BYLAWS

2. Bylaws and Motion for Rezoning Application No. 00520 for 3031 Jackson Street

Motion:

It was moved by Councillor Coleman, seconded by Councillor Young, that Council, after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00520, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 000475 for 3031 Jackson Street, in accordance with:

- 1. Plans date stamped June 12, 2017.
- Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:

 reduce site width from 75.00m to 53.17m
 - b. reduce front setback from 7.50m to 7.00m
 - c. reduce the rear setback from 7.50m to 6.00m (to Unit 10) and to 6.60m (to Units 8 and 10)
 - d. reduce the side setback (north) from 7.50m to 2.44m (to Unit 5) and to 3.00m (to Units 6 and 7) and to 7.19m (to Unit 6)
 - e. reduce building separation space from 7.5m to 5.76m between Unit 2 and Unit 4; and to 6.81m between Unit 7 and Unit 8
 - f. reduce the minimum distance between Attached Dwellings from 10.00m to 6.81m between Unit 7 and Unit 8; and from 15.00m to 7.60m between Unit 3 and Unit 10; and from 10.00m to 3.43m between Unit 2 and Unit 4.
- 3. Retention of an International Society of Arboriculture certified arborist during construction to ensure the tree protection plan is followed.
- 4. The Development Permit lapsing two years from the date of this resolution."

Carried Unanimously

Council Meeting Minutes August 10, 2017



Council Report For the Meeting of August 10, 2017

To:	Council	Date:	July 21, 2017	

From: Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject: Update Report for Rezoning Application No. 00520 and Development Permit with Variances Application No. 000475 for 3031 Jackson Street

RECOMMENDATION

That Council consider first and second readings of Zoning Regulation Bylaw, Amendment Bylaw (No. 1111) No. 17-082, and that Council receive this update report for information and substitute the proposed motion below in place of the May 4, 2017 motion, in order to reflect the changes to the applications:

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00520, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 000475 for 3031 Jackson Street, in accordance with:

- 1. Plans date stamped June 12, 2017.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce site width from 75.00m to 53.17m
 - ii. reduce front setback from 7.50m to 7.00m
 - iii. reduce the rear setback from 7.50m to 6.00m (to Unit 10) and to 6.60m (to Units 8 and 10)
 - iv. reduce the side setback (north) from 7.50m to 2.44m (to Unit 5) and to 3.00m (to Units 6 and 7) and to 7.19m (to Unit 6)
 - v. reduce building separation space from 7.5m to 5.76m between Unit 2 and Unit 4; and to 6.81m between Unit 7 and Unit 8
 - vi. reduce the minimum distance between Attached Dwellings from 10.00m to 6.81m between Unit 7 and Unit 8; and from 15.00m to 7.60m between Unit 3 and Unit 10; and from 10.00m to 3.43m between Unit 2 and Unit 4.
- 3. Retention of an International Society of Arboriculture certified arborist during construction to ensure the tree protection plan is followed.
- 4. The Development Permit lapsing two years from the date of this resolution."

EXECUTIVE SUMMARY

The purpose of this report is to inform Council that, in accordance with Council's motion of May 4, 2017 (see attached), staff have worked with the applicant to increase the rear yard setbacks for Units 8, 9 and 10 by 1.50m. This was accomplished by shifting the Attached Dwelling (Units

8, 9 and 10) further west and reducing the distance between the building and the shared driveway. Shifting the building has triggered an additional variance for building separation space between Units 7 and 8. The shift in building location has also changed the distance between buildings. These variances are supportable given the impact is internal to the site, sufficient distance is maintained between units to ensure liveability, and the siting of the buildings allows for retention of many of the mature trees on site. These new variances are shown in bold text in the amended motion above. The revised plans are attached for Council's consideration.

In addition to increasing the rear yard setback, the applicant has revised the landscape plan to extend the proposed cedar hedge along the east property line in order to mitigate potential privacy concerns and minimize potential overlook to the Wilderness Co-op site. There are no other changes to the proposal.

