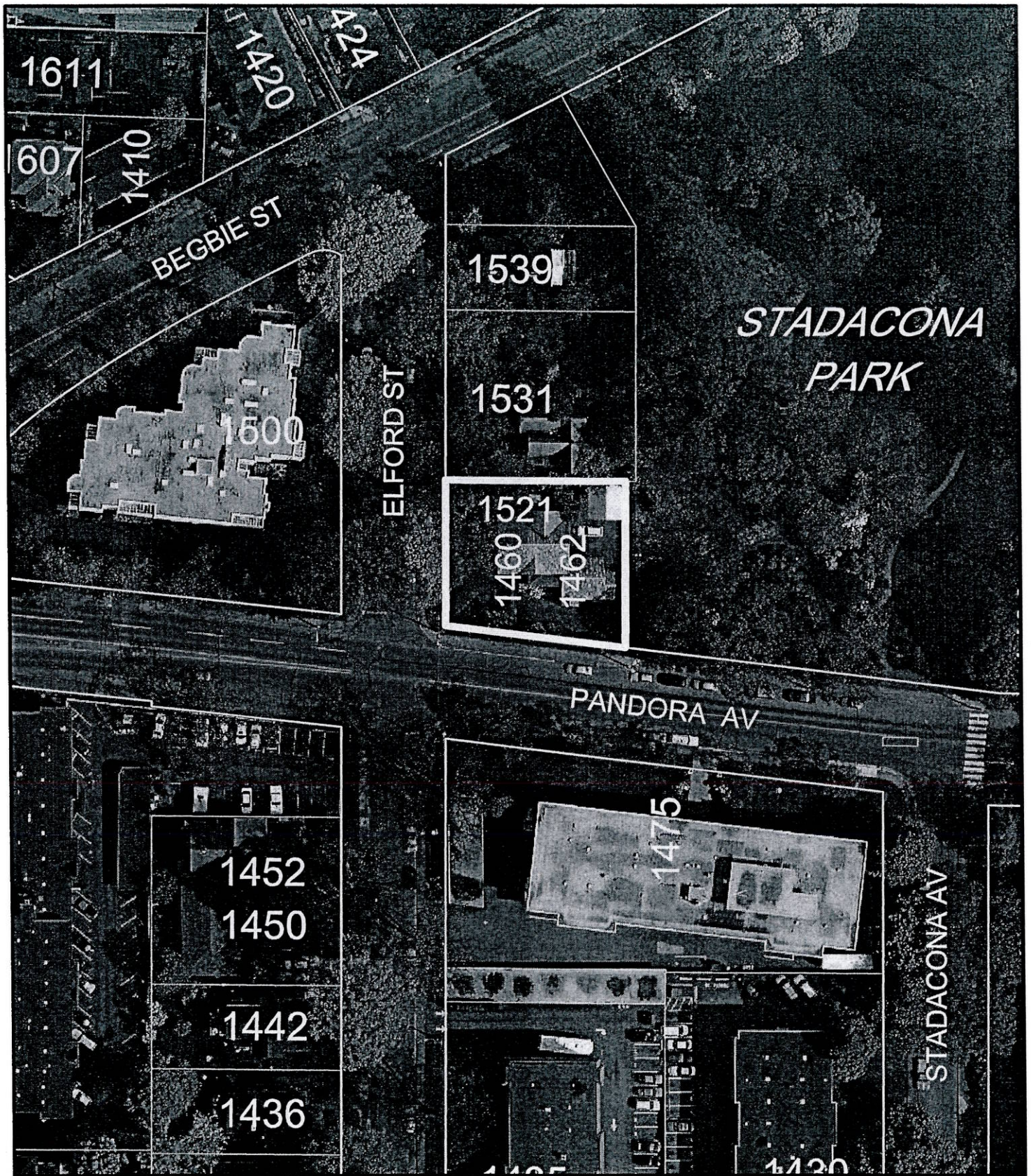
The proposal for a four-storey apartment building in the R3-2 Zone (Multiple Dwelling District) is supportable, subject to either or both reduced variances and design refinements to mitigate the visual impact of a large-building footprint, small open spaces and narrow setbacks. Staff are also recommending the registration of a Statutory Right-of-Way of 2.4 m along Elford Street, prior to a Public Hearing, and approval of any necessary encroachment agreements prior to issuance of a Building Permit.

8.0 Recommendations

1. That Development Permit #000321 with Variances for 1521 Elford Street proceed for consideration at a Public Hearing, subject to:
 - (a) Referral to Advisory Design Panel with direction to consider plan revisions to improve the site plan, urban design, architecture and landscape design with specific attention to the context and transition, human-scaled form, massing and features.
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 - (d) Council approval of any necessary encroachment agreements to the satisfaction of the City Solicitor, Director of Engineering and Public Works and Director of Parks, Recreation and Culture, prior to the issuance of a Building Permit.

9.0 Attachments

- Aerial Photo
- Zoning Map
- Letters from applicant dated December 16, 2013, October 7, 2013, and July 5, 2013
- Plans for Development Permit with Variances #000321, date-stamped December 16, 2013
- Arborist Report, from SouthShore Forest Consultants.



1521 Elford Street
Development Permit #000321





1521 Elford Street
 Development Permit #000321



07 October 2013 (revised 16 December 2013)

City of Victoria
Planning Department
#1 Centennial Square
Victoria, British Columbia, V8W 1R6

Attention: Mayor and Council

Re: 1521 Elford Street, Victoria British Columbia

Your Worship Mayor Fortin and Council,

Further to the technical review committee (TRC) summary of July 24, 2013, we have worked with our client to revise our proposal to meet the planning departments concerns. Instead of proposing a 6 storey residential building within the R3-2 zone, we have now revised our proposal which we feel is more in keeping with the Design Guidelines for Multi-unit Residential within Development Permit #16.

Our client is proposing to redevelop the property at 1521 Elford Street (a legal triplex) into a 17 unit condominium project. The property is on the corner of Pandora Avenue and Elford Street, adjacent to Stadacona Park. The property to the west across Elford is a 6 storey multi-family residential building, the property to the south across Pandora Avenue is a 4 storey multi-family residential building, and the properties to the north are existing single family residential buildings or conversions. The property directly to the north is a large property that has a derelict house on the property. As it is also within 200 metres of the Stadacona Village, the potential for a future development is likely to occur.

Our property is zoned R3-2 zone multiple dwelling district zone, but our lots size is 29 metres short of the minimum site area of 920 square metres. We feel the medium-rise multi-family dwelling proposed meets the vision of your new OCP for this area. Our client has tried to purchase the adjacent property to the north to consolidate the two properties for a larger project but the adjacent property owner has not shown any interest.

This property is located along the Pandora Avenue secondary arterial. It is adjacent to transit routes along Pandora Avenue, Begbie Street, Fort Street. Bicycle routes and greenways exist nearby and is a prime location for higher density residential.

Given the new OCP is focusing on our population growth within walking distance (200 metres) of large urban villages such as Stadacona Centre and along arterials and secondary arterials, this site an excellent candidate to be redeveloped for multi-family residential use.

This site also benefits from being adjacent to green space in the form of Stadacona Park as well as nearby Scurrah Green, Verrinder Park, and Johnson Street Green.

With the adoption of the new OCP, all multi-unit residential buildings not within a specified development permit area fall within the DPA 16 guidelines. These multi-unit residential buildings are often located along or visible from high traffic corridors and areas. Special attention to form and character adjacent or nearby existing buildings and streetscapes and surrounding areas are required.

The objectives that justify the development permit designation include:

- support multi-unit residential developments that provide a sensitive transition to adjacent and nearby areas with built form that is often 3 storeys or lower, and
- integrate multi-unit residential buildings in a manner that is complementary to established place character in a neighbourhood or other area, including its heritage character.

