



Council Report

For the Meeting of August 10, 2017

To: Council **Date:** July 27, 2017
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: **Development Variance Permit No. 00108 and Development Permit Application No. 000265 for 1120 Faithful Street**

RECOMMENDATION

1. 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 Variance Permit Application No. 00108 for 1120 Faithful Street for the existing house (duplex), subject to its Heritage Designation, and in accordance with:

1. Plans date stamped December 12, 2016.
2. Development meeting all R1-B Zone, Single Family Dwelling District requirements, except for the following variance: to reduce the rear yard setback (north) from 7.5m to 1.96m for the existing house
3. The Development Variance Permit lapsing two years from the date of this resolution."

2. At the same meeting that Development Variance Permit Application No. 00108 is considered, and if it is approved, that Council consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 000265 for 1120 Faithful Street for the subdivision of the panhandle lot and subsequent construction of a single-family dwelling, subject to the Heritage Designation of the existing house, and in accordance with:

1. Plans date stamped December 12, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. Provision of an updated site servicing plan to include direct servicing to the street and details of a floating driveway construction methodology, to the satisfaction of City staff.
4. Provision of revised plans to show the removal of the boulevard tree to the east of the property, to the satisfaction of City staff.
5. The Development Permit lapsing two years from the date of this resolution."

3. Subject to Council approval of the Development Permit and Development Variance Permit for 1120 Faithful Street, Council consider the following motion:

"That the applicant for 1120 Faithful Street make the required application for Heritage Designation of the existing house, and the above noted permits not be issued until the Heritage Designation is complete."

EXECUTIVE SUMMARY

The proposal is to subdivide the existing lots (two legal lots) under the current R1-B Zone, Single Family Dwelling District, and Schedule H, Panhandle Lot Regulations, to create a panhandle lot and the construction of a new single-family dwelling on the panhandle lot. The existing duplex will be retained. Staff are recommending for Council's consideration that prior to the issuance of any permits, the status of this house be changed from Heritage Registered to Heritage Designated.

At the Committee of the Whole meeting of March 16, 2017, Committee determined that the Development Permit and Development Variance Permit for 1120 Faithful Street be advanced to an Opportunity for Public Comment. In the previous recommendation, the following condition was included prior to issuance of the Development Permit for the proposed panhandle lot:

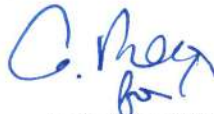
Provision of a tree protection plan for the Bylaw protected trees that identifies the location of the tree roots, the location of proposed site services in relation to the root system, and the driveway construction methodology, to the satisfaction of City staff.

This specifically related to updated information regarding the arborist report, particularly the potential impacts of the proposed development on three protected bylaw trees located on the neighbouring property along the west of the subject property. The Applicant has volunteered to provide this information in advance of the Opportunity for Public Comment, which includes the relocation of the site services to the east of the property, away from the bylaw protected trees. This does go some way to addressing previous concerns raised by staff. However, there are inconsistencies on the specification of the proposed driveway construction which includes permeable paving on the landscape plan and asphalt on the site servicing plan. Staff are requesting floating driveway construction details to mitigate any impacts to the protected bylaw trees and appropriate wording is included for Council's consideration. In addition, staff are requesting an amendment to the site servicing plan, which has been aligned to avoid conflicting with the municipal boulevard tree. However, on closer review this tree is in poor health and will be removed as part of regular maintenance. Another tree will be replanted in a more suitable location on the boulevard. The boulevard tree adjacent to the driveway remains unaffected.

Respectfully submitted,



Charlotte Wain
Senior Planner – Urban Design
Development Services Division



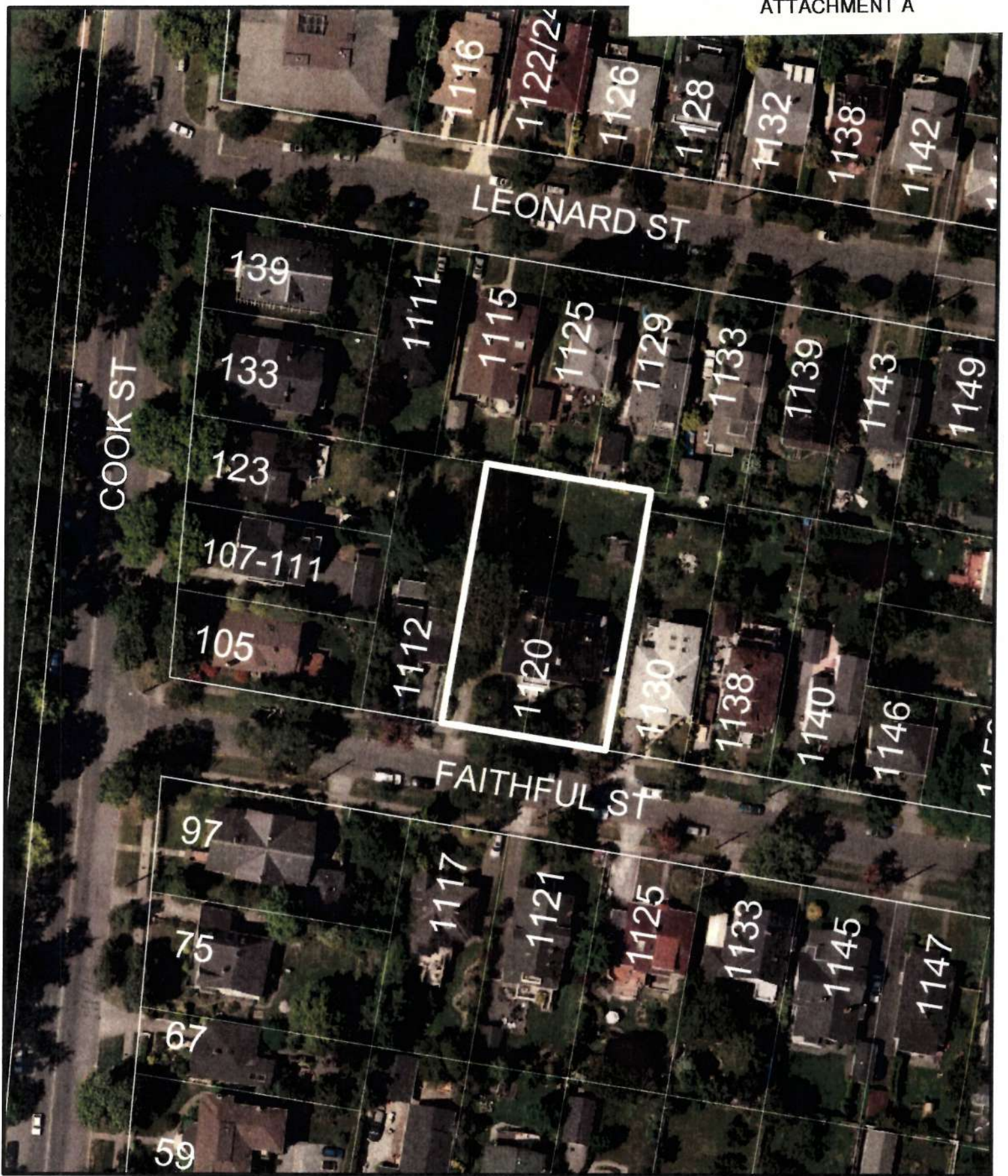
Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