With regard to the conditions that Council set in relation to the Rezoning Application, staff can report that the applicant has submitted a sanitary sewer impact assessment to the satisfaction of the Director of Engineering and Public Works. The assessment has determined that the proposed increase in density does not result in a need for sewage attenuation. In addition, a Housing Agreement has been completed to ensure that future Strata Bylaws cannot prohibit the rental of units. Staff recommend for Council's consideration that the application proceed to a Public Hearing.

Respectfully submitted,

Alec Johnston Senior Planner Development Services

Report accepted and recommended by the City Manager

Jonathan Tinney, Director Sustainable Planning and Community Development Department

Date:

List of Attachments

- Attachment A Committee of the Whole Minutes, May 4, 2017
- Attachment B Revised Plans, date stamped June 12, 2017
- Attachment C Applicant's Letter to Mayor and Council, dated June 2, 2017

4. LAND USE MATTERS

4.3 Rezoning Application No.00520 for 3031 Jackson Street & Development Permit with Variances Application No. 000475 for 3031 Jackson Street (Hillside/Quadra)

Committee received reports dated April 20, 2017, from the Director of Sustainable Planning and Community Development regarding an application to allow for the construction of ten, two-storey townhouses.

Committee discussed:

- Concerns about the proposed tree loss to accommodate the proposal.
- The current proposal vs. what could be developed within the allowable zoning and policies.

Motion:

It was moved by Mayor Helps, seconded by Councillor Lucas:

Rezoning Application No.00520 for 3031 Jackson Street & Development Permit with Variances Application No. 000475 That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No.00520 for 3031 Jackson Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

- Submission of a sanitary sewer impact assessment to the satisfaction of the Director of Engineering and Public Works, determining if the increase in density results in a need for sewage attenuation, and if sewage attenuation is necessary, preparation of legal agreements to the satisfaction of the City Solicitor and the Director of Engineering and Public Works.
- 2. Preparation of a Housing Agreement to ensure that future Strata Bylaws cannot prohibit the rental of units, executed by the applicant to the satisfaction of City Staff.

Development Permit with Variances Application No. 000475 for 3031 Jackson Street

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00520, if it is approved, consider the following motion:

"That Council authorize the issuance of development Permit Application No. 000475 for 3031 Jackson Street, in accordance with:

- 1. Plans date stamped February 3, 2017.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce site width from 75.00m to 53.17m
 - ii. reduce front setback from 7.50m to 7.00m
 - iii. reduce the rear setback from 7.50m to 4.50m (to unit 10)
 - iv. reduce the side setback (north) from 7.50m to 2.44m (to Unit 5) and to 3.00m (to Units 6 and 7) and to 7.19m (to Unit 6)
 - v. reduce building separation space from 7.5m to 5.76m between Unit 2 and Unit 4
- 3. Retention of an International Society of Arboriculture certified arborist during construction to ensure the tree protection plan is followed.

4. The Development Permit lapsing two years from the date of this resolution."

Committee discussed:

- Concerns about the proposals lack of alignment with the development permit area guidelines for enhancing the neighbourhood's character.
- The concerns raised by neighbours and the proposals alignment with various policies and plans.
- Issues of the rear yard setbacks and proximity to neighbouring boundaries.

<u>Amendment</u>: It was moved by Councillor Young, seconded by Mayor Helps, that the motion be amended as follows:

Rezoning Application No.00520 for 3031 Jackson Street & Development Permit with Variances Application No. 000475

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No.00520 for 3031 Jackson Street, **subject to staff working with the applicant to increase the rear yard setbacks**, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

- Submission of a sanitary sewer impact assessment to the satisfaction of the Director of Engineering and Public Works, determining if the increase in density results in a need for sewage attenuation, and if sewage attenuation is necessary, preparation of legal agreements to the satisfaction of the City Solicitor and the Director of Engineering and Public Works.
- 2. Preparation of a Housing Agreement to ensure that future Strata Bylaws cannot prohibit the rental of units, executed by the applicant to the satisfaction of City Staff.

