

#### 4. LAND USE MATTERS

##### 4.1 a. Rezoning Application No. 00517 for 115 Moss Street

Committee received a report dated September 22, 2016, from the Director of Sustainable Planning and Community Development regarding an application to subdivide and create three small lots, retain the existing house and construct two new small lot houses.

Committee discussed:

- The proposed variances and options for mitigating these.

**Motion:** It was moved by Councillor Lucas, seconded by Councillor Coleman, that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00517 for 115 Moss Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

For:  
Against:

Mayor Helps, Councillors Alto, Coleman, Loveday, Lucas, and Thornton-Joe  
Councillor Isitt, Madoff, and Young

CARRIED 16/COTW

1. Committee of the Whole – October 6, 2016

2. a. Rezoning Application No. 00517 for 115 Moss Street

It was moved by Councillor Coleman, seconded by Councillor Lucas, that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00517 for 115 Moss Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

Carried

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



## **Committee of the Whole Report**

### **For the Meeting of October 6, 2016**

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**To:** Committee of the Whole **Date:** September 22, 2016

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

**Subject:** Rezoning Application No. 00517 for 115 Moss Street

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### **RECOMMENDATION**

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00517 for 115 Moss Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

### **LEGISLATIVE AUTHORITY**

In accordance with Section 479 of the *Local Government Act*, Council may regulate within a zone the use of land, buildings and other structures, the density of the use of the land, building and other structures, the siting, size and dimensions of buildings and other structures, as well as the uses that are permitted on the land, and the location of uses on the land and within buildings and other structures.

### **EXECUTIVE SUMMARY**

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application for the property located at 115 Moss Street. The proposal is to rezone from the current R1-B Zone, Single Family Dwelling District, to the R1-S2 Zone, Restricted Small Lot (Two Storeys) in order to subdivide and create three small lots.

The following points were considered in assessing this application:

- the proposal is consistent with the Traditional Residential Urban Place Designation and objectives for sensitive infill in the *Official Community Plan, 2012* (OCP);
- the proposal is generally consistent with the policies and design guidelines specified in the *Small Lot House Rezoning Policy, 2002*;
- the proposal is consistent with the policies specified in *Suburban Neighbourhoods, 1984*.



## BACKGROUND

### Description of Proposal

This Rezoning Application is to subdivide and create three small lots, retain the existing house and construct two new small lot houses. Variances would be required to facilitate this development and will be discussed in relation to the concurrent Development Permit with Variances Application.

### Affordable Housing Impacts

The applicant proposes the creation of two new residential units which would increase the overall supply of housing in the area.

### Sustainability Features

The applicant has identified a number of sustainability features which will be reviewed in association with the concurrent Development Permit with Variances Application for this property.

### Active Transportation Impacts

The applicant has not identified any active transportation impacts associated with this application.

### Public Realm Improvements

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

### Land Use Context

The area is characterized by a mix of single-family dwellings and duplexes.

### Existing Site Development and Development Potential

The site presently contains a single-family dwelling. Under the current R1-B Zone, the property could be developed as a single-family dwelling with a secondary suite. Should the subject property be rezoned to the R1-S2 Zone and subdivided then two new small lot houses would be permitted in accordance with the *Small Lot House Rezoning Policy*. The existing single-family dwelling would be retained on one of the small lots. Secondary suites are not permitted on small lots.

### Data Table

The following data table compares the proposal with the existing R1-S2 Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposed Lot A	Proposed Lot B (existing house)	Proposed Lot C	Zone Standard R1-S2 Zone
Site area (m <sup>2</sup> ) - minimum	352.70	372.44	352.73	260.00

Zoning Criteria	Proposed Lot A	Proposed Lot B (existing house)	Proposed Lot C	Zone Standard R1-S2 Zone
Density (Floor Space Ratio) - maximum	0.53:1	0.45:1	0.53:1	0.60:1
Total floor area (m <sup>2</sup> ) - maximum	189.59	166.19	189.59	190.00
Lot width (m) - minimum	9.89*	10.44	9.89*	10.00
Height (m) - maximum	7.42	7.17	7.27	7.50
Storeys - maximum	2	2	2	2
Basement	No	Yes	No	Permitted
Site coverage % - maximum	38.75	28.71	38.74	40.00
Setbacks (m) - minimum				
Front (Moss St)	6.64	11.24	6.64	6.00
Rear (East)	7.59	7.96	7.60	6.00
Side (North)	1.50/2.40	1.56* (habitable)	1.50	1.50 (non-habitable)/2.40 (habitable)
Side (South)	1.50	1.56* (habitable)	1.50/2.40	1.50 (non-habitable)/2.40 (habitable)
Parking - minimum	1	1	1	1
Parking location	internal	front yard*	internal	rear or side yard

## Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the Fairfield Gonzales CALUC at a Community Meeting held on March 21, 2016. A letter dated April 20, 2016 is attached to this report.

In accordance with the City's *Small Lot House Rezoning Policy*, the applicant has polled the immediate neighbours and reports that 83.3% support the application. Under this policy, "satisfactory support" is considered to be support in writing for the project by 75% of the neighbours. The required Small Lot House Rezoning Petitions, Summary and illustrative map provided by the applicant are attached to this report.

## ANALYSIS

### Official Community Plan

The OCP Urban Place Designation for the subject property is Traditional Residential. In accordance with the OCP, small lots are subject to DPA 15A: Intensive Residential – Small Lot. The proposal is consistent with the objectives of DPA 15A to achieve new infill development that respects the established character in residential areas.



## **Small Lot House Rezoning Policy (2002)**

The *Small Lot House Rezoning Policy* encourages sensitive infill development with an emphasis on ground-oriented housing that fits in with the existing character of a neighbourhood. The policy refers to a "Small Lot House" with a minimum lot size of 260m<sup>2</sup> and a minimum lot width of 10m. All three proposed small lots exceed the minimum lot size by over a 100m<sup>2</sup>. The lot areas would be even larger if road dedication was not a requirement of subdivision.

The existing lot width of the subject property is approximately 30.22m, which is technically wide enough to meet the minimum lot width of 10m for each small lot. However, the applicant is proposing to retain the existing dwelling unit, which requires a slightly larger lot size and lot width to accommodate the house on the small lot and maintain adequate setbacks.

## **Local Area Plan**

The *Suburban Neighbourhoods* (1984) Plan contains policies that focus on the importance of conserving traditional residential streetscapes (architecture and landscaping), encourage improvement in the quality and lifespan of existing housing stock, and consider infill development where it is appropriate, including small lot single-family dwellings. Creating three small lots and constructing two new small lot houses would fit in with the existing form and character of the neighbourhood and the established density for the area.

## **Regulatory Considerations**

### Road Dedication

Moss Street is identified as a collector road and a People Priority Greenway in the *Greenways Plan* (2003), and as a result, the applicant would be required to provide 0.86m of road dedication at the time of subdivision.

### Tree Preservation

The Arborist report prepared by Talbot Mackenzie and Associates has identified four bylaw protected trees on the subject property. One Lawson Cypress tree located in the front garden of proposed Lot B and a Western Red Cedar located in the side yard setback of proposed Lot C are recommended to be removed. A second Lawson Cypress tree located in the front yard of proposed Lot C would become a boulevard tree as a result of road dedication and will be retained. A Douglas fir tree in the rear yard of proposed Lot C will also be retained. The Arborist report outlines impact mitigation measures to successfully retain the trees during the construction phase (attached).

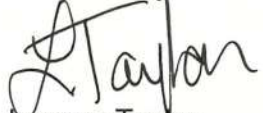
## **CONCLUSIONS**

This proposal to rezone the subject property to the R1-S2 Zone, retain the existing single-family dwelling and construct two new small lot houses is consistent with the objectives in the OCP and the *Small Lot House Rezoning Policy* for sensitive infill development. Staff recommend that Council consider supporting this Application.

## ALTERNATE MOTION

That Council decline Rezoning Application No. 00517 for the property located at 115 Moss Street.

Respectfully submitted,



Leanne Taylor  
Senior Planner  
Development Services Division



Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:

