

MOTIONS

1. To Set Public Hearings for the Council Meeting of Thursday, November 26, 2015 for:

It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that the following Hearings be held in Council Chambers, City Hall, on **THURSDAY, NOVEMBER 26, 2015, at 7 p.m.:**

1. Development Permit with Variance No. 000438 for 2918 Hipwood Lane

Carried Unanimously

Reports of the Committee

Planning and Land Use Committee – October 29, 2015

8. **Development Permit with Variances Application No. 000438 for 2918 Hipwood Lane**
It was moved by Councillor Alto, seconded by Councillor Lucas, that after the Public Hearing for Development Permit with Variances Permit No. 000438, that Council consider the following motion:
"That Council authorize the issuance of Development Permit Application No. 000438 for 2918 Hipwood Lane, in accordance with:
1. Plans date stamped September 29, 2015.
 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - a. Part 1.23 (8)(a): Reduce the front yard setback from 6m to 4.8m.
 - b. Part 1.23 (8)(b): Reduce the rear yard setback from 6m to 4.5m.
 3. The Development Permit lapsing two years from the date of this resolution."
- Carried Unanimously

5.3 Development Permit with Variances Application No. 000438 for 2918 Hipwood Lane

Committee received a report regarding an application for 2918 Hipwood Lane. The proposal is to construct a small lot house on the property.

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

"That Council authorize the issuance of Development Permit Application No. 000438 for 2918 Hipwood Lane, in accordance with:

1. Plans date stamped September 29, 2015.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - a. Part 1.23 (8)(a): Reduce the front yard setback from 6m to 4.8m.
 - b. Part 1.23 (8)(b): Reduce the rear yard setback from 6m to 4.5m.
3. The Development Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY 15/PLUC247



Planning and Land Use Committee Report

For the Meeting of October 29, 2015

To: Planning and Land Use Committee **Date:** October 15, 2015

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

Subject: Development Permit with Variances Application No. 000438 for 2918 Hipwood Lane

RECOMMENDATION

Staff recommend that Committee forward this report to Council and that after giving notice and allowing an opportunity for public comment at a meeting of Council, that Council consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 000438 for 2918 Hipwood Lane, in accordance with:

1. Plans date stamped September 29, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Part 1.23 (8)(a): Reduce the front yard setback from 6m to 4.8m;
 - ii. Part 1.23 (8)(b): Reduce the rear yard setback from 6m to 4.5m.
3. The Development Permit lapsing two years from the date of this resolution."

LEGISLATIVE AUTHORITY

In accordance with Section 920(2) of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Community Plan*. A Development Permit may vary or supplement the *Zoning Regulation Bylaw* but may not vary the use or density of the land from that specified in the bylaw.

Pursuant to Section 920 (8) of the *Local Government Act*, where the purpose of the designation is the establishment of objectives for the form and character of intensive residential development, a Development Permit may include requirements respecting the character of the development including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit Application for the property located at 2918 Hipwood Lane. The proposal is to construct a small lot house on a property which was previously rezoned to the R1-S2 Zone, Restricted Small Lot (Two Storey) District. The variances being requested are related to front and rear yard setbacks.

The following points were considered in assessing this Application:

- The proposal is consistent with the objectives and guidelines for sensitive infill contained in Development Permit Area 15A: Intensive Residential – Small Lot of the *Official Community Plan 2012* (OCP).
- The requested variances are to reduce the front and rear yard setbacks to facilitate the construction of a house on an irregular shaped small lot. The proposed setbacks are supportable as the applicant has minimized the number of windows on the rear elevation to respect privacy and overlook onto the adjacent property. An existing fence would be retained.

BACKGROUND

Description of Proposal

The proposal is for a small lot house. Specific details include:

- a two-storey building
- design elements such as a hip roof, distinctive front entryway and traditional style windows
- the exterior materials include shingle siding, concrete siding and metal roofing
- parking would be provided at the end of the driveway at the back of the lot
- new hard and soft landscaping would be introduced, including an interlocking paver driveway.

The proposed variances are related to reducing the front yard and rear yard setbacks.

Sustainability Features

The applicant has not identified any sustainability features associated with this proposal.

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 Development Permit Application.

