2. <u>Committee of the Whole – June 15, 2017</u>

13. Development Permit with Variances Application No. 00021 for 515 Foul Bay Road

Motion:

It was moved by Councillor Lucas, seconded by Councillor Alto, that Council after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 00021 for 515 Foul Bay Road for the subdivision of the panhandle lot and subsequent construction of three single-family dwellings, subject to the Heritage Designation of the existing house and registration of a Section 219 Covenant for tree protection, and a grant of an easement in common with the registered owner of 511 Foul Bay Road (the "Property") strictly for the purposes of allowing the registered owner of the Property access to and from the existing garage on the Property and Foul Bay Road, in accordance with:

- 1. Plans date stamped March 10, 2017.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Lot A:increase the maximum height from 5.00m to 7.80m
 - b. increase the maximum number of storeys from one to two
 - c. reduce the front setback from 7.50m to 1.22m (west)
 - d. reduce the side setbacks from 7.50m to 4.00m (north) and 3.74m (south)
 - i. Lot B:
 - a. increase the maximum height from 5.00m to 7.70m
 - b. increase the maximum number of storeys from one to two
 - c. reduce the front setback from 7.50m to 6.81m (south)
 - d. reduce the side setbacks from 7.50m to 3.00m (east) and 2.68 (west)
 - ii. Lot C:
 - a. increase the maximum height from 5.00m to 7.90m
 - b. increase the maximum number of storeys from one to two
 - c. reduce the front setback, from 7.50m to 0.69m (north)
 - d. reduce the side setbacks from 7.50m to 4.00m (east) and 1.85m (west)
 - iii. Lot D (Existing House):
 - a. reduce the front setback from 7.50m to 1.58 (west)
 - b. reduce the rear setback from 7.50m to 2.00m (east)
 - c. reduce the side setback from 7.50m to 0.00m (north).
- 3. Retention of an International Society of Arboriculture certified arborist during construction to ensure the tree protection plan and protection of environmentally sensitive areas is followed.
- 4. Registration of a Housing Agreement to secure rental of the five unit house conversion for a ten year period.
- 5. The Development Permit lapsing two years from the date of this resolution.
- 6. Consideration of protection of the vegetation management areas and the natural topography to the west of Building D and south of Building C.
- 7. That a CALUC meeting be held and the meeting minutes be provided at the hearing.

Carried

For:Mayor Helps, Councillors Alto, Coleman, Madoff, Isitt, Loveday, Lucas, and Thornton-JoeOpposed:Councillor Young

4. LAND USE MATTERS

4.3 Development Permit with Variances Application No. 00021 & Heritage Designation Application No. 000163 for 515 Foul Bay

Committee received reports dated May 25, 2017, from the Director of Sustainable Planning and Community Development regarding an application to subdivide the existing panhandle lot into four lots and construct three new single-family dwellings while retaining the existing five-unit house conversion on one lot and to designate the exterior of the Heritage-Registered property.

Committee discussed:

- Protection of the native landscape during the blasting.
- <u>Motion:</u> It was moved by Councillor Madoff, seconded by Councillor Coleman, that the meeting be extended until 3:00 p.m.

CARRIED UNANIMOUSLY 17/COTW

Mayor Helps excused herself from the meeting at 1:53 p.m. to attend a meeting with BC Housing. Councillor Thornton-Joe assumed the chair in her absence.

- Motion: It was moved by Councillor Lucas, seconded by Councillor Alto: That Council after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion: "That Council authorize the issuance of Development Permit Application No. 00021 for 515 Foul Bay Road for the subdivision of the panhandle lot and subsequent construction of three single-family dwellings, subject to the Heritage Designation of the existing house and registration of a Section 219 Covenant for tree protection, in accordance with:
 - 1. Plans date stamped March 10, 2017.
 - 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Lot A:
 - a. increase the maximum height from 5.00m to 7.80m
 - b. increase the maximum number of storeys from one to two
 - c. reduce the front setback from 7.50m to 1.22m (west)
 - d. reduce the side setbacks from 7.50m to 4.00m (north) and 3.74m (south)
 - ii. Lot B:
 - a. increase the maximum height from 5.00m to 7.70m
 - b. increase the maximum number of storeys from one to two
 - c. reduce the front setback from 7.50m to 6.81m (south)
 - d. reduce the side setbacks from 7.50m to 3.00m (east) and 2.68 (west)
 - iii. Lot C:
 - a. increase the maximum height from 5.00m to 7.90m
 - b. increase the maximum number of storeys from one to two
 - c. reduce the front setback, from 7.50m to 0.69m (north)
 - d. reduce the side setbacks from 7.50m to 4.00m (east) and 1.85m (west)
 - iv. Lot D (Existing House):
 - a. reduce the front setback from 7.50m to 1.58 (west)

- b. reduce the rear setback from 7.50m to 2.00m (east)
- c. reduce the side setback from 7.50m to 0.00m (north).
- 3. Retention of an International Society of Arboriculture certified arborist during construction to ensure the tree protection plan is followed.
- 4. Registration of a Housing Agreement to secure rental of the five unit house conversion for a ten year period.
- 5. The Development Permit lapsing two years from the date of this resolution."
- <u>Amendment:</u> It was moved by Councillor Isitt, seconded by Councillor Alto, that the motion be amended in the following section:

That Council after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 00021 for 515 Foul Bay Road for the subdivision of the panhandle lot and subsequent construction of three single-family dwellings, subject to the Heritage Designation of the existing house and registration of a Section 219 Covenant for tree protection, and a grant of an easement in common with the registered owner of 511 Foul Bay Road (the "Property") strictly for the purposes of allowing the registered owner of the Property access to and from the existing garage on the Property and Foul Bay Road, in accordance with:

Councillor Loveday withdrew from the meeting at 2:07 p.m. and returned at 2:09 p.m.

On the amendment: CARRIED UNANIMOUSLY 17/COTW

- <u>Amendment:</u> It was moved by Councillor Isitt, seconded by Councillor Madoff, that the motion be amended in the following point:
 - 3. Retention of an International Society of Arboriculture certified arborist during construction to ensure the tree protection plan **and protection of environmentally sensitive areas** is followed.

On the amendment: CARRIED UNANIMOUSLY 17/COTW

- <u>Amendment:</u> It was moved by Councillor Isitt, seconded by Councillor Madoff, that the motion be amended to include the following point:
 - 6. Consideration of protection of the vegetation management area to the west of building d.

Amendment to amendment:

It was moved by Councillor Madoff, seconded by Councillor Isitt, that the amendment be amended as follows:

6. Consideration of protection of the vegetation management area to the west of Building D <u>including the natural topography</u>.

On the amendment to the amendment: CARRIED UNANIMOUSLY 17/COTW

- <u>Amendment:</u> It was moved by Councillor Madoff, seconded by Councillor Thornton-Joe, that the motion be amended in the following point:
 - 6. Consideration of protection of the vegetation management areas to the west of Building D including the natural topography.

Amendment to the amendment:

- It was moved by Councillor Isitt, seconded by Councillor Madoff, that the amended motion be amended to include the following point:
- Consideration of protection of the vegetation management areas <u>and</u> <u>natural topography to the west of Building D and to the south of</u> <u>Building C</u> to the west of building d including the natural topography.

On the amendment to the amendment: CARRIED UNANIMOUSLY 17/COTW

On the amendment: CARRIED UNANIMOUSLY 17/COTW

Committee discussed:

• Concerns about the approach taken to the property, including affects to the neighbouring properties and the response to the unique topography of the site.

<u>Amendment:</u> It was moved by Councillor Coleman, seconded by Councillor Isitt, that the motion be amended to include the following point:

7. That a CALUC meeting be held and the meeting minutes be provided at the hearing.

On the amendment: CARRIED UNANIMOUSLY 17/COTW

Main motion as amended:

That Council after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 00021 for 515 Foul Bay Road for the subdivision of the panhandle lot and subsequent construction of three single-family dwellings, subject to the Heritage Designation of the existing house and registration of a Section 219 Covenant for tree protection, and a grant of an easement in common with the registered owner of 511 Foul Bay Road (the "Property") strictly for the purposes of allowing the registered owner of the Property access to and from the existing garage on the Property and Foul Bay Road, in accordance with:

- 1. Plans date stamped March 10, 2017.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Lot A:

- a. increase the maximum height from 5.00m to 7.80m
- b. increase the maximum number of storeys from one to two
- c. reduce the front setback from 7.50m to 1.22m (west)
- d. reduce the side setbacks from 7.50m to 4.00m (north) and 3.74m (south)
- ii. Lot B:
 - a. increase the maximum height from 5.00m to 7.70m
 - b. increase the maximum number of storeys from one to two
 - c. reduce the front setback from 7.50m to 6.81m (south)
 - d. reduce the side setbacks from 7.50m to 3.00m (east) and 2.68 (west)
- iii. Lot C:
 - a. increase the maximum height from 5.00m to 7.90m
 - b. increase the maximum number of storeys from one to two
 - c. reduce the front setback, from 7.50m to 0.69m (north)
 - d. reduce the side setbacks from 7.50m to 4.00m (east) and 1.85m (west)
- iv. Lot D (Existing House):
 - a. reduce the front setback from 7.50m to 1.58 (west)
 - b. reduce the rear setback from 7.50m to 2.00m (east)
 - c. reduce the side setback from 7.50m to 0.00m (north).
- 3. Retention of an International Society of Arboriculture certified arborist during construction to ensure the tree protection plan and protection of environmentally sensitive areas is followed.
- 4. Registration of a Housing Agreement to secure rental of the five unit house conversion for a ten year period.
- 5. The Development Permit lapsing two years from the date of this resolution.
- 6. Consideration of protection of the vegetation management areas and the natural topography to the west of Building D and south of Building C.
- 7. That a CALUC meeting be held and the meeting minutes be provided at the hearing.

On the main motion as amended:

CARRIED 17/COTW

- <u>For:</u> Mayor Helps, Councillors Alto, Coleman, Isitt, Loveday, Lucas, Madoff, and Thornton-Joe
- Against: Councillor Young

set."

Motion: It was moved by Councillor Thornton-Joe, seconded by Councillor Loveday, that Council consider the following motion: "That Council approve the designation of the property located at 515 Foul Bay Road, pursuant to Section 611 of the *Local Government Act,* as a Municipal Heritage Site and that first and second reading of the Heritage Designation Bylaw be considered by Council and a Public Hearing date be

CARRIED UNANIMOUSLY 17/COTW



Committee of the Whole Report For the Meeting of June 15, 2017

То:	Committee of the Whole	Date:	May 25, 2017
From:	Jonathan Tinney, Director, Sustainable Plannin	g and Comn	nunity Development
Subject:	Development Permit with Variances Applica Road	ation No. 00	0021 for 515 Foul Bay

RECOMMENDATION

That Council after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 00021 for 515 Foul Bay Road for the subdivision of the panhandle lot and subsequent construction of three single-family dwellings, subject to the Heritage Designation of the existing house and registration of a Section 219 Covenant for tree protection, in accordance with:

- 1. Plans date stamped March 10, 2017.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:

i. Lot A:

- a. increase the maximum height from 5.00m to 7.80m
- b. increase the maximum number of storeys from one to two
- c. reduce the front setback from 7.50m to 1.22m (west)
- d. reduce the side setbacks from 7.50m to 4.00m (north) and 3.74m (south)
- ii. Lot B:
 - a. increase the maximum height from 5.00m to 7.70m
 - b. increase the maximum number of storeys from one to two
 - c. reduce the front setback from 7.50m to 6.81m (south)
 - d. reduce the side setbacks from 7.50m to 3.00m (east) and 2.68 (west)
- iii. Lot C:
 - a. increase the maximum height from 5.00m to 7.90m
 - b. increase the maximum number of storeys from one to two
 - c. reduce the front setback, from 7.50m to 0.69m (north)
 - d. reduce the side setbacks from 7.50m to 4.00m (east) and 1.85m (west)

- iv. Lot D (Existing House):
 - a. reduce the front setback from 7.50m to 1.58 (west)
 - b. reduce the rear setback from 7.50m to 2.00m (east)
 - c. reduce the side setback from 7.50m to 0.00m (north).
- 3. Retention of an International Society of Arboriculture certified arborist during construction to ensure the tree protection plan is followed.
- 4. Registration of a Housing Agreement to secure rental of the five unit house conversion for a ten year period.
- 5. The Development Permit lapsing two years from the date of this resolution."

LEGISLATIVE AUTHORITY

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Official Community Plan*. A Development Permit may vary or supplement the *Zoning Regulation Bylaw* but may not vary the use or density of the land from that specified in the Bylaw.

Pursuant to Section 491 of the *Local Government Act*, where the purpose of the designation is the establishment of objectives for the form and character of intensive residential development, a Development Permit may include requirements respecting the character of the development including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit with Variances Application for the property located at 515 Foul Bay Road. The proposal is to subdivide the existing panhandle lot into four lots and construct three new single-family dwellings while retaining the existing five-unit house conversion on one lot. The variances are related to increased height of the new single-family dwellings, as well as reduced setbacks to property lines for all four dwellings.

The following points were considered in assessing this application:

- the proposal is consistent with the Design Guidelines for Development Permit Area 15B: Intensive Residential – Panhandle Lot contained in the Official Community Plan (OCP), 2012, which encourages new panhandle lot development that is compatible with the immediate neighbours, surrounding neighbourhood character and streetscape. In addition, achieving a high-quality of architecture, landscape and urban design to mitigate negative impact of panhandle lots
- the proposal is consistent with the *Gonzales Neighbourhood Community Plan, 2002*, which encourages heritage designation of houses with heritage value and the protection of trees and natural features through the registration of covenants; however, the proposal is inconsistent with the recommendation against panhandle lot subdivision in the Queen Anne Heights/Foul Bay/Gonzales Hill portion of the neighbourhood
- the proposed landscape plan includes the retention of clusters of trees through careful siting of the new buildings and the extensive use of permeable pavers in critical root zone areas. Twenty-four bylaw replacement trees would also be planted to mitigate the loss of twelve mature trees and provide additional privacy screening and enhance the existing Garry Oak ecology of the site
- the requested setback variances are supportable as sufficient distance and privacy is maintained from the adjacent neighbours and from the existing house

- the requested height and number of storey variances are supportable as it minimizes the blasting requirements and sufficient distance from adjacent neighbours is provided to mitigate potential privacy and shading issues
- the applicant is offering a ten year housing agreement to maintain rental of the existing five units.