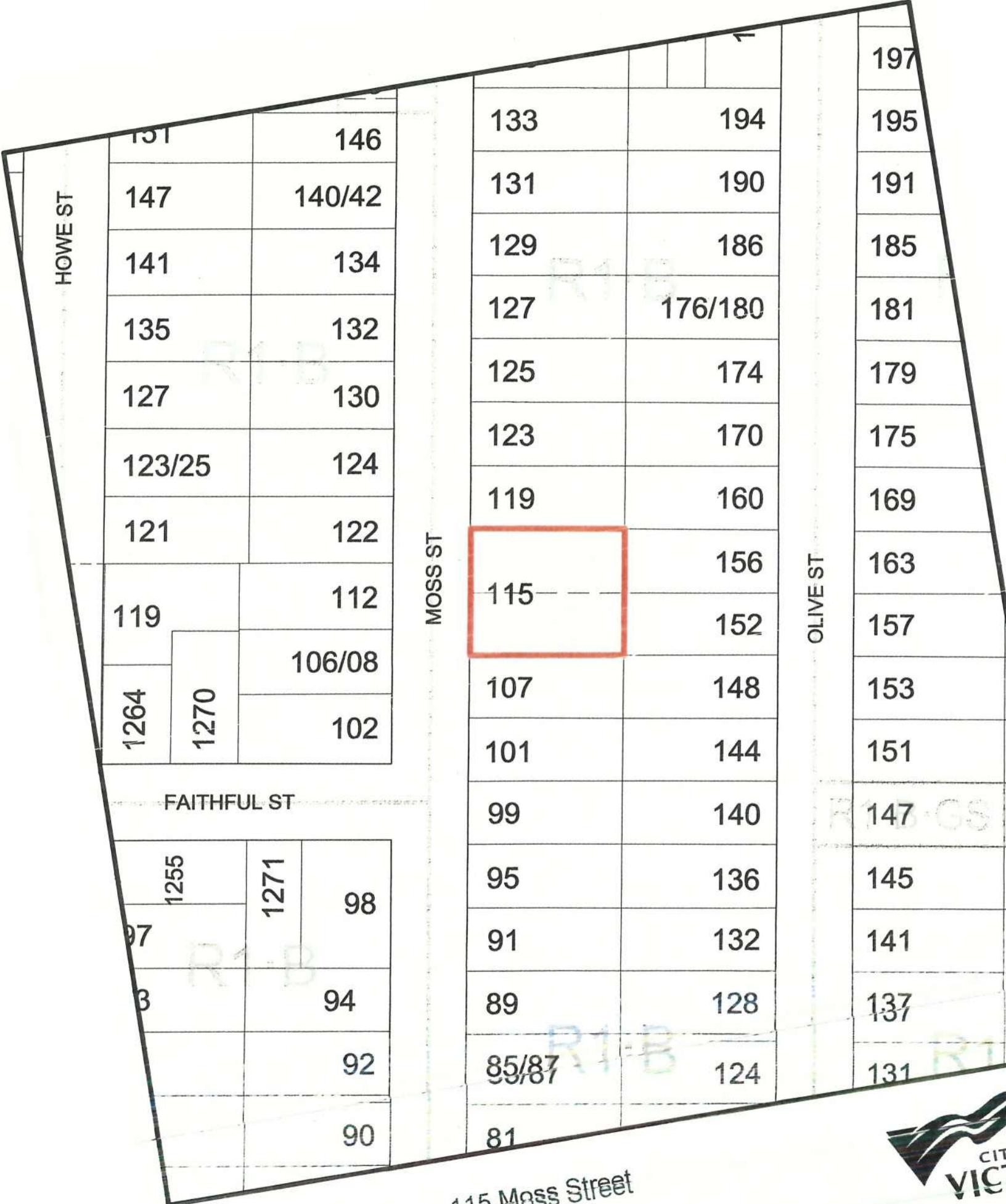


Date: September 26, 2016

## List of Attachments

- Zoning map
- Aerial map
- Applicant's letter to Mayor and Council dated April 14, 2016
- Applicant's letter to Mayor and Council dated July 27, 2016
- Arborist report dated August 11, 2016
- Small Lot Housing Rezoning Petition
- Letter from the Fairfield-Gonzales CALUC dated April 20, 2016
- Neighbourhood Correspondence
- Plans dated July 26, 2016.

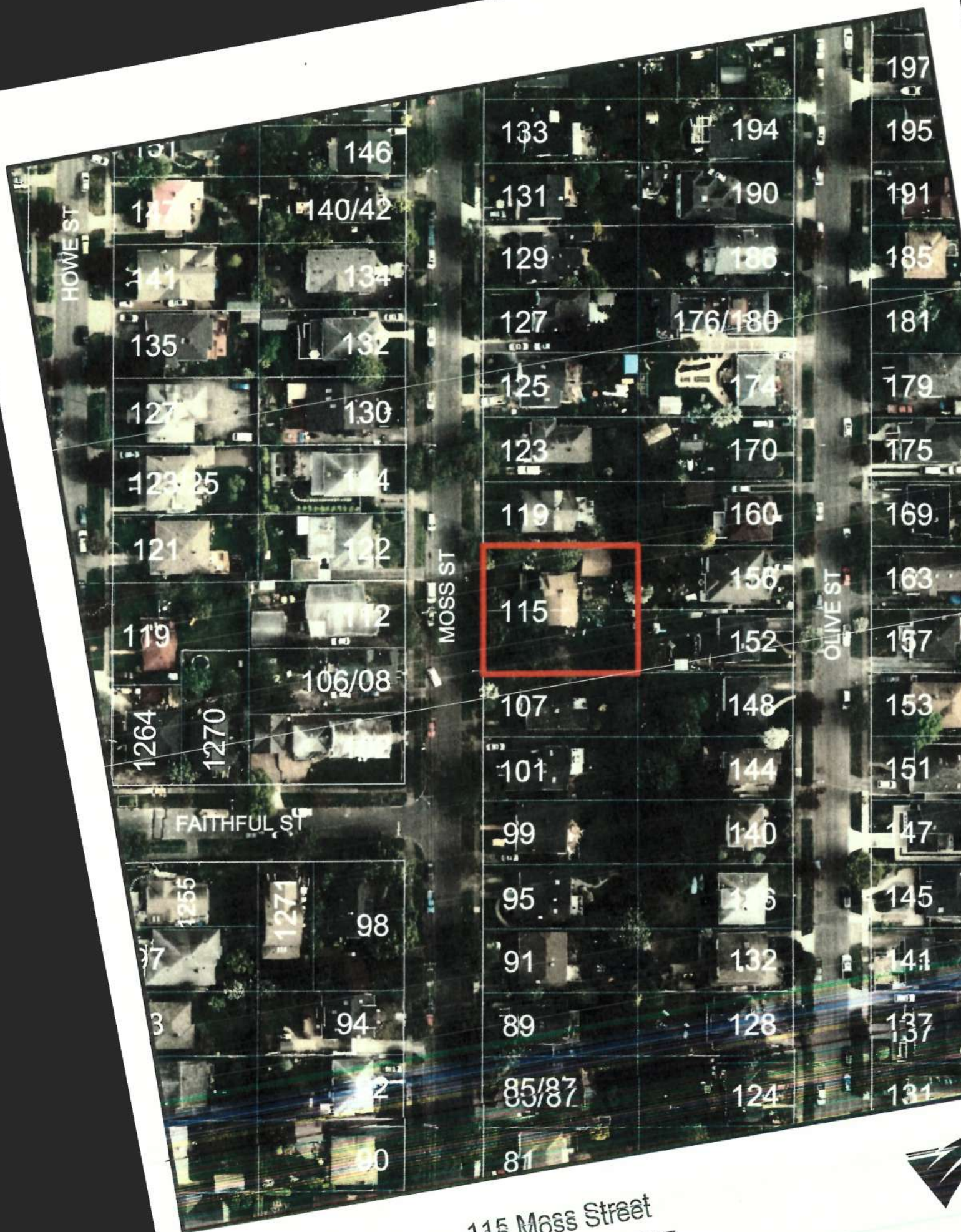




115 Moss Street  
Rezoning No.00517







115 Moss Street





RM2 Developments Ltd  
1998 Fairfield Road  
Victoria, BC V8S 1H6

April 14, 2016

The City of Victoria  
1 Centennial Square  
Victoria, BC V8W1P6

Attention: **Mayor and Council of the City of Victoria**

Re: **Rezoning and Subdivision Application**  
**115 Moss Street, Victoria BC**

Enclosed is our rezoning and subdivision application for the above noted property. Currently the property consists of two legal 50' x120' lots, with an older home straddling the two lots. We are proposing to rezone the property to the R1-S2 zone, and subdivide into three lots. The existing home is to be relocated to the middle lot, restored, and renovated to current building code standards. Two new character homes will be located on the other lots. The three homes will be complimentary to the surrounding homes on the street, and allows us to retain, and give new life to the existing house on the property.

The retention and restoration of the existing home is consistent with the Small Lot Rezoning Policy. The home currently has a number of different roof lines, and is interesting and attractive from all angles. It can be renewed and reused to create a viable home as part of this development proposal. There would be no viability in retaining the existing house as part of any new development utilizing the existing two R1B lots.

In our initial consultations with the immediate neighbors, there was a strong desire for the continuation of the form and character of the existing streetscape. We have endeavored to accomplish this by using sensitive design, and traditional materials. In addition, all homes will have front doors facing the street, and garage doors have been inset to minimize their impact. The houses will be set back from the street the same distance as the neighboring homes, while the restored home will be set slightly further back to accommodate required parking. At the rear, the houses step down to one story to reduce their massing in the rear yards. We have also incorporated a number of other suggestions from neighbors in our final design.

At the CALUC meeting we presented our full proposal to the committee and public attendees. We were able to explain in detail our plans, and to answer any questions that arose. The greatest concern revolved around the removal of several trees that fall within the proposed building envelopes. We have presented a comprehensive landscape plan

that will replace many of the trees that need to be removed, and we will plant in such a way that the new landscaping will flourish for many years to come.

Our proposal includes three variances. Firstly, in order to retain the existing home we require a relaxation of lot width on lots A and C from 10m to 9.89m (4 inches). This means lot B will have a width of 10.43m, which is .43 m (16 inches) wider than the minimum. All three lots are well over the minimum size required. Secondly, we are also requesting a variance to permit a front yard parking space on lot B. Due to minimum grade requirements, it was impossible to have the required off street parking spot within the existing building, and we felt that a rear yard garage would take away from the appeal and enjoyment of the yard. In order to minimize the impact of the parking space, the house has been set back further so that the parking spot is largely setback behind the fronts of the two neighboring homes. The parking spot will be constructed with permeable interlocking brick, and will have landscape screening to match the R1B standards. These variances are minor, and, we believe supportable.

All of the homes will be constructed to high standards. This includes a variety of energy, water, and other resource saving construction features. Sustainable, durable materials will be used whenever possible, and high indoor air quality will be maintained. All driveways will have permeable surfaces, and the landscaping will incorporate planting materials that are drought tolerant.

We hope that you are able to support our application. If you require further information, or have any questions, please contact either Rob Mickelberry at 250-216-3126, or Rob McAulay at 250-727-8411.

Sincerely,



Rob Mickelberry  
**RM2 Developments Ltd**



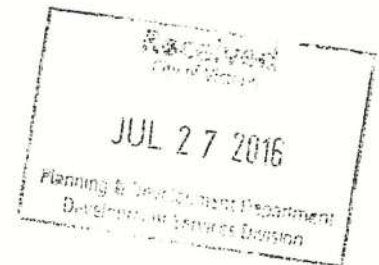




RM2 Developments Ltd  
1998 Fairfield Road  
Victoria, BC V8S 1H6

July 27, 2016

The City of Victoria  
1 Centennial Square  
Victoria, BC V8W1P6



Attention: **Mayor and Council of the City of Victoria**

Re: **Rezoning and Subdivision Application**  
**115 Moss Street, Victoria BC**

Further to the *APPLICATION REVIEW SUMMARY* for the above-noted application that we received on May 17, 2016, we offer the following comments and additional information:

1. We have made several small changes to correct discrepancies in the plan check. These changes are noted in the attached list of changes from Zebra Design.
2. The existing house is to be completely renovated, including a new foundation. We believe that a heritage designation for the home is somewhat redundant, as the home will be revitalized, without the designation, under a development permit. The life of the home will be extended to that of the new homes we plan to build. We are also repositioning the home, and modifying the exterior to accommodate the relocation.
3. We have been asked to consider making the front entries more prominent for the two new houses. The garages currently are set back from the covered front porch over the entries. The locations of the entries are further defined with sidewalks and planting. Moving the garage too far back would severely compromise the main floor plan of the homes. Moving a garage to the rear yard would compromise the function and enjoyment of the rear yards.
4. We have removed the accessory buildings in the rear yard.
5. We have changed the windows on the upper floors of both new homes to obscured glass where they overlook neighboring homes. We have also added privacy hedges adjacent to the main floor side yard patios of the new homes.
6. We have noted an additional variance for windows in the side yard of the existing relocated home (lot B). These windows are existing windows. We have not added any new windows.
7. We will forward an arborist report shortly.