We feel that the design and the variances requested for this proposal meet your vision for this site and the future of this area. We feel the site is appropriately zoned for multi-unit residential as it is located within walking distance to a large urban village and is located on an arterial road. It is adjacent to transit routes, bike paths and greenways.

We feel the design of the four storey building, with the fourth storey stepped back, creates a sensitive transition for a development within this neighbourhood and the context of the existing buildings. Since the November 13 TRC meeting, we have pulled the building further away from the park to create a larger set back to the park as well as added windows to the north elevation. The materials on the building are complementary to the materials on other buildings in the area. We are proposing wood siding on the corner elements of the building, rock facing to the base of the building and stucco to the body of the building.

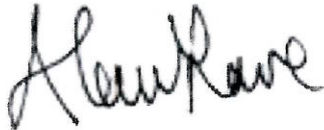
By keeping the building to four storeys and creating a fourth floor that is set back from the rest of the building, we are also requesting a variance for site coverage. We are slightly over the 40% site coverage allowed and feel that the massing of the project benefits from the request for the additional site coverage.

We are also requesting a variance of three parking stalls for this project. The project provides bicycle parking in the underground parking area as well as three visitor parking stalls. As the building is located adjacent to transit routes and bike lanes, we feel the variance requested is reasonable.

In summary, we are proposing to build a 17 unit condominium within 200 metre walking distance to what is classified as a large urban village (Stadacona Centre). The OCP states that densities of up to 2.5:1.0 could be appropriate if they are consistent with the intent of the Urban Place Designation guidelines. We are not requesting a rezoning for additional density for this project, but are requesting variances for minimum site area, setbacks, site coverage, and parking.

We trust that this proposal is in keeping with the neighbourhood and your vision for this area within the newly adopted Official Community Plan.. Should you have any questions, please feel free to contact us at 250-360-2888.

Yours truly,

A handwritten signature in black ink, appearing to read "Alan Lowe". The signature is written in a cursive, flowing style.

Alan Lowe
Alan Lowe Architect Inc.

cc. Client



07 October 2013

City of Victoria
Planning Department
#1 Centennial Square
Victoria, British Columbia, V8W 1R6

Attention: Mayor and Council

Re: 1521 Elford Street, Victoria British Columbia

Your Worship Mayor Fortin and Council,

Further to the technical review committee (TRC) summary of July 24, 2013, we have worked with our client to revise our proposal to meet the planning departments concerns. Instead of proposing a 6 storey residential building within the R#-2 zone, we have now revised our proposal which we feel is more in keeping with the Design Guidelines for Multi-unit Residential within Development Permit #16.

Our client is proposing to redevelop the property at 1521 Elford Street (a legal triplex) into a 17 unit condominium project. The property is on the corner of Pandora Avenue and Elford Street, adjacent to Stadacona Park. The property to the west across Elford is a 6 storey multi-family residential building, the property to the south across Pandora Avenue is a 4 storey multi-family residential building, and the properties to the north are existing single family residential buildings or conversions.

Our property is zoned R3-2 zone multiple dwelling district zone, but our lots size is 29 metres short of the minimum site area of 920 square metres. We feel the medium-rise multi-family dwelling proposed meets the vision of your new OCP for this area. Our client has tried to purchase the adjacent property to the north to consolidate the two properties for a larger project but the adjacent property owner has not shown any interest.

This property is located along the Pandora Avenue secondary arterial. It is adjacent to transit routes along Pandora Avenue, Begbie Street, Fort Street. Bicycle routes and greenways exist nearby and is a prime location for higher density residential. Given the new OCP is focusing on our population growth within walking distance (200 metres) of large urban villages such as Stadacona Centre and along arterials and secondary arterials, this site an excellent candidate to be redeveloped for multi-family residential use.

This site also benefits from being adjacent to green space in the form of Stadacona Park as well as nearby Scurrah Green, Verrinder Park, and Johnson Street Green.

With the adoption of the new OCP, all multi-unit residential buildings not within a specified development permit area fall within the DPA 16 guidelines. These multi-unit residential buildings are often located along or visible from high traffic corridors and areas. Special attention to form and character adjacent or nearby existing buildings and streetscapes and surrounding areas are required.

The objectives that justify the development permit designation include:

- support multi-unit residential developments that provide a sensitive transition to adjacent and nearby areas with built form that is often 3 storeys or lower, and
- integrate multi-unit residential buildings in a manner that is complementary to established place character in a neighbourhood or other area, including its heritage character.

We feel that the design and the variances requested for this proposal meet your vision for this site and the future of this area. We feel the site is appropriately zoned for multi-unit residential as it is located within walking distance to a large urban village and is located on an arterial road. It is adjacent to transit routes, bike paths and greenways.

We feel the design of the four storey building, with the fourth storey stepped back, creates a sensitive transition for a development within this neighbourhood and the context of the existing buildings. The setbacks requested are in keeping with setbacks in the area and the massing is reduced due to the design of the building. The materials on the building are complementary to the materials on other buildings in the area. We are proposing wood siding on the corner elements of the building, rock facing to the base of the building and stucco to the body of the building.

By keeping the building to four storeys and creating a fourth floor that is set back from the rest of the building, we are requesting a variance for site coverage. We are slightly over the 40% site coverage allowed and feel that the massing of the project benefits from the request for the additional site coverage.

We are also requesting a variance of two parking stalls for this project. The project provides bicycle parking in the underground parking area as well as three visitor parking stalls. As the building is located adjacent to transit routes and bike lanes, we feel the variance requested is reasonable.

In summary, we are proposing to build a 17 unit condominium within 200 metre walking distance to what is classified as a large urban village (Stadacona Centre). The OCP states that densities of up to 2.5:1.0 could be appropriate if they are consistent with the intent of the Urban Place Designation guidelines. We are not requesting a rezoning for additional density for this project, but are requesting variances for minimum site area, setbacks, site coverage, and parking.

We trust that this proposal is in keeping with the neighbourhood and your vision for this area within the newly adopted Official Community Plan.. Should you have any questions, please feel free to contact us at 250-360-2888.

Yours truly,

A handwritten signature in black ink, appearing to read "Alan Lowe". The signature is written in a cursive, flowing style.

Alan Lowe
Alan Lowe Architect Inc.

cc. Client

alan  architect inc.



4 July, 2013

City of Victoria
Planning Department
#1 Centennial Square
Victoria, British Columbia, V8W 1R6

Attention: Mayor and Council

Re: 1521 Elford Street, Victoria British Columbia

Your Worship Mayor Fortin and Council,

We are pleased to submit this redevelopment project for you review. Our client is proposing to redevelop the property at 1521 Elford Street into a 16 unit condominium project. The property is adjacent to Stadacona Park, is along Pandora Avenue, and is across Elford Street from another 6 storey condominium building.

The property, zoned R3-2, is 29 square metres smaller than the minimum site area for this zone. We are requesting that Council relax the minimum site area for this project to 891 square metres. The R3-2 zone was also created when the idea of building multi-family buildings was to set them back from the lot lines and create a more suburban feel to these projects. In order to build on this site, and to fit an appropriate building on this site, we are requesting setback variances on this property that are in keeping with neighbouring properties and the character of the area.

Our proposal is a 6 storey wood framed building with one level of underground parking. The building is stepped back at the top floor creating one penthouse unit.

We trust that this is in keeping with the neighbourhood. Should you have any questions, please feel free to contact us at 250-360-2888.

Yours truly,

A handwritten signature in cursive script that reads "Alan Lowe".

Alan Lowe
Alan Lowe Architect Inc.