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Existing Site Development and Development Potential

The site is currently zoned R1-S2 Zone, Restricted Small Lot (Two Storey) District, which would allow the construction of a small lot house. Secondary suites are not permitted in this Zone.

Data Table

The following data table compares the proposal with the existing R1-S2 Zone, Restricted Small Lot (Two Storey) District. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal	Current Zone R1-S2
Site area (m ²) - minimum	356	260
Street Frontage	13.52	10
Total floor area (m ²) - maximum	158	190
Lot width (m)	17.9	n/a
Lot depth (m)	23.58	n/a
Height (m) - maximum	6.78	7.5
Storeys - maximum	2	2
Site coverage % - maximum	25.04	40
Setbacks (m) - minimum		
Front (Hipwood Lane)	4.8 *	6
Rear (north)	4.5 *	6
Side (west)	3.05	2.4
Side (east)	1.76	1.5
Parking stalls - minimum	1	1

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on August 20, 2015, the Application was referred for a 30-day comment period to the Oaklands CALUC. At the time of writing this report, a letter from the CALUC had not been received.

This Application proposes variances, therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variances.

ANALYSIS

Development Permit Area and Design Guidelines

The *Official Community Plan* (OCP) identifies this property within Development Permit Area 15A: Intensive Residential – Small Lot. The proposed design of the new small lot house is consistent with the *Design Guidelines for Small Lot House* (2002).

The proposal is for a two-storey dwelling unit. The design of the small lot house incorporates architectural elements such as a hip roof, a distinctive front entryway and traditional-style windows. The pitched roofline and covered entryway are prominent design elements of other existing houses in the neighbourhood. Windows are maximized on the front elevation and minimized on the side and rear elevations to respect the privacy of adjacent neighbours.

The applicant is proposing a mix of hard and soft landscaping, including an interlocking paver driveway, stamped concrete patios, various trees, shrubs and ground cover plantings.

Regulatory Considerations

Setback Variances

The applicant is requesting setback variances in order to facilitate the construction of the house on an irregular shaped small lot. The proposal would reduce the front yard setback from 6m to 4.8m and reduce the rear yard setback from 6m to 4.5m. These variances would have minimal impact on neighbouring properties and are in part due to the irregular shape of the lot. It should be noted that the east portion of the house complies with the front yard setback requirement as the lot line angles away from the dwelling. The front yard setback relaxation is in keeping with the same setback pattern as the duplex on the adjacent property.

The rear lot line setback reduces the back yard space but would still be adequate in terms of private outdoor space needs for the occupants of the proposed house. There is an existing fence and cedar hedge along the north and west property lines which will serve to partially obscure the view from the adjacent townhouse into the outdoor space of the proposed house.

Tree Protection

A Giant Sequoia is located on the neighbouring properties of 2915/17 and 2921 Cook Street, with the lower trunk and root crown extending onto the subject property. Subject to the *Tree Preservation Bylaw*, this is a protected tree due to its size. A covenant (attached) is registered on title which outlines the measures required to protect this tree.

CONCLUSIONS

The proposal to construct a new small lot house and associated variances is consistent with Development Permit Area 15A: Intensive Residential – Small Lot. The small lot house is a form of sensitive infill development and fits in with the existing neighbourhood. Staff recommend that Council consider supporting this Application.

ALTERNATE MOTION

That Council decline Development Permit Application No. 000438 for the property located at 2918 Hipwood Lane.

Respectfully submitted,



Rob Bateman
Planner
Development Services Division

am



Jonathan Tinney, Director
Sustainable Planning and Community
Development

Report accepted and recommended by the City Manager:



Date: October 20, 2015

List of Attachments

- Zoning map
- Aerial map
- Applicant's letter to Mayor and Council dated September 29, 2015
- Covenant (CA2691326) and arborist report dated December 13, 2011
- Plans dated September 29, 2015.