We trust that this information meets your requirements to be able to approve this project. It is important to note that the total floor area of these three new homes is substantially less than what could be built as two new R1-B homes. This application will

allow the retention and revitalization of the existing home, while also accommodating two new, reasonably sized and proportioned homes.

If you require further information or have any questions, please contact either Rob Mickelberry at 250-216-3126 or Rob McAulay at 250-727-8411.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rob Mickelberry', with a stylized, cursive script.

Rob Mickelberry  
**RM2 Developments Ltd**



## Talbot Mackenzie & Associates

Consulting Arborists

August 11, 2016

Prodigy Development Services Ltd.  
1992 Fairfield Road  
Victoria, BC V8S 1H6

Attention Rob Mickelberry

Re: Lot subdivision of the property at 115 Moss Street

During our July 26, 2016 site visit we reviewed the proposal to subdivide the property at 115 Moss Street into three separate lots. During this same site visit we visually examined and documented the by-law protected trees that are located within the boundaries of this property and the single tree that is located on the municipal frontage.

We documented four trees that are of bylaw-protected size and are located on this property and one tree located on the municipal frontage. The information that was compiled regarding each of these trees was entered into our Tree Resource spreadsheet that is attached to this report and summarised below.

- Lawson cypress tree (tag #008) is a poorly structured multiple stemmed declining tree that is located in the front garden of Lot B and within the proposed driveway footprint for this lot. It is a tree whose health is declining and one that cannot be retained in the landscape long term therefore we recommend that it be removed.
- Lawson cypress tree (tag #009) is a multi stemmed tree that is reasonably healthy and located in the front garden of Lot C. In our opinion this tree is located where there is a reasonable expectation that it can be protected and retained.
- 84 cm d.b.h. Douglas-fir (tag #007) is located in the rear yard setback of proposed lot C and where it can be isolated and protected from the construction impacts. The trunk of the tree is covered with the English Ivy vine that we recommend be removed from the trunk. It appears that the canopy has been over-thinned by pruning at sometime in previous years resulting in limbs whose growth is overextended and heavily weighted at their terminal ends, increasing the risk and incidence of limb failure. The risk of such failure cannot be eliminated but its incidence can be reduced by pruning to reduce the length of the overextended limbs in the lower canopy that grow over the neighbouring properties.
- 66 cm d.b.h. Western Red cedar (not tagged) that is located in the side yard setback of proposed Lot C appears to be a cultivar of this protected species. Its health and structure appear to be reasonably good. This tree is located where it will be heavily impacted by the construction and where in our opinion it cannot be retained.

.../2

Box 48153 RPO Uptown  
Victoria, BC V8Z 7H6  
Ph: (250) 479-8733 ~ Fax: (250) 479-7050  
Email: treehelp@telus.net



- 37 cm d.b.h. Flowering cherry tree that is located on the municipal frontage of Lot A. This tree has been heavily impacted by disease infection and by insect infestations that have severely impacted the health and structure of this tree. It is also located where the roots will be heavily impacted by the driveway construction for Lot A. We recommend that this tree be removed and replaced with a younger healthy specimen.

We recommend the following procedures be implemented, to reduce the impacts on Lawson cypress #009 and Douglas-fir #007 that are suitable for and are proposed to be retained on this site.

**Barrier fencing:** The areas, surrounding the trees to be retained, Douglas-fir #007 and Lawson cypress #008 must be isolated from the construction activity by erecting protective barrier fencing. This fencing should be erected at the edge of the critical root zones as defined or in locations identified by the project arborist, in areas where the footprints encroach within these critical root zones. The barrier fencing to be erected must be a minimum of 4 feet in height, of solid frame construction that is attached to wooden or metal posts. A solid board or rail must run between the posts at the top and the bottom of the fencing. This solid frame can then be covered with plywood, or flexible snow fencing (see attached diagram). The fencing must be erected prior to the start of any construction activity on site (i.e. demolition, excavation and construction), and remain in place through completion of the project. Signs must be posted around the protection zone to declare it off limits to all construction related activity. The project arborist must be consulted before this fencing is removed or moved for any purpose.

**Building footprint:** The building footprints are located adjacent to cypress #008 but where they fall outside the root zone radius (RZR), the portion of a trees root system where typically most of the structural supporting roots will be located. In our opinion the excavation in this location will not have a detrimental impact on the stability of this tree. The Project arborist should monitor the excavation for the building footprints and properly prune any roots that are encountered..

**Driveway footprint:** The driveway for Lot C is located outside the root zone radius but where root structures could be encountered. The project arborist must supervise the excavation for the driveway footprint for this lot and prune the non critical root structures. If larger root structures are encountered it may be necessary to raise the driveway grade slightly to permit it to float over these critical roots.

**Servicing:** It is our understanding that at present the underground services for lots B and C are proposed to be located between the driveway location and the trunk of cypress #008. It is our opinion that the installation of these services could have a detrimental impact on the health and stability of this tree. we recommend relocating the services for these two lots to a location that is within or on the south side of the driveway footprint for Lot C and within or on the north side of the driveway footprint for Lot B. The Project arboist should monitor or supervise the excavation to install these services.

..../3

**Work area and material storage:** It is important that the issue of storage of excavated soil, construction material, and site parking be reviewed prior to the start of construction. All construction related activity and the storage of soil and other construction materials must be located outside of the critical root zones of the protected, municipal and other trees that are to be retained.

**Client's responsibility:** It is the responsibility of the client or his/her representative to contact the project arborist for the purpose of:

- Locating the barrier fencing
- Reviewing the arborist reports and retention plans with the project foreman or site supervisor
- Locating work zones, where required
- Supervising excavation, blasting and other construction activities where they encroach within critical root zones of the bylaw-protected, municipal and other trees that are to be retained.

Please do not hesitate to call us at (250) 479-8733 should you have any further questions. Thank You.

Yours truly,  
Talbot Mackenzie & Associates



Tom Talbot & Graham Mackenzie  
ISA Certified, & Consulting Arborists

Enclosure: Tree Resource Spreadsheet, Barrier Fencing Specifications, Key to Headings in Resource Table, Floating Driveway Specifications.

#### Disclosure Statement

Arborists are professionals who examine trees and use their training, knowledge and experience to recommend techniques and procedures that will improve their health and structure or to mitigate associated risks.

Trees are living organisms, whose health and structure change, and are influenced by age, continued growth, climate, weather conditions, and insect and disease pathogens. Indicators of structural weakness and disease are often hidden within the tree structure or beneath the ground. It is not possible for an Arborist to identify every flaw or condition that could result in failure nor can he/she guarantee that the tree will remain healthy and free of risk.

Remedial care and mitigation measures recommended are based on the visible and detectable indicators present at the time of the examination and cannot be guaranteed to alleviate all symptoms or to mitigate all risk posed



### Key to Headings in Resource Table

d.b.h. – **diameter at breast height** - diameter of trunk, measured in centimetres at 1.4 metres above ground level

PRZ – **protected root zone** - the area of land surrounding a bylaw-protected tree that contains the bulk of the critical roots of the tree. Indicates the radius of a circle of protected land, measured in metres, calculated by multiplying the diameter of the tree by 18.

CRZ – **critical root zone** - estimated optimal size of tree protection zone based on tree species, condition and age of specimen and the species tolerance to root disturbance. Indicates the radial distance from the trunk, measured in metres

Crown spread – indicates the diameter of the crown spread measured in metres to the dripline of the longest limbs.

Condition health/structure –

- Good – no visible or minor health or structural flaw
- Fair – health or structural flaw present that can be corrected through normal arboricultural or horticultural care.
- Poor – significant health or structural defects that compromise the long-term survival or retention of the specimen.

Relative Tolerance – relative tolerance of the selected species to development impacts.



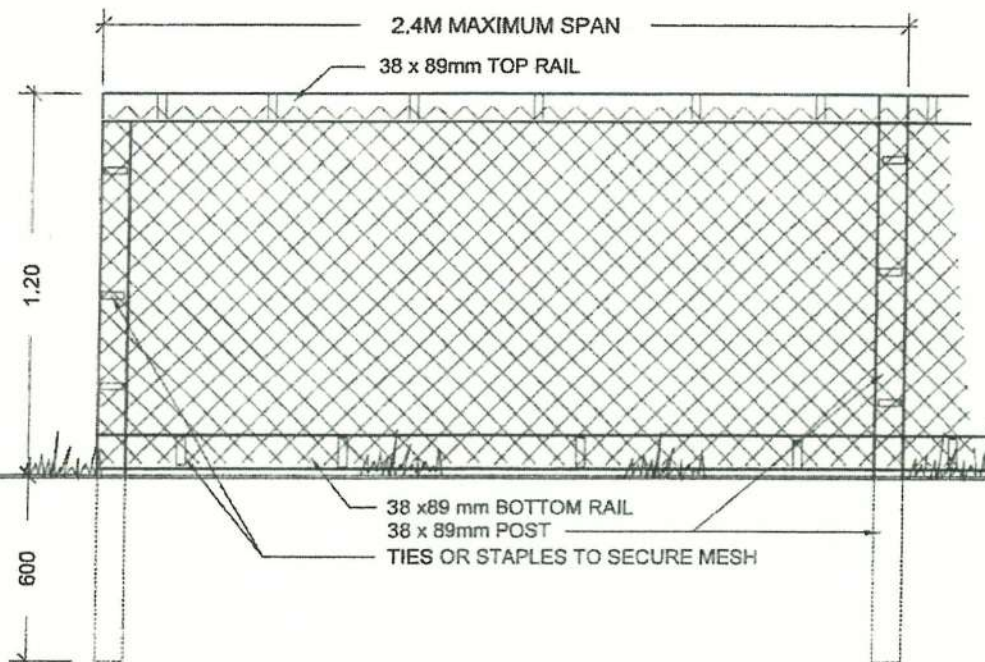
August 11, 2016

**TREE RESOURCE  
for  
115 Moss Street**

1

Tree #	d.b.h. (cm)	CRZ	Species	Crown Spread(m)	Condition Health	Condition Structure	Relative Tolerance	Remarks / Recommendations
007	84	8.0	Douglas-fir	20.0	good	fair	poor	Ivy covering trunk Canopy appears to have been over thinned historically resulting in increased limb failure.
008	67/47	9.0	Lawson cypress	7.0	poor	fair	good	Indicators of health stress and advanced decline. Pitch flow from trunk. One stem dead. Unlikely to survive long term. Removal recommended
009	35/87	9.0	Lawson cypress	8.0	fair	fair	good	
not tagged	66	7.0	Western Red cedar	10.0	good	good	poor	Cultivar of protected species
not tagged	37	4.0	Flowering cherry	9.0	poor	poor	moderate	Located on municipal frontage. Poor health and structure. Indicators of insect and disease infestations. Unlikely to survive long term. Removal recommended