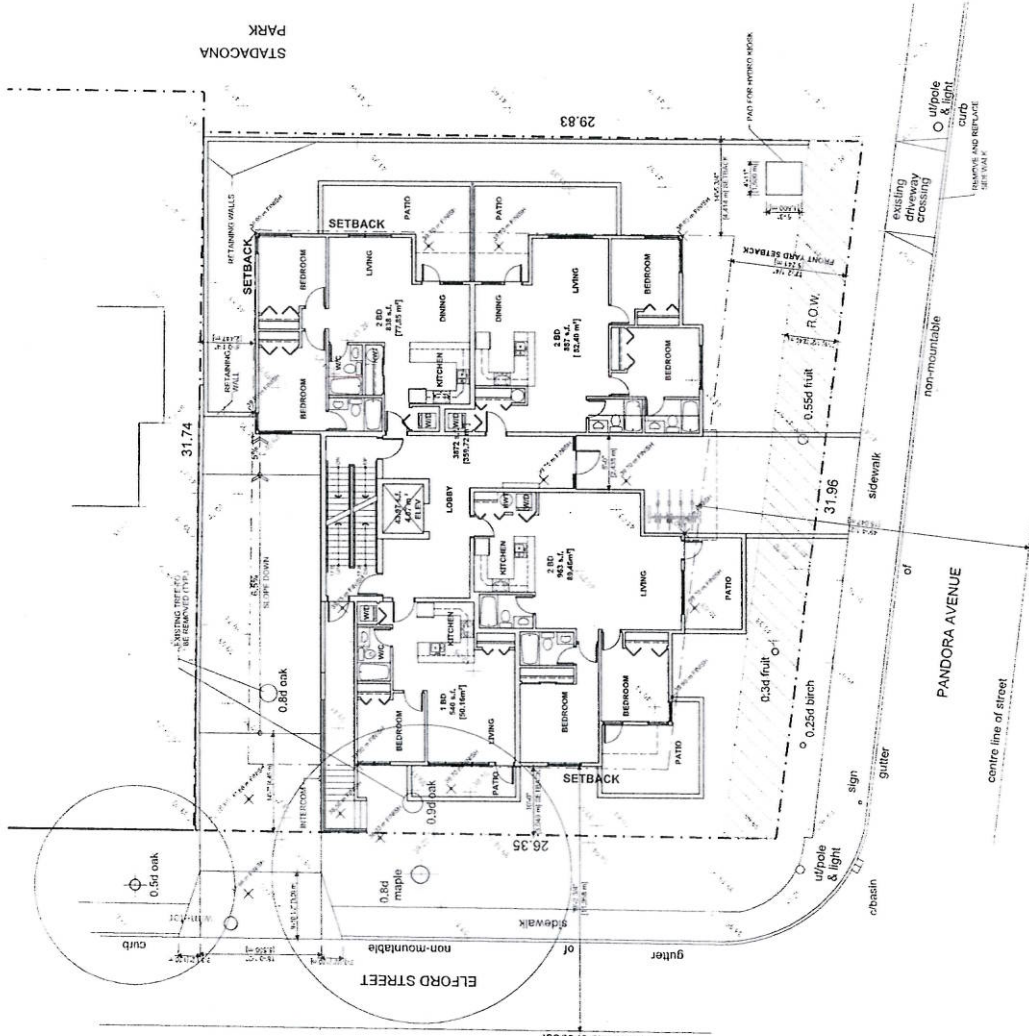
PROJECT INFORMATION

LEGAL ADDRESS: LOT 9, SECTION 75, VICTORIA DISTRICT, PLAN 2167
 CIVIC ADDRESS: 1524 FIFTH STREET, VICTORIA, BRITISH COLUMBIA

ZONING DATA
 ZONING: R3-2

OCCUPANCY CLASSIFICATION: GROUP C - RESIDENTIAL
 BUILDING CLASSIFICATION: 3,2,2.50 GROUP C, UP TO 6 STORES, SPRINKLED
 3,2,2.50 (2) 3rd floor presentation shall be the same as that with a F.F.R.A. not less than 1 HR.

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ZONE (EXISTING)	Existing	Required / Alignment	Proposed	Variance / Requisitioned
Site Area	891.12 (21,640.03 sq ft)	700.00 sq m	891.12 sq m	25.14 sq m
Basement			134.15 m ²	
Ground Floor			259.72 m ²	
2nd Floor			366.38 m ²	
3rd Floor			366.38 m ²	
4th Floor			292.09 m ²	
Ground Floor Area	1,822.92 (19,765.51 sq ft)		1,822.92 m ²	
Open Site Space			18.52 m ²	
Floor space ratio		60%	18.52 m ²	13.29%
Site coverage %	1.01	40%	1.96%	2.8%
Height of Building (m)	13.5 m	13.5 m	12.08 m	2.8%
Number of Storeys	4	4	4	
Parking stalls on site	21	21	21	2
Bicycle parking Number (storage and rack)	18 in storage-rack			
Building Setbacks (m)				
Front yard	10.5m	5.241m	5.241m	5.26m
Side yard (Rear/Left/Back)	10.5m	3.446m	3.446m	8.054m
Side yard (Front/Elevation)	10.5m	4.61m	4.61m	6.09m
Side yard (Front/Elevation)	10.5m	3.048m	3.048m	7.452m
Total number of units			17	
Minimum unit floor area (sqm)		33 sq m (min.)	150.16 sq m (min.)	

Average Gross Calculated: 345.6 (Elk, net, calculation road) / 26.0m (R3g, Permitted) = 30.98 m

EXISTING ELEVATION
 FINISH ELEVATIONS

align love architect inc.
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 Tel: 250.383.1111 Fax: 250.383.1112
 www.alignlove.com

RESIDENTIAL DEVELOPMENT
 1524 FIFTH STREET
 SITE PLAN
 SITE DATA

Project No.	150278
Site No.	150278
Scale	1:1000
Date	2013

A1.0

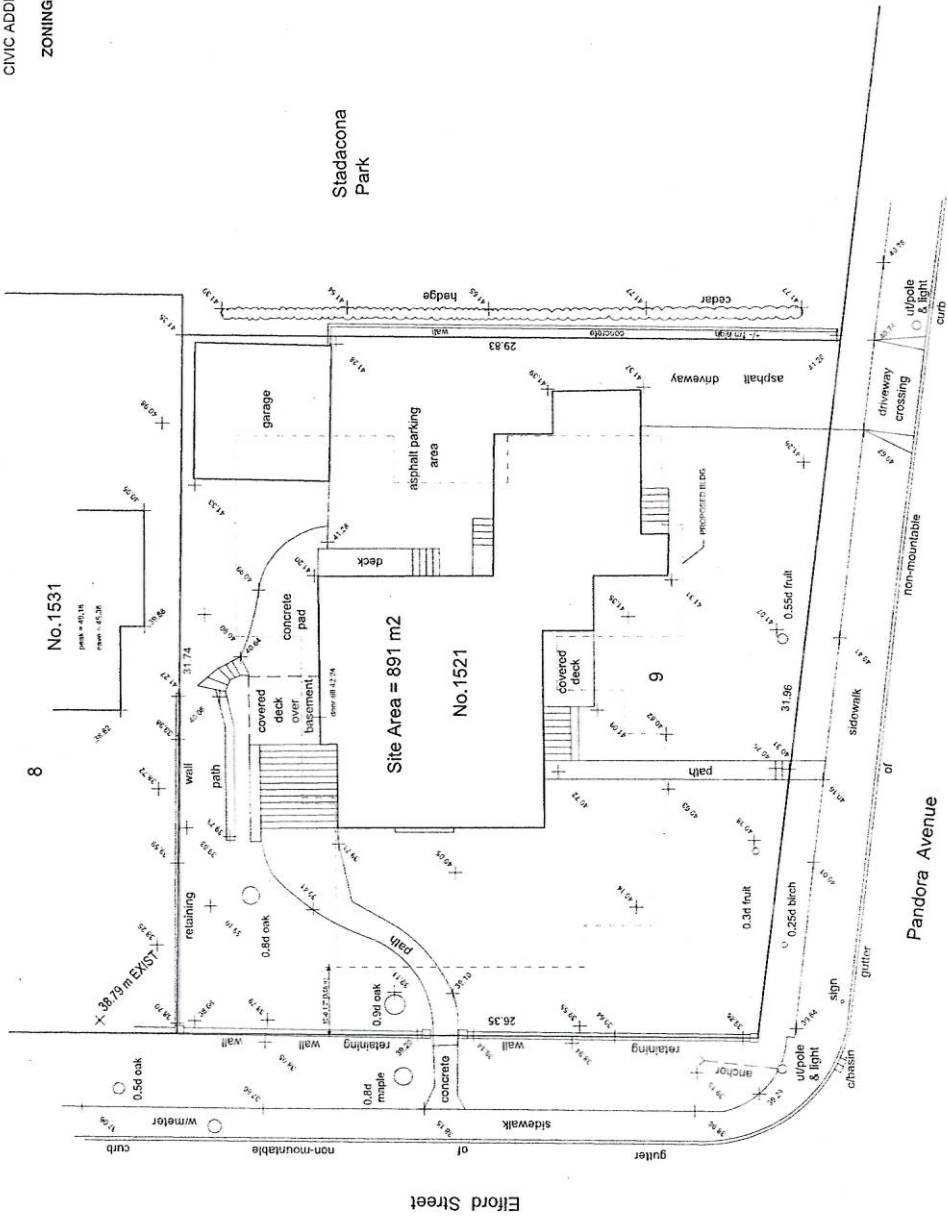
Received
 City of Victoria
 DEC 16 2013
 Planning & Development Department
 Development Services Division