Carolyn Jenkins
Date: Aug 1, 2017

List of Attachments

- Aerial map
- Subject Map
- Minutes from Committee of the Whole meeting of March 16, 2017
- Updated Arborist Report, dated May 29, 2017
- Plans dated December 12, 2016



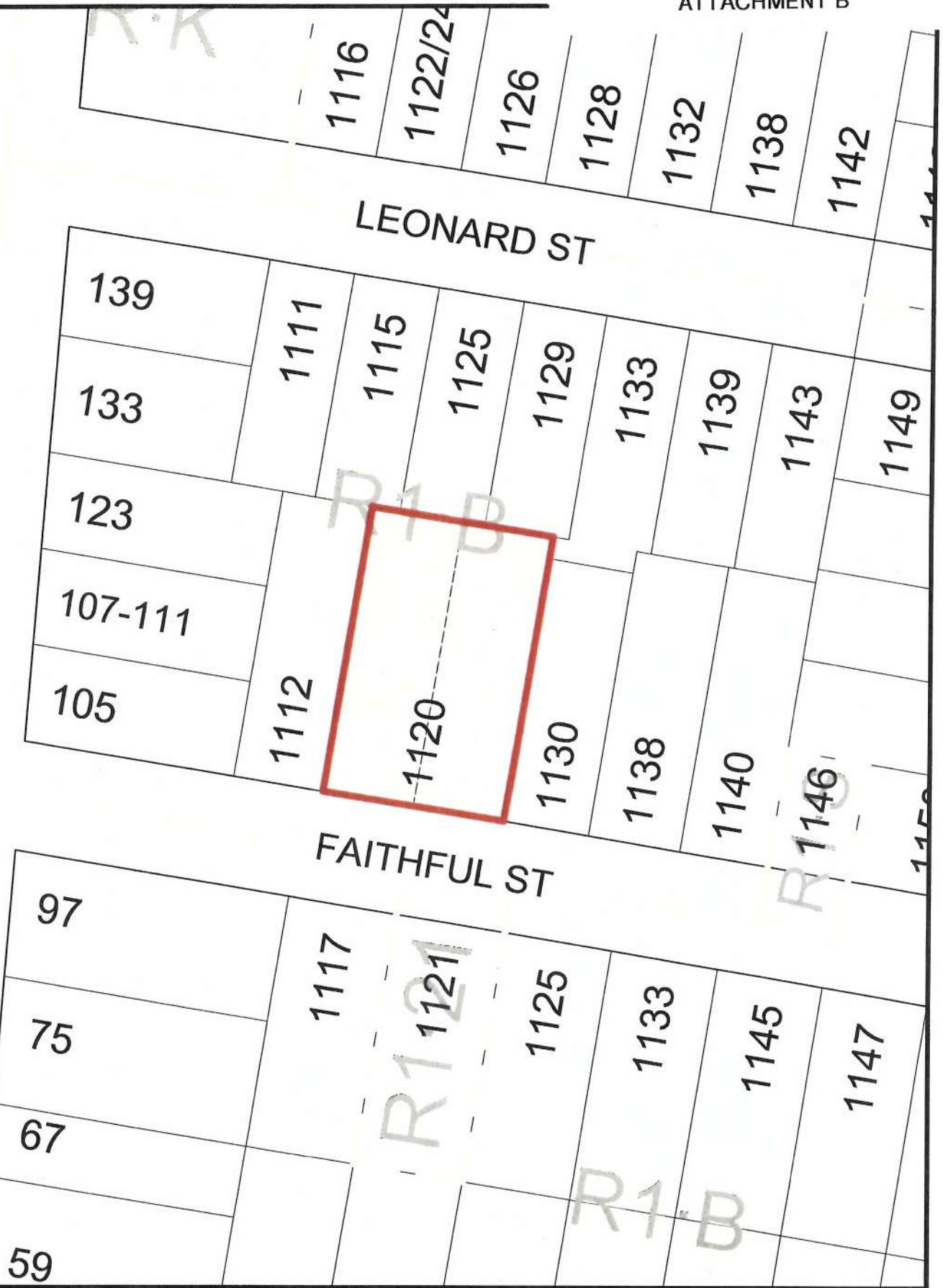
1120 Faithful Street
 Development Variance Permit #000108
 Development Permit No. 000265