Prepared by:  
Talbot Mackenzie & Associates  
ISA Certified, and Consulting Arborists  
Phone: (250) 479-8733  
Fax: (250) 479-7050  
email: Treehelp@telus.net



**TREE PROTECTION FENCING**  
 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

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

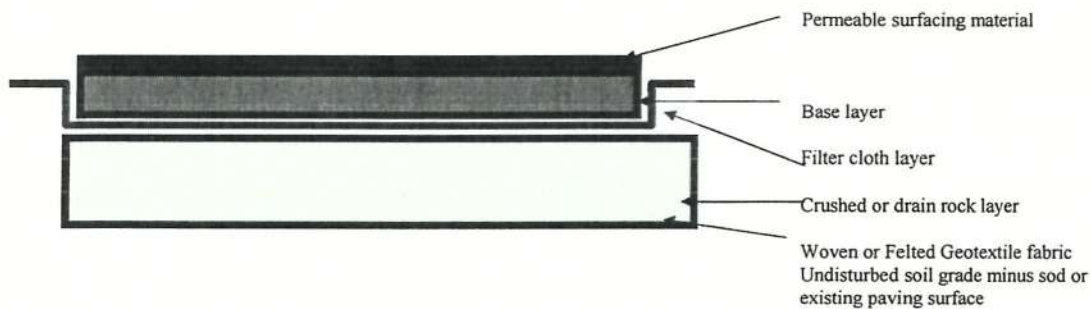
DETAIL NAME:

**TREE PROTECTION FENCING**

DATE:	Oct 30/07
DRAWN:	DM
APP'D:	RR
SCALE:	N.T.S.

**E105**  
 DRAWING

**Diagram – Site Specific Floating Sidewalk Areas**



### **Specifications for Floating Driveway and Parking Areas**

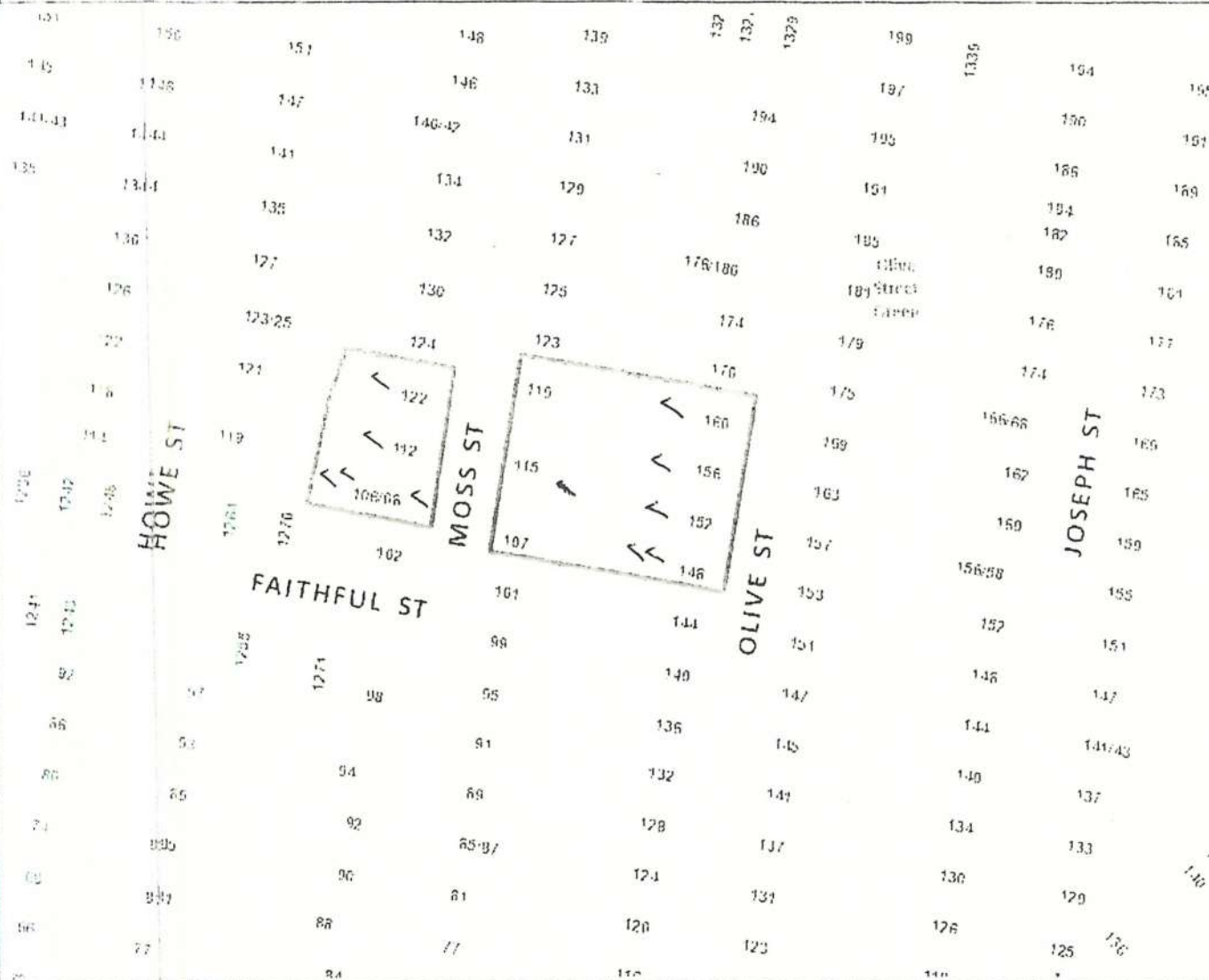
1. Excavation for sidewalk construction must remove the sod layer only, where they encroach on the root zones of the protected trees
2. A layer of medium weight felted or woven Geotextile fabric is to be installed over the entire area of the critical root zone that is to be covered by the sidewalk. Each piece of fabric must overlap the adjoining piece by approximately 30-cm.
3. A 10cm layer of torpedo rock, or 20-mm clean crushed drain rock, is to be used to cover the Geotextile fabric.
4. A layer of felted filter fabric is to be installed over the crushed rock layer to prevent fine particles of sand and soil from infiltrating this layer.
5. The bedding or base layer and permeable surfacing can be installed directly on top of the Geotextile fabric.





# Printed from VicMap (Internal Version)

09/30/2015



## Legend

Victoria Parcels

1: 1,705



## Notes

115 Moss Street and Adjacent Neighbours

87 0 43 87 Meters

NAD\_1983\_CSRS\_UTM\_Zone\_10N

Public domain: can be freely printed, copied and distributed without permission.

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

# SUMMARY SMALL LOT HOUSE REZONING PETITION

I, RNZ Developments, have petitioned the adjacent neighbours\* in compliance with  
(applicant)  
the *Small Lot House Rezoning Policies* for a small lot house to be located at 115 Moss St  
(location of proposed house)  
and the petitions submitted are those collected by Jan - Feb 2016 \*\*  
(date)

Address	In Favour ✓	Opposed ✓	Neutral (30-day time expired) ✓
122 Moss St. / ✓	✓		
117 Moss St ✓	✓		
106-108 Moss B. McLintock Owner ✓	✓		
108 Moss St ✓	✓		
106 Moss St ✓	✓		
148 Olive St ✓	✓		
148 Olive St ✓	✓		
152 Olive St ✓	✓		
156 Olive St ✓	✓		
160 Olive St. ✓	✓		
119 Moss St		✓	
107 Moss St		✓	

SUMMARY	Number	%
IN FAVOUR	10	83.3
OPPOSED	2	16.7
TOTAL RESPONSES	12	100%

\*Do not include petitions from the applicant or persons occupying the property subject to rezoning.

\*\*Note that petitions that are more than six months old will not be accepted by the City. It is the applicant's responsibility to obtain new petitions in this event.



### SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I, Rob McAulay  
(for RM2 Developments Ltd) \_\_\_\_\_, am conducting the petition requirements for the  
(print name)

property located at 115 Moss Street, Victoria, BC

to the following Small Lot Zone: R1S2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) Barbara McLintock (see note above)

ADDRESS: 7-118 Michigan St., Victoria V8V 1R1

Are you the registered owner? Yes ☒ No ☐

I have reviewed the plans of the applicant and have the following comments:

☒ I support the application.

☐ I am opposed to the application.

Comments:

This looks as though it will fit nicely into the  
neighbourhood and is of an appropriate scale.

Feb. 18, 2010  
Date

Barbara McLintock  
Signature

owner 106/108 Moss Street

### SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I, Rob Mickelberry  
(for RM2 Developments Ltd) \_\_\_\_\_, am conducting the petition requirements for the  
(print name)

property located at 115 Moss Street, Victoria, BC

to the following Small Lot Zone: R1S2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) CYNTHIA DUNN (see note above)

ADDRESS: 148 ELIVE ST VICTORIA

Are you the registered owner? Yes ☒ No ☐

I have reviewed the plans of the applicant and have the following comments:

☒ I support the application.