3010
3002

3007 (Private)
3005 MALLEK

SUMMIT AV

1419

HIBBERSON CRES
(Private road)

2910

1405

RK-9

2921

2915/17

2918

2909

2905

2908

2964

2968

2980

CEDAR HILL RD

06
ook

1365

1361

1355/1357

COOK ST

2841
2839

2827

2815

2807

HIPWOOD LN

2910

2960

2900

2836

2848

2955

2951

2947

2945

2943

2941

2959

2961

2975

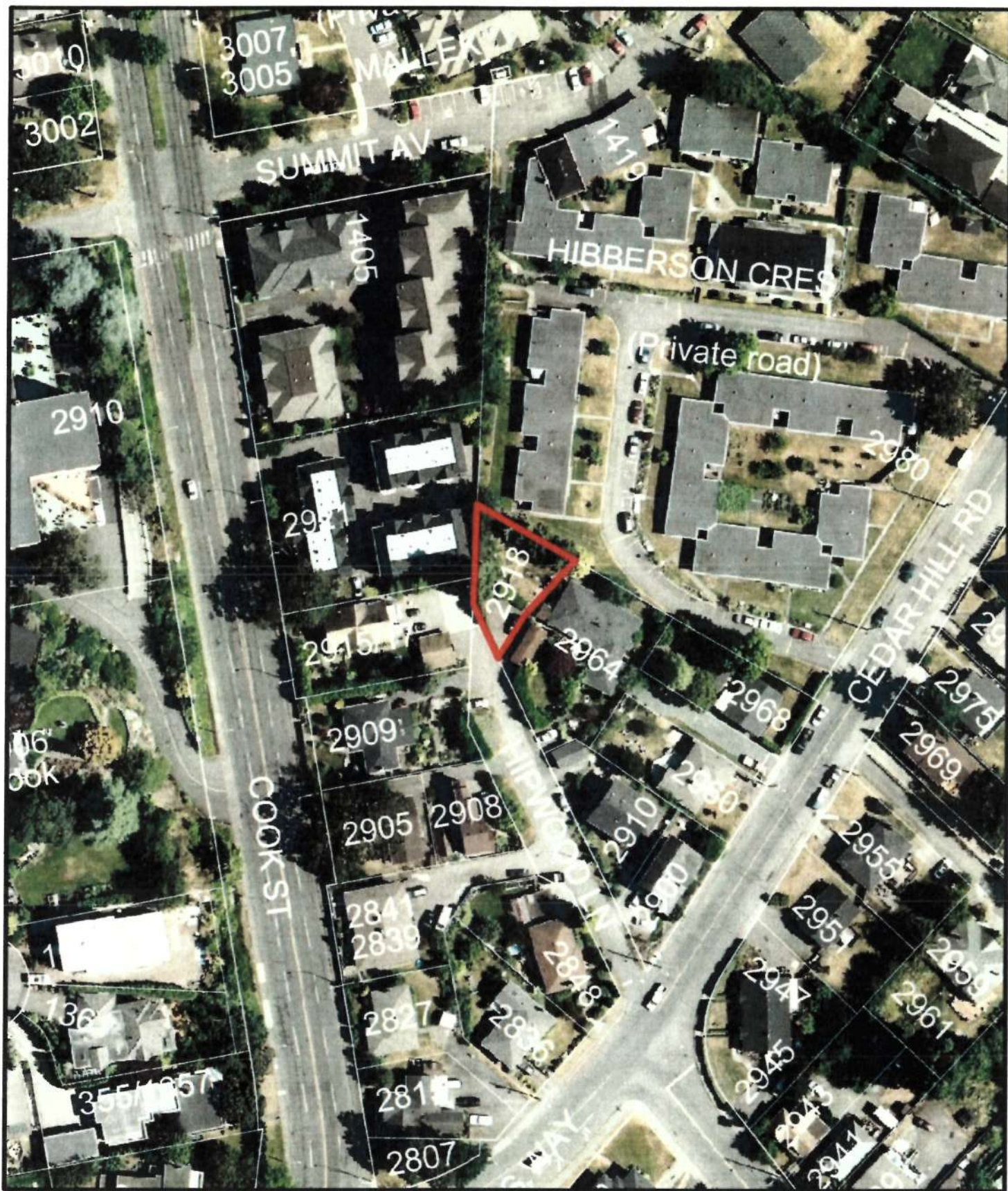
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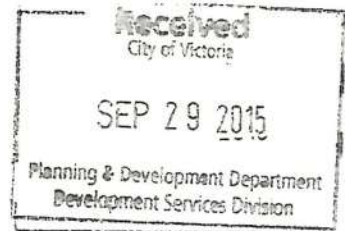
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2918 Hipwood Lane
Development Permit #000438







Dear Mayor and Council,

We purchased 2918 Hipwood Lane in June 2015. The development permit and variances had expired in the fall of 2014.