Development Permit with Variances Application No. 000475 for 3031 Jackson Street

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00520, if it is approved, consider the following motion:

"That Council authorize the issuance of development Permit Application No. 000475 for 3031 Jackson Street, in accordance with:

- 1. Plans date stamped February 3, 2017.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - vi. reduce site width from 75.00m to 53.17m
 - vii. reduce front setback from 7.50m to 7.00m
 - viii. reduce the rear setback from 7.50m to 4.50m (to unit 10)
 - ix. reduce the side setback (north) from 7.50m to 2.44m (to Unit 5) and to 3.00m (to Units 6 and 7) and to 7.19m (to Unit 6)
 - x. reduce building separation space from 7.5m to 5.76m between Unit 2 and Unit 4
- 3. Retention of an International Society of Arboriculture certified arborist during construction to ensure the tree protection plan is followed.
- 4. The Development Permit lapsing two years from the date of this resolution."

Committee discussed:

• Various concerns with the current proposal and opportunities to enhance the proposal's suitability for the neighbourhood and applicable site guidelines.

On the amendment: CARRIED UNANIMOUSLY 17/COTW

Main motion as amended:

Rezoning Application No.00520 for 3031 Jackson Street & Development Permit with Variances Application No. 000475 That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No.00520 for 3031 Jackson Street, subject to staff working with the applicant to increase the rear yard setbacks, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

- Submission of a sanitary sewer impact assessment to the satisfaction of the Director of Engineering and Public Works, determining if the increase in density results in a need for sewage attenuation, and if sewage attenuation is necessary, preparation of legal agreements to the satisfaction of the City Solicitor and the Director of Engineering and Public Works.
- 2. Preparation of a Housing Agreement to ensure that future Strata Bylaws cannot prohibit the rental of units, executed by the applicant to the satisfaction of City Staff.

Development Permit with Variances Application No. 000475 for 3031 Jackson Street

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00520, if it is approved, consider the following motion:

"That Council authorize the issuance of development Permit Application No. 000475 for 3031 Jackson Street, in accordance with:

- 1. Plans date stamped February 3, 2017.
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 - xi. reduce site width from 75.00m to 53.17m
 - xii. reduce front setback from 7.50m to 7.00m
 - xiii. reduce the rear setback from 7.50m to 4.50m (to unit 10)
 - xiv. reduce the side setback (north) from 7.50m to 2.44m (to Unit 5) and to 3.00m (to Units 6 and 7) and to 7.19m (to Unit 6)
 - xv. reduce building separation space from 7.5m to 5.76m between Unit 2 and Unit 4
- 3. Retention of an International Society of Arboriculture certified arborist during construction to ensure the tree protection plan is followed.
- 4. The Development Permit lapsing two years from the date of this resolution."

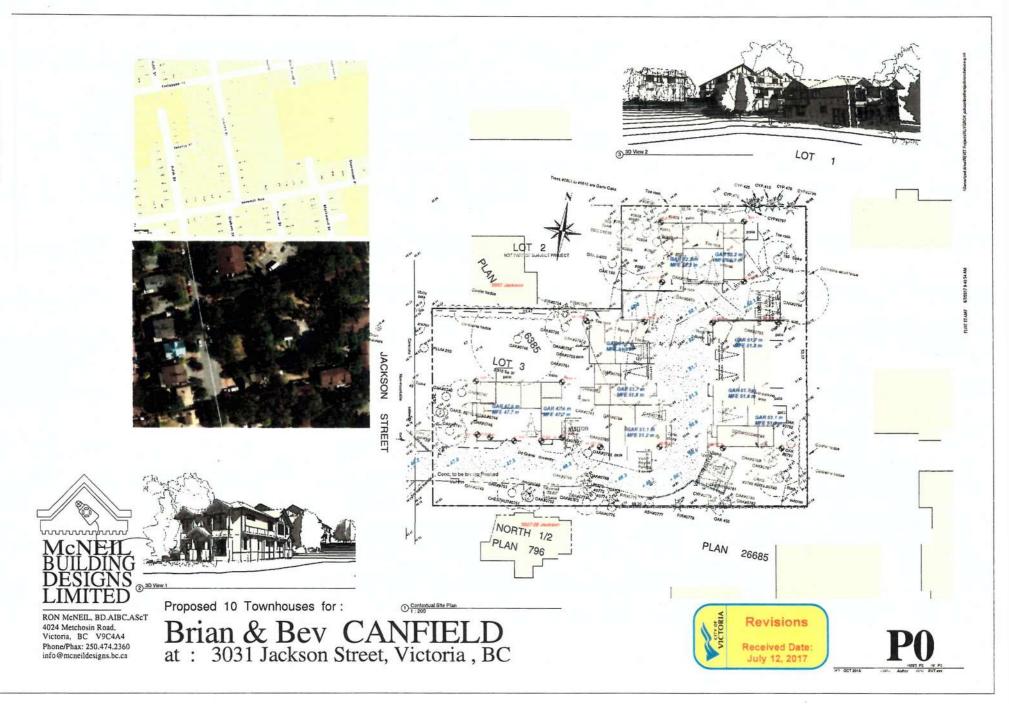
On the main motion as amended: CARRIED 17/COTW