☐ I am opposed to the application.

Comments:

is a new owner. I am interested in the home you  
will build and price you set to sell  
them for. Please keep me posted  
Thank you

Date

Signature



### SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I, Rob Mickelberry  
(for RM2 Developments Ltd) \_\_\_\_\_, am conducting the petition requirements for the  
(print name)

property located at 115 Moss Street, Victoria, BC \_\_\_\_\_

to the following Small Lot Zone: R1S2 \_\_\_\_\_

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) Teresa Maylan \_\_\_\_\_ (see note above)

ADDRESS: 156 Olive Street \_\_\_\_\_

Are you the registered owner? Yes ☒ No ☐

I have reviewed the plans of the applicant and have the following comments:


☒ I support the application.

☐ I am opposed to the application.

Comments:

As long as the setback from my property is maintained as per drawings Feb 9/15, a new higher fence is put in - and new foliage does not exceed 15' mature height

Feb 9/16  
Date

  
Signature

### SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I, Rob Mickelberry  
(for RM2 Developments Ltd) \_\_\_\_\_, am conducting the petition requirements for the  
(print name)

property located at 115 Moss Street, Victoria, BC \_\_\_\_\_

to the following Small Lot Zone: R1S2 \_\_\_\_\_

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Please review the plans and indicate the following:

NAME: (please print) Susan Griffin (see note above)

ADDRESS: 122 Moss Street \_\_\_\_\_

Are you the registered owner? Yes ☒ No ☐

I have reviewed the plans of the applicant and have the following comments:

☒ I support the application.

☐ I am opposed to the application.

Comments:

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Jan 27/6  
Date

Susan M. Griffin  
Signature



### SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I, Rob Mickelberry  
(for RM2 Developments Ltd) \_\_\_\_\_, am conducting the petition requirements for the  
(print name)

property located at 115 Moss Street, Victoria, BC \_\_\_\_\_

to the following Small Lot Zone: R1S2 \_\_\_\_\_

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) \_\_\_\_\_ (see note above)

ADDRESS: 112 Moss Street \_\_\_\_\_

Are you the registered owner? Yes ☒ No ☐

I have reviewed the plans of the applicant and have the following comments:

☒ I support the application.

☐ I am opposed to the application.

Comments:

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\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

### SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I, Rob McAulay  
(for RM2 Developments Ltd) \_\_\_\_\_, am conducting the petition requirements for the  
(print name)

property located at 115 Moss Street, Victoria, BC

to the following Small Lot Zone: R1S2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) Sandra Johnson (see note above)

ADDRESS: 108 Moss St.

Are you the registered owner? Yes ☐ No ☒

I have reviewed the plans of the applicant and have the following comments:

☒ I support the application.

☐ I am opposed to the application.

Comments:

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Feb 1 2014  
Date

x Sandra Johnson  
Signature



### SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I, Rob McAulay  
(for RM2 Developments Ltd) \_\_\_\_\_, am conducting the petition requirements for the  
(print name)

property located at 115 Moss Street, Victoria, BC

to the following Small Lot Zone: R1S2

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Please review the plans and indicate the following:

NAME: (please print) Leo Croft (see note above)

ADDRESS: ~~115~~ 106 Moss St

Are you the registered owner? Yes ☐ No ☒

I have reviewed the plans of the applicant and have the following comments:

☒ I support the application.

☐ I am opposed to the application.

Comments:

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\_\_\_\_\_  
Date

Leo Croft  
Signature

### SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I, Rob Mickelberry  
(for RM2 Developments Ltd) \_\_\_\_\_, am conducting the petition requirements for the  
(print name)

property located at 115 Moss Street, Victoria, BC \_\_\_\_\_

to the following Small Lot Zone: R1S2 \_\_\_\_\_

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Please review the plans and indicate the following:

NAME: (please print) Jasmine Birtner (see note above)

ADDRESS: 148 Olive Street

Are you the registered owner? Yes ☐ No ☒

I have reviewed the plans of the applicant and have the following comments:

☒ I support the application.

☐ I am opposed to the application.

Comments:

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Jan 27/16  
Date

Jasmine Birtner  
Signature



### SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I, Rob Mickelberry  
(for RM2 Developments Ltd) \_\_\_\_\_, am conducting the petition requirements for the  
(print name)

property located at 115 Moss Street, Victoria, BC \_\_\_\_\_

to the following Small Lot Zone: R1S2 \_\_\_\_\_

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Please review the plans and indicate the following:

NAME: (please print) Daniel Davies \_\_\_\_\_ (see note above)

ADDRESS: 152 Olive Street \_\_\_\_\_

Are you the registered owner? Yes ☒ No ☐

I have reviewed the plans of the applicant and have the following comments:

☒ I support the application.

☐ I am opposed to the application.

Comments:

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Jan 30, 2016  
Date

  
Signature

### SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I, Rob McAulay  
(for RM2 Developments Ltd) \_\_\_\_\_, am conducting the petition requirements for the  
(print name)

property located at 115 Moss Street, Victoria, BC

to the following Small Lot Zone: R1S2

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Please review the plans and indicate the following:

NAME: (please print) ARTHUR WARREN (see note above)

ADDRESS: 160 OLIVE ST

Are you the registered owner? Yes ☒ No ☐

I have reviewed the plans of the applicant and have the following comments:

☒ I support the application.

☐ I am opposed to the application.

Comments:

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FEB 1/16  
Date/

  
Signature

20/04/2016

Mayor and Council  
City of Victoria

**Subject;** March 21<sup>st</sup> FG-CALUC meeting

115 Moss Street – Dividing a single R1-B zoned address into three R1-S2 lots.

**Description;**

115 Moss Street has a single house on a double size R1-B property. The proponent wishes to create three R1-S2 lots out of the property. They are proposing to move and rotate the existing house to the center of the property and retain its basement with no separate exterior access. Then divide the remaining property into two more R1-S2 lots, building two new older style character homes having only crawl spaces on each.

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*There was and is an ongoing controversy relating to this development around the required 75% signed petition approval of the city selected specified neighbours. The concern does not relate to anything the proponents did or didn't do, but the interpretation of the city's requirements, which states:*

*Note that both the owners and occupiers must be polled. If a property is rental, it is required that all the owners and renters of voting age also be polled.*

*The proponent presented to the CALUC partitions showing 75% approval from the city selected neighbouring properties/addresses. The challenge brought forth by a few neighbours was that **a single address could have more than one owner. A single address could have several rental units. If the owner occupied one unit with their family of five all over 18, only the owner could sign a petition. Yet if each of the rental units at the same street address had four names on the individual rental agreement over 18, under the interpretation of the regulations each renter could qualify or be required to be polled and sign a petition.** The proponent's honest efforts to obtain 75% approval could easily be later distorted under the current interpretation and **how would the proponent and the city legally verify who's who?** There is a lot of money and time on the table that could be at risk. There needs to be simple clarification around this topic in the policy.*

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In response to the Community Meeting Notification (CMN) the proponents for the above address met with Fairfield Gonzales Planning and Zoning Committee and members of the community to make a presentation to all and to answer any questions and receive comments from those present.

Members of the CALUC Committee present: Wayne Hollohan (Chair), Maureen Connolly, Clair Jackson, Jim Masterton, Ken Roueche, Robin Jones.

~~Wayne Hollohan opened the meeting by explaining the CALUC process, the procedures of the meeting,~~  
Wayne Hollohan opened the meeting by explaining the CALUC process, the procedures of the meeting, and ways in which community members would be able to have further input at meetings of the Planning and Land Use Committee of the City.



### **The questions & comments from the members of CALUC**

1. The proponent expressed they could take a different approach and make a single division of the property and build more imposing modern style homes, but opted for this project instead.
2. There are a few significant trees on the property and other screening vegetation that provides privacy, what will be retained and what will be removed and what will be added?
3. What is the size of the existing house and the proposed houses and will they have basements and of so, will they have exterior access?
4. Parking arrangement for each house? Answer; each unit has a garage and paved apron except for middle home which has no garage and requires front yard parking

### **PUBLIC INPUT**

1. 1044 Oliphant asked about size of proposed homes.
2. 124 Moss. Sorry to hear that only one tree will be saved?
3. 124 Moss. Questioned regarding the claimed petition support for this proposal from the immediate neighbours. It is believed at least four immediate residents opposed the project.
4. 119 Moss. Has proponent achieved 75% approval from immediate neighbours? Seems unlikely. Also new streetscape not in accord with traditional Fairfield streetscapes
5. 1243 Oscar. Are any variances needed ( Answer. Only for width of lots).New homes are "heritage style" not heritage homes. Asked about use of passive energy ( solar)
6. 1336 George. What are setbacks from road?
7. 107 Moss. Would lose green buffer and longer house would intrude into my backyard.
8. 234 Moss. Would prefer middle home having a gable end view from road to increase light.
9. 131 Moss. Concerned about street parking on Moss St.
10. 125 Moss. Wants residential parking only on Moss.
11. 91 Moss. Discussion about character home design
12. 121 Howe. Concerned that by re- orienting current home that its character is lost.
13. 180 Olive. Question on re-orienting current home. Would have a "sideways" look from street.
14. 125 Moss. Question about height of basement (Answer. Normal height of 8ft)

Wayne Hollohan  
Chair FG-CALUC

## Charlotte Wain

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**From:** A. Taylor <amt@uvic.ca>  
**Sent:** Friday, May 13, 2016 10:23 AM  
**To:** Charlotte Wain  
**Subject:** 115 Moss rezoning proposal  
**Attachments:** 115 Moss Street rezoning.docx; 115 Moss petition.jpg

Dear Charlotte Wain,

I am the owner of 107 Moss Street, next door to 115 Moss. In March I wrote a letter (see attached copy) to the City stating my objection to the 3-house proposal and my preference for two houses at that address. I was notified that my letter was received.

In March I also filled out a rezoning petition. (See attached photo of that petition.) I gave it to a neighbour to be passed on, but I'm not sure the City actually received it. (?) Several days ago Rob McAulay knocked on my door, saying they (the developers) had not got my petition yet; I said I thought it had been forwarded directed to the City. I also told him that I am opposed to the 3-house proposal (so they certainly know where I stand).