We are reapplying for a development permit and two set back variances for a single-family residence. We are maintaining the previously approved footprint, set backs variances, landscaping and basic house design plan.

The reason for the variances is the property was originally subdivided off a larger lot and the lot is a small irregular shape. In addition, we need to maintain the requested distance from the protected Sequoia tree on the corner of the lot.

We have hired the same planner who is familiar with all the previously approved design plans.

Thank you so much for your time,

James Trueit

Nezza Naturals Inc.

Status: Registered
FORM_C_V18 (Charge)

Doc #: CA2691326

Received
City of Victoria
AUG 18 2015
RCVD 2012-07-31 12:04:38.001
Development Services Division

VICTORIA LAND TITLE OFFICE

LAND TITLE ACT
FORM C (Section 233) CHARGE
GENERAL INSTRUMENT - PART 1 Province of British Columbia

Jul-31-2012 12:04:38.001

CA2691326

PAGE 1 OF 13 PAGES

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

Robert Owen
Connolly
LINGXS

Digitally signed by Robert Owen
Connolly LINGXS
DN: o=CA, cn=Robert Owen Connolly
LINGXS, o=Lawyer, ou=Verify ID at
www.juricert.com/LKUP.cfm?
id=LINGXS
Date: 2012.07.31 12:01:28 -0700

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

JONES EMERY HARGREAVES SWAN

Barristers & Solicitors

#1212-1175 Douglas Street

Victoria

BC V8W 2E1

File No: 12-0432 RC

Telephone No: 250-382-7222

LTO Client No: 10211

Document Fees: \$72.50

STC Fees: \$10.25

Deduct LTSA Fees? Yes ☒

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[LEGAL DESCRIPTION]

005-566-207 LOT 1, SECTION 29-30, VICTORIA DISTRICT, PLAN 8585

STC? YES ☒

3. NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

Covenant

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) ☐ Filed Standard Charge Terms D.F. No.

(b) ☒ Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

A.F.J. HOLDINGS LTD. (INC. NO. 281055)

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

THE CORPORATION OF THE CITY OF VICTORIA

#1 CENTENNIAL SQUARE

VICTORIA

BRITISH COLUMBIA

V8W 1P6

CANADA

7. ADDITIONAL OR MODIFIED TERMS:

N/A

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

Robert Connolly

Barrister and Solicitors

1212-1175 Douglas Street

Victoria, BC V8W 2E1

250-382-7222

Execution Date		
Y	M	D
12	06	19

Transferor(s) Signature(s)

A.F.J. HOLDINGS LTD., By Its
Authorized Signatory:

Name: Valerie L. Noel

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

PAGE 2 of 13 pages

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

Robert G. Woodland
Commissioner for Taking Affidavits in BC
#1 Centennial Square
Victoria, BC V8W 1P6

Y	M	D
12	07	26

THE CORPORATION OF THE CITY
OF VICTORIA, By Its Authorized
Signatories:

Acting Mayor - Shellie Gudgeon

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

TERMS OF INSTRUMENT – PART 2**WHEREAS:**

- A. The Grantor is the registered owner in fee simple of:
- PID 005-566-207
- Lot 1, Section 29-30, Victoria District, Plan 8585
- (the "Land");
- B. The Grantee is The Corporation of the City of Victoria;
- C. The land is affected by a protected tree (the "Protected Tree") as defined pursuant to City of Victoria's Tree Preservation Bylaw No. 05-106 (the "Tree Preservation Bylaw"), as identified on the site survey prepared by J.E. Anderson & Associates and dated May 15, 2012, a copy of which is attached as Schedule "A", and the original of which is filed with Rezoning Application #00325 in the Planning and Development Services Division at Victoria City Hall (the "Site Survey");
- D. The Grantor has obtained a Tree Protection Plan from Talbot Mackenzie & Associates, Certified Arborist, dated December 13, 2011, a copy of which is attached as Schedule "B" (the "Tree Protection and Retention Plan");
- E. The Grantor has applied to the Grantee to rezone the Land and has voluntarily agreed to enter into this Agreement to protect the Protected Tree as hereinafter provided and to undertake the mitigative measures for the design and construction of any buildings and structures on the proposed small lot, including the placement of pavement and utilities in accordance with the letter dated May 15, 2012 from J. E. Anderson & Associates, a copy of which is attached as Schedule "C" (the "Professional Engineer's Report")
- F. The Grantor has agreed to enter into this covenant and to register it against the title of the Land as a covenant and indemnity pursuant to section 219 of the *Land Title Act*.