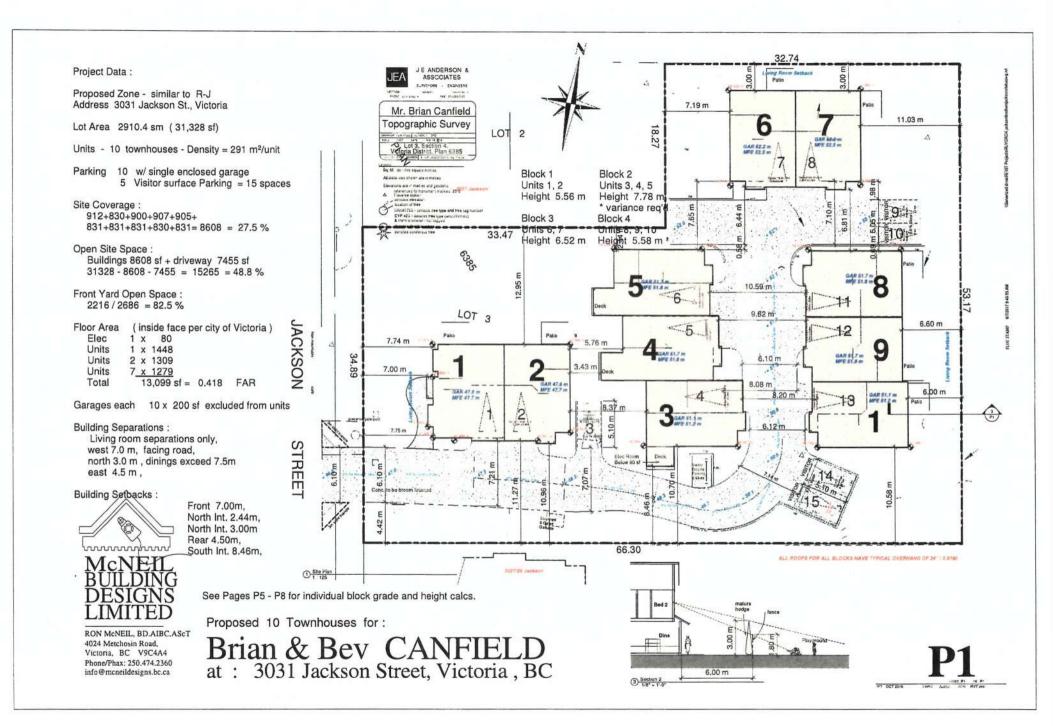
Mayor Helps, Councillors Alto, Coleman, Lucas, and Young

For:

Against: Councillors Isitt, Madoff, and Thornton-Joe

Councillor Young excused himself from the meeting at 9:48 a.m. due to a pecuniary conflict of interest as he lives near the subject site being considered in the next item.