I am also writing because I have heard (from Joanne Rebner of 119 Moss Street) that Rob Mickelberry says he had Susan Griffin of 122 Moss Street sign a petition in support of the application. This is very odd, because in March Joanne and I canvassed neighbours regarding the rezoning application. When we visited Susan Griffin, she was adamant that she opposed the petition. I remember very clearly that Susan said this without being prompted or asked any leading questions. (I remember at the time being impressed by how neutral Joanne was when talking to Susan.) Susan even wrote on a petition that she was very much opposed to the application. So to hear that Rob Mickelberry may have submitted a petition from her in favour of the rezoning is, as I said, odd indeed.

The tally by Joanne Rebner and myself indicates that the 3-house rezoning proposal does not meet the 75%-support criterion set by the City.

Best regards,  
Angus Taylor  
107 Moss Street  
(250) 383-8313  
[amt@uvic.ca](mailto:amt@uvic.ca)



107 Moss Street  
Victoria, B.C. V8V 4M2  
March 14, 2016

Dear Mayor Helps and City Councillors,

I live at, and am the owner of, 107 Moss Street. This is next door to 115 Moss Street. The double-sized lot at 115 Moss Street was recently bought by Rob Mickelberry (Prodigy Development Services/RM2 Developments), who wishes to apply for a Small Lot House Rezoning with the intention of building three houses on the site, which presently has only one house on it.

When I bought my house here at 107 Moss Street some fifteen years ago, I was attracted by the sense of greenery and privacy on the side adjoining 115 Moss Street. This is particularly important because most of the bedrooms in my house are on that side, as is a large living-room window. The proposed three-house development would remove much of the greenery and bring a new house wall very close to the property line. (The existing house at 115 Moss is set much farther from the property line.) It would also mean that the long, narrow new houses would extend much farther into the back yard than is currently the case, resulting in an additional loss of privacy for me in my own back yard. Both inside and outside, then, there would be a significant aesthetic loss and loss of a sense of privacy.

The proposed narrow-lot, three-house design is not in keeping with the traditional look of Moss Street.

The immediate neighbours to 115 Moss Street, on the same side of Moss street, as well as some neighbours across the street, are not happy with the three-house proposal.

The initial proposal circulated to nearby residents by Mr. Mickelberry included an option for two houses, each on a standard 50-foot lot. This is the option I favour. Unlike the Small Lot three-house proposal, a two-house plan would be more in keeping with the traditional look of Moss Street and it would avoid too much reduction of privacy for neighbours. It would also still increase neighbourhood density. A two-house plan is what I definitely prefer.

Yours sincerely,  
Angus Taylor

[amt@uvic.ca](mailto:amt@uvic.ca)  
(250) 383-8313





### SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I, Rob Mickelberry  
(for RM2 Developments Ltd) \_\_\_\_\_, am conducting the petition requirements for the  
(print name)

property located at 115 Moss Street, Victoria, BC

to the following Small Lot Zone: R1S2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) Angus Taylor (see note above)

ADDRESS: 107 Moss Street

Are you the registered owner? Yes ☒ No ☐

I have reviewed the plans of the applicant and have the following comments:

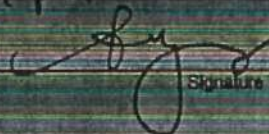
☐ I support the application.

☒ I am opposed to the application.

Comments:

The proposed three-house, small-lot development would result in a significant loss for me in terms of both privacy and aesthetics - from both the perspective inside my house and outside in my back yard. The proposal is also not in keeping with the traditional look of the neighbourhood. I would prefer to see two houses, each on standard 50 ft. lot.

18 March 2016  
Date

  
Signature

Laura Wilson

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From: Sally Ross [REDACTED]  
Sent: Saturday, May 7, 2016 7:30 AM  
To: Community Planning email inquiries  
Subject: Development Permit Application at 115 Moss St.

Begin forwarded message:

**Date:** May 6, 2016 at 3:10:49 PM PDT

Dear Mayor & Council,

I live next door to 115 Moss Street at 107, a tenant of six years in this home. I would like to express my support for the lots purchased by Prodigy Developments to remain as two lots and not be rezoned as Small Lots for the construction of three homes.

My primary concern pertains to the amount of greenspace that will be consumed on the property by building three houses. I do not feel the density proposed is in keeping with the neighbourhood's character or sense of place. Contrary to Prodigy's claim that those of us neighbours polled were in support of retaining the existing building, I am not concerned about this as Prodigy has designed many beautiful homes that are in keeping with neighbourhood aesthetics.

Attending the Community Meeting held at Fairfield Community Place, in which a partner of Rob Mickleberry represented the project, I felt that Prodigy deliberately skewed the results from their initial polling of the 11 residents they were required to consult with. They indicated that 9 of 11 polled were in support of the rezoning, however at least six of these residents were represented at the meeting and clearly did not reflect Prodigy's findings.

Thank you for your time,

Sally Ross  
107 Moss Street  
[REDACTED]  
[REDACTED]



107 Moss Street  
Victoria, B.C. V8V 4M2  
March 14, 2016

Dear Mayor Helps and City Councillors,

I live at, and am the owner of, 107 Moss Street. This is next door to 115 Moss Street. The double-sized lot at 115 Moss Street was recently bought by Rob Mickelberry (Prodigy Development Services/RM2 Developments), who wishes to apply for a Small Lot House Rezoning with the intention of building three houses on the site, which presently has only one house on it.

When I bought my house here at 107 Moss Street some fifteen years ago, I was attracted by the sense of greenery and privacy on the side adjoining 115 Moss Street. This is particularly important because most of the bedrooms in my house are on that side, as is a large living-room window. The proposed three-house development would remove much of the greenery and bring a new house wall very close to the property line. (The existing house at 115 Moss is set much farther from the property line.) It would also mean that the long, narrow new houses would extend much farther into the back yard than is currently the case, resulting in an additional loss of privacy for me in my own back yard. Both inside and outside, then, there would be a significant aesthetic loss and loss of a sense of privacy.

The proposed narrow-lot, three-house design is not in keeping with the traditional look of Moss Street.

The immediate neighbours to 115 Moss Street, on the same side of Moss street, as well as some neighbours across the street, are not happy with the three-house proposal.

The initial proposal circulated to nearby residents by Mr. Mickelberry included an option for two houses, each on a standard 50-foot lot. This is the option I favour. Unlike the Small Lot three-house proposal, a two-house plan would be more in keeping with the traditional look of Moss Street and it would avoid too much reduction of privacy for neighbours. It would also still increase neighbourhood density. A two-house plan is what I definitely prefer.

Yours sincerely,  
Angus Taylor

[REDACTED]  
[REDACTED]



Laura Wilson

---

**From:** David Gartrell [REDACTED]  
**Sent:** Wednesday, Mar 16, 2016 10:45 AM  
**To:** Lisa Helps (Mayor)  
**Cc:** [REDACTED] Jeremy Loveday (Councillor); Geoff Young (Councillor); Marianne Alto (Councillor); Chris Coleman (Councillor); Jonathan Tinney; Ben Isitt (Councillor); Margaret Lucas (Councillor); Pam Madoff (Councillor); Charlayne Thornton-Joe (Councillor); Jason Johnson; Karl Rebner; [REDACTED]  
**Subject:** Proposed rezoning of 115 Moss St.

Dear Mayor and Council Members,

I am writing to voice our opposition to the proposal by Rob Mickelberry (Prodigy Development Services/RM2 Developments) to rezone 115 Moss to small lots and build three houses on the site.

My wife, Penelope Hocking, and I have owned and lived at 124 Moss since 1988. We are directly across from 119 Moss which is adjacent to the double-sized lot at 115 Moss. We share the concerns expressed by our neighbours, Joanne and Karl Rebner (119 Moss) and Angus Taylor (107 Moss) about the proposed rezoning. Specifically,

- massing of three houses on a site now occupied by one house will disrupt the traditional look of Moss St. — the "streetscape"
- homes on Moss St are 15m wide, most with driveways on the side;
- there is a mature canopy of trees;
- the privacy of adjacent neighbours will be threatened;
- the initial proposal by Rob Mickelberry included the option of two houses, each on a 15m wide lot. This is more in keeping with the traditional look of Moss St and would permit greater density at the same time.

The City's "Small Lot Rezoning Policy" has as a goal "revitalizing neighbourhoods" (A2.1). South Fairfield is not an area that needs revitalizing. On the contrary, it is one of the most vital, desirable, alive areas of Victoria.

The Policy also states that older houses should be preserved wherever possible (B1.1). We agree with our neighbour, Joanne Rebner, that the current house at 115 Moss is a gem. In his original proposal, Rob Mickelberry included as an option keeping and restoring the existing house, turning it sideways on the lot. Serious consideration should be given to preserving and restoring this gem, but without small lot rezoning.

The Policy addresses the need to be "Sensitive to Neighbours' Values" (A4.2), including respecting privacy, landscaping, sunlight, views, and parking. Yet we know of a case in our neighbourhood where houses have been massed on an existing lot and these values have not been respected: the overshadowing and loss of views and privacy to the house at 29 Bushby by the development at 25 Bushby.

Finally, we wish to voice a procedural objection. The Community Meeting is the first step in the process of changing current land use and is required by the City of Victoria. Yet the applicant and Land Use Committee Chair set the meeting date, time and location of this important meeting without consulting the neighbours affected by the proposal. In the current case, the Community Meeting has been set for the middle of the March Spring Break when both neighbours adjacent to 115 Moss will be unable to attend.

The process should be revised to require the Committee Chair to consult with neighbours about the date and time of the meeting.

Thank you for your consideration.

~~Sincerely,~~  
Sincerely,

David Gartrell  
124 Moss St.