NOW THEREFORE in consideration of the premises and the covenants herein contained and for other valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties, the parties hereto covenant and agree with the other as follows:

1. The Grantor covenants and agrees to comply with and abide by the general recommendations and guidelines set out in the Tree Protection and Retention Plan and the Grantor further covenants and agrees that prior to conducting any construction or development on the Land around or near the Protected Tree or its protected root zone (as defined by the Tree Preservation Bylaw), it will engage a certified arborist (the "Project Arborist") to supervise any and all construction around or near the Protected Tree or its protected root zone and will identify the Critical Root Zone ("CRZ") for the Protected Tree prior to commencement of construction around or near the Protected Tree or its protected root zone.
2. Without limiting the generality of section 1, the Grantor covenants and agrees to protect, preserve and retain the Protected Tree and:
 - (a) except as provided hereafter, the Grantor will not cut down, damage, defoliate or remove any part of the Protected Tree located on the Land;
 - (b) the Grantor will locate all service trenches on the Land outside the CRZ of the Protected Tree;
 - (c) prior to undertaking any construction on the Land, the Grantor will install fencing and signs around the CRZ of the Protected Tree in accordance with the Tree Protection and Retention Plan;
 - (d) the Grantor will ensure that the Project Arborist is notified well in advance of any blasting, excavating or form building scheduled to occur within the Development Area near or at the edge of a CRZ;
 - (e) the Grantor will ensure that no construction materials or debris of any kind are placed inside or disposed of within the CRZ of the Protected Tree.
3. Without limiting any other right or remedy of the Grantee, the Grantor covenants and agrees that it shall replace the Protected Tree if it is irreparably damaged or destroyed as a result of the Grantor's failure to comply with the terms of this Covenant, such replacement tree to be of a species and size that is to the satisfaction of the Grantee's Director of Parks, Recreation & Community Development though it is understood and agreed that the Grantor will only be responsible for a replacement tree up to a cost equivalent to the penalty that could be imposed under the City of Victoria's Tree Preservation Bylaw for contravention of the Bylaw
4. (a) Notwithstanding section 2(a), the Grantor may cut, trim, prune, defoliate or remove a portion of the Protected Tree on the Land if the Grantor has first obtained a tree permit pursuant to the Tree Preservation Bylaw and has otherwise complied with the requirements of the Tree Preservation Bylaw. The Grantor in seeking such approval shall deliver to the Grantee a written report prepared by a certified arborist indicating that such action is

necessary to preserve the health and well being of the Protected Tree or to prevent damage to persons or property.