COOK ST

LEONARD ST

FAITHFUL ST



1120 Faithful Street
Development Variance Permit #000108
Development Permit No. 000265



5.2 Development Variances Permit No. 00108 and Development Permit Application No. 000265 for 1120 Faithful Street (Fairfield)

Committee received a report dated March 6, 2017 from the Director of Sustainable Planning and Community Development providing information regarding the Development Variances Permit No. 00108 and Development Permit Application No. 000265 for 1120 Faithful Street to designate the existing duplex as Heritage Designated and subdivide the existing two legal lots and create a panhandle lot and construct a new single-family dwelling on the panhandle lot.

Committee discussed:

- The setbacks on the property and the impacts on the neighbours.
- Looking at another location for the driveway, so to protect the trees on the west neighbouring property.
- The large size of the windows on the north side of the proposed new house being intrusive on the neighbouring property.

Motion:

It was moved by Councillor Young, seconded by Councillor Lucas,

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

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2. Development meeting all R1-B Zone, Single Family Dwelling District requirements, except for the following variance: to reduce the rear yard setback (north) from 7.5m to 1.96m for the existing house.
3. The Development Variance Permit lapsing two years from the date of this resolution."

2. At the same meeting that Development Variance Permit Application No. 00108 is considered, and if it is approved, that Council consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 000265 for 1120 Faithful Street for the subdivision of the panhandle lot and subsequent construction of a single-family dwelling, subject to the Heritage Designation of the existing house, and in accordance with:

1. Plans date stamped December 12, 2016.
2. Development meeting all Zoning Regulation Bylaw requirements.
3. Provision of a tree protection plan for the Bylaw protected trees that identifies the location of the tree roots, the location of proposed site services in relation to the root system, and the driveway construction methodology, to the satisfaction of City staff.
4. The Development Permit lapsing two years from the date of this resolution."

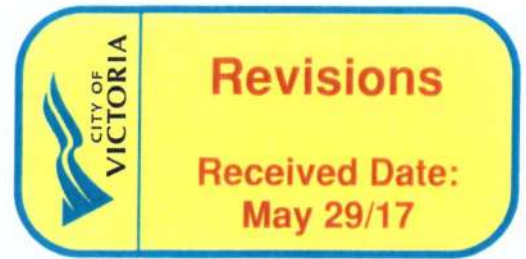
3. Subject to Council approval of the Development Permit and Development Variance Permit for 1120 Faithful Street, Council consider the following motion:

"That the applicant for 1120 Faithful Street make the required application for Heritage Designation of the existing house, and the above noted permits not be issued until the Heritage Designation is complete."

Committee discussed:

- The value of having the house on the Heritage registry.

CARRIED UNANIMOUSLY 17/COTW



NewGrowth Tree Services

Robert Kirby

ISA Certification#PR-4646A

932 Easter Rd, Victoria, BC, V8X 2Z8

250.857.6394 | tree_tops@mac.com

Date : May 20, 2017

Revisited site May 15, 2017

To: Kevin Jensen

Location: 1120 Faithful, Victoria, BC

Summary: Propose removal of three trees within building envelope of new construction, and outline steps to preserve the other trees on the lot and on adjacent property to the west.

Tree Inventory : Locations are detailed on accompanying site plan, attachment 1.

Tree No.	Species	DBH (cm)	Condition Summary	Location	Action
1	Tree Of Heaven <i>Alseodaphne altissima</i>	96	<p>Fair-Good: Tree has a full crown and vigorous new twig and leaf growth. Has co-dominant main stems, which divide approximately 2 m from ground, with strong bark ridge, no included bark, and a small cavity in the center. Tree has been trimmed extensively. Much of the lower spreading growth has been removed, with 3 very large diameter cuts (up to 45 cm) at the main stem. Upper canopy has also been extensively trimmed. However, pruning cuts have been properly done, and many are callused over. The tree has good structure and balance. The species is both vigorous and short-lived (50 years typical). Ability to tolerate disturbance is good.</p> <p>Note that there was a major branch failure in June 2012, involving a branch of approximately 15 cm in diameter.</p>	On neighbor's property to the west, within 50 mm of fenceline	Retain and Protect Tree is protected by tree bylaw.
2	Doug fir <i>Pseudotsuga menziesii</i>	63	<p>Fair: Tree has adequate new growth, but has poor structure, likely due to canopy crowding with neighboring deciduous trees. Does not appear to have been topped, but does not have the symmetry typical of an open grown tree. Extensive shedding of branches in the upper canopy</p>	On neighbor's property 1.5 m from fenceline	Retain and Protect Tree is protected by tree bylaw.

3	Ornamental Plum <i>Prunus cerasifera</i>	81	Fair-Good: Tree is multi stemmed with good structure and is showing a healthy number of new buds. Minimal dieback in the canopy with some old wounds from pruning cuts. Fungal conks growing on the base of the trunk.	On neighbor's property touching fenceline	Retain and Protect Tree is protected by tree bylaw.
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Discussion of Protected Trees on Neighboring Property

Three trees located near the boundary on the neighboring property to the west are of sufficient size to be protected by Victoria's tree protection bylaw. The proposed construction will require activity within the critical root zone of each tree.

Although the trees are protected and are to be retained, a plan to mitigate effects of the construction on the trees must factor into consideration the general condition and characteristics of the trees.