BACKGROUND

Description of Proposal

The proposal is to subdivide the existing panhandle lot (4896m²) into four strata lots and construct three new single-family dwellings while retaining the existing house as a five suite house conversion on one lot. An application to designate the existing house as a heritage building is being made concurrent with this Development Permit with Variance Application. The proposed single-family dwellings incorporate single-car garages and five surface parking stalls are provided for the existing five unit house conversion. The new single-family dwellings are situated to retain the majority of Gary Oak trees, trees of other species and rock outcroppings on the site. A number of variances are requested for building setbacks and building height.

Specific details include:

- contemporary architectural design of the new buildings with materials and colour that are complimentary to the character of the existing building
- high-quality exterior finishes including fibre cement panel siding and fascia, cedar siding and soffits, and stone cladding
- removal of some trees to permit new buildings and driveways
- permeable pavers in critical root zones, as well as, surface parking areas and private patios
- larger windows and upper storey balconies are oriented towards the interior of the site to limit overlook and maintain privacy for adjacent neighbours

The proposed variances are related to:

- Lot A:
 - i. increase the maximum height from 5.00m to 7.80m
 - ii. increase the maximum number of storeys from one to two
 - iii. reduce the front setback from 7.50m to 1.22m (west)
 - iv. reduce the side setbacks from 7.50m to 4.00m (north) and 3.74m (south).
- Lot B:
 - i. increase the maximum height from 5.00m to 7.70m
 - ii. increase the maximum number of storeys from one to two
 - iii. reduce the front setback from 7.50m to 6.81m (south)
 - iv. reduce the side setbacks from 7.50m to 3.00m (east) and 2.68 (west).
- Lot C:
 - i. increase the maximum height from 5.00m to 7.90m
 - ii. increase the maximum number of storeys from one to two
 - iii. reduce the front setback, from 7.50m to 0.69m (north)
 - iv. reduce the side setbacks from 7.50m to 4.00m (east) and 1.85m (west).

- Lot D (Existing House):
 - i. reduce the front setback from 7.50m to 1.58 (west)
 - ii. reduce the rear setback from 7.50m to 2.00m (east)
 - iii. reduce the side setback from 7.50m to 0.00m (north).

Due to the number of mature trees on or near the property, the Applicant provided an Arborist Report (attached) and a Tree Management Plan (AB1.0 – AB1.2 in attached Plans) to support the proposed scheme. Impacts on the mature landscape character are discussed under the Analysis section of this report.

Sustainability Features

As indicated in the Applicant's letter dated April 26, 2017 the following sustainability features are associated with this application:

- the siting, footprint and construction of the buildings respect the site's topography and allows for retention of many of the mature trees on or near the site
- the twenty-four replacement Garry Oak trees provide an opportunity for successional planting throughout the site
- to minimize energy use, the new single-family dwellings are designed to maximize southern exposure for passive solar heat gains, while larger overhangs and mature trees provide shading in the summer
- the building envelopes and glazing will have higher performing thermal values
- extensive use of permeable pavers allows for rainwater penetration to replenish ground water and reduces the amount of storm water run-off from the site
- use of native drought-tolerant species for site landscaping does not require ongoing landscape irrigation.

Active Transportation Impacts

The Application proposes five Class 1 secure bicycle parking spots and a six-space Class 2 bicycle parking rack for the existing house conversion (Lot D).

Public Realm Improvements

No public realm improvements are proposed in association with this Development Permit Application.

Existing Site Development and Development Potential

The existing building was built in 1910 as a single-family dwelling. Details of the building's history can be found in the concurrent Heritage Designation Application. In 1959, the building was converted to five self-contained dwelling units. Under the house conversion regulations, the building could undergo a conversion to one of the following uses:

- nine self-contained dwelling units
- approximately 20 to 30 housekeeping units with a minimum unit size of 25.5m²
- a boarding house or rooming house for more than four but not more than 15 persons (other than members of the family of the occupier)
- a rest home class "B", which provides lodging and care to more than two but not more than 20 persons (other than members of the operator's family)
- a kindergarten.

Data Table

The following data table compares the proposal with the existing R1-G Zone and the panhandle regulations under Schedule H of the Zoning Bylaw. An asterisk is used to identify where the proposal is less stringent than the existing zone. A double asterisk is used to identify legal non-conformities.

		Zone				
Zoning Criteria	Lot A	Lot B	🕕 Lot C	Lot D	Standard R1-G Panhandle	
Site area (m²) - minimum	674.00	660.90	920.40	1464.70	600.00	
Lot width (m) - minimum	24.10	21.10	35.80	48.80	18.00	
Combined floor area (m²) - maximum	255.70	245.30	280.00	908.60**	280.00	
Height (m) - maximum	7.80*	7.70*	7.90*	9.90**	5.00	
Storeys - maximum	2*	2*	2*	3**	1	
Site coverage % - maximum	24.63	23.71	21.65	24.00	25.00	
Setbacks (m) – minimum:						
Front	1.22 (west)*	6.81 (south)*	0.69 (north)*	1.58 (west)*	4.00/7.50	
Rear	8.53 (east)	7.50 (north)	11.20 (south)	2.00 (east)*	4.00/7.50	
Side	4.00 (north)*	3.00 (east)*	4.00 (east)*	0.00 (north)*	4.00/7.50	
Side	3.74 (south)*	2.68 (west)*	1.85 (west)*	8.26 (south)	4.00/7.50	
					(4.00m for walls with non- habitable windows and 7.50m for walls with habitable windows)	
					1 per single family dwelling	
Parking - minimum	1	1	1	5	0.8 per dwelling unit in a house conversion	
Bicycle parking stalls (minimum)	N/A	N/A	N/A	5 (Class 1) 6-space rack (Class 2)	N/A	

Note: Site area excludes the common property access lane (1,176.00m²)

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on November 25, 2016 the application was referred for a 30-day comment period to the Fairfield Gonzales CALUC. The CALUC has asked Council to consider requiring a formal community meeting for this application. Correspondence from the CALUC dated April 10, 2017 and December 9, 2016 is attached to this report.

ANALYSIS

Development Permit Area and Design Guidelines

The *Official Community Plan* (OCP) identifies this property within Development Permit Area 15B: Intensive Residential – Panhandle Lot. The objectives that justify this designation include:

- to preserve Traditional Residential character by ensuring that integration of panhandle lots and associated development are compatible with immediate neighbours, surrounding neighbourhood character and streetscapes.
- To achieve a high-quality of architecture, landscape and urban design to mitigate negative impacts of panhandle lots.

The proposed design for the new single-family dwellings is considered in relation to the *Advisory Design Guidelines for Buildings, Signs and Awnings, (1981)* and *Design Guidelines for Small Lot House (2002).* Staff assessment of the proposed design in relation to the Guidelines is summarized below:

- siting of the single-family dwellings would have no impact on the views of the existing house from Foul Bay Road
- the form and massing of the single-family dwellings are small in scale compared to the existing house and their contemporary designs are complementary in composition, mix and high-quality of the proposed materials
- the variances for height and number of storeys are recommended to be supportable because the trade-off of not constructing a basement reduces the need for blasting and allows for foundation construction techniques that minimize the impact on the trees
- the variances on setbacks are supportable because the buildings are sited to retain the majority of the trees on site and provide sufficient breathing room for the existing house
- the existing and proposed landscaping and fences, as well as, the window placement, location of entries and setback distances for the proposed single-family dwellings will minimize overlook and privacy impacts on adjacent properties
- while a number of mature trees would be removed to construct the new buildings and driveways, the proposed Landscape Plan includes the retention of clusters of trees, the removal of invasive species and the use of permeable driveway materials in critical root zone areas.

Local Area Plans

One of the recommendations of the *Gonzales Neighbourhood Community Plan, 2002* is to "adopt a policy of excluding panhandle lot subdivisions...from the Queen Anne Heights/Foul Bay/Gonzales Hill area of the neighbourhood to preserve the large lot character of Queen Anne Heights" (emphasis added). The proposed subdivision of the existing panhandle lot into four bare land strata lots is inconsistent with this recommendation; however, the proposal is supportable given the new houses are not visible form Foul Bay Road and the street relationship of the existing house is maintained. In addition, the proposal includes Heritage Designation of the existing house, a housing agreement to secure rental of the five suites within

the existing house for a ten year period, registration of a tree covenant to protect many of the retained Garry Oaks and other significant trees, and new plantings that add to the green space character and Garry Oak ecology of the site. These elements of the proposal are consistent with policies of the *Gonzales Neighbourhood Community Plan, 2002.*

Heritage

The existing house is on the Heritage Registry and the proposal includes an application for Heritage Designation of the building's exterior. The half-timbered detailing, and stone-clad exterior materials of the existing house, as well as the colour palette are reflected in the material and colour selections for the new single-family dwellings. The contemporary architectural expression is supportable given the buildings are kept lower in massing and proportion and are setback from the existing house to provide sufficient breathing room.

There are several heritage registered or designated properties in the immediate area of the subject site, which include:

- Heritage Designated properties at 550 Foul Bay Road (Elora Nursing Home), 611 Foul Bay Road and 1964 Fairfield Road (Abkhazi Gardens)
- Margaret Jenkins Elementary School is on the heritage registry but not designated heritage.

Tree Preservation Bylaw and Urban Forest Master Plan

There are many mature trees on the subject site and surrounding properties. These trees contribute to the City's urban tree canopy and the large-estate lot character of the Queen Anne Heights/Foul Bay/Gonzales Hill area. As stated in the Applicant's letter, one of the principle design objectives is to preserve the mature trees and the character they lend to the site. To this end, the buildings are situated on site to retain the majority of the trees, many of which are Bylaw protected. In addition, the proposed site coverage is below the maximum allowed in the panhandle regulations and the buildings are proposed at two-storey rather than one-storey with a basement to reduce the need for blasting. Furthermore, the applicant is offering a Section 219 Covenant over portions of the site to provide additional protection for many of the retained trees.

A project arborist has assessed 50 of the privately owned trees and determined that 19 trees would be removed. Of the 19 trees, 12 are bylaw protected and 11 are Garry Oaks. Twentyeight new trees, including 24 bylaw replacement trees, are part of the proposed landscape plan and would be situated to provide successional planting to support the Garry Oak ecosystem, as well as, visual screening of the new single-family dwellings. As the site is rocky with sloping topography, achieving planting sites for the replacement trees may be challenging. Fourteen trees on adjacent private properties, of which four are bylaw protected, were also noted as potentially being impacted by construction of the proposed single-family homes.

The home construction and blasting, as well as installation of utility services of the proposed dwellings and access driveway, may impact the retained trees. An arborist report has been provided that outlines the tree protection measures and construction impact mitigation measures proposed to retain the trees; however, it is anticipated that the health of these mature trees may be negatively affected over time. The mitigation measures include driveway design, construction method and specifying driveway surface material (permeable materials). These will be secured through a landscape security. The Parks Department will require that an ISA Certified arborist be onsite prior to and during blasting and excavation work within the critical tree root zones, and exploratory work done by hand prior to construction.

There are no impacts to public trees with this application.

CONCLUSIONS

The proposed site plan, architectural and landscape design are well-considered with respect to form, massing and character, and minimize the potential impact of new development on the mature landscape character. Staff recommend that Council consider supporting this application.

ALTERNATE MOTION

That Council decline Development Permit with Variances Application No. 00021 for the property located at 515 Foul Bay Road.

Respectfully submitted,

Alec Jóhnston Senior Planner Development Services Division

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Jonathan Tinney, Director

Sustainable Planning and Community Development Department

Report accepted and recommended by the City Manager:

Date:

List of Attachments:

- Subject Map
- Aerial Map
- Plans date stamped March 10, 2017
- Letters from applicant to Mayor and Council dated April 26, 2016
- Community Association Land Use Committee Comments dated April 10, 2017 and December 9, 2016
- Arborist Letter dated December 11, 2016
- Correspondence



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515 Foul Bay Road Development Permit with Variance No.00021





515 Foul Bay Road Development Permit with Variance No. 00021





DEVELOPMENT PERMIT APPLICATION



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Revised Submission: March 10hth, 2017

ist of Drawing

Aerial View of Site Site Entry View Site Location Bare Land Strata Precedents Site Context + Existing Mansion Character Views From Proposed Subdivision Lots Views From Neighboring Sites Existing Site Plan Proposed Site Plan Bare Land Strata Plan Lot Parcels Project Data House "A" Main Floor House "A" Second Floor Plan House "B" Main Floor Plan House "B" Second Floor Plan House "C" Main Floor Plan House "C" Second Floor Plan House "D" Basement Floor Plan House "D" Main Floor Plan House "D" Second Floor Plan House "A" Elevations House "A" Perspectives House "B" Elevations House "B" Perspectives Existing and Proposed Tree Study of 613 and 515 Foul Bay House "B" Neighboring Window Comparison House "C" Elevations House "C" Perspectives House "C" Privacy Study with 615 Foul Bay House "D" Elevations Site Elevations Site Sections Sun/Shadow Study Sustainability Features Landscape Layout and Materials Landscape Planting Tree Management Plan ree Management Plan

Conceptual Sketch Tree Covenant Plan

Site Servicing Plan

Key Plan, Drawing List + General Notes



Foul Bay Road

Fred Rohani 400-931 Fort Street Victoria BC VBV 3K3 Emaîl: Info&dphadevelopments.com Phone: (250) 360 1944

Architect MOORE WILSON ARCHITECTS LTD. Cookynn Wilson, Principal Sai Herald SI Victoria BC VBW 155 Emait cwilson Amoorewiton.ca Phone: (250) 384 2131

Landscape Architect MURDOCH DE GREEFFING. Scott Murdoch, Principal Suite 200 - 524 Culduthel Rd Victoria BC VBZ IGI Email: scottiž mädiesign.ca Phone: (250) 412 2891

Civil HEXOLD ENGINEERING Sarch Campden 1051 Vancouver SI, Victoria, BC V8V 416 Email: scamaden Rheroldengineering.ca Phone: (250) 590 4875

Arborist GYE + ASSOCIATES Uban Foreity and Arbariculture Jeremy Gye Email: jayes gyeandassociates.ca Phone: (250) 544 1700

EDWIN LANE 515 Foul Bay Road Victoria. BC V88 469 Lots 3 + A (DDC82174) Section 48. Victoria District, PLAN 12877

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OAerial View of Site



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Perspective View Looking Up Driveway

SIG Foul Bay Road



Client:

PROLECT DEVELOPMENTS LTD. Fred Rohori 400-931 Fort Street Victoria EC V89 333 Emoli Hols acholderohoderonents.com Phone: (250) 201 Fort

Architect MOORE WILSON ARCHITECTS LTD. Catalynn Wilson, Principal S31 Herdd S1 Victoria BC VSW 155 Emai: ewitsan Amoorewilson.ca Phone: (250) 384 2131

Landscape Architect MURDOCH DE GREEFFINC. Scott Murdoch, Principal Suite 200-524 Cilduthel Rd Victoria BC V82 IG1 Smält scottä mädesign.ca Phone: (250: 412 2891

Civil HECOLD ENGINEERING Sarah Campden 1051 Vancouver St. Victoria, BC VEV 416 Emait scamaden Sheroldengineering.ca Phone: (250) 590 4875

Atborist GYE + ASSOCIATES Utban Forestry and AtboriseUtre . Jeremy Gye Fmalt (gye 8 gyeandossociates.co Phone: (250) 544 1700

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The site is located at 515 Foul Bay Rd, in the Fairfield Gonzales Neighborhood. The neighborhood context offers:

- Close proximity to the Margaret Jenkins Elementary School and the community centres of Fairfield Plaza and Oak Bay Ave.
- Close proximity to the ocean and parks such as the Abkhazi Gardens, Pemberton Park, Hollywood Park, Gonzales Hill Regional Park.
- Shared site lines with an architecturally diverse community of neighboring homes, of heritage and contemporary architectural character.