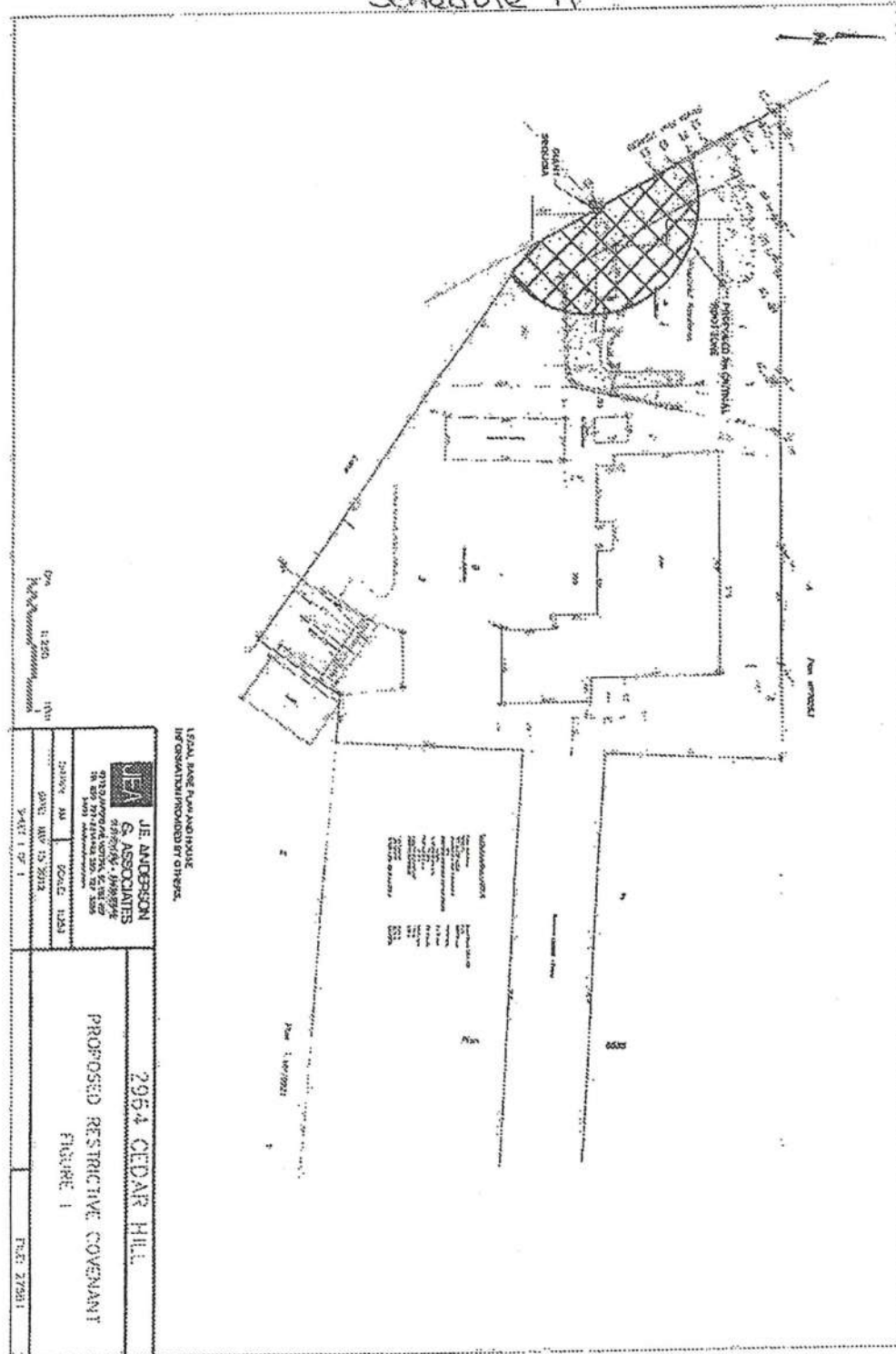
- (b) If a portion of the Protected Tree on the Land poses real and imminent danger to persons or property as a result of decay or other damage or injury brought about by natural causes, the Grantor may remove or trim such portion of the Protected Tree forthwith provided it delivers to the Grantee's Director of Parks, Recreation & Community Development as soon as possible thereafter, a report of a certified arborist detailing what action has been taken and the reason or reasons for such action. The Grantor will make every reasonable effort to contact the Grantee's Director of Planning and Development or his delegate in advance of taking any such action.
- 5. The Grantor covenants and agrees that prior to or concurrently with applying to the Grantee for a building permit for the Land that relates to construction around or near the Protected Tree, it will deposit with the Grantee proof of its retention of a Project Arborist, and that the Grantor will ensure that the Project Arborist is retained for the duration of the building project that relates to construction around or near the Protected Tree, and undertake any measures to protect the Protected Tree as outlined in the Professional Engineer's Report, and may be required to submit further proof of compliance to the satisfaction of the City of Victoria's Chief Building Inspector.
- 6. The Grantor further covenants and agrees that it will not apply for an occupancy permit with respect to the Land, and that the Grantee shall be under no obligation to issue such occupancy permit, unless it has provided a report and "as built" plans for the Land prepared by the Project Arborist indicating compliance with the Tree Protection and Retention Plan and the Professional Engineer's Report, and until the Grantee has confirmed in writing that the Grantor has complied with all of its obligations and covenants required to be performed or carried out hereunder before and during any construction on the Land.
- 7. The Grantee, its servants and agents, may at any time enter upon the Land to inspect the status of the Protected Tree.
- 8. This Agreement may be amended in writing by agreement of the parties, and the amendment agreement shall be registered in the Land Title Office.
- 9. The Grantor shall indemnify and keep indemnified the Grantee from any and all claims, causes of action, suits, demands, fines, penalties, costs or expenses or legal fees whatsoever which anyone has or may have against the Grantee or which the Grantee incurs as a result of any loss or damage or injury, including economic loss, arising out of or connected with the breach of any covenant in this

Agreement, on the part of the Grantor, or as a result of the restrictions on the use and development of the Land provided for under this Agreement.