Tree #1 is a Tree of Heaven, an extremely fast growing tree with an expected lifespan of only 50 years. This particular tree is of fully mature height, approximately 17 – 20 m. We do not know the age of the tree, but due to current height and limits of lifespan, we know it is likely 30 years age minimum and 50 years maximum. Maximum longevity for this tree is likely to be 20 years. As noted in the chart above, the tree has been extensively trimmed, with several large cuts evident in the lower reaches of the canopy. Although the tree is vigorous, with apparently stable structure, the large pruning wounds are likely to invite eventual decay. We have also attached photos, attachment 4, showing the site of a failure of a branch of 15 cm diameter, which occurred in June 2012. The species tends toward shallow and widely spreading roots, mostly within the top 18" of the soil surface. It has good tolerance to disturbance.

Tree #2 is a Douglas fir, of fair structure. It has suffered a pattern of shedding branches in the upper portion of the canopy, and has growth patterns which suggest light deprivation in lower areas of the canopy. This tree has a number of elongated branches extending over the proposed work site, pruning to remove the end weight of these branches to create a safe work environment below is recommended. Though the tree is not at risk of collapse, it is likely to continue to shed branches, and is unlikely to achieve a symmetry typical of a healthy open grown Douglas fir.

Tree#3 is a multi stemmed, mature, ornamental Plum, of good structure. The Canopy has an open and natural growth pattern showing very few old pruning wounds. Fungal conks are present on the base of the trunk and though the tree appears to be healthy from the outside, this can be an indication of internal decay.

ISA certified arborist required to be onsite for the following construction activities:

- Inspect tree protection fence once completed and before construction commences.
- Inspect mulched corridor periodically through project to ensure 10" of mulch at all times.
- Must be on site during any digging for the preparation of the driveway installation.
- All trimming of overhanging branches (from neighbour's trees) must be done by an ISA certified arborist.

Tree root mapping was completed on May 15, 2017. A trench was dug beginning at the north west corner of the garage following the western property line (and proposed driveway) see attachment 5. It was approx. 23 cm wide and 41 cm deep. The depth needed for the driveway installation is 30 cm, as outlined in attachment 2. Mapping results are discussed below:

Tree # 1

- Found 6, 2 1/2 inch diameter roots as well as 4, 1 inch diameter roots that will need to be severed by an ISA certified arborist for driveway installation. Also present were small fibrous feeder roots. See attachment 6

Tree #2

- No significant roots found, just fibrous feeder roots.

Tree #3

- Found 3, 2 1/2 inch diameter roots and 6, 1 inch diameter roots that will need to be severed by an ISA certified arborist for driveway installation. Also present were fibrous feeder roots. See attachment 7

Because of the condition of the trees, I suggest mitigation techniques involving principles of reasonable care, but which will incur only moderate, controlled expense.

Site Constraints

The site poses limits on mitigation efforts due to the placement of the current buildings on the property, and because of the location of the driveway, which will necessarily serve as a path to move equipment and materials to and from the site. The distance between the base of Tree#1 and the existing house is 7.5 m.

Another difficulty is that a small garage demolition will be required to undertake the project. The garage is less than 3 m from the base of Tree #1.

A commonly used estimate of the ideal tree protection zone is 1.2 feet of radius for each 1" of tree diameter. Converted to meters, this suggests a tree protection zone of 13.83 m for Tree #1. Similarly, an ideal tree protection zone for Tree #2 is approximately 9 m, and Tree #3 has an ideal tree protection zone of approximately 11.66 meters.

The contrast between ideal and practical dimensions for a tree protection zone demand compromise. I suggest a tree protection corridor of 6 m, with half of it to be fenced in accordance to attachment 3.

Robert Kirby ISA Certification#PR-4646A

932 Easter Rd, Victoria, BC, V8X 2Z8 | 250.857.6394 | tree_tops@mac.com

Suggested Steps to Preserve Protected Trees

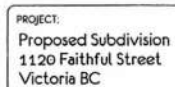
- 1) The first need will be demolition of the existing garage. In regard to impact on tree health, reasonable steps will be:
 - a. Construction of a protective fence, to specifications outlined in the attached sheet entitled "Tree Protection Fencing" The fence should run parallel and within 1 foot of the rear wall of the garage to 5 m within the property boundary. All demolition activity should take place to the south of this fence line.
 - b. The owner has assured us that demolition of the current garage will be done by hand as a means of salvaging material for recycling, without the use of excavators or other automated tools. Great care will be taken to assure that no damage results to the trunk of protected Tree #1.
 - c. The current slab underlying the garage should be left in place until the driveway paving phase of the project. Leaving this slab, along with providing protective fencing, will adequately assure that there is no damage in the root zone due to garage demolition.
 - d. On completion of the demolition phase, a permanent TPZ fence will be constructed, to be left in place for the duration of construction, as outlined below.
- 2) A Tree Protection Zone (TPZ) will be established, to be enforced for the duration of the construction (with the exception of the driveway paving phase). The zone will be comprised of a 6 m corridor along the west edge of the property, from 6 m south of the base of Tree #1 to the rear of the property. Of this strip, a protective fence will extend parallel and 3 m within the west boundary to the rear of the property. No construction activity, no parking of vehicles or storage of materials, or disposal of chemicals will occur inside the boundary defined by this fence. The fence will be clearly labeled as a protected zone, and may not be moved without the approval of the consulting arborist. An additional 3 m corridor, also extending to the rear of the property, will be mulched to a depth of 10", and refreshed to maintain the 10" depth as necessary for the duration of the project.
- 3) Service lines will be installed on Eastern side of the property, and have no impact on the protected trees outlined in this report. See attachment 2.
- 4) As noted on plans prepared by Step One Design, dated April 30, 2012, the driveways will feature permeable paving. Preparation for paving should minimize compaction, as possible. Driveway paving will require the removal of TPZ fencing. All work within 3 m of the base of the protected trees should be supervised by an on site consulting arborist. Any roots must be covered with damp burlap for the duration they are exposed to air. The driveway construction methodology is outlined in attachment 2, the top layer will be permeable brick instead of asphalt.