1 SITE PLAN
 A1.0

PROJECT INFORMATION

LEGAL ADDRESS: LOT 9, SECTION 75, VICTORIA DISTRICT, PLAN 2307
 CIVIC ADDRESS: 1591 ELFORD STREET, VICTORIA, BRITISH COLUMBIA
 ZONING DATA
 ZONING: R3-2

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Stadacona Park

Eford Street

Pandora Avenue

alan lowe architect inc.
 230 - 1101 Commercial St.
 Victoria, British Columbia

RESIDENTIAL DEVELOPMENT
 1521 ELFORD STREET
 EXISTING SITE PLAN

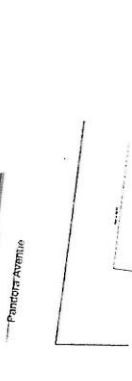
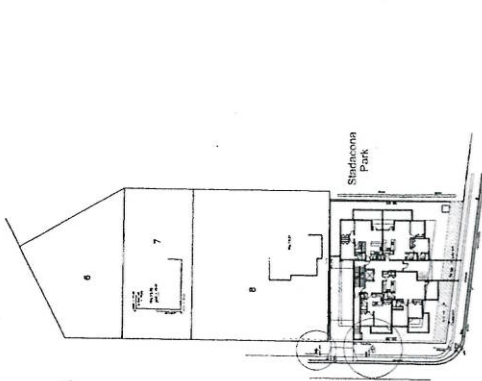
project no.:	15-278
date:	DEC 2013
scale:	1:100
status:	EXISTING SITE PLAN

A1.1

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 Development Services Division

1 EXISTING SITE PLAN

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2 SITE CONTEXT
A1.2 SCALE 1:500



APPROACHING SITE WESTBOUND ON PANDORA AVE.



PROPERTY LINE ADJACENT TO STADACONA PARK



EXISTING PANDORA STREET ELEVATION



EAST ELEVATION FROM STADACONA PARK



ACROSS THE STREET (ELFORD ST. @ PANDORA AVE)



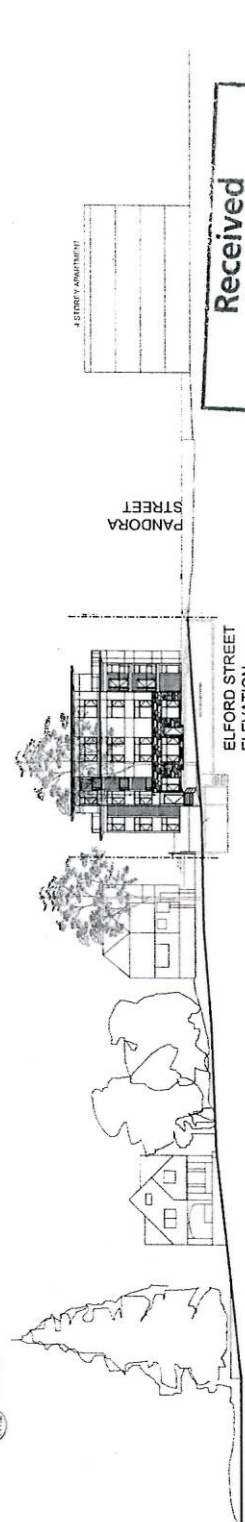
ACROSS THE STREET (PANDORA AVE)



PANDORA AVENUE

BEGBIE STREET

3 PHOTOS
A1.2 SCALE 1:500



1 STREETSCAPE
A1.2 SCALE 1:500

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DEC 16 2013
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Development Services Division

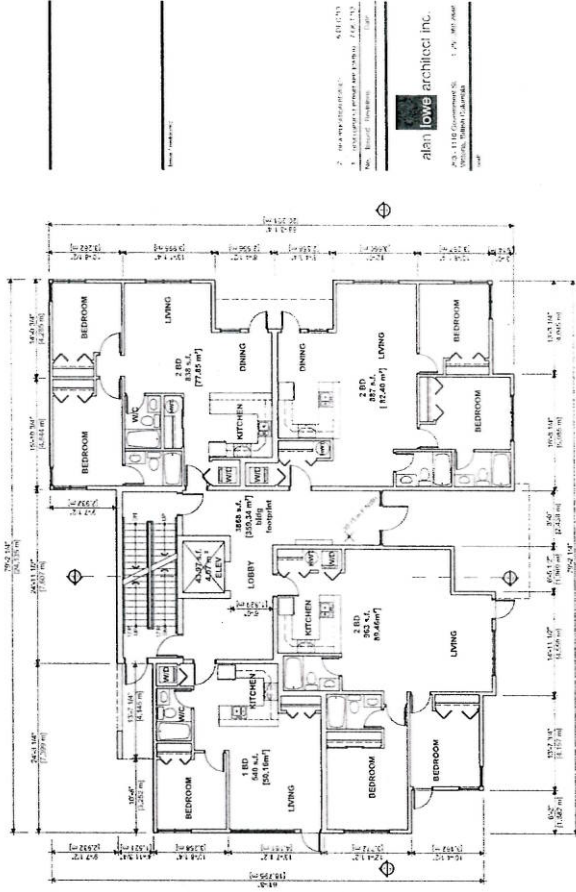
RESIDENTIAL DEVELOPMENT
1521 ELFORD STREET
SITE CONTEXT

PROJECT NO.	1521-2013
DATE	6 DEC 2013
STATUS	APPROVED
DESIGNER	LOWE
SCALE	1:500
TITLE	A1.2

A1.2

alan lowe architect inc.
2013 1117 Government St. 1st Fl. Victoria BC
250.625.1234