SITE LOCATION

<u>Site Location</u>





Chadwick Place



1770 Rockland



Lillooet Heights



an all

Foul Bay Road

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Landscape Architect MURDOCH DE GREEFFINC. Scott Murdoch, Principal Suite 200 - 524 Culduthel Rd Victoria BC V82 161 Email: scott& maidesign.ca Phone: (250) 412 2891

Civil HEROLD ENGINEERING Sarah Campden 1051 Vancouver St. Victoria, BC VBV 416 Email: scampden ähero Phone: (250) 590 4875 ng.ca

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Atborist GYE + ASSOCIATES Urban Forestry and Atboriculture Jeremy Gye Email: (gyeë gyeandassociates.ca Phone: (250) 544 1700

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Title: Bare Land Strata Precedents



Bare Land Strata Precedents

Black painted wood horizontal banding at 2nd floor level



Single smaller window



Site Context + Existing Mansion Character

Existing Exist.

Proposed Steel

Widened Driveway Entry to 515 Foul Bay for Fire Truck Access Lorge banked window fenestration in group of 4 in the habitable rooms Recessed balconies



White Stucco Stone cladding at front and rear of building Above grade balconies









PROJECT DEVELOPMENTS LTD. Fred Rohrani 40593 Forsteret 40593 Forsteret Fred Rohrani Email: hior advise welderen the com Phone: [203] 300 1944

Architect MOORE WILSON ARCHITECTS LTD. Carolynn Wilson, Principol S31 Herald St Victoria BC VBW 155 Email: cwilson Amoarewilson.ca Phone: (250) 384 2131

Landscape Architect MURDOCH DE GREEFF INC. Scall Murdoch, Principal Suite 200 - 524 Culduthel Rd Victoria BC VB2 I G1 Emaît scal'i Andidesign.ca Phone: (250) 412 2891

Civil HEROLD ENGINEERING Sorch Campden 1051 Vancouver St. Victoria, BC V8V 476 Emai: scamaden Rheroldengineering.cc Phone: (250) 590 4875

Arborist GYE + ASSOCIATES Urbon Forestry and Arbañoluture Jeremy Gye Email: gyee gyeandassociates.ca Phone: (250) 544 1700

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PROJECT DEVELOPMENTS LTD. Fred Rohani 40-703 FortSincel Victoria BC V8V 3K3 Email: mlo3: dothadsevelopments.com Phome: I203 403 1944

Client:

Architect MODE WILSON ARCHITECTS LTD. Carolynn Witten, Principal S31 Heraid S1 Victoria BC VBW 155 Emait: cwitten Simocrewitten.ca Phone: (250) 384 2131

Landscape Architect MRRDOCH DE GREEF INC. Scott Murdoch, Principal Suite 200 - 524 Culduthel Rd Victoria BC V82 1G1 Emait scott's maidesign.ca Phone: (250) 412 2891

Civil HEADID EGINEERING Sarah Campden 1051 Vancouver SI. Victoria, BC V8V 415 Emait scamwaden iheroldengineering.ca Phone: (250) 590 4875

Arborist GYE + ASSOCIATES Uban Forestry and Abbriculture Jeremy Gye Email: jaye's greandasociates.ca Phone: (250) 544 1700

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Title: Views from Proposed Subdivision Lots



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Views from Proposed Subdivision Lots



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View from Neighboring Sites









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Archilect MOORE WILSON ARCHITECTS LTD. Carolynn Witson, Principal Sält Herald S Victoria BC VSW 155 Emait: cwitson ämoorewitson.ca Phone: (250) 384 2131

Landscape Architect MURDOCH DE GREEFFINC, Scott Murdoch, Principal Suite 200 - 524 Curduthel Rd Victoria BC V82 101 Emaî: scottâmatdesign.ca Phone: (250) 412 2891

Civil HEDD ENGINEERING Sarch Campden 1051 Vancouver SI. Victoria, BC V8V 416 Franti scomaden ihneroidengineering.ca Phone: (250) 590 4875

Arborist GYE + ASSOCIATES Urban Forestry and Arboriaulture Jeremy Gye Email: [gyre gyreandassociates.co Phone: (250) 544 1700

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Parameter	Lot A		Lot B		Lot C		Lot D	
Zoning	and the second						No. of Concession, Name	
Proposed Lot Area (m ²)	674.0		6	60.9	920.4		1464.7	
Proposed Minimum Lot Width (m)	24.1		21.1		35.8		48.8	
Proposed Site Coverage (m ² /%)	163.7	24.28%	156.7	23.71%	199.3	21.65%	345.2	24%
Proposed Floor Area (m²)	257.1		247.0		278.8			908.4
Proposed FSR	38.15%		37.37%		30.28%		20.04%	
Proposed Parking	1		1		1		5	
Proposed Bicycle Parking	0		0		0		11(S-class 1/6-class 3)	
Average Grade	25	9.44	30.52		32.77		29.75	
Main Floor Elevation	30.00		31.00		33.50		30.10	
Proposed Building Height	7.8		7.7		7.9		98	
Proposed Number of Stories	2		2		2		3	
Proposed Driveway Area (m ²)	22.6		39.8		23.3		26.9	
Proposed Footprint Area (incl. decks/balconies)	163.7		156.7		199.3		345.2	
Proposed Open Site Space (m ²)	487.7	72%	464.4	70%	697.8	76%	1039.3	71%
Proposed Front Yard Area (m ²)	21	.3.3	2	23.2	133	.7		89.4
Proposed Front Yard Open Space (m ²)	190.7	89%	183.4	82%	109.4	82%	24.2	27.1%
Proposed Rear Yard Area (m2)	101.7		154.3		361.4		518.0	
Proposed Rear Yard Open Space	101.7	100%	154.3	100%	361.4	100%	483.9	93%
Building Setbacks								
Front yard. (From Largest Rectangle)	1.22		6.81		0.69		1.58	
Rear yard	8.53		7.5		11.20		2.00	
Side yard (Right)	4.00		3.00		4.00		0	
Side yard (Left)	3.74		2.68		1.85		8.26	
Combined side yards	7.741		5.68		5.85		8.26	
Residential Use Details								0.20
Total number of units	1		1		1		S	
Unit type, e.g., 1 bedroom	Single Family Dwelling		Single Family Dwelling		Single Family Dwelling		Multiple Dwelling-House Conversion	
Ground-orientated units	N/A		N/A		N/A		Yes	
Minimum unit floor area (m²)	N/A		N/A		N/A		115.86	
Total residential floor area (m ²)	N/A		N/A		N/A		748.27	

Variance Required

Project Data



ALPHA PROJECT DEVELOPMENTS LTD. Fred Rohari 400/31 For Wards Victoria Devis 3/3 Entropy 200 / 200 Frem: (2/30) 3/00 19/4

Architect MOORE WILSON ARCHITECTS LTD. Carolynn Wilson, Principol 531 Herald S Wictoria BC VBW 155 Emait: cwiten Armoorewiten.ca Phone: (250) 384 2131

Landscape Architect MURDOCH DE GREEFF INC. Scott Murdoch, Principal Suite 200 - 524 Cutduthal Rd Victoria BC V82 1G1 Emol: scottämädesign.ca Phone: (250) 412 2891

Civil HEROD ENGINEERING Scrah Campden 1051 Vancouver St. Victoria, BC VBV 415 Email: scampdenis heroldengineering.ca Phone: (250) 590 4875

Arborist GYE + ASSOCIATES Urban Forestly and Arboriculture Jeremy Gye Email: [gre@ greandassociates.ca Phone: (250) 544 1700

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House A Main Floor Plan









Fred Rohani 400-931 Fort Street Victoria BC V8V 3K3 Email: Infoit diphadevelopments.com Phone: (250) 360 1944

Archilect MOORE WILSON ARCHITECTS LTD. C300/pm Wilson, Principal S31 Herald S1 Victoria BC VSW 155 Emait: cwitson & moorewison.ca Phone: (250) 384 2131

Landscape Architect MURDOCH DE GREEFF INC. Scott Murdoch, Principal Suite 200 - 524 Culduthei Rd Victoria BC V82 1G1 Email: scott'ä mädesign.ca Phone: (250) 412 2891

Civil HEROID ENGINEERING Sorch Campden 1051 Vancouver S1. Victoria, BC V8V 416 Email: scamadeniaheroldengineering.ca Phone: (250) 590 4875

Arborist GYE + ASSOCIATES Utoor Forestry and Arboriculture Jeremy Gye Email: jayeë gyeandassociates.ca Phone: (250) 544 1700

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House A Second Floor Plan





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Fred Rohani 400-931 Fort Street Victoria 8C V8V 3K3 Emaît into 8 ophadevelopments.com Phone: (250) 360 1944

Architect MOORE WILSON ARCHITECTS IID. Carolynn Witson, Principal Sall Herald St Victoria BC VSW 155 Email: cwitson is magreewison.ca Phone: (250) 384 2131

Landscape Architect MURDOCH DE GREEFFINC. Scott Murdoch, Principal Suite 200 - 524 Culduthet Rd Victoria BC V82 161 Email: scott# maidesign.ca Phone: (250) 412 2891

Civil HEDOID ENGINEERING Sorch Campden 1051 Vancouver St. Victoria, BC VBV 476 Email: scamaden is heroldengineering.ca Phone: (250) 590 4875

Arborist GYE + ASSOCIATES Urban Forestly and Arboriculture Jeterny Gye Email: give3 gyeandassociates.ca Phone: (250: 544 1700

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<u>House B Main Floor Plan</u>







PROJECT DEVELOPMENTS LTD. Fred Rohoni 20031 For Singel Victorio BC VW 3K3 Ernok in Os dohodevelopments.com Phone: (20) 201 Pt4

Client:

Architect MOORE WILSON ARCHITECTS LTD. Carohum Wilson Principal S31 Heraid S1 Victoria BC V8W 155 Email: cwilson Rmoorewitsen.ca Phone: (250) 384 2131

Landscape Architect MURDOCH DE GREEFF INC. Scott Murdoch, Principal Suite 200 - 524 Culduhet Rd Victoria BC V82 I G1 Emaît scot V82 I G1 Emaît scot V82 I G1 Phone: (250) 412 2891

Civil HEROID ENGINEERING Sarah Compden 1051 Vancouver 51, Victoria, BC V8V 476 Emai: scamaden & heroidengineering.cr Phone: (250) 690 4875

Atborist GYE + ASSOCIATES Urban Forestry and Arbaicallure Jerema: Tigor & gyeandassociates.ca Phone: (250) 544 1700

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House B Second Floor Plan

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Client:

PROJECT DEVELOPMENTS LTD. Fred Rohani 400231 Forti Street

Fred Rohani 400-931 Fort Street Victoria BC V8V 3K3 Emaît: info alphadevelopments.com Phone; (250) 360 1944

Architect MOORE WILSON ARCHITECTS LTD. Carolynn Wilson, Principal S31 Herad S Victoria BC VEW 155 Emaît cwilson ârmoarewilson.ca Phone: (250) 384 2131

Landscape Architect MURDOCH DE GREEFFINC. Scott Murdoch, Principal Suite 200 - 524 Culduthel Rd Victoria BC V82 1G1 Email: scott'a maldesign.ca Phone: (250) 412 2891

Civil HEROID ENGINEERING Sarah Campden 1051 Vancouver St. Victoria, BC VBV 416 Emai: scamaden Sheroldengmeering.ca Phone: (250) 590 4875

Arborist GYE + ASSOCIATES Urban Forestry and Arboriculture Jeterny Gye Email: jayes gyeandassociates.co Phone: (250) 544 1700

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House C Main Floor Plan

SIS Foul Bay Road





Client:

Fred Rohani 400-931 Fort Street Victoria BC V8V 3K3 Emaît: info achadevelopments.com Phone: (250) 360 1944

Architect MOORE WILSON ARCHITECTS LTD. Carohym Wilson, Principal S31 Heraid S1 Victoria BC VSW 155 Ernait: ewitson Emocrowitson.ca Phone: (250) 384 2131

Landscape Architect MURDOCH DE GREEFF INC. Scott Murdoch, Principal Suite 200-524 Culdurhel Rd Victoria BC V82 I G1 Emaît scott â mádasign.ca Phone: (250) 412 2891

Civil HEROLD ENGINEERING Sarah Campden 1051 Vancouver St. Victoria, BC V8V 476 Email: scampden@hero Phone: (250) 590 4875 na.ca

Arborist GYE + ASSOCIATES Urban Forestry and Arboriculture Jeremy Gye Email: gyreis gyeandass Phone: (250) 544 1700 iates.ca