Provided that the steps outlined here are implemented as described, it is my opinion that the protected trees #1, #2 and #3 can be successfully retained.

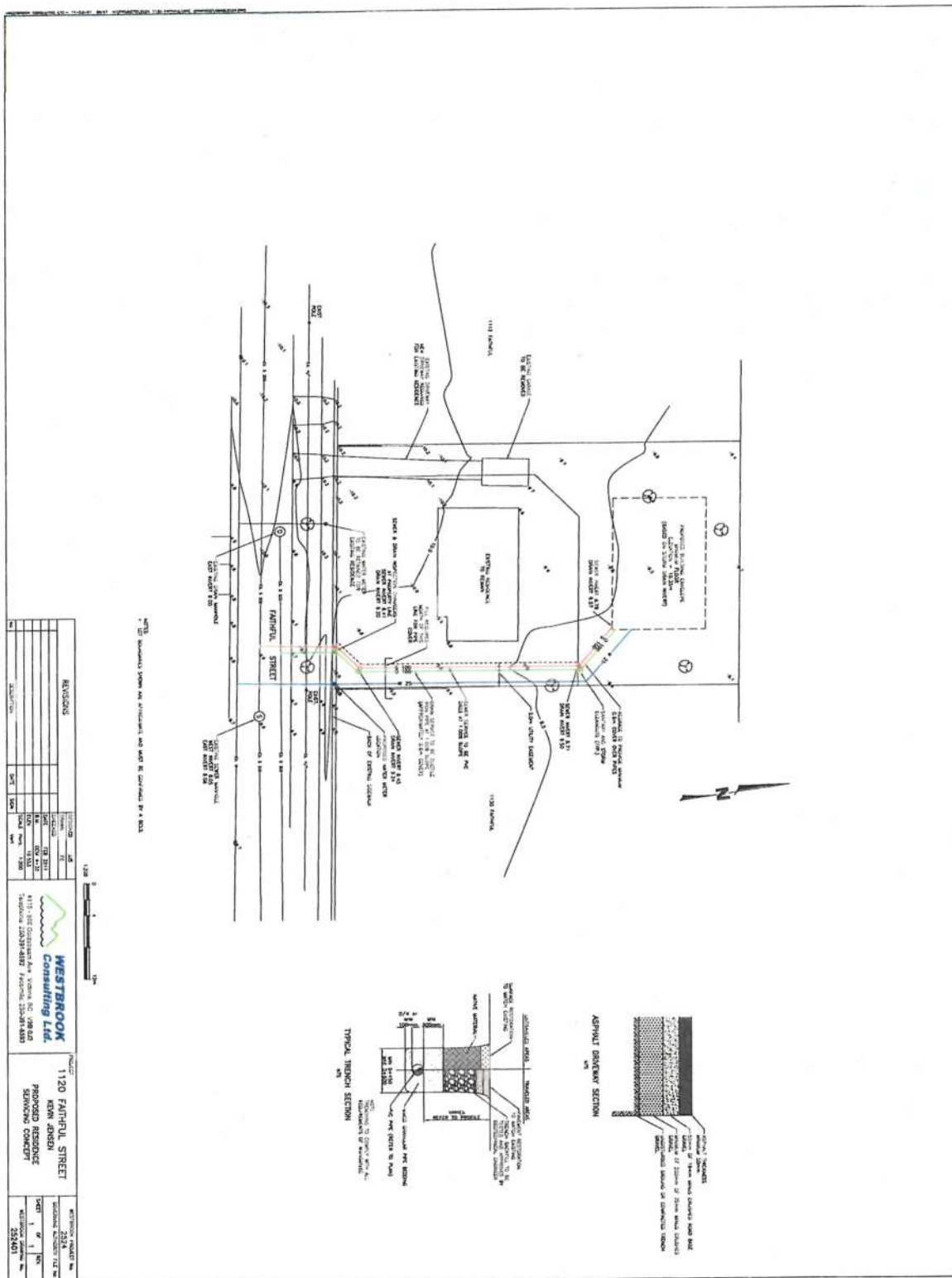
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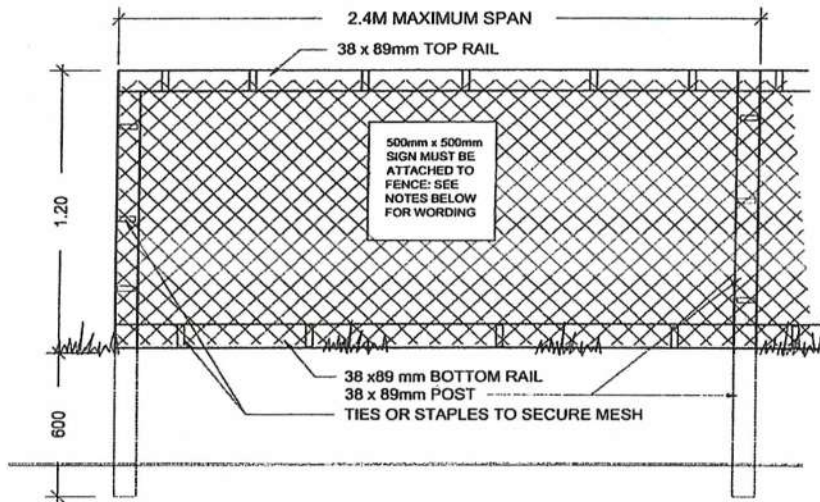
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Attachment 2





TREE PROTECTION FENCING

NOTES:

1. FENCE WILL BE CONSTRUCTED USING 38 X 89 mm (2"X4") WOOD FRAME: TOP, BOTTOM AND POSTS. *
USE ORANGE SNOW-FENCING MESH AND SECURE TO THE WOOD FRAME WITH "ZIP" TIES OR GALVANIZED STAPLES.
2. ATTACH A 500mm x 500mm SIGN WITH THE FOLLOWING WORDING:
WARNING-HABITAT PROTECTION AREA. THIS SIGN MUST BE AFFIXED ON EVERY FENCE FACE OR AT LEAST EVERY 10 LINEAR METRES.