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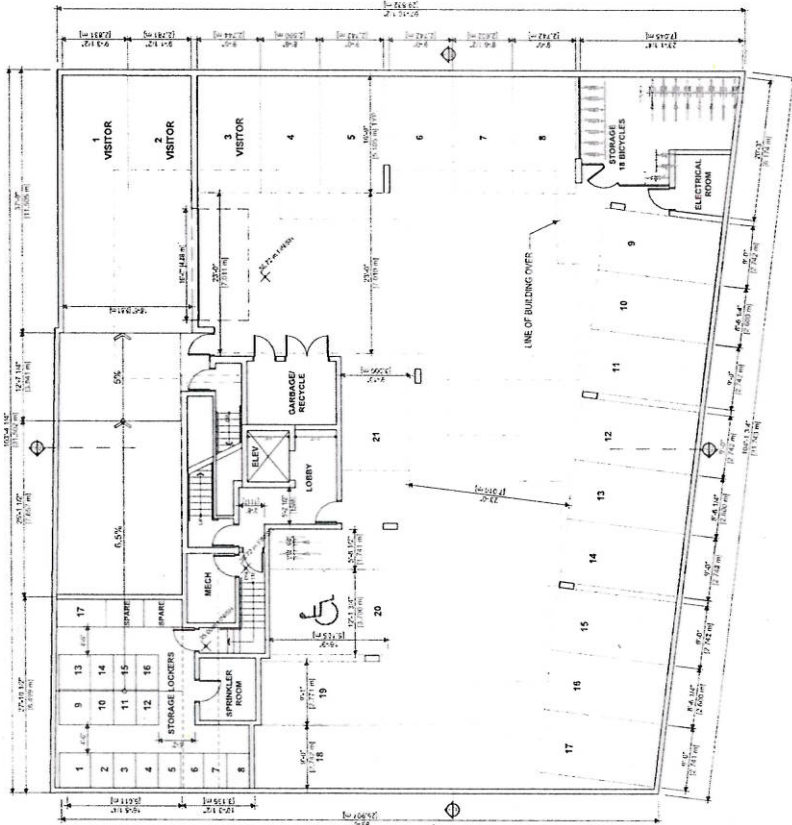
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RESIDENTIAL DEVELOPMENT
 1231 ELFORD STREET
 VICTORIA, BC V8M 1A8

PLAN - BASEMENT
 - GROUND FLOOR

PROJECT NO.	10-278
DATE	8/20/2013
SCALE	1/8" = 1'-0"
DESIGNED BY	ALAN LOWE
DRAWN BY	ALAN LOWE

A2.0



2. GROUND FLOOR PLAN
 SCALE: 1/8" = 1'-0"

1. BASEMENT PLAN
 SCALE: 1/8" = 1'-0"

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 Development Services Division

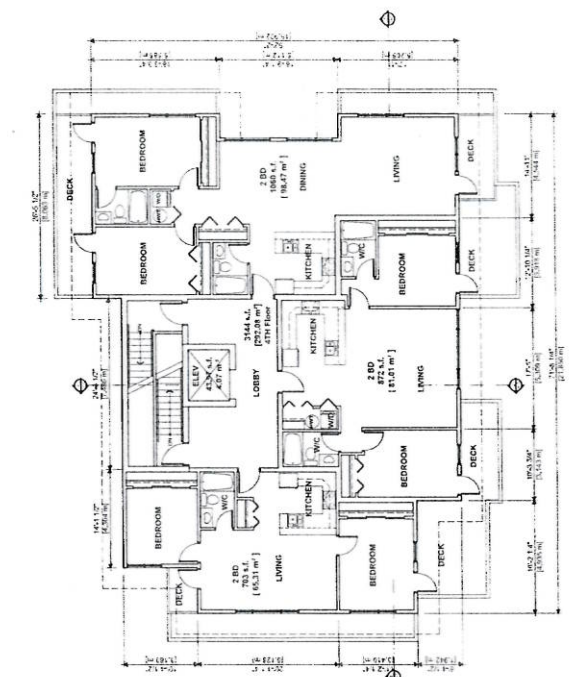
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 Fax: 604-271-1111
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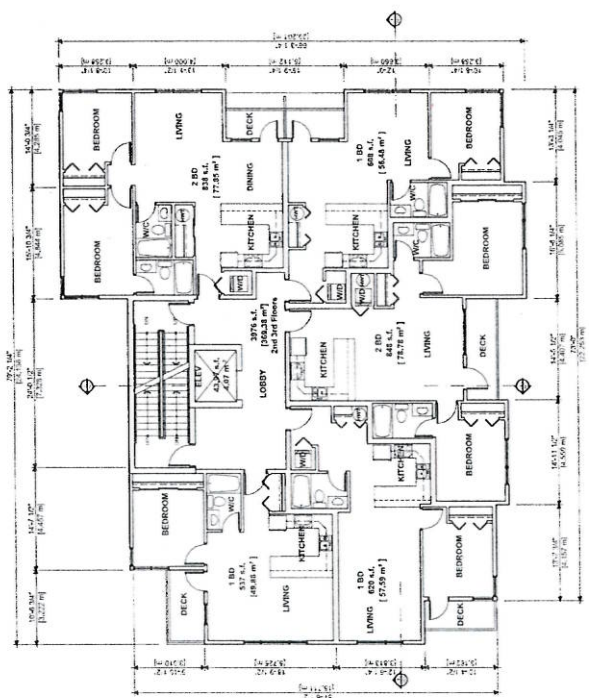
RESIDENTIAL DEVELOPMENT
 1521 TELFORD STREET
 PLAN - 2ND & 3RD FLOOR
 - 4TH FLOOR PLAN

Project no.:	13278
Client:	REDEVCO
Architect:	alan lowe architectural inc.
Scale:	1/8" = 1'-0"
Date:	12/10/13
Drawn by:	LDW
Checked by:	LDW

A2.1



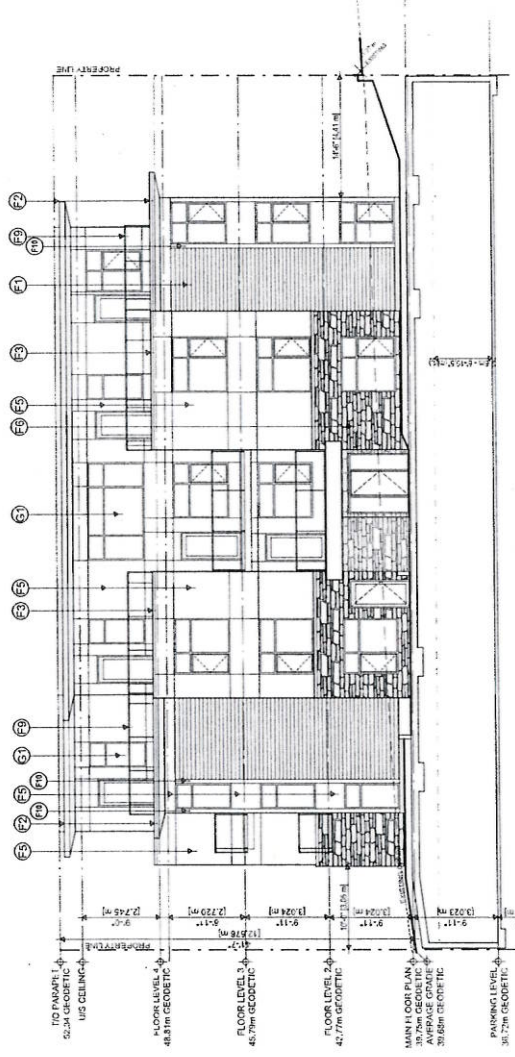
2 4TH FLOOR PLAN
 1/8" = 1'-0"



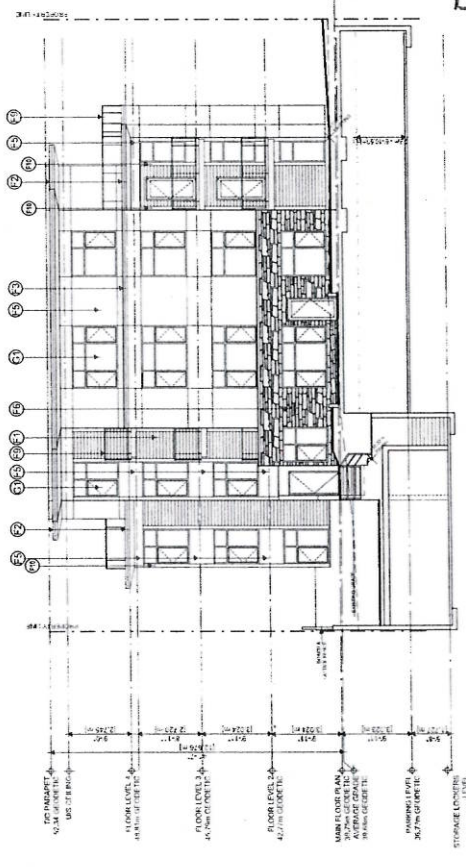
1 2ND & 3RD FLOOR PLAN
 1/8" = 1'-0"

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1 SOUTH ELEVATION (PANDORA AVE.)