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House C Second Floor Plan



House D Existing Mansion Basement Floor

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515 Foul Bay Road Client: b * . PROJECT DEVELOPMENTS LTD. 3 . Ъ Fred Rohani 400-931 Fort Street Victoria BC V8V 3K3 Email: info ä dohadevel Phone: (250) 360 1944 TE NO. CONCERNING 富 Porch Archilect MODE WILSON ARCHITECTS LTD. Carolynn Wilson, Principal S31 Herald S1 Victoria BC VSW 155 Email: zwisonámocrewison.ca Phone: (250) 384 2131 с storage covered area Landscape Architect MURDOCH DE GREEFF INC. Scott Murdoch, Principal Suite 200 - 524 Culduthel Rd Victoria BC V82 1G1 Email: scottämaidesign.co Phone: (250) 412 2891 Bedroom Bedroom \mathbf{Q} Bedroom ciose Civil HEROLD ENGINEERING Sarch Campden 1051 Vancouver St, Victorio, BC V8V 416 Email: scampden äherol Phone: (250) 590 4875 00 w.c. 88 fg 3 Atborist GYE + ASSOCIATES Urban Forestly and Arbaniculture Jerema: igree greandassociates.ca Phone: (250) 544 1700 Kitchen Ð 3-pce Living/ Dining t Living/ Dining 00 Kitchen Office des EDWIN LANE 515 Foul Bay Road Victoria, BC V8S 4G9 Lots 3 + A(DDC82174) Deck Section 68, Victoria District, PLAN 12877 Deck Sitting Area th III TT 11



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House D Existing Mansion Second Floor




HOUSE A NORTH EAST VIEW









Client:

PROJECT DEVELOPMENTS LTD. Pred Rohani 400-931 Fort Street Victoria BC VBV 3K3 Emaît: into schadeveropments.com Phone: (250) 360 1944

Architect MODEE WILSON ARCHITECTS LTD. Catolynn Wilson, Principal S31 Herald S Victoria BC VSW 155 Email: cwiston Samoarewiston.ca Phone: (250) 384 2131

Landscape Architect MURDOCH DE GREEFF INC. Scott Murdoch, Principal Suite 200 - 524 Culduhet Rd Victoria BC V&I IG1 Emaît scottă mădéaign.ca Phone: (250) 412 2891

Civil HEROLE ENGINEERING Sarch Compden 1051 Vancouver S1. Victoria, BC V8V 416 Emait: scamaden is heroldengineering.ca Phone: (250) 590 4875

Alborist GYE + ASSOCIATES Uban Forestly and Altaoriculture Jeremy Gye Email: javei gyeandassociates.ca Phone: (250) 544 1700

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House A Perspective Views

BURCHSE A SOUTH CASE VIEW



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> Architect MOORE WILSON ARCHITECTS LTD. Carolynn Wilson, Principal S31 Herald S1 Victoria BC V8W 155 Emaît: cwiteonikmoorewiteon.ca Phone: (250) 384 2131

Landscape Architect MURDOCH DE GREEFFINC, Scott Murdoch, Principal Suite 200 - 524 Culduthe: Rd Victoria BC VB2 I G1 Emaî: scott'âmádésign.ca Phone: (250) 412 2891

Civil HEDD ENGINEERING Sarch Compden 1051 Vancouver St. Victoria, BC VBV 416 Emait: scamaden Sheroldengineering.co Phone: (250) 590 4875

Arborist GYE + ASSOCIATES Urban Forestry and Arboriculture Jeterny Gye Email: jave gyeandassociates.ca Phone: (250) 544 1700



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<u>House B Elevations</u>

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HOUSE & NORTH EAST VIEW





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Pred Rohani 400-931 Fort Street Victoia BC V8V 3X3 Smalt info adchadevelopments.com Phone: (250) 360 1944

Architect NOORE WILSON ARCHITECTS LTD. Carolynn Wilson, Pirroipal S31 Herald S Victoria BC V&W 155 Emait: ewiteon Aimcorewilson.ca Phone: (250) 384 2131

Landscape Architect MURDOCH DE GREEFFINC, Scall Murdoch, Principal Suile 200 - 524 Culduthet Rd Victoria BC V82 1G1 Emaî: scottăm didesign.ca Phone: (250) 412 2891

Civil READID ENGINEERING Sarch Campden 1051 Vancouver St. Victora, BC V8V 415 Emait scampdenisheroldengineering.co Phone: (250) 590 4875

Arbortst GYE + ASSOCIATES Ubon Forestry and Arboriaulture Jerema: (gyrei gyreandassociates.co. Phone: (250) 544 1700

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House B Perspective Views



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Existing and Proposed Tree Study of 613 and 515 Foul Bay





Photo 113

House Elevation with All Existing Landscape and Proposed Landscape on Both Properties - 613 and 515 Foul Bay

Proposed Smarged Ceda at 515 Foul Bay (Qty. 7) Existing Tree at 613 Foul Bay - See photo #1 Existing Tree at 613 Foul Bay - See photo #3 (tree 3)

Neighboring Window Comparison

l Proposed Pacific Wax Myrtle at 515 Foul Bay

Proposed False Cypress at 515 Foul Bay (Qty. 3) w 1800mm high woo

ille: Neighboring Window Comp

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BUILDING HEIGHT



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Archilect MOORE WILSON ARCHITECTS LTD. Carolynn Wilson, Principal 531 Heraid St Victora BC VBW 155 Email: cwilson Simoorewiton.ca Phone: (250) 384 2131

Landscape Architect MURDOCH DE GREEFFINC. Scott Murdoch, Principal Suite 200 - 524 Cudduthet Rd Victoria BC V&I IG1 Emaît scottă müdicesign.ca Phone: (250) 412 2891

Civil HEROLD ENGINEERING Sarah Campden 1051 Vancouver SI. Victoria, BC V8V 476 Email: scampdenisherol Phone: (250) 590 4875 dengineering.ca

Arborist GYE + ASSOCIATES Uban Forestry and Arborisulture Jeremy Gye Email: give & gyeandassociates.co Phone: (250) 544 1700





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House C Elevations

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IL HOUSE C SOUTH FAST VIEW





MIROUSE CINCREH WEST VIEW







ALPHA PROJECT DEVELOPMENTS LTD. Fred Rohani 40:931 Fort Street Victoria BC V8V 3K3 Email: Inio & aphadevelopments.com Phone: (250) 301 1944

Architect Moore Wilson Architects LtD. Carolynn Wilson, Principal S31 Heraid S1 Victoria BC VBW 155 Email: cwilson Simoorewilson.ca Phone: (250) 384 2131

Landscape Architect MURDOCH DE GREEFFINC. Scott Murdoch, Principal Suite 200 - 524 Culduthel Rd Victoria BC V82 1G1 Email: scott@maidesign.ca Phone: (250) 412 2891

Civil HEROID ENGINEERING Sarah Campden 1051 Vancouver SI. Victoria, BC V8V 415 Emait scambaden Aheroldengineering.ca Phone: (250) 590 4875

Arborist GYE + ASSOCIATES Urban Forestry and Arboriculture Jeremy Gye Email: javei gyeandassociates.ca Phone: (250) 544 1700

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House C Perspective Views

Privacy Study of 615 Foul Bay





Existing Trees at 613 Foul Bay



Elevation 615 Foul Bay

Privacy Study of 615 Foul Bay Road



View from 615 Foul Bay Lot C, Cypress #22H to remain

View from 615 Foul Bay to Proposed House C

Developer to provide soil + rocks for 615 Foul Bay owner to add new trees

Lot C future owner to provide new 1800mm high wood fence

515 Foul Bay Road

515 Foul Bay Road Victoria, BC V85 4G9 Lots 3 + A (DDC82174) Section 68, Victoria District,





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Fred Rohani 400-931 For Street Victoria BC V8V 3X3 Email: Info da hadevelopments.com Phone: (250) 360 1944

Archilect MOORE WIISON ARCHITECTS LTD. Carolymn Wilson, Principal S31 Heraid S1 Victoria BC VSW 155 Emait cwilson šmaorewiton.ca Phone: (250) 384 2131

Landscape Architect MURDOCH DE GREEFF INC. Scott Murdoch, Principal Suite 200 - 524 Culturhel Rd Victoria BC V82 I G1 Emaît scott âmddesign.co Phone: (250) 412 2891

Civil HEROLD ENGINEERING Sarah Campden 1051 Vancouver St. Victoria, BC V8V 476 Email: scampden@herol Phone: (250) 590 4875

Atborist GYE + ASSOCIATES Urban Forestry and Arboriculture Jeremy Gye Emaît jgyeñ gyeandas: Phone: (250) 544 1700 iates.ca

EDWIN LANE

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SOUTH SHE SECTION A

Property Line



Client: PROJECT DEVELOPMENTS LTD. Fred Bohoni 40921 for Street Victorg SC V9V 333 Embi in this dischedrevelopment.com Phone: (250) 340 1944

Archilect MOORE WILSON ARCHITECTS LTD. Carolymn Wilson, Principal S31 Heraid S1 Victorio BC VBW 155 Emait: cwilson fitmoorewilson.co Phone: (250) 384 2131

Landscape Architect MURDOCH DE GREEFFINC. Scott Murdoch, Principal Suite 200 - 524 Culduthel Rd Vieforia BC V82 161 Email: scott/ämakdesign.ca Phone: (250) 412 2891

Civil HEROLD ENGINEERING Sarah Campden 1051 Vancouver St. Victoria, BC V8V 476 Email: scampden@herol Phone: (250) 590 4875 eerina.ca

Arborist GYE + ASSOCIATES Urban Forestry and Arboriculture Jeremy Gye Email: gives gyeandassociates.ca Phone: (250) 544 1700

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515 Foul Bay Road

Sun/Shadow Study



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515 Foul Bay Road

MWClient:

PROJECT DEVELOPMENTS LTD. Fred Rohani 400-931 Fort Street Victoria BC VBV 3K3 Emaît info Acphadevelopments.com Phone: (250) 360 1944

Architect MOORE WILSON ARCHITECTS LTD. Carolynn Wilson, Principal S31 Heratd S1 Victoria BC V8W 155 Email: cwiston šmocrowitson.ca Phone: (250) 384 2131

Landscape Architect MURDOCH DE GREEFFINC. Scott Murdoch, Principal Suite 200 - 524 Culdulhei Rd Victoria BC V82 1G1 Email: scott& maidesign.ca Phone: (250) 412 2891

CIVII HEROLD ENGINEERING Sarah Campden JOSI Vancouver SI. Victoria, BC V8V 416 Email: scampden@hero Phone: (250) 590 4875 roldengineering.ca

Arborist GYE + ASSOCIATES Urban Foresthy and Arboriculture Jeremy Gye Emaît jgye's gyeandasu Phone: (250) 544 1700 iates.ca

EDWIN LANE 515 Foul Bay Road Victoria, BC V88 4G9 Lots 3 + A(DDC82174) Section 48, Victoria District, PLAN 12877





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SUSTAINABLE FEATURES

SITE

- The site is characterized by rolling topography, rock outcrops and many mature Garry Oaks and Arbutus trees. The Arborist mapped out the bylaw protected trees for their canopies and root zones. The houses are located and designed around the trees to preserve the trees sizes and locations.
- The subdivided lot areas and house sizes were determined by the tree preservation and to be below the allowable areas to meet the bylaws of the FSR and allowable site coverage.
- The road surface in the residential area is to be constructed of permeable pavers to allow the rainwater to replenish the groundwater table and feed tree roots.
- The main floor slab levels are raised just above the root zones to ensure they are not disturbed.
- We are adding 24 new Garry Oaks to ensure successive planting throughout the site.

• The removal of invasive species is planned, and the new plantings will be native, drought tolerant species.

ENERGY

- The houses are oriented to maximize passive solar heat gains from southern exposure. The existing site trees provide solar shading in the summer months.
- Natural daylighting is designed throughout.
- High performance glazing and building envelope thermal performance.

MATERIALS

• The exterior cladding materials are high quality, durable materials such as stone, fiber cement board and wood, that also compliment the existing character of the mansion.



Fred Rohani 400-931 Fort Street Victoria BC V8V 3K3 Email: info@clohadevela Phone: (250) 360 1944

Client

Architect MOORE WILSON ARCHITECTS LTD. Carolynn Wilson, Principal 531 Herald St Victoria BC V8W 155 Email: cwitton & moorev Phone: (250) 384 2131

Landscape Architect MURDOCH DE GREEFF INC. Scott Murdoch, Principal Suite 200 - 524 Culduthel Rd Victoria BC V82 IG1 Email: scott& maidesign.co Phone: (250) 412 2891

Civil HEROLD ENGINEERING Sarah Campden 1051 Vancouver St. Victoria, BC V8V 416 Email: scampden@heroldengineering.ca Phone: (250) 590 4875

Arborist GYE + ASSOCIATES Uiban Forestry and Arboriculture Jeremy Gye Email: gyeë gyeandassociates.ca Phone: (250) 544 1700

EDWIN LANE 515 Foul Bay Road Victoria, BC V85 4G9 Lots 3 + A(DDC82174) Section 68, Victoria District, PLAN 12877



March 10, 2017

viewed







Date: 02-30-17

Peviewad

DWG#:

Revision: March 10, 2017









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ADDITIONAL TREE PROTECTION DETAILS



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Gye Associates 515 Foul Bay Rd, Victoria, BC Tree Management Plan Alered anti-setes 141 15-085 124 15 ------2 of 2



Fred Rohani 400-931 Fort Street Victoria BC V8V 3X3 Emaît: info alphadevelopments.com Phone: (250) 360 1944

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Architect MOORE WILSON ARCHITECTS LTD. Carolynn Wilson, Principal S31 Herald S1 Victoria BC V&W 155 Email: cwilson it moorewitson.ca Phone: (250) 384 2131

Landscape Architect MURDOCH DE GREEFFINC. Scott Murdoch, Principal Suite 200 - 524 Culduthel Rd Victoria BC V82 161 Email: scottiš maidesign.ca Phone: (250) 412 2891

ClvII HEROLD ENGINEERING Sarch Compden 1051 Vancouver SL. Victoria, BC V8V 415 Emait: scamoden iheroldengineering.ca Phone: [250] 590 4875

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EDWIN LANE 515 Foul Bay Road Victoria, BC V85 4G9 Lots 3 + A(DDC82174) Section 68, Victoria District, PLAN 12877



Tree Management Plan







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Conceptual Sketch Tree Covenant Plan