Laura Wilson

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**From:** Joanne Rebner [REDACTED]  
**Sent:** Tuesday, Mar 15, 2016 3:15 PM  
**To:** Jeremy Loveday (Councillor); Geoff Young (Councillor); [REDACTED] Marianne Alto (Councillor); Chris Coleman (Councillor); Jonathan Tinney; Ben Isitt (Councillor); Jeremy Loveday (Councillor); Margaret Lucas (Councillor); Pam Madoff (Councillor); Charlayne Thornton-Joe (Councillor); Jason Johnson; tomayorandcouncil@victoria.ca  
**Cc:** Karl Rebner  
**Subject:** Opposed to development at 115 Moss Street due to Massing

Dear Mayor and Councillors,

My husband and I are owners at 119 Moss Street in Victoria BC. We were drawn to Fairfield 8 years ago when we relocated from Toronto. The neighbourhood has a reputation for heritage homes in a wonderful family community. It is also considered the highest valued real estate within the City of Victoria limits.

We have witnessed some small lot rezoning projects and do not feel that this is in keeping with the appeal of the neighbourhood of Fairfield. The lots have a considerable amount of massing.

The house currently residing at 115 Moss Street is a real gem which people have come to know as being a very desirable lot. Very few lots of that size exist within Fairfield today.

When Rob Mickelberry (Prodigy Development Services/RM2 Developments) provided his first proposal to the neighbours regarding the development he provided an alternative to the small lot zoning. He suggested he would destroy the original house and let the new lot buyers build two homes as they desired.

This appeals to us far more than massing 3 homes into that lot. Our neighbourhood real estate values could easily support the existing home with upgrades or provide 2 beautiful new homes to the street without rezoning the lot.

To name a few Moss street is well known for arts and crafts style, the Moss Street Market, Clover Point, The Cherry Blossoms, and of course the annual Paint In hosted by the Art Museum.

Houses along our street have;

- parking along the side of their homes (not in front of the building structure)
- 50 Wide lots
- Street parking (which can be difficult to find as is)
- A beautiful canopy of mature trees
- Character

My husband and I are opposed to the small lot rezoning of 115 Moss Street and the variances related to same. We appreciate the side yard set back's we have today and cannot



imaging the feel of our house with the significant massing that has been proposed by the developer.

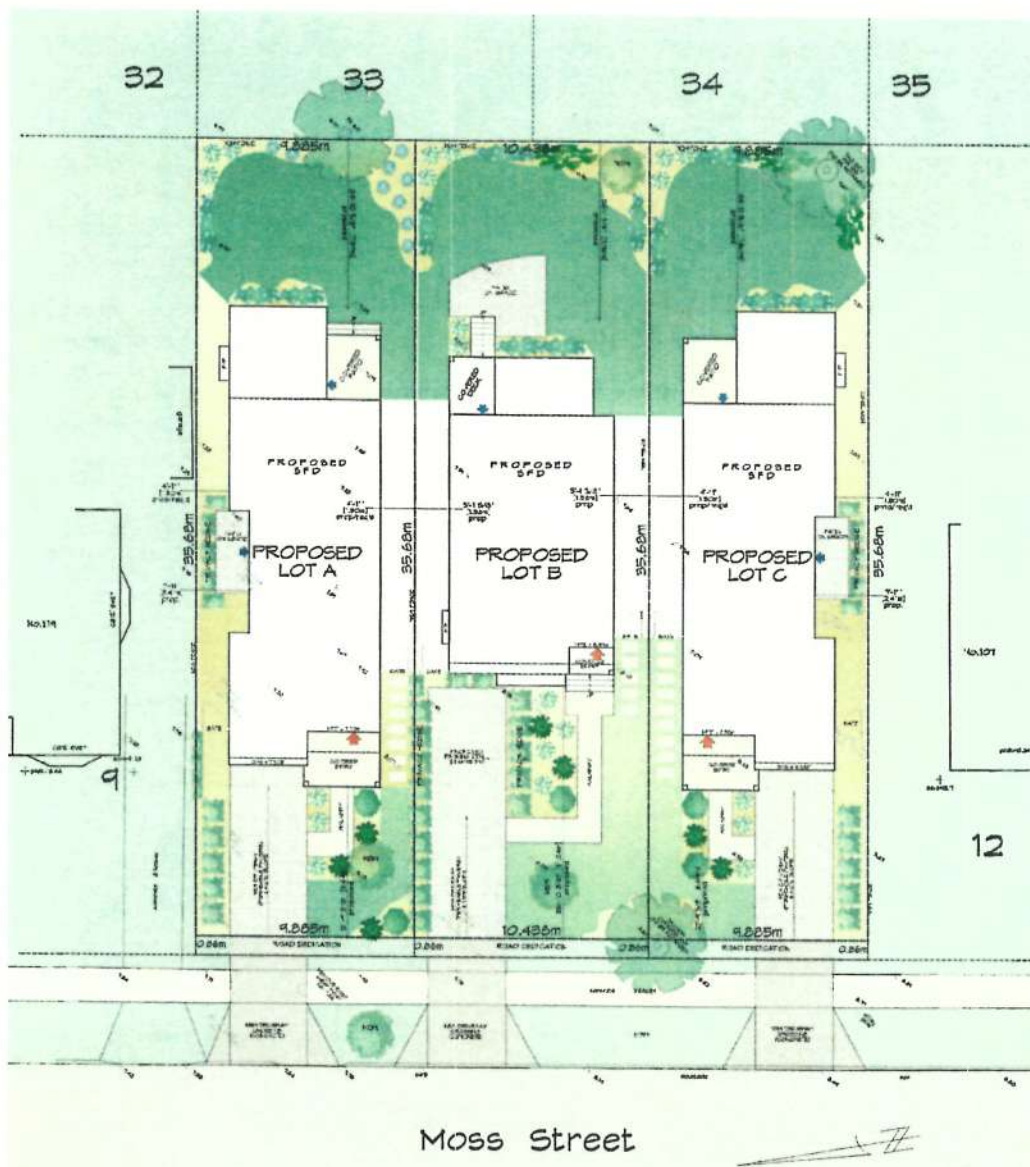
The upcoming community meeting has been scheduled over March break. The owners on either side of this development 107 Moss Street (Angus Taylor), and ourselves at 119 Moss Street will be out of town and will therefore not be able to attend this meeting.

Sorry for the long email but I hope you can take all I have written into consideration when looking at this re-development proposal.

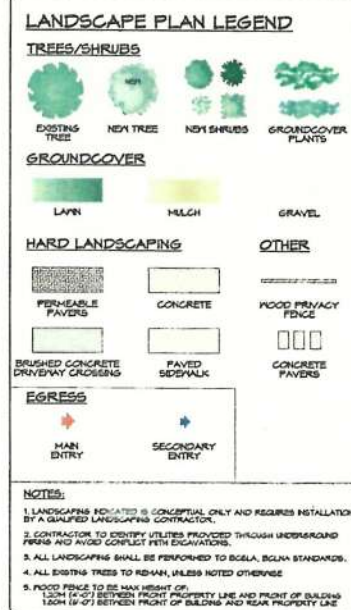
Thank you,  
Joanne and Karl Rebner  
119 Moss Street  
[REDACTED]







Proposed Landscape Plan  
Scale: 1:100



FENCE PANEL DESIGN

**CITY OF VICTORIA**  
**RECEIVED**  
 SEP 01 2016  
**DEEMED**  
 JUL 27 2016

FIRE-ISSUED FOUR  
FIREZONING & DDP  
AUGUST 31, 2016

ZZEBRADIESIGN

116161 NEWPORT AVENUE  
Victoria, B.C. V8S 5S5  
Phone: (250) 360-2114  
Fax: (250) 360-2115

Drawn By: K. KOSHMAN

Design: Feb. 24, 2016

Scale: AS NOTED

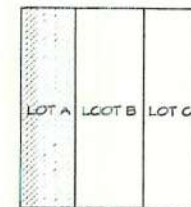
Project:  
PROPOSED  
SUBDIVISION 4  
3 & SFD'S

Title:  
LANDSCAPE PLAN

REV. NO.	DESCRIPTION	DATE	Revised by:	Sheet:
A	REVISE LANDSCAPE PLAN TO SHOW REMOVAL OF EXISTING TREES AND REMOVAL OF EXISTING SHRUBS AND REMOVAL OF EXISTING FENCES AND REMOVAL OF EXISTING DRIVEWAY AND FENCE TO BE REMOVED AND REMOVED. ALIGNED NEW TREES TO LOT A & B, LAWN, NEW TREES, NOTE THIS PAGE	JUL 10/16	REVISED BY: K. KOSHMAN AT: 10.10.16	DP 3 0.22
B	REVISE TREES TO BE REMOVED AND REMOVED. ALIGNED NEW TREES TO LOT A & B, LAWN, NEW TREES, NOTE THIS PAGE	AUG 31/16	REVISED BY: K. KOSHMAN AT: 31.08.16	DP 3 0.22

Proj. No. T, TSD





SITE KEY PLAN



Crawlspace  
Scale: 1/8" = 1'-0"



Main Floor  
Scale: 1/8" = 1'-0"



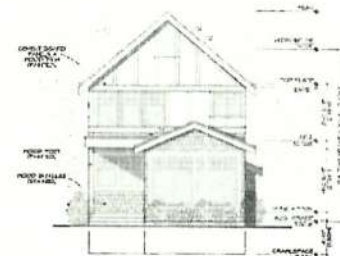
Upper Floor  
Scale: 1/8" = 1'-0"



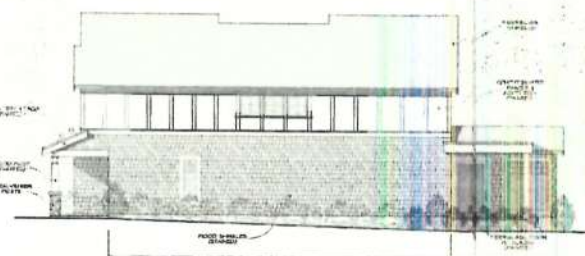
FRONT



NORTH SIDE

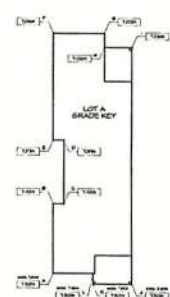


REAR



SOUTH SIDE

Elevations  
Scale: 1/8" = 1'-0"