* IN ROCKY AREAS, METAL POSTS (T-BAR OR REBAR) DRILLED INTO ROCK WILL BE ACCEPTED



DETAIL NAME:

TREE PROTECTION FENCING

DATE:	March/08
DRAWN:	DM
APP'D:	RR
SCALE:	N.T.S.

Attachment 4



Attachment 5



Attachment 6



Attachment 7





FRONT OF SUBJECT PROPERTY - 1120 FAITHFUL STREET



REAR YARD OF SUBJECT PROPERTY - 1120 FAITHFUL STREET




REAR YARD OF SUBJECT PROPERTY - 1120 FAITHFUL STREET



HOUSE TO WEST OF SUBJECT PROPERTY - 1112 FAITHFUL STREET



HOUSE TO EAST OF SUBJECT PROPERTY - 1130 FAITHFUL STREET



Revisions

Received Date:
December 12/16

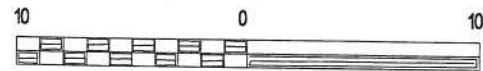
REVISED - December 9, 2016

Gerry Treesch
Residential Design

Drawn By: G. TREESCH
Date: OCTOBER 4, 2016
Scale: AS SHOWN
Project:
Proposed Addition
1120 Faithful Street
Victoria, BC






Revising	
By	
Issued	
Sheet	1 of 5

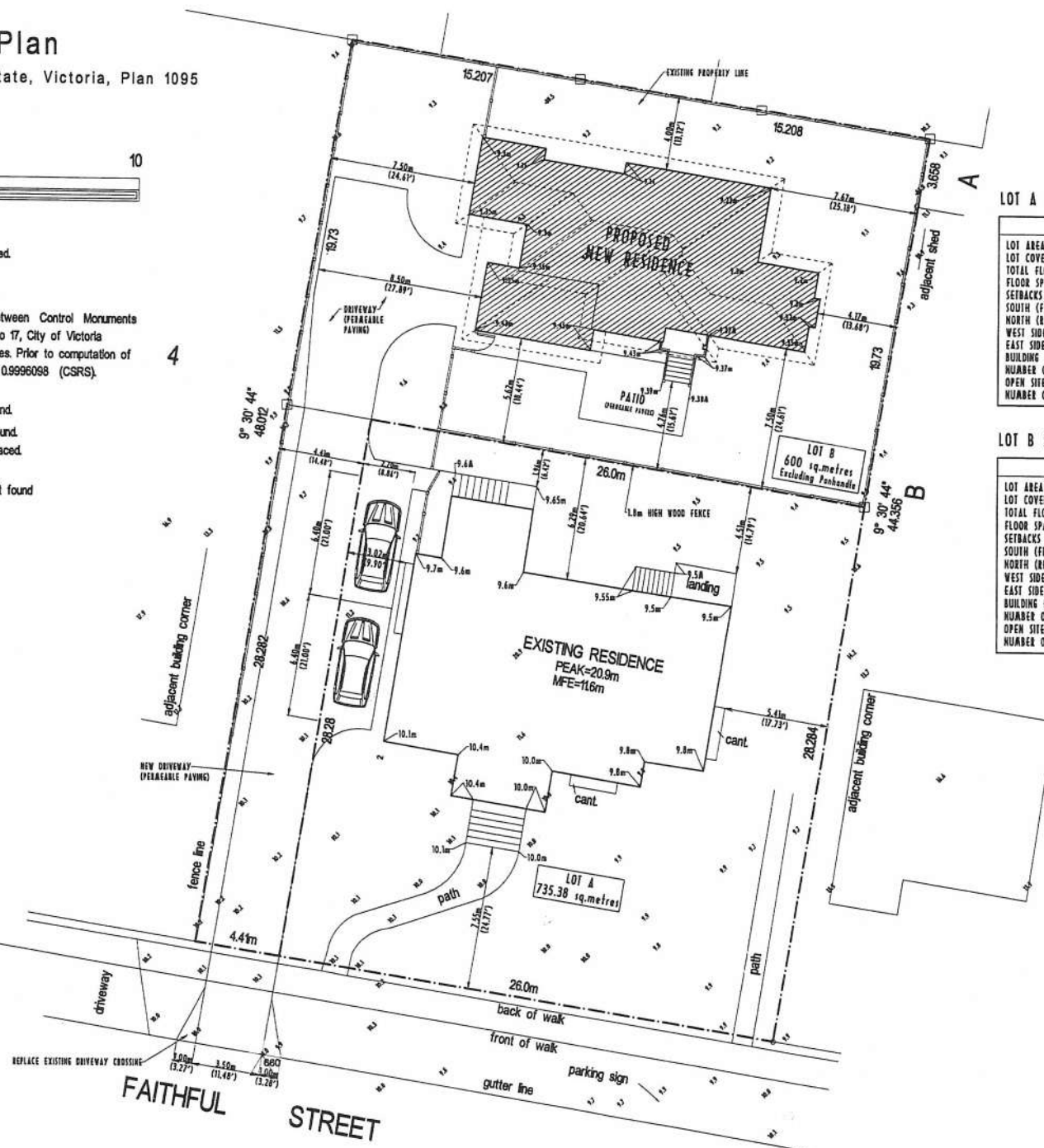
SCALE = 1:100



LEGEND

Grid Bearings are derived from observations between Control Monuments
4 - 35 and 4 - 36 Integrated Survey Area No 17, City of Victoria
This Plan shows Ground Level Measured Distances. Prior to computation of
U.T.M. Co-ordinates, multiply by Combined Factor 0.9996098 (CSRS)