Oate: 09-30-16 DWG # AB1.2 rown viewed March 10, 2017



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VICTORIA



ADDRESS:	515 FOUL BAY ROAD	
LEGAL:	LOTS 3 & A (DD C82174), SECTION	68,
ZONING:		
LAND USE:	RESIDENTIAL	
PROPOSED:	4 LOT STRATA SUBDIVISION	
EXISTING SITE AREA:	4893m [*]	
LOT A SITE AREA:	674.0m ³	
LOT B SITE AREA:	660.9m ³	
LOT C SITE AREA:	920.4m ²	
LOT D SITE AREA:	1464.7m ²	
PLAN TO ACCOMPANY	DEVELOPMENT PERMIT APPLICATION	
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GENERAL NOTES:

- ALL WORK AND MATERIALS ARE TO BE IN ACCORDANCE WITH THE CITY OF VICTORIA (GW) SPECIFICATIONS, ITS SUPPLENDITARY WATER MUNICIPAL SPECIFICATIONS, STANDARD DETAL DRAWINGS AND THE WATER LIMITICPAL, CONSTITUTION DO UNDERST AND THE GO BULDING COSE UNLESS OTHERWISE NOTED. IF A CONFLICT BETWEEN SPECIFICATIONS ARGEST, THE MOST STRINGENT SHALL DRAW
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SHALLOW UTILITY AND STREET LIGHT NOTES:



PROJECT DEVELOPMENTS LTD. Fred Rohani 400-931 Fort Street

Victoria BC V8V 3K3 Email: info & aphadevelopments.com Phone: (250) 360 1944

Architect Architect MOORE WILSON ARCHITECTS LTD. Carolynn Wilson, Principal 531 Herald St Victoria BC V8W 1S5 Email: cwilson@moorewilson.ca Phone: (250) 384 2131

Landscape Architect MURDOCH DE GREEFF INC. Scott Murdoch, Principai Suite 200 - 524 Culduthel Rd Victoria BC V82 1G1 Email: scottamaidesign.ca Phone: (250) 412 289

CIVII HEROLD ENGINEERING Sarah Campden 1051 Vancouver St. Victoria, BC VBV 476 Email: scampden ähere Phone: (250) 590 4875 na.ca

Atborist GYE + ASSOCIATES Urban Forestly and Arboriculture Jeremy Gye Email: gyvé gyrandaisociates.ca Phone: (250) 544 1700

EDWIN LANE 515 Foul Bay Road Victoria, BC V8S 4G9 Lots 3 + A(DDC82174)

Section 68, Victoria District, PLAN 12877



Key Plan, Drawing List and General Notes

LEGEND EXISTING

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- DESCRIPTION
- C01 C02 KEY PLAN, DRAWING LIST, & GENERAL NOTES SITE SERVICING PLAN

#### LIST OF DRAWINGS

- DWG No

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

#### April 26, 2017

Regarding: Edwin Lane, 515 Foul Bay Road Development Permit Application – **Revised Letter** 

Alpha 12 Developments Ltd. is applying for a Development Permit Application for the property located at 515 Foul Bay. Alpha Project Developments is now the official owner of the property. Carolynn Wilson, as project architect and Principal at Moore Wilson Architects Inc., has provided the design for the subdivision and proposed single family residences. The consultant team also having provided services on the project includes, Herold Engineering – Civil Engineering, Murdoch de Greeff Inc. – Landscape Architect, and Gye and Associates – Arbortist Consultants.

The existing site is a 52,706sf (4896sm) parcel of land with an existing Mansion, built in 1910 by Edwin and Bertha Tracksell, and designed by Samuel Maclure. The Arts and Craft Revival 9774sf Mansion changed ownership many times over the following years, and was subdivided into a House Conversion around 1959 to include 5 spacious rental units. Very few interior renovations have been made since then while the mansion has been well maintained and the building structure is solid as the foundations are built on rock. The original character of the mansion is present and in excellent condition, with the detailing and materials evident.

#### Zoning

The existing site is zoned R1-G Panhandle. We are applying for a Bare Land Strata subdivision, creating four strata parcels, with the existing Mansion on one of the four lots, and a single family residence on three of the lots. We are maintaining this zone and applying for variances on the number of stories, building height and setbacks, with reduced building footprints to preserve the site greenspace and existing Garry Oak and arbutus trees.

We have reviewed and responded to recommended changes made by the Planning and Engineering City staff, to include colour changes to the garage doors and larger canopies of the entry areas. Other changes have been made as a result of owner communications with some of the adjacent neighbours. Changes to the proposed development to include:

Tom Moore, Architect AIBC, NCARB, B. Arch., Principal Carolynn Wilson, Architect AIBC, M.Arch., B.Tech, LEED A.P., Principal

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Moore Wilson Architects 531 Herald Street Victoria, British Columbia V8W 155 p. 250 384 2131 w moorewilson ca

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- The owner has applied for Heritage Designation for the existing mansion. The owner does not foresee major changes needed and will provide the required maintenance and upkeep to ensure the building is preserved.
- A grant of an easement in common with the registered owner of 511 Foul Bay Road (the "Property") strictly for the purposes of allowing the registered owner of the Property access to and from the existing garage on the Property and Foul Bay Road, within 7 days of a new sub-division plan for 511 Foul Bay Road being registered at the Victoria Land Title Office.
- House B was relocated further south to provide the 7.5m rear setback in order to address one of the significant concerns about protecting the Arbustus #20 rootzones as it is a significant tree on the site due to its good health and size. We also proposed increasing the rear setback to from 4.0m to 7.5m to address a concern of the adjacent neighbour to regarding the proximity between their home and House B. This change requires the removal of Garry Oak #24 on the property of 515 Foul Bay. As another benefit to this change we are able to increase the privacy buffer of mixed species hedge at the north property line, and we are able to improve the successional Garry Oak planting on the site.
- House C was relocated further west to a 4m setback from the east property line following discussions with the neighbour at 615 Foul Bay. We have agreed to move the house C to the 4m setback and prune some of the limbs of this healthy garry oak tree on the Lot C property to meet the neighbours request. We also confirmed that the root zones of the neighbouring trees will not be below the garage of House C. The Arborist will be providing a detailed root management plan to preserve the existing tree roots and will be on-site for inspections during the site excavations and road construction.
- The owner has agreed to register a covenant for tree protection on the site of the retained Garry Oaks located in the zoned identified on the added Arborist drawing AB1.2. The drawing is a conceptual sketch of the areas of the protected trees. We will continue to work with the Parks Department in registering this covenant prior to the issue of Building Permit. The project Arborist has offered the following comments on this item.
- A blasting & rock removal workplan will be developed and submitted to the City for review and approval prior to Building Permit approval. The homes were designed without basements, and House A and B are completely above natural grade, while House C is 95% above natural grade, so not incur massive rock blasting on the site which would have affected the roots of the existing site and neighbours trees as well as the heritage mansion. These measures include the following:
  - pre-shearing during the drilling phase
  - establishing a cleared area on the side of the rock away from the trees for the blast wave to move into,
  - using smaller charges
  - "decking" the charges to detonate explosives in sequence, rather than all at once;
  - measuring and maintaining a maximum acceptable peak particle velocity of 25mm/sec at the nearest edge of the protected tree area.

- Please see the Arborist letter attached that thoroughly defines the action plan for tree root preservation on Lot C and for the adjacent common road access area.
- We attended the site visit with the City of Victoria Fire Department, Parks, and Planning Staff and confirm that there are a few trees that require limbing of lower branches, that is trees #26, 29 and 30 as they are just below the required 5m clearance height for the fire trucks. The pruning required will not significantly affect the overall health of the trees, and this work will be done to ensure fire truck access is provided.

#### Rental Agreement

Within this Development Permit Application, the developer is offering to commit to a 10-year Housing Rental agreement for the existing rental of the 5 Units within the Mansion as per the attached letter included to remain as rental units. Also, they will provide ongoing maintenance and repairs to the Mansion to ensure continued longevity of the building, and in preservation of the heritage character and elements of the building.

#### Project Benefits and Amenities:

The development offers 3 mid-sized single family homes to a community that offers many amenities such as schools, shopping areas, parks and beaches.

This development offers a 10 year rental agreement to maintaining the 5 rental units of the Mansion, and added modest densification to the neighbourhood that is within the existing zoning of the R1-G Panhandle for FSR, and site coverage.

The house footprints are unique to each lot as they are designed to accommodate the Garry Oak canopies and root zones. A minimal amount of existing Garry Oaks that are in poor condition or could not be retained are scheduled for removal and replacement. The replacement Garry Oaks will double those removed. This creates an opportunity for Garry Oak succession planning throughout the site. The existing mature oaks are approximately of the same age and they will reach their lifespan around the same time. This upcoming dramatic change to the site, will be mitigated by the succession planting of these new trees.

#### Neighbourhood

The proposed development of this site offers architectural renewal to community that is characterized predominantly by older homes. Newer contemporary homes are appearing in the neighbourhood as replacements of existing homes, and in the development of older, larger lots that have been developed into Bare Land Strata developments. The mixing of older and heritage homes with contemporary residences, offering a vibrancy to this esteemed neighbourhood.

The site is a panhandle lot is accessed off of Foul Bay Road, as the entry road meanders up a hill and the mansion perches on the rock at an upper level of the site. A glimpse of the mansion is seen from the street, Views of the neighbouring properties

cannot been seen through the existing vegetation on the site and on the neighbours sites. The proposed homes will not be evident from Foul Bay Road due to their siting locations and elevations. The proposed homes are of the same heights, while the mansion is considerably higher due to the basement level that is partially above grade and its sloped roof. Homes A and B are just above natural grade and are approximately the same height as the mansion level 2 floor. Building C resides in the south-east corner of the site, elevated on the rock outcrop to reduce site changes, and shares a similar eaves line of the mansion.

#### **Design and Development Permit Guidelines**

The size of the proposed lots and houses are proportioned to meet the existing zoning bylaws for density, green space and site coverage that is also suitable for the neighbourhood. Variances are requested on the number of stories from one storey, to two, so that the building footprints can be reduced and create maximum greenspace and preservation of existing trees. The variances for building height is to accommodate the 2 storey homes. The Garry Oak trees on the site have a strong presence and are bylaw protected, therefore, the structure of the proposed homes encroach into the setbacks, as the preservation of the existing Garry Oaks and Arbutus trees are the main priority for the siting of the homes. As the proposed subdivided sites create irregular lots, the largest rectangle has been determined, and setbacks for the 4m (non habituated rooms) and 7.5m setback for the (habituated) rooms indicated on the submitted drawings. Variances on these setbacks is sought to allow for a development that meets the density of the FSR, Site Coverage, open space and preserves existing bylaw protected trees.

The proposed landscaping modifications comprises of replacement Garry Oaks, columnar cedar hedging along the north property line as a privacy screening, the removal of invasive species and new native, drought tolerant plantings are proposed along the entrance borders off of Foul Bay Road. This is to beautify the landscaping in an area that is currently unkept and occupied with smaller invasive plants. Additionally, the bush along the northern property line that will be removed for the homes A and B, is generally scrub plantings with minimal landscape appeal and invasive species. The Garry Oaks and Arbutus trees in this area will be retained, maintained for health improvements, cedar hedge added and a new fence to provide privacy for future home owners and the adjacent neighbours. Future landscaping immediately around the homes will be at the discretion of the future owners.

The size and scale of the homes are modest, and their character contemporary, inspired by the character of the mansion. The character defining features of the mansion include main floor rubble stone entry porch and side cladding, white stucco, with black painted timber accents, black timber horizontal banding at the second floor level, upper level roof decks, banked windows in groups of four, cantilevered projections and recessed decks. All of these features were included in the design of the proposed homes, with stone cladding, black timber cladding and white fiber cement board. The black horizontal bands of the mansion are mimicked in the homes.

Recessed balconies and projection balconies and decks are included. The mansion is well lite throughout, as are the proposed homes, with banks of windows in fours and single smaller windows in rooms requiring privacy.

#### Community Consultation

All of the immediately adjacent neighbours were invited to Moore Wilson Architects' office on the evening of September 28th, 2016. All of the neighbours attended the meeting. Fred Rohani, the developer was present and responded to the questions asked, as was Carolynn Wilson, the project architect, Scott Murdoch the Landscape Architect and Jeremy Gye the Arbortist who presented the proposed development to the neighbours. As the property borders one neighbor to the north, that neighbor was interested in the maintenance of her privacy from the development. While there is a new fence proposed at that boundary, preserved Garry Oaks and an Arbutus, we also added after the meeting a tall cedar hedge, that will grow quickly and add another layer of privacy screening between the homes. The neighbours that flank the entry driveway to the north and south of the driveway had many questions regarding our decision to relocate the driveway onto the 515 Foul Bay site. The existing driveway is shared with the neighbor to the south, and exists on their property in an easement. We had proposed moving the driveway as we considered that the neighbours would not want an increase of vehicles on this shared driveway. We discovered at the meeting and in following discussions that the owner to the south preferred the driveway to remain in the easement in its' current location. The driveway has been widened to permit fire truck access and turnaround, requiring the existing rubble stone wall along Foul Bay to be partially demolished and rebuilt to widen the driveway. As part of the wall is in very poor condition, improvements will be made to this wall. The neighbour to the north of the driveway requested a new fence to divide the 2 properties and for the driveway to remain in its current location. Both changes requested have been provided. Many questions were focused on the preservation of existing trees on the site and ability of the City of Victoria to ensure that this Development Permit will be enforced should the homes be constructed by private owners of the subdivided lots.

#### Transportation

The proposed parking provided for the Mansion House Conversion and single family residences meet the bylaw requirements, and do not exceed or reduce the required quantities. As the Mansion houses five apartments the requirements for Class A and Class Bike lock-ups are provided with outdoor racks adjacent to the main entrance and indoor lock-ups in the common area of the basement.

The existing driveway is shown as a widened road, at 6m wide plus a 1.5m sidewalk for the overall required width for fire truck access.

#### Heritage

The existing Mansion built in 1910, and designed by Francis McClure, is a registered Heritage building, and is not a designated Heritage building. The view the mansion will remain as is, while the proposed homes, are smaller in scale and are located towards the borders preserving the original experience of entry to the site, with the mansion perched on the rocks and large Garry Oaks in the center of the site.

The exterior of the Mansion appears to be in excellent condition, and the developer is committed to preserving the exterior of the Heritage Mansion, and will provide ongoing repairs and maintenance to Mansion as required to prevent deterioration of the building.