10. Nothing contained or implied herein shall prejudice or affect the rights and powers of the Grantee in the exercise of its functions under any public or private statutes, bylaws, orders and regulations, all of which may be fully and effectively exercised in relation to the Land as if this Agreement had not been executed and delivered by the Grantor.
11. Without limiting this Agreement, the Grantor acknowledges that in addition to the restrictions contained in this Agreement, the cutting of trees, the deposit and removal of soil and fill, and the construction of buildings within the City of Victoria are also governed by bylaw, and that the Grantor must fully comply with all applicable bylaws in relation to those matters.
12. The Grantor and the Grantee agree that the enforcement of this Agreement shall be entirely within the discretion of the Grantee and that the execution and registration of this covenant against the title to the Land shall not be interpreted as creating any duty on the part of the Grantee to the Grantor or to any other person to enforce any provision or the breach of any provision of this Agreement.
13. The Grantor covenants and agrees for itself, its heirs, executors, successors and assigns, that it will at all times perform and observe the requirements and restrictions herein before set out and they shall be binding upon the Grantor as personal covenants only during the period of the Grantor's respective ownership of any interest in the Land.
14. The restrictions and covenants herein contained shall be covenants running with the Land and shall be perpetual and shall be registered in the Land Title Office pursuant to section 219 of the *Land Title Act* as covenants in favour of the Grantee, and as a first charge on the title of the Land.
15. The Agreement shall enure to the benefit of and be binding upon the parties hereto as their respective heirs, executors, successors and assigns.
16. Wherever the expression "Grantor" and "Grantee" is used herein the same shall be construed as meaning the plural, feminine or body corporate where the context of the parties so requires.

IN WITNESS WHEREOF the parties hereto hereby acknowledge that this Agreement has been duly executed and delivered by the parties executing Form C (pages 1 and 2) attached hereto.

Schedule "A"



Page 8

Schedule "B"



Talbot Mackenzie & Associates

Consulting Arborists

December 13, 2011

Ray Tillyer
2964 Cedar Hill Road
Victoria, BC V8T 3J1

2964 Cedar Hill Road.

Attention: Ray Tillyer

Assignment: Review the proposed building plans provided and prepare a tree retention and construction damage mitigation plan for the proposed subdivision and new house construction at 2964 Cedar Hill Road.

Tree Resource: A 120 cm d.b.h. *Sequoiadendron giganteum* is the only bylaw-protected tree that can potentially be impacted by the proposed new house construction. This tree is almost entirely located on the neighboring properties at 2921 Cook Street, and 2915 Cedar Hill Road. The survey provided shows the tree to be primarily on the property at 2915 Cook street, but from a visual examination, it appears that a portion of the lower trunk and root crown likely extends onto the property at 2921 Cook street and the subject property. While on site we calculated a critical root zone with a radius of 8 meters, determined by the species and its relative tolerance to construction impacts. In our experience they are a species that have a good tolerance to construction impacts, providing the impacts are not too great and we anticipate that we can encroach into this critical root zone if care is taken.

Potential impacts: We anticipate that the highest onsite impacts will occur during excavation for the proposed building, any proposed servicing that may be located within the critical root zone of the tree and the proposed driveway footprint.

Methodology: After reviewing the proposed house plans, we conducted exploratory excavations in order to estimate root densities and the depth of bearing soil at the approximate location of where the new house construction is proposed.

11/2

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

Page 9

December 13, 2011

2964 Cedar Hill Road

Page 2

Mitigation of impacts

Barrier fencing: It will not be possible to barrier fence the entire critical root zone of this tree; therefore, we recommend that fencing be constructed approximately 1 meter off of the edge of excavation. This fencing must remain in place until the proposed driveway is surfaced.