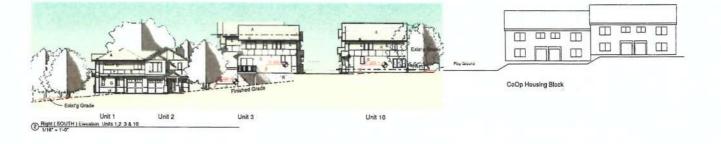
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Brian & Bev CANFIELD at : 3031 Jackson Street, Victoria, BC A Flowinglass Laminated SHINGLES B Aluminan GUTTER 2x8 FASCK BOARD Vented Aluminum SOFFIT C 2x8 TRANSITION BOARD wi Tx8 Shadow Line E Cadar SHINGLE SIDING F HARDIEFANEL SIDING wi Tx8 BATTENS (# 24° e.c. G Horizontal HARDIEFLANK SIDING Cultural STONE wi 2° CONC CAP J tx8 CORNER BOARD K tx8 Core A: Vindow TRIM L 2x10 BELLY BAXD wi CteC BaSW Core A: Window TRIM L 2x10 BELLY BAXD wi CteC BaSW CORNER BOARD N BaSW WOO FOST wi Natural Stain N Metal or Tampard Glass RALING N Matural Stained Wood DOR

R Parged CONCRETE



 \square F Play Ground CoOp Housing Block Existing Grade 1/16" = 1'-0" Unit 7 rear Unit 6 rear Unit 2 rear Unit 1 rear Proposed 10 Townhouses for :

RON McNEIL, BD.AIBC,AScT 4024 Metchosin Road, Victoria, BC V9C4A4 Phone/Phax: 250.474.2360 info@mcneildesigns.bc.ca

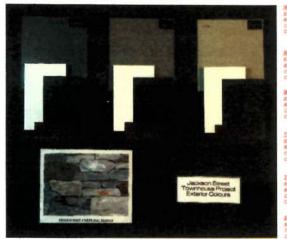
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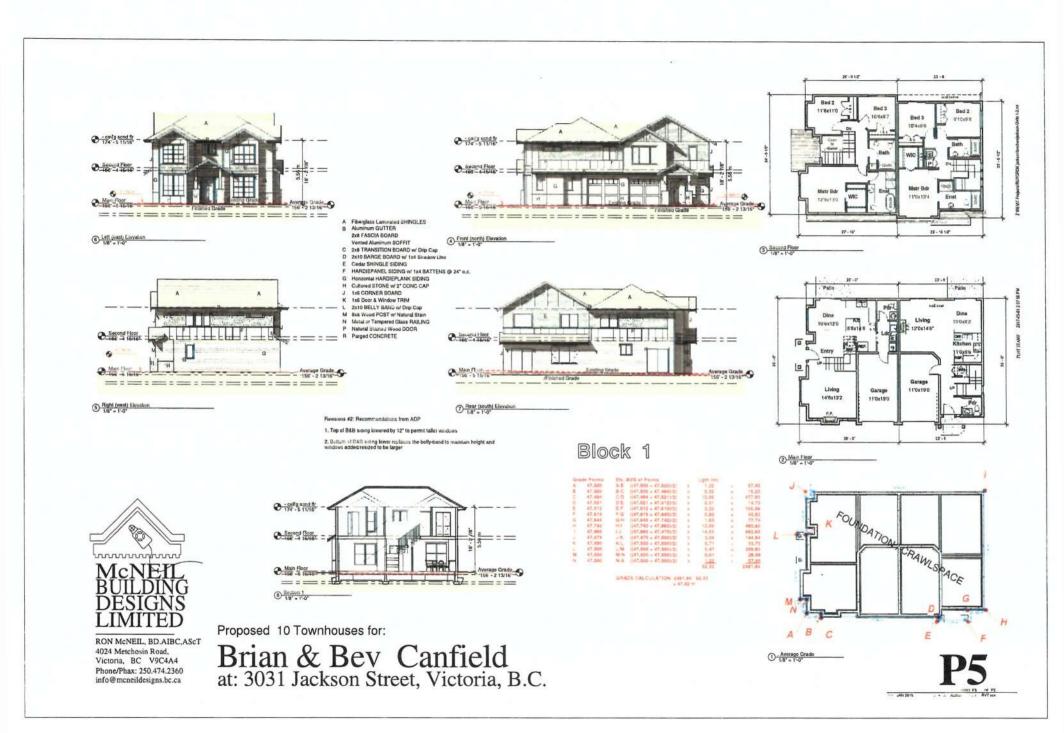