-  - denotes - Control Monument found.
 - denotes - Standard Iron Post found.
 - denotes - Standard Iron Post placed.
 - denotes - lead plug found
 - denotes - non-standard iron post found

[illegible]

	PROPOSED
LOT AREA	735.38 sq.meters (7915.5 sq.ft.)
LOT COVERAGE	28.5%
TOTAL FLOOD AREA (ALL LEVELS)	593.05 sq.meters (5802.29 sq.ft.)
SETRACCS PARKING RATIO	.81
SETRACCS	
SOUTH (FRONT) (EXISTING)	7.55m (24.77')
NORTH (REAR)	1.96m (6.42')
WEST SIDE	3.02m (9.9')
EAST SIDE (EXISTING)	5.41m (17.73')
BUILDING HEIGHT (EXISTING)	9.4m (30.84')
NUMBER OF STOREYS (EXISTING)	4
OPEN SITE SPACE	66.3%
NUMBER OF PARKING STALLS	2

	PROPOSED
LOT AREA	600 sq.metres (6459.23 sq.ft.)
LOT COVERAGE	24.4%
TOTAL FLOOR AREA (ALL LEVELS)	217.17 sq.metres (2337.50 sq.ft.)
FLOOR SPACE RATIO	.36
SETBACKS	
SOUTH (FRONT) (TO STAIRS)	4.76m (15.61')
NORTH (REAR)	4.0m (13.12')
WEST SIDE	7.5m (24.61')
EAST SIDE	4.17m (13.68')
BUILDING HEIGHT	4.75m (15.57')
NUMBER OF STOREYS	1
OPEN SITE SPACE	64.3%
NUMBER OF PARKING STALLS	1 (in garage)



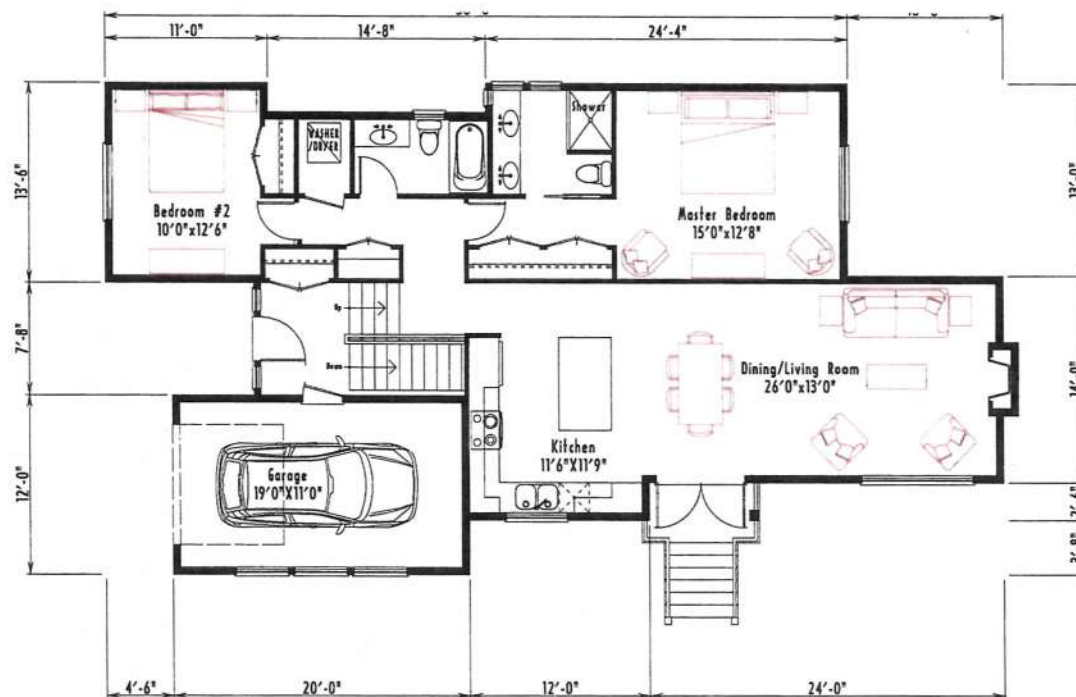
SOUTH ELEVATION

Scale - 1/4" = 1'-0"



WEST ELEVATION

Scale - 1/4" = 1'-0"



FIRST STOREY FLOOR PLAN

FLOOR AREA 132.1 sq.metres (1421.92 sq.ft.)
 LESS PARKING ALLOWANCE 18.6 sq.metres (200.2 sq.ft.)
 TOTAL 113.5 sq.metres (1221.72 sq.ft.)
 Scale - 1/4" = 1'-0"

REVISED - November 14, 2016

Gerry Troesch
 Residential Design

1074 Hwy 104, Suite 100, Victoria, BC V8V 4A8
 Phone: 250-383-1111
 Email: gerry@troesch.ca

Drawn by: L. TROESCH

Date: OCTOBER 4, 2016

Scale: AS SHOWN

Project:

Proposed Addition

120 Fairchild Street

Victoria, BC

Drawing

Proposed New Room

Plan, Elevations & Sections

Issued:

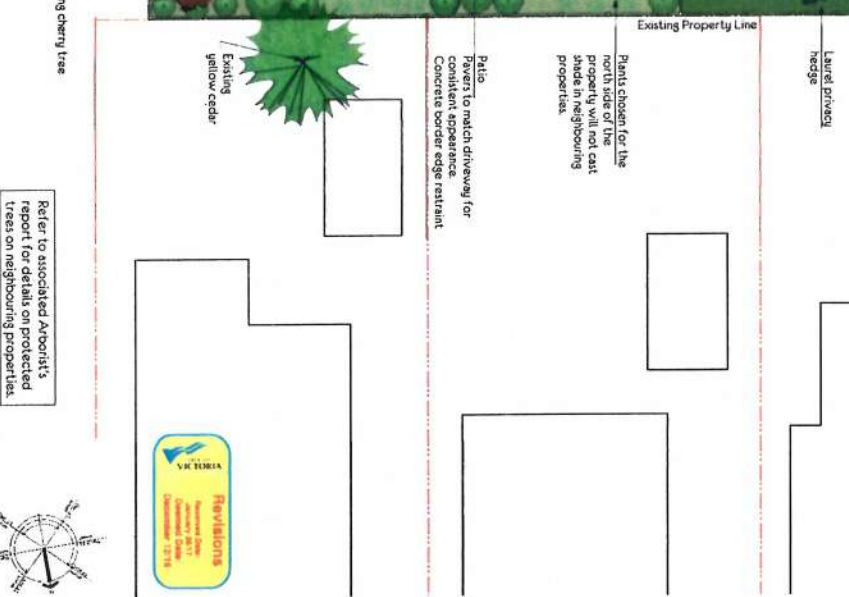
Sheet 3 of 5





PLANTING SCHEDULE

ID	Latin Name	Common Name	Suggested Size
ACH-01	Acacia saligna	Black Wattle	3' x 6'
ACH-02	Acacia saligna	Black Wattle	4' x 8'
ACH-03	Acacia saligna	Black Wattle	5' x 10'
ACH-04	Acacia saligna	Black Wattle	6' x 12'
ACH-05	Acacia saligna	Black Wattle	7' x 14'
ACH-06	Acacia saligna	Black Wattle	8' x 16'
ACH-07	Acacia saligna	Black Wattle	9' x 18'
ACH-08	Acacia saligna	Black Wattle	10' x 20'
ACH-09	Acacia saligna	Black Wattle	11' x 22'
ACH-10	Acacia saligna	Black Wattle	12' x 24'
ACH-11	Acacia saligna	Black Wattle	13' x 26'
ACH-12	Acacia saligna	Black Wattle	14' x 28'
ACH-13	Acacia saligna	Black Wattle	15' x 30'
ACH-14	Acacia saligna	Black Wattle	16' x 32'
ACH-15	Acacia saligna	Black Wattle	17' x 34'
ACH-16	Acacia saligna	Black Wattle	18' x 36'
ACH-17	Acacia saligna	Black Wattle	19' x 38'
ACH-18	Acacia saligna	Black Wattle	20' x 40'
ACH-19	Acacia saligna	Black Wattle	21' x 42'
ACH-20	Acacia saligna	Black Wattle	22' x 44'
ACH-21	Acacia saligna	Black Wattle	23' x 46'
ACH-22	Acacia saligna	Black Wattle	24' x 48'
ACH-23	Acacia saligna	Black Wattle	25' x 50'
ACH-24	Acacia saligna	Black Wattle	26' x 52'
ACH-25	Acacia saligna	Black Wattle	27' x 54'
ACH-26	Acacia saligna	Black Wattle	28' x 56'
ACH-27	Acacia saligna	Black Wattle	29' x 58'
ACH-28	Acacia saligna	Black Wattle	30' x 60'
ACH-29	Acacia saligna	Black Wattle	31' x 62'
ACH-30	Acacia saligna	Black Wattle	32' x 64'
ACH-31	Acacia saligna	Black Wattle	33' x 66'
ACH-32	Acacia saligna	Black Wattle	34' x 68'
ACH-33	Acacia saligna	Black Wattle	35' x 70'
ACH-34	Acacia saligna	Black Wattle	36' x 72'
ACH-35	Acacia saligna	Black Wattle	37' x 74'
ACH-36	Acacia saligna	Black Wattle	38' x 76'
ACH-37	Acacia saligna	Black Wattle	39' x 78'
ACH-38	Acacia saligna	Black Wattle	40' x 80'
ACH-39	Acacia saligna	Black Wattle	41' x 82'
ACH-40	Acacia saligna	Black Wattle	42' x 84'
ACH-41	Acacia saligna	Black Wattle	43' x 86'
ACH-42	Acacia saligna	Black Wattle	44' x 88'
ACH-43	Acacia saligna	Black Wattle	45' x 90'
ACH-44	Acacia saligna	Black Wattle	46' x 92'
ACH-45	Acacia saligna	Black Wattle	47' x 94'
ACH-46	Acacia saligna	Black Wattle	48' x 96'
ACH-47	Acacia saligna	Black Wattle	49' x 98'
ACH-48	Acacia saligna	Black Wattle	50' x 100'



LANDSCAPE CONCEPT
September 2016

SAGE SPIRIT GARDEN DESIGN

1171 Kings Road - Victoria BC
PHONE: (250) 589-0614

Dec 7 - Updates to proposed building footprint
Jan 17 '17 - Added plant list

PROJECT:
Proposed Subdivision
1120 Faithful Street
Victoria BC

All drawings copyrighted by Sage Spirit Garden Design (c) 2016 REVISIONS