Lot A - Average Grade Calculation

SECTION	Start	Finish	Average	Distance	Factor	Total Elevation	Perimeter	Average grade (total elevation / perimeter)
AB	750	743	746.5	6.58	43.13	415.0	43.13	737.5
BC	743	744	743.5	0.39	6.78	2.63	6.78	737.5
CD	743	733	738	6.44	47.45	30.4	47.45	737.5
DE	733	721	727	7.5	56.25	-82.5	56.25	737.5
EF	721	704	712.5	8.14	58.95	-108.5	58.95	737.5
FG	704	703	703.5	4.42	31.14	-4.4	31.14	737.5
GH	703	700	701.5	7.75	55.91	-22.4	55.91	737.5
HI	700	704	702	2.44	17.23	17.23	17.23	737.5
IJ	704	710	707	20.22	142.77	142.77	142.77	737.5
JK	710	710	710	0.00	0.00	0.00	0.00	737.5
KL	710	710	710	0.00	0.00	0.00	0.00	737.5
LA	710	710	710	0.00	0.00	0.00	0.00	737.5
TOTAL				59.41	428.57			737.5

RE-ISSUED FOR  
REZONING & DFP  
JUNE 10, 2016

ZEEBRADESIGN



11611 NEWPORT AVE  
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Drawn By: K. KOSMAN-N

Date: Feb. 24, 2016

Scale: AS NOTED

Project:

PROPOSED  
SUBDIVISION &  
3 SFP'S

Title:

LOT A  
FLOOR PLANS &  
ELEVATIONS

Revision Sheet

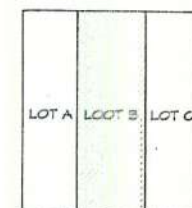
REV. NO. 1  
DESCRIPTION: CORRECTIONS TO NORTH SIDE  
ELEVATIONS  
DATE: JUL 27, 2016  
BY: J. KOSMAN-N  
REV. A: JAN 24, 2016

DP  
1.1  
Proj No. TB30

Received  
City of Victoria  
JUL 27 2016  
Planning & Development Department  
Development Services Division

REV. NO.	DESCRIPTION	DATE
1	CORRECTIONS TO NORTH SIDE ELEVATIONS	JUL 27, 2016





SITE KEY PLAN



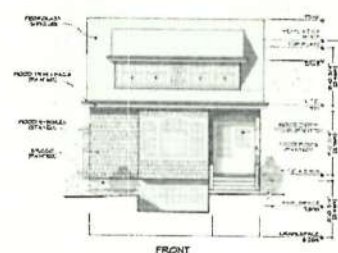
Lower Floor Plan - Reno  
Scale: 1/8" = 1'-0"



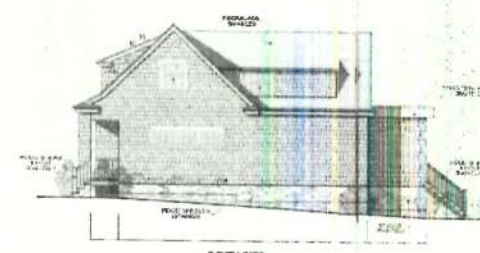
Main Floor Plan - Reno  
Scale: 1/8" = 1'-0"



Upper Floor Plan - Reno  
Scale: 1/8" = 1'-0"



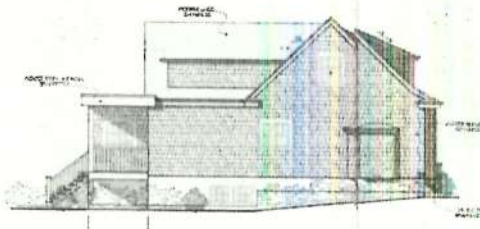
FRONT



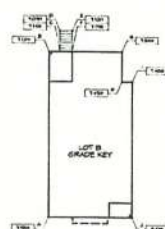
SOUTH SIDE



REAR



NORTH SIDE



LOT B - Average Grade Calculation

POINT	Spot	Elev	Average	Distance	Factor	Total Elevation	Percentage	Average Grade
AD	7.00	7.12	7.53	14.17	100.00	750.00	100.00	7.50
BD	7.12	7.14	7.53	0.87	6.32	47.22	6.32	7.50
CD	7.14	7.00	7.12	7.53	12.00	84.00	11.64	7.50
DE	7.00	7.12	7.11	1.07	7.00	51.77	6.94	7.50
DF	7.12	7.16	7.16	1.76	12.14	90.82	12.14	7.50
FG	7.16	7.54	7.27	4.37	31.75	238.88	31.75	7.50
GH	7.54	7.40	7.47	0.98	6.79	50.67	6.79	7.50
HI	7.40	7.11	7.13	11.55	80.27	601.88	80.27	7.50
JA	7.11	7.00	7.00	7.53	56.48	423.60	56.48	7.50
TOTAL				48.54	353.22	2640.00	353.22	7.50

Elevations  
Scale: 1/8" = 1'-0"

RE-ISSUED FOR  
REZONING 4 DEEP  
JUNE 10, 2016

ZEEBRADESIGN

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Drawn By: K. KOSMANN  
Scale: As Noted

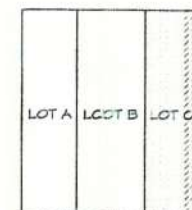
Project:  
PROPOSED  
SUBDIVISION &  
3 SECTORS

Title:  
LOT B  
FLOOR PLANS &  
ELEVATIONS

Revision: 1  
Date: 07/27/2016  
Project No: 16050  
DP  
2.1

Received  
City of Victoria  
JUL 27 2016  
Planning & Development Department  
Development Services Division

REV	NO	DESCRIPTION	DATE
1	A	NO CHANGES	07/27/2016



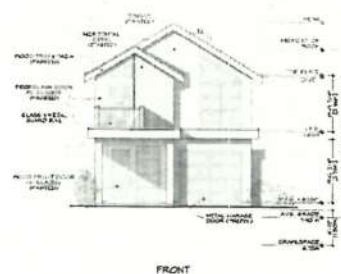
SITE KEY PLAN



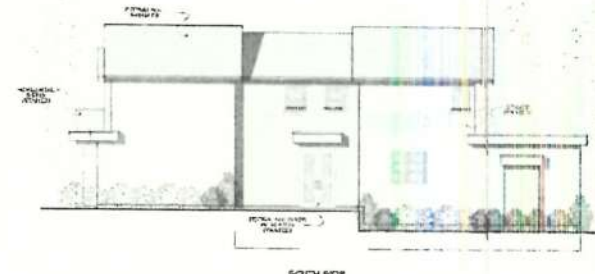
Crawlspace  
Scale: 1/8" = 1'-0"

Main Floor  
Scale: 1/8" = 1'-0"

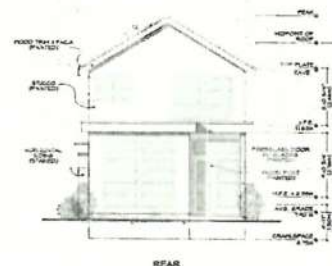
Upper Floor  
Scale: 1/8" = 1'-0"



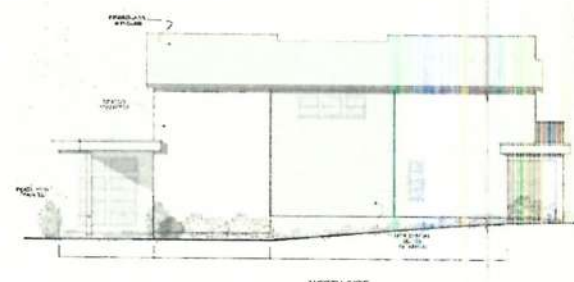
FRONT



SOUTH SIDE

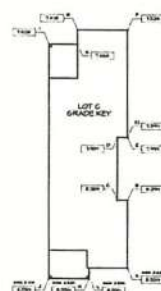


REAR



NORTH SIDE

Elevations  
Scale: 1/8" = 1'-0"



Lot C - Average Grade Calculation

Segment	Start	End	Average	Distance	Factor	Total Factor	Area	Average grade
AD	8.25	8.29	8.27	1.04	4.42	4.42	1.04	8.27
DE	8.29	8.28	8.28	0.51	7.53	7.53	0.51	8.28
EC	8.28	7.98	8.13	1.84	28.72	28.72	1.84	8.13
CD	7.98	7.59	7.78	0.94	7.20	7.20	0.94	7.78
DF	7.59	7.52	7.55	0.14	0.93	0.93	0.14	7.55
FE	7.52	7.41	7.46	4.42	33.00	33.00	4.42	7.46
ED	7.41	7.40	7.40	1.70	10.57	10.57	1.70	7.40
FD	7.40	7.40	7.40	2.44	18.16	18.16	2.44	7.40
CE	7.40	7.35	7.37	20.22	149.28	149.28	20.22	7.37
BE	7.35	7.35	7.35	1.84	13.72	13.72	1.84	7.35
BC	7.35	7.35	7.35	0.94	7.00	7.00	0.94	7.35
AC	7.35	8.25	7.80	1.47	11.51	11.51	1.47	7.80
<b>TOTAL</b>				<b>49.61</b>	<b>499.61</b>			<b>7.80</b>

RE-ISSUED FOR  
REZONING & DPP  
JUNE 10, 2016



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Date: Feb 24, 2016

Scale: AS NOTED  
Project:  
PROPOSED  
SUBDIVISION &  
B SEED'S

Title:  
LOT C  
FLOOR PLANS &  
ELEVATIONS

REV NO	DESCRIPTION	DATE	Revised by	Sheet
A	REVISED PROPOSAL ON SOLA SIDE	2016-06-10	K. KOSHMAN	DP 3.1

City of Victoria  
JUL 27 2016  
Planning & Development Department  
Development Services Division



Streetscape  
Scale: 1/8" = 1'-0"

Received  
City of Victoria  
JUL 27 2016  
Planning & Development Department  
Development Services Division

REV. NO.	DESCRIPTION	DATE	REVISION	SHEET
A	NO CHANGE	10/10/16	STREETScape REVISED DATE: 10/10/16	DP 4.1 PROJ. NO. TBBD

RE-ISSUED FOR  
REZONING & DPP  
JUNE 10, 2016

ZEEBRADESIGN



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Drawn By: K. KOSMAN N

Date: Feb. 24, 2016

Scale: AS NOTED

Project:  
PROPOSED  
SUBDIVISION &  
SEEDS

Title:  
STREETScape