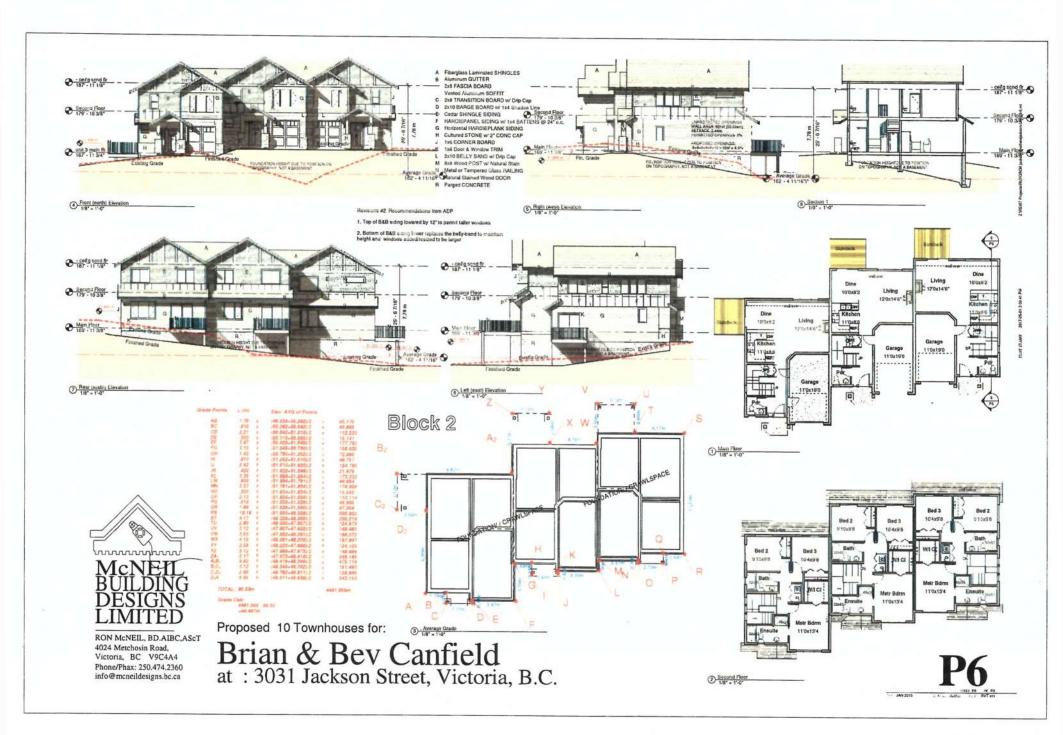
RON McNEIL, BD.AIBC.AScT 4024 Metchosin Road, Victoria, BC V9C4A4 Phone/Phax: 250.474.2360 info@mcneildesigns.bc.ca