2 WEST ELEVATION (ELFORD STREET)

- EXTERIOR FINISHES & NOTES :**
- (E) INTERIORS: VARIOUS FINISHES
 - (F) INTERIORS: VARIOUS FINISHES
 - (G) INTERIORS: VARIOUS FINISHES
 - (H) INTERIORS: VARIOUS FINISHES
 - (I) INTERIORS: VARIOUS FINISHES
 - (J) INTERIORS: VARIOUS FINISHES
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 - (U) INTERIORS: VARIOUS FINISHES
 - (V) INTERIORS: VARIOUS FINISHES
 - (W) INTERIORS: VARIOUS FINISHES
 - (X) INTERIORS: VARIOUS FINISHES
 - (Y) INTERIORS: VARIOUS FINISHES
 - (Z) INTERIORS: VARIOUS FINISHES

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 211-1111 Commercial St. | 779 West 10th Ave.
 Victoria, British Columbia V8M 1K6

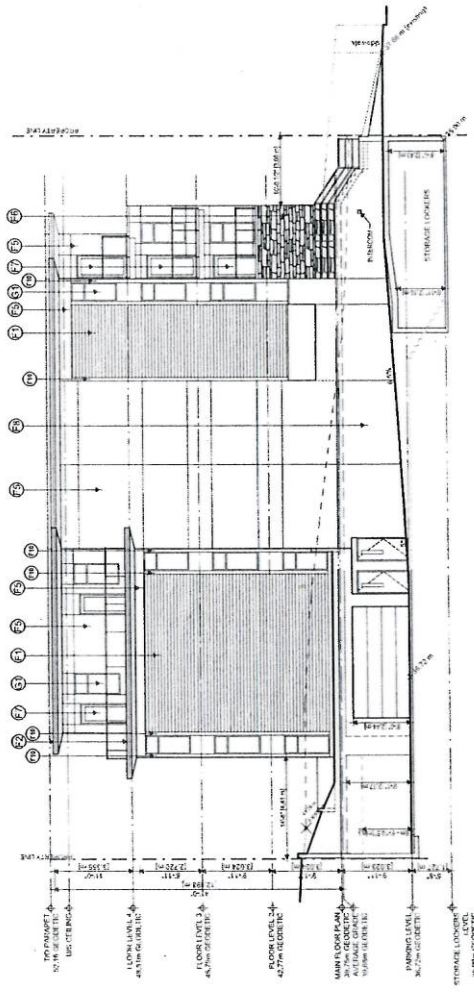
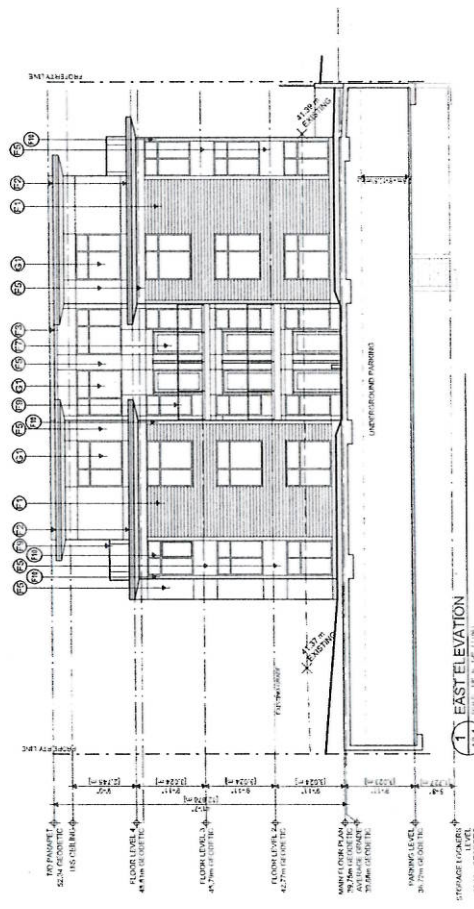
RESIDENTIAL DEVELOPMENT
 1821 ELFORD STREET
 ELEVATIONS

project no.: 18078
 scale: 1/8" = 1'-0"
 date: 12/11/13

A3.0

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- EXTERIOR FINISHES & NOTES :**
- (1) CERAMIC TILEWORK
 - (2) POLISHED CONCRETE
 - (3) POLISHED METAL FLOORING
 - (4) POLISHED METAL FLOORING
 - (5) POLISHED METAL FLOORING
 - (6) POLISHED METAL FLOORING
 - (7) POLISHED METAL FLOORING
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 - (28) POLISHED METAL FLOORING
 - (29) POLISHED METAL FLOORING

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 225-1100 Deschamps St.
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 Tel: 514-392-1100
 Fax: 514-392-1101
 Email: info@alowe.com

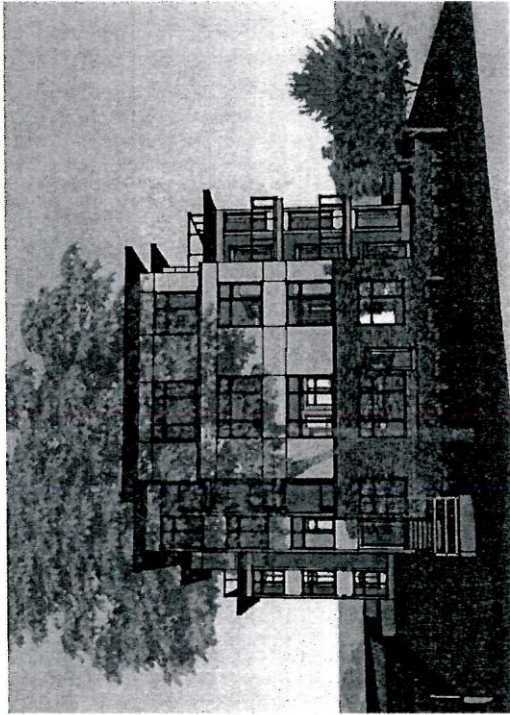
RESIDENTIAL DEVELOPMENT
 1424 ELDFORD STREET
 MONTREAL, QUEBEC H3H 2R4
 RENDERINGS

PROJECT NO. 15279
 CLIENT: ALEC 2013
 DATE: 12/16/2013
 DRAWN BY: JPM
 CHECKED BY: JPM

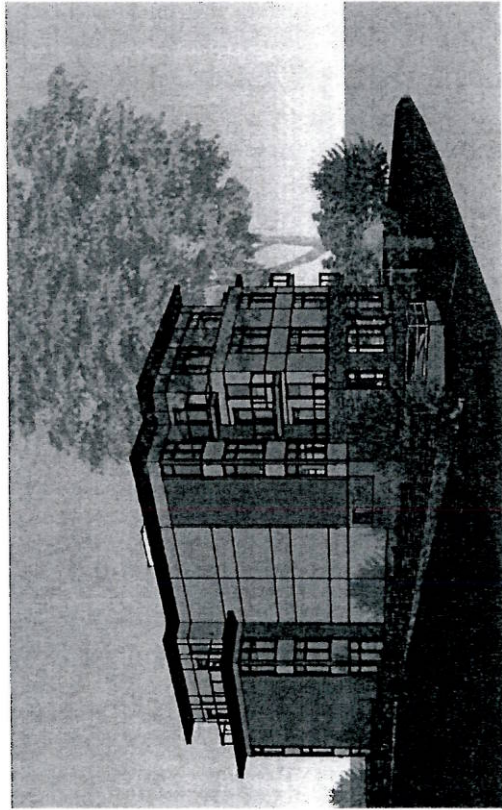
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1 WEST ELEVATION
DATE: 01/11/13