#### Green Building Features

The homes are designed to maximize southern exposure, for passive solar heat gains. Shading is provided from large overhangs are created by balconies, and the existing site and neighbouring trees that provide shade in the summer and heat gains in the winter months. The exterior materials offer high durability, quality materials that will provide longevity and low maintenance to the exterior. The building envelopes and glazing will have higher performing thermal values.

The entry driveway is asphalt up to the main level of the homes, which then changes to permeable pavers. This will allow rainwater to replenish the ground water and tree roots, and not overburden the storm water system. Greenspace is maximized with the 2 storey buildings, that provide a reduced footprint. Mature, existing trees are preserved by having the homes designed 'around' the tree canopies and roots. Where small amounts of roots maybe located below a slab, the slab will be supported by piles rather than foundation walls. Landscape irrigation is not provided as the site landscaping is of native, drought tolerant species.

#### Infrastructure

Please see the attached letter provided by Herold Engineering for the Infrastructure description.

We look forward to meeting with you soon on this application.

Yours Truly,

Cing Vel

Carolynn Wilson Architect AIBC – Principal Moore Wilson Architects Inc.

From: David Biltek [mailto: Sent: Monday, April 10, 2017 8:09 AM

To: Lisa Helps (Mayor) <<u>mayor@victoria.ca</u>>; Chris Coleman (Councillor) <<u>ccoleman@victoria.ca</u>>; Geoff Young (Councillor) <<u>gyoung@victoria.ca</u>>; Ben Isitt (Councillor) <<u>BIsitt@victoria.ca</u>>; Jeremy Loveday (Councillor) <<u>jloveday@victoria.ca</u>>; Pam Madoff (Councillor) <<u>pmadoff@victoria.ca</u>>; Jeremy Loveday (Cc: Alec Johnston <<u>ajohnston@victoria.ca</u>>; Quinn Anglin <<u>ganglin@victoria.ca</u>> Subject: DPV 00021 for 515 Foul Bay Road

### Mayor Helps and Members of Council:

This development has caused much concern in the immediate neighbourhood, and our committee has inspected the site along with the developer, and spoken to the neighbours extensively.

We advise that Council take a closer look at this entire development because of the number and substantial range of variances.

Over the last several months we have developed a significant concern regarding variances. Our concern was raised after we dealt with an application on Robertson, where a Council some years ago had approved a variance which allowed a house to be built within 1 foot of the property line. That decision may not have had much affect when it was done but is now cause for some grief for the developer and neighbours.

This has caused us to take a new and closer look at variances. We will be commenting more and will be suggesting that Council look more closely at most variances. In particular, we will be advising or requesting a Community Meeting be held for any variance or set of variances:

- 1. where the change is greater than **15%**, **e**.g. if a setback of 7 meters is required and the variance requested is 6 meters or less,
- 2. where there are several variances plus a subdivision

unless there are extenuating circumstances such as rocks, cliff or other physical features which make such variances necessary

Relaxing variances more than suggested in our policy calls into question fire and safety, amenity, good neighbour standards and may lead to poor streetscapes and designs. We are not challenging density, increased density is a directive of the OCP, but density is mostly a design issue, and relaxing variances too much has negative implications.

In this particular case we also would refer Council to the Gonzales plan of 2002 and the ongoing work on the current Gonzales Local Area Plan which pay particular attention to the Queen Anne heights area in which this development is located. It is our belief that this development is not consistent with the 2002 Gonzales plan nor the final draft of the 2017 LAP for Gonzales. as such we would suggest that Council take a much closer look at the development application (DPV 00021) for 515 Foul Bay and consider asking the FGCA CALUC to hold a Community Meeting

David Biltek Chair Fairfield Gonzales Community Association Land Use Committee From: David Biltek [mailto:david@departurestravel.com] Sent: Friday, Dec 9, 2016 11:11 AM To: Lisa Helps (Mayor); Chris Coleman (Councillor); Pam Madoff (Councillor); Ben Isitt (Councillor); Geoff Young (Councillor); Charlayne Thornton-Joe (Councillor); Jeremy Loveday (Councillor); Marianne Alto (Councillor); Margaret Lucas (Councillor); Alison Meyer; Jonathan Tinney; Rob Bateman; Charlotte Wain Cc: FGCA CALUC Subject: 515 Foul Bay

Mayor Helps and Council members

You are no doubt aware of the many concerns that residents nearby 515 Foul Bay have regarding the subdivision, development and many variances

We too have received emails and one of our members has met with some of the neighbours as well some of us have reached out to others nearby to ask about their thoughts on the situation There is no question that there is substantial concern about the development

We would if acceptable offer our assistance. If the neighbours, the developer and city would like to meet to review the development and see if there are compromises or changes that might alleviate concerns or at least increase an understanding as to what is happening and why, we would be prepared to arrange such a meeting and act as an 'honest broker'

As you are aware CALUCS have no formal role in such matters. We cannot compel or really even cajole anyone to the table. The city on the other hand could cajole and encourage

We would do our best to act as a broker and maintain an even handed meeting but we can only do so with your assistance

If you would like to chat please let me know by email or telephone 7809331934. I am away in Alberta for Friday through to Monday but will have email and cell phone accessibility

We hold no position on the development as is our policy. We simply would like to help

David Biltek Chair FGCA CALUC 7809331934



December 11, 2016

Moore Wilson Architects Inc. 531 Herald Street Victoria BC Canada V8W 1S5

Attention: Carolynn Wilson

Dear Carolynn:

Re: 515 Foul Bay Road, Victoria

I met with Virginia and Jeff Errick earlier this summer to address a concern that the development, particularly of Lot C, may adversely impact several of their trees that are located along a shared boundary. These trees provide important screening between the Errick's home and the proposed development at 515 Foul Bay Rd. Various strategies were discussed during our meeting to address these concerns. Yesterday, I met with Fred Rhohani of Alpha Developments and yourself on site to familiarize you both with these these concerns and the strategies proposed to mitigate them. You have asked me to summarize the results of our meeting for the purposes of our submission and to provide written assurance to the Erricks that their concerns have been understood and effectively addressed.

The trees in question are indicated on the attached sketch. They include Trees #s 22 A - H:

- Douglas Fir (#22A)
- Red Cedar (#22B)
- Garry Oak (#22C)
- 4 mature Monterey Cypress (#s 22D-G)
- Juvenile cypress sp. (#22H)

Standard tree protection measures will effectively protect all of the trees noted above. These measures include, but are not limited to, the following. (For a comprehensive list of measures, see the margin notes of the TMP.)

- Input by the arborist into the design of road and building placement and elevations;
- tree protection fencing, as indicated on the Tree Management Plan (TMP);
- where construction or road building must encroach into the protected root zone of any tree, the root zone will be protected by "armouring" it with such materials as thick plywood, 3" minus aggregate or road-base;
- active supervision during the site preparation, construction and landscaping phases of the development;

In addition to the above, additional measures shall be implemented to address specific tree concerns:



T (250) 544-1700 jgye@shaw.ca www.gyeandassociates.ca

Urban Forests by Design



#### Tree 22H (small 15cm dbh Cypress)

A 4-metre set-back, combined with standard tree protection measures, will allow the preservation of the small evergreen by the fence (#22H).

#### Tree 22G (multi-stemmed Monterey Cypress)

Only one of the four Monterey Cypress trees is implicated in the site preparation for Lot C, #22G. The root system of this tree is prevented from encroaching into the lot by a spine of bedrock that stands between it and the proposed garage.

The main floor elevation set for the proposed house on Lot C minimizes the amount amount of rock that must be chipped down during site preparation. This will allow us to use the non-invasive procedure of "hoe-ramming" to remove the rock adjacent to Tree #22G, rather than conventional blasting. If blasting is required further distant from the tree, special measures will be deployed to minimize the effects of the blast to the surrounding landscape. These measures include the following:

- pre-shearing during the drilling phase,
- establishing a cleared area on the side of the rock away from the trees for the blast wave to move into,
- using smaller charges,
- "decking" the charges to detonate explosives in sequence, rather than all at once;
- measuring and maintaining a maximum acceptable *peak particle velocity* of 25mm/sec at the nearest edge of the protected tree area.

It should be noted that one of the stems of Tree 22G encroaches into the building footprint of Lot 22C. This encroachment cannot be relieved by pruning and we recommend removing this minor stem in its entirety. Removal of the stem will not compromise the health or longevity of the remaining stems; nor will its removal reduce the screening provided the tree. In addition to this stem, several limbs arising from the remaining stems of Tree 22G encroach into the building area of Lot C and will need to be shortened or removed. Again, no impacts to the health or screening function of the tree are anticipated.

#### Tree 22B (96cm Red Cedar)

A hammer head turn-out is indicated on the site plan that encroaches well into the protected root zone of Tree 22B. This turn-out is a requirement of the fire department. Constructing the turn-out will impact the canopy on the west side of the tree (as we will have to limb it up on our side about 16'). The lower limbs left on the other three quadrants of the tree will maintain privacy to the neighbours.

Cedars are typically quite a shallow rooted tree, so particular care is needed in the design, excavation and construction of the turn-out. In addition to the standard protection measures noted above we recommend the following additional measures be adopted:

 Once the root horizon of the cedar has been exposed under the supervision of the aroborist, the remaining soil removal needed to achieve the design depth for the turnout



shall be effected using hydro-excavation. Using water pressure to wash the residual soils away will maximize root retention if carried out carefully with a high volume/low pressure wash-gun.

- By placing a layer of "Combi-grid" on the exposed roots and sub-soil before building up the road base with structural aggregates, the depth of the road bed can be miminized to preserve as much residual soil habitat for the tree as possible beneath the road bed.
- Given the gently sloping character of the land on the neighbour's side down toward the turn-out, it will not be necessary to consider porous media in place of asphalt for the turnout. Rainwater should infiltrate the soils on the neighbour's side upslope of the tree and migrate down to irrigate the roots beneath the pavement of the turnout.

It is my professional opinion that if these measures are competently implemented, there will be no lasting impacts to the health of the trees in question and effective tree screening will be maintained between the two properties.

Respectfully submitted,

Jeremy Gye – Senior Consultant Gye and Associates, Urban Forestry Consultants Ltd.

Consulting Arborist (Diploma, American Society of Consulting Arborists, 1997) ISA Certified Arborist (Certification No. PN-0144A) ISA Municipal Specialist (Certification No. PN-0144AM) ISA Tree Risk Assessment Qualified Certified Master Woodland Manager (Small Woodlands Program of BC)

### Soil Description - 515 Foul Bay

#### Soil Pit #1 description (40X40cm pit, 4m north-west of Oak 19)

Depth to the bedrock +80cm. Soil profile and Texture: LFH: 1cm Ah: 0-4cm Silt-Ioam ABh: 4-6cm Silt-Ioam B: 6-45cm Silt-Ioam C: 45-80+cm Structure: very fine to fine granular Percent coarse fragments (>2mm diam.): gravel sub-rounded 35%. Tree roots are located in the top 45-50cm with an abundant presence of all size classes: very fine (<1mm), fine (1-2mm), medium (3-10mm) and coarse (>10mm).



Fig. 1. Pit #1 soil profile.

### Soil Pit #2 description (40X40Cm pit, 13m south of Arbutus 20)

Depth to the bedrock 30cm. Soil profile and Texture: LFH: 4cm Ah: 0-6cm Silt-Ioam ABh: 6-10cm Silt-Ioam B: 10-30cm Silt-Ioam Structure: very fine to fine granular Percent coarse fragments (>2mm diam.): gravel sub-rounded 30%. Tree roots are located in the top 30cm with an abundant presence of all size classes: very fine (<1mm),

fine (<1mm), fine (1-2mm), medium (3-10mm) and coarse (>10mm).



Fig. 2. Pit #2 soil profile.

Soil Pit #3 description (40X40cm pit, 3m north of Oak 28)

Depth to the bedrock +80cm. Soil profile and Texture: Sod: 4cm Ah: 0-4cm Silt-loam ABh: 4-10cm Silt-loam B: 10-60cm Silt-loam C: 60-70+cm Structure: very fine to fine granular Percent coarse fragments (>2mm diam.): gravel sub-rounded 40%. **Tree roots** are located in the top 60cm with an abundant presence of all size classes: very fine (<1mm), fine (1-2mm), medium (3-10mm) and coarse (>10mm).



Fig. 3. Pit #3 soil profile.

Soil Pit #4 description (20X300cm pit, 7m east of Oak 23).

This trench was designed to capture the root extend of tree # 23 and #24 and was excavated using a compressed air-spade.

Depth to the bedrock 30+cm. Soil profile and Texture: Sod: 4cm Ah: 0-2cm Silt-Ioam ABh: 2-10cm Silt-Ioam B: 10-30+cm Silt-Ioam Structure: very fine to fine granular Percent coarse fragments (>2mm diam.): gravel sub-rounded 30%. Tree roots are located in the top 30cm with an abundant presence of all size classes: very fine (<1mm), fine (1-2mm), medium (3-10mm) and coarse (>10mm).


Fig. 4. Pit #4 overview.



Fig. 5. Pit #4 roots extend detail.

#### Soil Sample #5 description:



This sample is located on the exposed rock with no soil. A thin layer of moss is present.

Fig. 6. Pit #5 location details.



Virginia & Jeff Errick, 615 Foul Bay Rd. Victoria BC V8S 4H2

## APR 2 5 2017

#### re: Development Plan DPV00021

#### Dear Mayor and City Councillors,

We live at and own 615 Foul Bay, a neighbouring property of the proposed development of 515 Foul Bay Rd. We share a 240 foot (74 meter) property line.

Overall, this plan does not conform with the City or the Gonzales Neighbourhood Plans. Queen Anne Heights is a large lot neighbourhood which supports heritage Garry Oaks, Arbutus and Douglas Fir tree canopies.

The 1.2 acre property has many protected mature Garry Oaks, other large trees, flowering trees and bushes. It is situated high on the hill with exposed rock outcroppings. Many of those trees will be chopped down because of the size and shape of the new houses proposed for the site. All of the remaining specimen trees, growing close to the new houses and driveways will be canopy pruned. The heritage canopy will not remain.

Even with no basements there will be blasting on this rocky site that will negatively effect the remaining trees.

The development proposal does not conform to the R1-G zoning and the developer is seeking variances for height and setbacks for all 3 houses, instead of going through rezoning.

The new houses are not ground-oriented structures. They are tall, square, two story buildings. The 3 1/2 story McClure mansion is 10 m. tall and they are asking for 8 m. for the new houses with flat roofs.