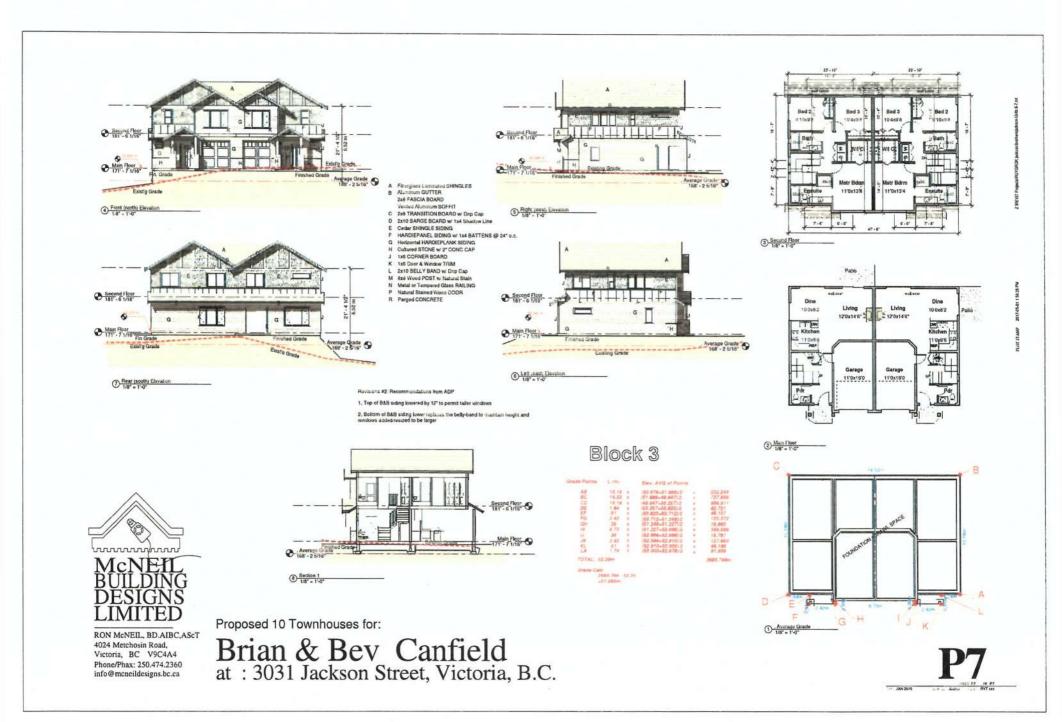


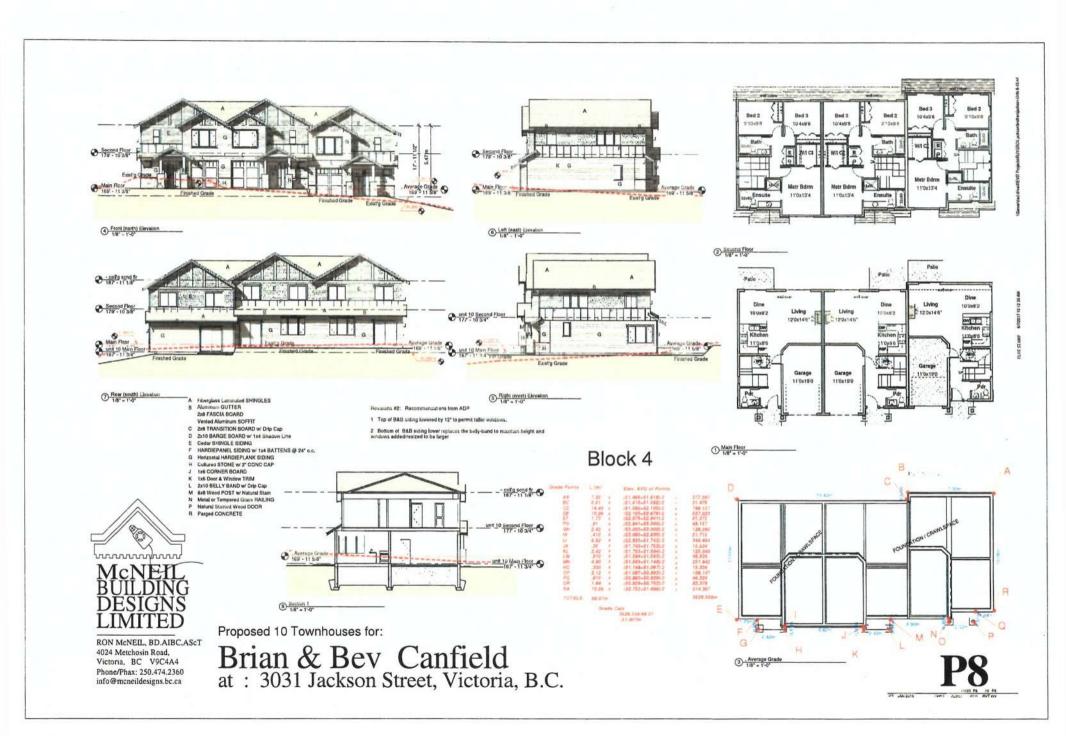
Brian & Bev CANFIELD at : 3031 Jackson Street, Victoria, BC