2 NORTH WEST
DATE: 01/11/13

CLIENT: [REDACTED]
PROJECT: [REDACTED]
DATE: [REDACTED]

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201 - 4118 Government St.
Victoria, British Columbia
V8M 1K1

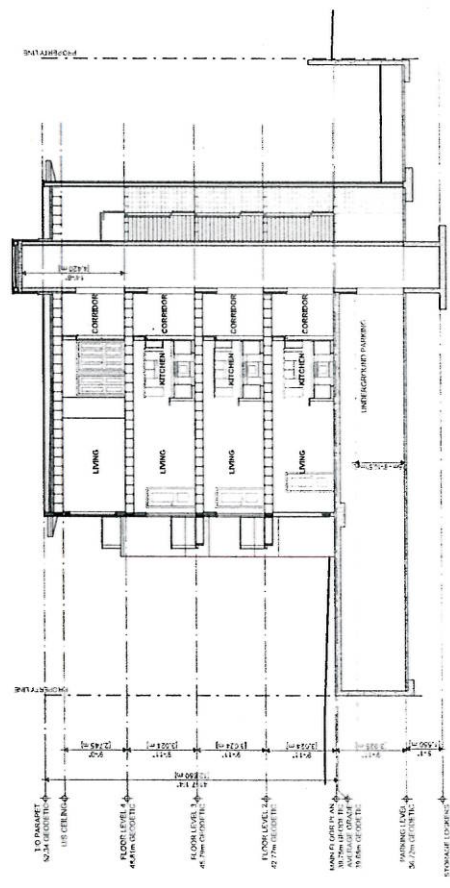
RESIDENTIAL DEVELOPMENT
121 ELFORD STREET
VICTORIA
RENDERINGS

PROJECT NO.: 13079
DATE: 01/11/13
SCALE: 1/8" = 1'-0"
DRAWN BY: [REDACTED]
CHECKED BY: [REDACTED]

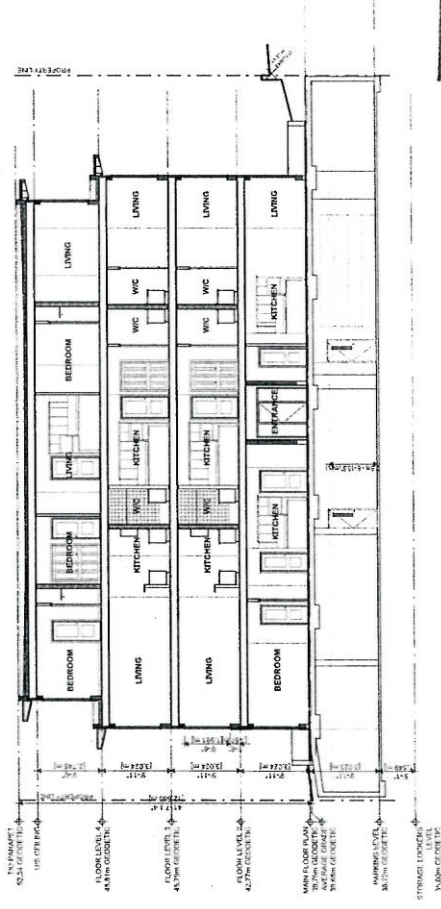
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DEC 16 2013
Planning & Development Department
Development Services Division

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1 SECTION
SCALE: 1/8" = 1'-0"



2 SECTION
SCALE: 1/8" = 1'-0"

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 Fax: 250.383.2889
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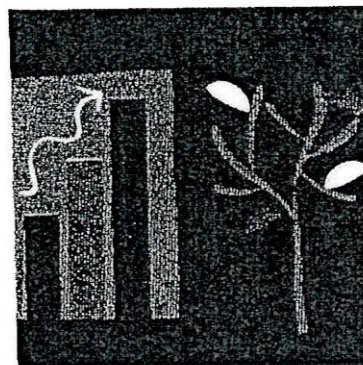
RESIDENTIAL DEVELOPMENT
 1231 ELMFORD STREET
 SECTIONS

Project No.	13078
Scale	1/8" = 1'-0"
Author	ALW
Check	ALW
Date	08/13/13

A4.0

Received
 City of Victoria
 DEC 16 2013
 Planning & Development Department
 Development Services Division

SouthShore Forest Consultants



Arborist Report

Tree Retention & Tree Removal Project

1521 Elford Street
Victoria, B.C.

Submitted to: Lt Patrick Larose
Engineering Officer
HMCS Victoria
250.363.5817

Prepared by: Michael Butcher
SouthShore Forest Consultants
BS Forestry
ISA - ON- 0583AM
CTRA #1401

Objective

The objective for this report is to identify and provide information to our client, Patrick Larose on the protection, preservation and removal of trees which are located on his property at 1521 Elford Street, Victoria B.C.. The clients intent for the property will be to move the current dwelling making way for the construction of new 3-4 story multiplex structure with proposed underground parking. The client has asked that an arborist report be completed and submitted to City staff prior to project approval.

Site Observations

On Monday February 6th Michael Butcher from SouthShore Forest Consultants assessed the site and made observations pertaining to trees located on at 1521 Elford Street. The lot is located in an established residential neighbourhood in Victoria BC.. The property appeared to at one time have a well established landscape design with a variety of mature native trees, shrubs and hedges positioned throughout the lot. Elevated above natural grade, the lot was observed to have an increased in elevation approximately 2 metres in height from the road to the foot of the structure. Approximately 900 square metres in size the parcel is located on a corner lot beside a vacant adjoining residential parcel to the north and a municipal park located along its eastern edge. During the inspection it was observed that a number of the trees and vegetation were in declining condition.

The existing dwelling was observed to be located in the middle of the parcel situated closed to the north end of the lot . A three story structure with a basement, the existing house appeared to be a vintage war-time dwelling. A detached garage, asphalt drive way and patio pad are located on the southeast side of the lot. A retaining wall located along the north and west side of the property border the city boulevard. A stone wall approximately one metre in height borders the property along the eastern side of the parcel. A cedar hedge located in a city park runs the length of a stone wall located beside the driveway. Two municipal trees are located in the boulevard along the Elford Street side of the property. Each of these trees were observed to be in good condition and health. Each of the trees must be preserved and protected during the project.

The grounds area of the property appeared to be of a native turf grass with numerous planting and flower beds bordering the structure. A automatic irrigation system was not observed during my assessment. It appears that at one time the natural grade of the site was raised for drainage purposes. There appeared to be no natural root-flair present on each of the two mature oak trees.

Tree Inventory

All significant tree located within the property were inventoried. Tree are not tagged due to the limited number of specimens found on site . The tree inventory is a routine account of tree species, characteristics and conditions which represent an identified population of trees in any given location. Small shrubs and plants of insignificance in size were not listed and assessed in the tree inventory.