Although there is over an acre of land, the minimum 7.5 meter setbacks for building walls with windows to habitable rooms have not been observed adjacent to the neighbouring properties.

The regulations exist to protect privacy, green space, the integrity of a character neighbourhood and to minimize negative impacts with immediate neighbours.

Our main issues with the proposed development are the preservation of our trees, shading created by the new buildings and our privacy. The houses are too tall, too large and too close the property lines to insure that any of our criteria be met.

Currently there are garages and sheds between the mansion, driveway and our property line. When they are removed we will be exposed to the activities and the car lights from 515 because of the lack of screening on their side of the property line.

Our main screening from this development is a row of 5 mature evergreens and a mature Garry Oak (all growing on 615 property along the property line). We fear for their survival because the proposed setbacks are insufficient to protect these trees. Even though we are depending on saving these trees for privacy, there is a proposed area of pavement right up to the property line, a new driveway and a new garage on the tree roots.

Recent blasting done on the south side of our property to develop Chadwick Place, resulted in the death of one large Cedar which cost us \$2500 to remove and replant new smaller trees, with less privacy.

There will be only one small screening tree on the 515 property to screen House B & C from 615. All other trees and bushes will be removed.

The exposed bedrock located in proposed lot C is on both sides of the fence. The developer expects all screening to be planted on our 615 property at our expense.

We are also very concerned abou this project because the developer has indicated he may not be building the houses. We don't know who will insure that the Arborists plans are followed or if these will be the actual building plans without more variances applied for in the future. Our only protection is to have the zoning bylaws observed.

Thank you for your consideration,

#### **Noraye Fjeldstad**

From: Sent: To: Subject: Alec Johnston Wednesday, May 31, 2017 1:52 PM Noraye Fjeldstad FW: Trees in Danger

Just double checking that this one was added to the correspondence file for 515 Foul Bay Road...

Thanks,

From: Brian Sikstrom Sent: December 7, 2016 1:41 PM To: Noraye Fjeldstad <NFjeldstad@victoria.ca> Cc: Alec Johnston <ajohnston@victoria.ca> Subject: FW: Trees in Danger

Hi, Noraye:

Can we make sure this email gets to Council members when it goes to C of W.

From: Virginia Errick

Sent: Wednesday, December 07, 2016 12:32 PM

To: planandzone@fairfieldcommunity.ca

Cc: Brian Sikstrom < bsikstrom@victoria.ca >; Chris Coleman (Councillor) < ccoleman@victoria.ca >; Karen Ayers

<green compared compared

Dear Neighbourhood Committee,

We are neighbours of the proposed development of 515 Foul Bay Rd and have lived at 615 Foul Bay Rd for the past 13 years.

Our property line runs along the east side of the 515 property.

Upon reviewing the Development Proposal for 515 Foul Bay, we believe the developer is ignoring the R1-G panhandle regulations.

Our top concern is protecting the 6 very large trees on the border between 615 and 515 Foul Bay Road.

Situated on our property very close to the border line are 4 (75 year old) Monterrey Cypress, one large Red Cedar and one large old Gerry Oak.

The Arborist Report by Jeremy Gye shows the root systems of these trees extending at least 8 meters into the proposed development.

On the Variance table provided by the developer, they are asking for a 1.83 meter setback for the left side of lot C. This is way too close to the tree trunks and would very likely kill all six trees.

We do not think the developer should be given a variance for the setback (on our property line) for the house and garage on lot C.

The R1-G zone should be preserved. This is not a 5000 sq. ft. lot in Fairfield. It is a 1.2 acre panhandle lot in Queen Anne Heights. We strongly believe that Development Plan DPV00021 should respect the 7.5 meter minimum setback for habitable rooms.

We expect the developer to do everything possible (fencing) to avoid driving over the setback area with heavy equipment or blasting the root systems.

Lastly, we can't determine how high they are asking to build this house. There are inconsistencies in the measurements on the plans and the variance chart. We cannot tell what the finished elevations of the houses will be because the corner heights are only partially listed.

Thank you for your consideration,

Jeff and Virginia Errick 615 Foul Bay Rd. Victoria BC V8S-4H2 Jan. 21, 2017

Councillor Chris Coleman Councillor Pam Madoff City of Victoria

Re: Proposed development of 515 Foul Bay Road, Victoria

We are residents of 549 Foul Bay Road, Victoria, which is located in the Queen Anne Heights/Foul Bay/Gonzales Hill area of the city. We understand that a revised development proposal, dated Dec. 22, 2016, has been submitted to the City of Victoria for 515 Foul Bay Road. This property sits directly to the east of our immediate neighbour (see picture below of view from our dining room window, looking up towards 515 Foul Bay Road).



A number of variances have been proposed for this development, which we would like to raise concerns over. Focusing on Lot A, which lies closest to our property, specific concerns include:

- The height of the proposal: This lot already sits ~5 m above the properties immediately to the west. The maximum house height (7.8 m) is 2.8 m above the maximum set out in the Panhandle Lot Regulation, and includes two rather than the one storey allowed under the regulation.
- Second floor patio: The proposal includes a second floor balcony. While not a "roof deck" per se, which is not allowed under the Panhandle Lot Regulation, it is the equivalent given the allowable residential building maximum of one storey and associated impacts on neighbours.
- Proximity to property lines: A variance is requested for the left side yard setback (3.74m). This is 50% of the Panhandle Lot Regulation minimum setback of 7.5 m. On such a large property (1.2 acres), it seems inconceivable why proposed development should be pushed up against property lines.

.../2

We also understand that in the process of developing the site, a number of mature trees will be removed, and that there is no guarantee that the landscape plans will be adhered to or implemented in the end. This is a particular concern given the value of the Garry Oak landscape in the Queen Anne Heights area (which was highlighted in the Gonzales Neighbourhood Community Plan (source:

http://www.victoria.ca/assets/Departments/Planning~Development/Development~Services/Do cuments/neighbourhoods-gonzales-plan.pdf).

While we appreciate that ongoing development is a healthy part of any neighbourhood, we would expect that it be done in a manner consistent with the established vision of the neighbourhood, that preserves the unique Garry Oak landscape that we all value, and in a manner that respects the rights of neighbours, which we would hope the City's zoning regulations reflect and the City duly considers in its development decisions.

Thank you for your consideration.

Sincerely,

Naple & Royllost

Natalie Suzuki and Roy Hourston

## TLC The Land Conservancy

June 1, 2017

Mayor and Council City of Victoria

Re: 515 Foul Bay development application

We are the owners of the adjacent property, Abkhazi Garden. We understand that the City is considering approval of several deviations for the property at 515 Foul Bay. The draft Gonzales Neighbourhood Plan stipulates that added housing fits the neighbourhood's character and that neighbourhood ecosystems be protected.

We support the application to designate the main house a heritage building. We support the use of permeable materials for the driveway and parking areas. We encourage careful house design to maximize the retention of Garry Oaks and mature trees, and that consideration be given to the impact on neighbour's privacy and viewlines when siting new structures. Within Abkhazi Garden, a main feature is the lack of visible buildings and every effort has been made to ensure fencing and screening is adequate to protect the privacy of our neighbours.

Areas of concern include the number of deviations being sought, which include increased height, and relaxation of setbacks. We urge our elected representatives to protect the standards that exist to ensure proper buffers between existing and new dwellings.

Thank you for considering our comments.

Cathy Armstrong Executive Director

Cc CALUC

Board of Directors: Briony Penn & Frances Pugh Mel Lehan & Fred Newhouse & Lori Roter & Fran Sioan Salnas & Tom Wasson

PO Box 50054, RPO Fairfield Plaza, Victoria, BC V8S SL8 Phone: 250-479-8053 Fax: 250-744-2251 conservancy.bc.ca

#### From: Val Hignett [

Sent: Thursday, December 22, 2016 2:15 PM

To: Lisa Helps (Mayor) <<u>mayor@victoria.ca</u>>; Marianne Alto (Councillor) <<u>MAlto@victoria.ca</u>>; Chris Coleman (Councillor) <<u>ccoleman@victoria.ca</u>>; Ben Isitt (Councillor) <<u>BIsitt@victoria.ca</u>>; Jeremy Loveday (Councillor) <<u>iloveday@victoria.ca</u>>; Margaret Lucas (Councillor) <<u>mlucas@victoria.ca</u>>; Pam Madoff (Councillor) <<u>pmadoff@victoria.ca</u>>; Charlayne Thornton-Joe (Councillor) <<u>cthornton-</u> <u>ioe@victoria.ca</u>>; joe@victoria.ca; Geoff Young (Councillor) <<u>gyoung@victoria.ca</u>>; Geoff Young (Councillor) <<u>gyoung@victoria.ca</u>>; Brian Sikstrom <<u>bsikstrom@victoria.ca</u>> Subject: 515 Foul Bay Road Development

This is to express my concern over the development of the 515 Foul Bay property by Alpha developments. The plans now with city hall are very different than what was presented to the neighbours at the architect office. A new series of variances (25-30) dealing with house sizes and set backs to neighbouring homes are different from what we led to believe.

Our adjacent property at 511 Foul Bay Rd. has an easement established in 1961 at the driveway entry in favor of 515 for access and utilities. We at 511 use a small portion of the 515 driveway for access to our carport. We have requested an easement from the new owners and have twice been refused. We are very uneasy as our access may be compromised by whoever buys the developments. Also, in looking at the current plans the property appears to be quite flat whereas it is very rocky topography. We wonder just how much blasting will occur and will it affect the Gary Oak ecosystem where the Gary Oaks grow into the bedrock. Does this fit with the pan handle lot specifications? This issue must be addressed by council and planning.

Thank you for your time, Valerie Hignett and Michael Fenger, 511 Foul Bay Rd.



This email has been checked for viruses by Avast antivirus software. www.avast.com

#### Lacey Maxwell

From: Sent: To: Cc: Subject: Karen Ayers < June 4, 2017 5:44 PM Victoria Mayor and Council; Councillors planandzone@fairfieldcommunity.ca; Alec Johnston 515 Foul Bay Road - Panhandle Lot Development

Dear Mayor and City Council,

I am writing to register my opposition to the panhandle lot subdivision proposed for 515 Foul Bay Road.

515 Foul Bay is a 1.2 acre property, with a Maclure heritage home of just under 10,000 square feet, currently divided into 5 rental units. The home is set on a hill in Queen Anne Heights, in a mature Garry Oak woodland with many rock outcrops and other natural features. There are seven neighbouring properties immediately adjacent, including Abkhazi Gardens.

Queen Anne Heights is characterized by large lots, heritage character, mature tree canopy and open space, and these are attributes which the Official Community Plan and Gonzales Neighbourhood Plan seeks to protect and enhance for future generations. The Official Community Plan as it relates to Gonzales commits to "maintain and enhance neighbourhood character including the heritage character of buildings, landscapes, and streetscapes".

This proposal does not maintain or enhance neighbourhood character. Under this proposal, the heritage character of the landscape will be destroyed. Many Garry Oaks, other mature trees, shrubs, and dense vegetation will be removed, resulting in the loss of the tree canopy and green space in general for the neighbourhood. Blasting will be required for at least 2 of the 3 houses, which will destroy rock outcrops and natural features, and impact not only the 515 trees, but also those immediately over the property line on adjacent properties.

The current Gonzales Neighbourhood Plan recommends City Council exclude panhandle and small lot subdivisions from the Queen Anne Heights/Foul Bay/Gonzales Hill area, to preserve the large lot character, natural features and open space. The new draft Neighbourhood Plan similarly states that panhandle lot subdivisions are not supported in the Queen Anne Heights/Foul Bay/Gonzales Hill area.

It is clear that this development proposal is not consistent with the OCP as it relates to Gonzales, or with the current or proposed Gonzales Neighbourhood Plan.

As this would be a panhandle lot subdivision, the Schedule H Panhandle Lot regulations apply. Those regulations exist to protect the privacy, green space and integrity of neighbourhoods and, per the OCP, to ensure that developments are compatible with immediate neighbours and the surrounding neighbourhood character.

The applicant is asking for 17 variances, to increase the number of storeys, building height and to significantly reduce building setbacks. The application does not respect, rather it essentially ignores the panhandle lot regulations. The regulations allow a residential building height maximum of 5.0 metres, which is an appropriate height in a development which imposes upon neighbouring homes and yards. The applicant is requesting building heights of up to 7.9 metres. The regulations require a setback of 7.5 metres (to habitable rooms); the application is asking for setbacks as low as 0.69 metres. The plan for 3 contemporary homes is not compatible with the existing heritage house or neighbouring properties, and the increased size and height, and reduced setbacks will seriously encroach on neighbours privacy, light, and the use and enjoyment of our properties.

The applicant has not consulted with neighbours in a forthright manner, or addressed our concerns in any meaningful way. The applicant held a neighbours meeting, however much of the information communicated, for example the size of the proposed homes, setbacks, number of trees to be removed and blasting required, was false and misleading. By way of example, the proposed houses were described as between 1600 and 2000 square feet, and setbacks would meet City requirements with one minor exception. Once we were able to review the application on the City's website, neighbours learned the houses were close to 3000 square feet, with none of the setback requirements being met. Consultation with neighbours based on false and misleading information does not constitute consultation.

Due to the high number of variances being requested, and hearing of neighbourhood concerns, the Fairfield Gonzales CALUC subsequently offered to hold a meeting with neighbours and the developer. No CALUC meeting was held, in part because the developer would not commit to attend. The applicant has been clear that as a developer his objective is to maximize profit, and there have been no discussions of what might be a reasonable balance if this development is to proceed.

I would also note that Council's decision on this application will set precedent and direction for the future of the many large lots in this area. Many of us have been approached by developers wanting to purchase our properties, and both the neighbourhood and the development community are watching the outcome of this application with a high degree of interest.

We have bylaws, regulations and neighbourhood plans in Victoria to protect the integrity of neighbourhoods, the natural environment and quality of life of the residents. Residents needs to be confident that the City's policies and rules are respected, and that site specific applications which do not substantially comply will not be permitted. As such, I urge you to reject this application, as it does not conform to the OCP, the Gonzales Neighbourhood Plan (current or proposed), or the Panhandle Lot regulations.

If Council decides to consider development of this site, I would request that the applicant be directed to reduce the size of the houses and otherwise scale back the proposal to address neighbourhood concerns, and to more substantially comply with the City's regulations intended to protect the privacy, green space and integrity of our neighbourhoods.