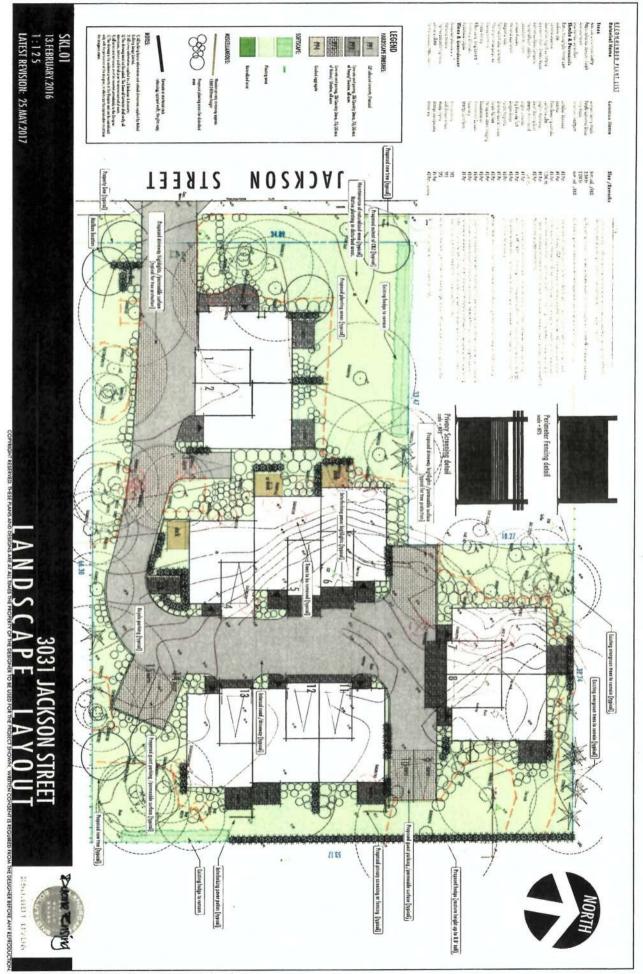












^{::} TOWNHOUSE REZONING :: 3031 JACKSON STREET :: SKL01 :: landscape layout ::



ATTACHMENT C

Phone/Phax (250) 474 - 2360

Email ron@mcneildesigns.bc.ca



4024 Metchosin Road, Victoria , BC V9C4A4 Home Page http://mcneildesigns.bc.ca

June 02, 2017

Mayor and Council City of Victoria, #1 Centennial Square, Victoria, BC c/o emailed to Alec Johnston via --

Re: Rezone & DP for 10 townhouses at 3031 Jackson St, Victoria, BC

Dear Mayor and Council,

I write to summarize our changes since Committee of the Whole, where council requested some adjustment to building position minimizing our requested rear setback variance, and requested we make some changes and when Planning staff was satisfied we would move to Public Hearing.

We have made changes to address those concerns.

We have moved block 4 (units 8-10) away from property line by a further 1.5m. This distances us more from the fence line, and we have added a row of hedging along that entire lot line. This move was the most we could make without adversely affecting both vehicular movement on site but also separation between units within project.

Drive aisle was reduced to near bylaw minimums as any further move will force the shifting of other units and that would adversely affect and cause removal of two or more trees.

We hope that council can now support our project and look forward to presenting at public hearing,

Sincerely,

Ron McNeil, AScT. mbltr841



Received City of Victoria
JUN 1 2 2017
Planning & Development Department Development Services Division