Tree Position	Species	DBH (cm)	Diameter of CRZ (m)	Condition	Retain	Remove	Comments
City tree - positioned in N section of blvd	Garry oak (<i>Quercus garryana</i>)	52	9.5	fair	yes		Tree will require tree protection to reduce impacts as per municipal guidelines
City tree - positioned in blvd next to gate	Big leaf maple (<i>Acer macrophyllum</i>)	75	13.5	fair	yes		Tree will require protection to reduce impacts as per municipal guidelines
Positioned inside gate close to retaining wall.	Garry oak (<i>Quercus garryana</i>)	87	15.5	poor/fair		yes - advanced decay in root crown region	Tree has been identified to be infected with Ganoderma pathogen.
Positioned next to steps at side porch	Garry oak (<i>Quercus garryana</i>)	79	14	fair	yes - try to protect.	yes - if root system is compromised due to building footprint.	Further recommendations pertaining to preservation or removal will be required. Mitigation of the specimen is an option.
Positioned above retaining wall south of side gate	Red oak (<i>Quercus rubra</i>)	8	1.5	fair		yes - the tree can be transplanted or removed	This specimen can tree transplanted by mechanical means.
Positioned in SW corner along Pandora side	Laburnum (<i>Laburnum anagyroide</i>)	35	6.5	poor		yes - decay present, multiple limb failures - poor structure	Remove due to poor tree condition and structure
Positioned along Pandora side in	Flowering cherry (<i>Prunus serrulata</i>)	48	9	fair/poor		yes - poor structure	Remove due to declining health.

landscape bed							
Positioned next to driveway	Fig tree (<i>Ficus carica</i>)	8	1.5	fair		yes	Remove - in the path of demolition & construction
Positioned in rear at corner of garage	European ash (<i>Fraxinus excelsior</i>)	18	3.5	fair		yes – poor location. potential hardscape issues	Remove - in the path of demolition & construction
Positioned in garden bed, west of garage	Fig tree (<i>Ficus carica</i>)	6	1	fair		yes	Remove - in the path of demolition & construction
Positioned in NW corner of lot at the property line	Laburnum (<i>Laburnum anagyroide</i>)	35	6.5	Poor/fair		Yes	Poor structure, multiple cracks at branch attachments - 7X stem.

Condition Rating

- Good - A tree specimen which is exempt defects, branch dieback, moderate insect and fungal identification. This tree has evenly distributed branching, trunk development and flare. The root zone is undisturbed, leaf, bud and flower production and elongation are normal for its distribution.
- Fair - A tree specimen which has minor defects, branch dieback, previous limb failure, identification of cavities and insect or fungal identification. This tree has multiple (2-3) primary stem attachments, previous utility pruning, callus growth and poor wound wood development. Minor root girdling, soil heave and identifiable mechanical damage to the root flare or root zone.
- Poor- A tree specimen where 30-40% of the canopy is identifiably dead, large dead primary branching, limited leaf production, bud development and stem elongation. Limb loss/failure, heavy storm damage leading to uneven weight distribution. Large pockets of decay, multiple cavities, heavy insect and fungal infection. Root crown damage, mechanical severing of roots. Root plate shifting, heavy lean and movement of soil.
- Dead- Tree has been observed to be dead with no leaf, foliar and bud development. No stump sprouts and root suckers are present.

Discussion

It was observed during my assessment that four (4) trees met the criteria for tree preservation within the project area. Two of the trees, a Gary oak (*Quercus garryana*) and a big leaf maple (*Acer macrophyllum*) are municipal trees. These trees will remain and must be protected during all phases of the construction project. Within the confines of the lot there are two trees which meet the municipal tree preservation and protection policy.

The first tree a Gary Oak measuring 87 cm in diameter at standard measuring height is located next to the gated walkway on the west Elford Street side of the property. This tree is infected with the Ganoderma (*Ganoderma applanatum*) pathogen. The Ganoderma is a wood decay fungus which attacks heart and sap wood in mature oak trees. A root-crown excavation was performed on this specimen. Upon conclusion of the assessment it was determined that that 70% of the upper root crown was infected with the pathogen. Upon further inspection I determined there to be an above average amount of dead limbs located on the west side of the trees canopy. A Ganoderma conk was removed from the tree. The conk was located at the base of the tree attached just above grade. The conk was approximately 5-7 years in age.

The second tree, a Gary oak measured 79 cm in diameter at standard measuring height is located next to the porch on the Elford Street side of the property. This tree appeared to be in fair condition with no visible pathogenic or cultural disturbances occurring to it at the time of inspection. The tree is approximately 24 metres in height with a 10 metre crown spread. Sheltered by other trees this oaks stem and canopy are skewed towards the structure reaching above the roof. This tree will pose a problem during the construction process. The critical root protection zone is estimated to be a minimum of 14 metres. If the tree can receive this type of protection, then preservation can be achieved with specific monitoring and evaluation during the construction process. If more than 50% of the critical root zone is removed, damaged or unattended to during the project, then there would be an increased probability of tree failure and mortality. The current location and potential footprint of the proposed structure as well as the demolition process leave me to believe that this tree is a good candidate for removal with an approved tree mitigation plan.

Recommendations

- A. Without the current architectural proposal, preserve and protect two municipally owned trees.
- B. Provide tree removal for all remaining trees located in the project area. Provide a tree mitigation plan for the removal of one 79 cm diameter Gary oak. The tree mitigation plan can be used on site for landscape improvements or off site with approval of City staff.
- C. Protect all off-site planting, hedging and neighboring trees during the construction process.
- D. Follow tree preservation and protection measure guidelines as directed in Arborist comments section of the report.

Arborist Comments

All protective fencing shall be in place prior to commencement of work. Fencing shall be constructed under the supervision of an ISA certified arborist and will meet or exceed the tree protection policies of the City of Victoria.

Wood chip layering or matting shall be used to protect the municipal boulevard during construction. The layering or matting shall be installed within one (1)m of each tree in the boulevard. The matting will provide further protection and reduce soil compaction in each trees root zone. The use of aerial stem protection devices may be required. Matting or wood reinforced strapping attached to each trees stem will add further protection during the project. The project arborist will have the authority to require such protection measures prior to and during construction.

Utility cuts, installation and the path of travel may encounter tree roots. The contractor will be responsible to contact the project arborist/s when roots greater than 6cm in diameter are exposed. When anticipation of tree roots are expected the project arborist will be on site during excavation. Scheduling of this task will be the sole responsibility of the contractor. The project arborist will provide root pruning, removal and shaving during the construction process.

Tree Protection Plan

- i. Provide a detailed sign specifying that tree protection measures are in place and will be followed during the project. Fines will be posted for malicious acts and can be placed on individuals who disregard the tree protection plan and its guidelines. Signs will be placed at each entrance of the project detailing what is expected when working in potentially high impact tree protection zones.
- ii. Provide tree protection fencing for all trees which are to be retained on the property. This fencing shall be four (4ft) feet in height and made of orange plastic. If required header and footer boards will be used to secure the protective fencing.
- iii. Tree protection and root protection signs will be placed on the fencing. No entry will be allowed, unless specified by the project arborist and in their presents while on site.
- iv. Restrict vehicle traffic to designated access routes and travel lanes to avoid soil compaction and vegetation disturbances.
- v. Make all necessary precautions to prevent the storage of material, equipment, stockpiling of aggregate or excavated soils within tree protection areas. No dumping of fuels, oils or washing of concrete fluids will be allowed in tree protection zones.
- vi. Provide an onsite arborist when a risk of root damage, root cutting or limb removal is required within the tree protection zone.
- vii. Avoid alterations to existing hydrological patterns to minimize vegetation impacts to the site.
- viii. The use of a project arborist is required to provide layout of tree protection zones. The project arborist(s) will provide pre-construction information to all parties involved with the project. The arborist must be notified 24hrs prior to construction activities in sensitive areas. The project arborist should be used to provide root and branch pruning when diameters are greater than 6cm.
- ix. At no time will tree protection zones be removed from the project unless approved by the project arborist.

Conclusions

The proposed house removal and new construction will require the removal of all privately owned trees on site. Although one Gary oak tree could be preserved, it makes more sense to remove the tree reducing future liability due to root loss during the construction process. This tree can be mitigated as per the City of Victoria tree ordinance. All municipally owned trees must be protected and preserved.



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Arborist Disclosure Statement:

Arborist are tree specialists who use their education, training and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risks.

Arborist cannot detect every condition that could possibly lead to structural failure of a tree.

Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below the ground.

Arborist cannot guarantee that the tree will be healthy and safe under all circumstances, or for a specific period of time.

Remedial treatments cannot be guaranteed.

Trees can be managed, but they cannot be controlled. The only way to eliminate all risk is to eliminate all trees.