Thank you for your time and consideration.

Karen Ayers

613 Foul Bay Road



This email has been checked for viruses by Avast antivirus software. <u>www.avast.com</u>

#### Lucas De Amaral

From: Sent: To: Cc: Subject: Virginia Errick Thursday, June 08, 2017 1:43 PM Victoria Mayor and Council; Councillors planandzone@fairfieldcommunity.ca; Alec Johnston 515 Foul Bay Rd developement

## Dear Mayor and Council Members,

re: the proposed development of 515 Foul Bay Rd.

Right now, The City is holding meetings and asking for feedback on a Heritage Conservation Area in Gonzales which includes 515 Foul Bay Rd.

The Development Proposal for this property, as it stands now, is in direct contradiction to both the current and proposed Gonzales Plans.

Senior Heritage Planner, Merinda Conley has said the Heritage Conservation Area protects from inappropriate development.

The HCA is to preserve the look and feel of properties, saving the tree canopy and having new house design that is compatible with the heritage character, in this case the Maclure mansion.

The fact that the developer is tying the heritage designation to the approval of the development doesn't justify the 17 variances.

Please look at this proposal carefully and reject it, as it is.

Otherwise, why are we paying planners and engaging citizens to work on neighbourhood conservation plans?

Virginia Errick 615 Foul Bay Rd.

#### Lucas De Amaral

| From:    | SUSANNE RAUTIO                          |  |
|----------|-----------------------------------------|--|
| Sent:    | Friday, June 09, 2017 12:02 PM          |  |
| То:      | Councillors; Victoria Mayor and Council |  |
| Subject: | 515 Foul Bay Road                       |  |
|          |                                         |  |

Dear Mayor and Councillors

I am fundamentally opposed to the proposed development at 515 Foul Bay Road for the following reasons:

1. in the current Gonzales Neighbourhood Plan City Council adopted a policy of excluding panhandle lot subdivisions in Queen Anne Heights - Council should follow the policy they adopted;

2. loss of mature Garry Oak woodland, with removal of at least 26 trees, 13 of which are mature Garry Oaks; other trees/shrubs and dense vegetation will also be removed;

3. development requires blasting for at least 2 of 3 proposed houses, which will destroy rock outcrops and natural features of Garry Oak woodland, and will put in jeopardy the future of other trees on 515 property, as well as many mature trees immediately adjacent on neighbouring properties; and

the house on the lot had 5 rental units supplying much needed low cost housing. The developer kicked out the renters and now wants to build monster houses that will not supply reasonably priced housing.
The developer knew when they bought the lot that a panhandle lot did not allow for development and yet they are going ahead with something that is contrary to what the community agreed to. They should not be rewarded by having their proposed development approved.

Council must take a stand for something. If you are for low cost housing then do not approve this plan. If you are for heritage values and biologically important areas then do not approve the plan, If however you approve it you will reinforce in people's minds that you are working on behalf of downtown developers and not the people who live here.

I do not live adjacent to this development but believe it to be too unique and precious to build monster houses that will benefit a few people. I would propose instead that you allow for the house to be subdivided from the land and use CRD parks planning money to buy the land and extend Abkhazi Gardens. In this way many people will get to enjoy this area; not just the few that can afford it.

regards Susanne Rautio 359 Richmond Ave

#### **Alicia Ferguson**

Subject:

RE: 515 Foul Bay Rd.

From: Michelle Bonner Date: June 11, 2017 at 12:08:33 PM PDT To: "<u>councillors@victoria.ca</u>" <<u>councillors@victoria.ca</u>> Subject: 515 Foul Bay Rd.

Dear Mayor and City Council,

I am writing to register my opposition to the panhandle lot subdivision proposed for 515 Foul Bay Road. My neighbour, Karen Ayers (613 Foul Bay Rd.), sent an email last week, which I support and details many of the concerns held by my neighbours and I. I encourage you to reread it and I would like to add a few additional points.

First, when we met with the developers in the fall they gave Chadwick Place as an example of what they plan to do at 515 Foul Bay Rd. I encourage council members to visit Chadwick Place prior to the meeting on Thursday. Almost all the trees and green space were removed to put in luxury houses and a road. The contrast with Abkhazi Gardens next doors allows any passer-by to see the difference between what was and what is. If official community plans are to be meaningful, then careful thought is needed before permitting the creation of another Chadwick Place. Careful attention is needed to the details, which Karen nicely outlined for you in her email.

Second, the new development at 515 Foul Bay Rd. would require the creation of a road where there is currently a driveway. From what I understand, this involves widening the road and putting in a sidewalk (this is put into the plans). However, in order to achieve this and respect the boundaries of my property and those of my neighbours, then the developer would need to blast through a significant rock that is a defining feature of the current property and, as my neighbour noted in regards to the blasting needed to build the houses, will destroy rock outcrops and natural features, and impact not only the 515 trees, but also those immediately over the property line on adjacent properties.

To reiterate Karen's concerns, we have bylaws, regulations and neighbourhood plans in Victoria to protect the integrity of neighbourhoods, the natural environment and quality of life of the residents. Residents need to be confident that the City's policies and rules are respected, and that site specific applications which do not substantially comply will not be permitted. As such, I urge you to reject this application, as it does not conform to the OCP, the Gonzales Neighbourhood Plan (current or proposed), or the Panhandle Lot regulations.

If Council decides to consider development of this site, I would request that the applicant be directed to put in a fence to protect neighbouring properties from the new road, be given explicit instruction to protect trees bordering neighbours properties and the root systems of neighbours' trees, and reduce the size of the houses and otherwise scale back the proposal to address neighbourhood concerns, and to more substantially comply with the City's regulations intended to protect the privacy, green space and integrity of our neighbourhoods.

Thank you for your time and consideration.

Michelle Bonner

527 Foul Bay Road

#### Proposed Strata Road for 515 Foul Bay Road Development creates safety and trespass issues for residents at 511 Foul Bay Road. Amendment to the approval motion sought. June 11 2017

| To: | Mayor of City of Victoria        | Lisa Helps |
|-----|----------------------------------|------------|
|     | City Councilors City of Victoria |            |
|     |                                  |            |

- 1. Marianne Alto
- 2. Chris Coleman
- 3. Ben Isititt
- 4. Jeremy Loveday
- 5. Margret Lucas
- 6. Pam Madoff
- 7. Charlene Thornton-Joe
- 8. Geoff Young

mayor@victoria.ca

malto@victoria.ca ccoleman@victoria.ca bisitt@victoria.ca jloveday@victoria.ca mlucas@victoria.ca pmadoff@victoria.ca joe@victoria.ca gyoung@victoria.ca

# **Re:** A request to Mayor and Council to amend the motion to authorize the development permit for 515 Foul Bay Road to include a condition for safe and legal use of the strata road by the owners of 511 Foul Bay Road.

On June 16<sup>th</sup> you will be making a decision on issuance of the development permit for 515 Foul Bay Road. The Strata Road in this development uses an easement afforded to 515 Foul Bay Road through our property 511 Foul Bay Road. The proposed wider strata road remains mostly on our property as allowed by the existing easement on our property. The current road is 3 meters wide (single lane) and the strata road will be 7 meters wide (two lanes) as required by today's standards for ambulance, fire and improved access for increased traffic. The problem is that once the strata road is built when we exit and entry our carport to access Foul Bay Road we have to trespass on this new two lane strata road and onto 515 land to get to Foul Bay Road. We currently have no provisions to legally access Foul Bay using any portion of the 515 property so we would be in trespass. We classify this as a safety issue because if we are to remain legally on our property and are without an easement on 515 Foul Bay land for access then we will have to drive a fair distance on the left side of the strata road into the in-coming traffic lane. This is unsafe for us and future owners of 515 Foul Bay Road. We made known our concerns in September 2016 at the initial neighbors meeting and to Fred Rohani of Alpha developments during an on-site meeting in the fall of 2016. The access and safety concerns were acknowledged as a real problem by Alpha Developments. Since the fall of 2016 we have from Alpha developments a non-binding commitment (a promise) to register an easement for 511 Foul Bay Road for use of Strata Road so that we can get from our carport to the street safely and legally. Alpha's expectation is that we pay for legal fees within a reasonable set cost limits for drafting an easement. To this we agreed that we bear the costs was accepted by Alpha Developments. In the intervening months we have nothing binding on Alpha Developments to move through the legal requirements and get an easement. We earnestly sought resolution with Alpha Developments prior to this coming to Council for issuance of the development permit but now have to lean on all of you to make this happen.

Our fear is that should Council approve the motion (restated in Figure 1 below) and approve issuance of permit without specific direction to Alpha in this issuance that they must negotiate a mutually agreeable access solution with 511 on the Strata Road. Without this direction there is

nothing to compel future cooperation from Alpha with us to do so. After months of seeking a solution working directly with Alpha Development we write this letter to council on advice from our lawyer. We ask the City Councilors and Mayor for support to our proposed amendment and only once this included issue the permit. Our proposed wording amendment is shown in Figure 1 in bold. We think your support is needed so that both parties are compelled to reach a mutually agreeable solution and this is within the context of the development permit issuance.

We know it is in the best interests of future owners of 515 and 511 to ensure safe and legal access. Based on the lack of progress since September we do not believe the Alpha Developments would negotiate such conditions with us at 511unless there is direction from the City Council to do so as a condition of approval.

This development seriously threatens the residents of 511 Foul Bay (Mike Fenger and Valerie Hignett).

**Figure 1.** Wording of the recommendation to approve Development Permit with Variances is shown below in italics. This motion as proposed does not recognize the safety and trespass issues the strata road poses to future owners at 515 Foul Bay Road as well as the owners of 511 Foul Bay Road.

"Agenda Item 10 Development Permit with Variances Application No. 00021 for 515 Foul Bay Road (Fairfield/Gonzales)--*J. Tinney, Director of Sustainable Planning & Community Development* 

A report providing information and recommendations regarding an application to subdivide the existing panhandle lot into four lots and construct three new single-family dwellings while retaining the existing five-unit house conversion on one lot.

<u>Recommendation</u>: That Council after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 00021 for 515 Foul Bay Road for the subdivision of the panhandle lot and subsequent construction of three singlefamily dwellings, subject to provisions for legal and safe access for 511 Foul Bay Road for use of the Strata Road from their property to Foul Bay Road prior to Strata Road Construction and the Heritage Designation of the existing house and registration of a Section 219 Covenant for tree protection, in accordance with: 1. Plans date stamped March 10, 2017. 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances: i. Lot A: increase the maximum height from 5.00m to 7.80m b. increase the maximum number of storeys from one to two c. reduce the front setback from 7.50m to 1.22m (west) d. reduce the side setbacks from 7.50m to 4.00m (north) and 3.74m (south) ii. Lot B: a. increase the maximum height from 5.00m to 7.70m b. increase the maximum number of storeys from one to two c. reduce the front setback from 7.50m to 6.81m (south) d. reduce the side setbacks from 7.50m to 3.00m (east) and 2.68 (west) iii. Lot C: a. increase the maximum height from 5.00m to 7.90m b. increase the maximum number of storeys from one to two c. reduce the front setback, from 7.50m to 0.69m (north) d. reduce the side setbacks from 7.50m to 4.00m (east) and 1.85m (west) iv. Lot D (Existing House): a. reduce the front setback from 7.50m to 1.58 (west) b. reduce the rear setback from 7.50m to 2.00m (east) c. reduce the side setback from 7.50m to 0.00m (north). 3. Retention of an International Society of Arboriculture certified arborist during construction to ensure the tree protection plan is followed. 4. Registration of a Housing Agreement to secure rental of the five unit house conversion for a ten year period. 5. The Development Permit lapsing two years from the date of this resolution."

The motion recommends Council *allows an opportunity for public comment* post approval. We do not see ourselves as appropriately dealt at some future date in a wider public forum as we are the only property that shares the strata road proposed and we are potentially seriously directly negatively impacted by this development without City intervention. In other words we want council to provide direction to the developer as part of the approval wording in the motion not after issuance of the permit but as direction to resolve the issue this development raises for us and a binds the developer to do that.

Thank you for your time and consideration. We hope for your support to amend the motion and that you understand and support our need to have you as the elected representative of the City provide direction to Alpha developments on safety and access. With your support we look forward to working productively with Alpha developments so they can complete their plans and that our interest are safeguarded in the process.

#### In Summary.

- 1. We do not oppose densification in Gonzales area and more resident/owners at 515 Foul Bay Road. We know this development means increased traffic in what is identified in the development plans as the *Common Property Strata Access Road* (see Figures 2 and 3).
- 2. We have been in negotiations with Fred Rohani of Alpha Developments since September 2016 but there has been no substantive progress.
- 3. We are informed by our lawyer we have nothing to compel future negotiations without City of Victoria and City direction to Alpha Developments on our access to do so.
- 4. We have agreed to pay a substantial portion of the legal costs of an easement and hoped to get this resolved before seeing the recommendations to grant the development permit come to Council for a decision. Alpha Developments agree to arrange for the legal work but did not follow through..
- 5. We support the use of our property and the use of the easement on our property for this new development. An alternative would be to entirely relocate the strata road to within the panhandle portion of 515 lot (see Figures 2 and 3) and create a new entrance for the development on Foul Bay Road. We believe that a single wider shared entry for 511 and 515 across from Chandler improves visibility for drivers reduces congestion within the school zone and better safety for the bike lane and is a superior safer approach over calling for 515 to create their new access entirely within the panhandle of 515.
- 6. We need Council and Major support for our proposed wording changes to the motion for issuance of the permit as without this we will be a permanently impacted and our property and access rendered unsafe and unsure.
- 7. We have lost confidence in Alpha Developments and their non-binding promises to follow through on verbal commitments only after they get the issuance of their permit. The lack of confidence is also founded because Alpha's drawing did not show the actual location of our carports on their plans and this has been seriously misleading. This lack of confidence is also based on lack of follow-up experienced to date and misrepresentation of the current access situation and our buildings.
- 8. We believe that there will be no follow-up unless direction is provided by the Major and Council to Alpha to resolve this to mutual benefit and agreement of both parties as a permit condition.

9. Figures 2, 3 and 4 below show legal boundaries current easement the strata road and aerial views of the property and the strata road.

Thank you please call us if we can be of any further assistance.

Mike Fenger and Valerie Hignett.

Owners of 511 Foul Bay Road.







<image>













