Building footprint: The Southwest corner of the proposed residence will encroach heavily within the critical root zone of the 120 cm d.b.h. Sequoia tree. We anticipate that large structural roots will be located in this area and if a traditional footing for the house construction was to be used in this area, it will have a significant impact on both the health and stability of the tree. We do however feel that it may be possible to construct the house in this location providing the house design can incorporate the existing grades and be constructed in such a way that it does not significantly impact the existing structural roots and so that it maintains the existing hydrology and drainage patterns within the majority of the critical root zone of the tree. The design will have to be modified to eliminate the need for a continuous excavation in this area and utilize a pier and grade beam system or a system that cantilevers the house to the desired location while keeping the foundation away from the tree. Eliminating grade changes within this area is essential.

The portion of the critical root zone that can successfully be excavated and that which must be retained will have to be determined during either exploratory machine excavations or at the time of excavation for construction. The excavation must be supervised by the project arborist and at that time it can be determined which roots can be pruned and those that must be retained. Once this is determined the house and foundation design can be established and reviewed with an engineer if necessary. The perimeter drains will have to be set back along with the foundation and it is advisable to install a root barrier to avoid root/perimeter drain conflicts in the future.

Driveway footprint: The proposed driveway footprint crosses the critical root zone of the 120 cm d.b.h. Sequoia tree may touch a portion of the trees buttress. We anticipate there will be significant roots within the proposed driveway footprint that will have to be retained. Any driveway proposed for this area will have to be constructed in such a way that it is built over the existing grades and will have to use floating, driveway techniques to reduce the amount of potential compaction and be permeable to both air and water. Any soil removed in this area, will be limited to only the loose surface soil and leaf litter and any significant roots encountered must be retained. It may be possible to remove additional soil with the use of hydro excavation equipment and then build the area back up around the roots using coarse sand to provide a better base for the driveway. We have provided suggested floating driveway specifications that can be constructed over top of the existing critical root zone. It should be noted that Giant Sequoia trees are a fast growing species in this region and one can expect ongoing root growth that will likely disturb the proposed driveway in future years.

.../3

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

Page 10

December 13, 2011

2964 Cedar Hill Road

Page 3

Servicing: There were no servicing details on the site plan supplied. We recommend that all underground service corridors must be located outside the critical root zone of the 120 cm d.b.h. Sequoia.

Building /canopy conflicts: There will need to be some limb pruning in order to accommodate the proposed new building, but we do not feel that this pruning will have a significant impact on the health of the tree. We recommend that the pruning be minimized where possible and completed by an ISA certified arborist.

Summary: From our review of the proposed building and driveway location we feel that it should be possible to complete the project and successfully retain the existing 120 cm d.b.h. Sequoia tree. In order to achieve this, it will require a foundation design that will retain as much of the critical root zone on the West side of the tree as possible and a building and driveway design that can incorporate the existing grades. Any proposed services should be located outside of the critical root zone or as far away from the tree as possible. If these criteria cannot be met, it is likely that the impacts to the trees critical root zone will be too great and risk destabilizing the tree, necessitating its removal.

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

Yours truly,
Talbot Mackenzie & Associates

Tom Talbot & Graham Mackenzie
ISA Certified, & Consulting Arborists
Encl. - Floating driveway specifications, Barrier fencing specifications

Disclosure Statement

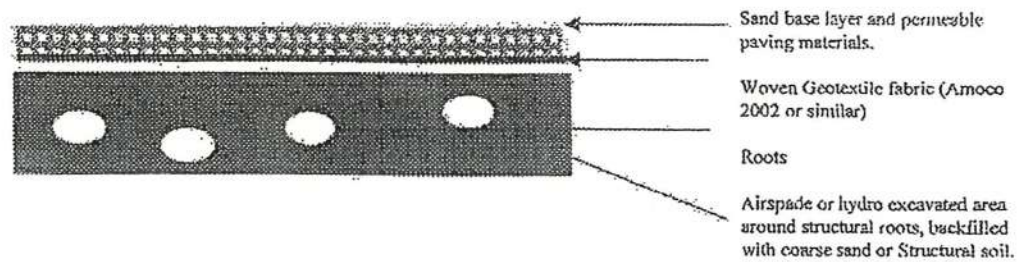
Arborists are professionals who examine trees and use their training, knowledge and experience to recommend techniques and procedures that will improve their health and structure or to mitigate associated risks.

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 or 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.

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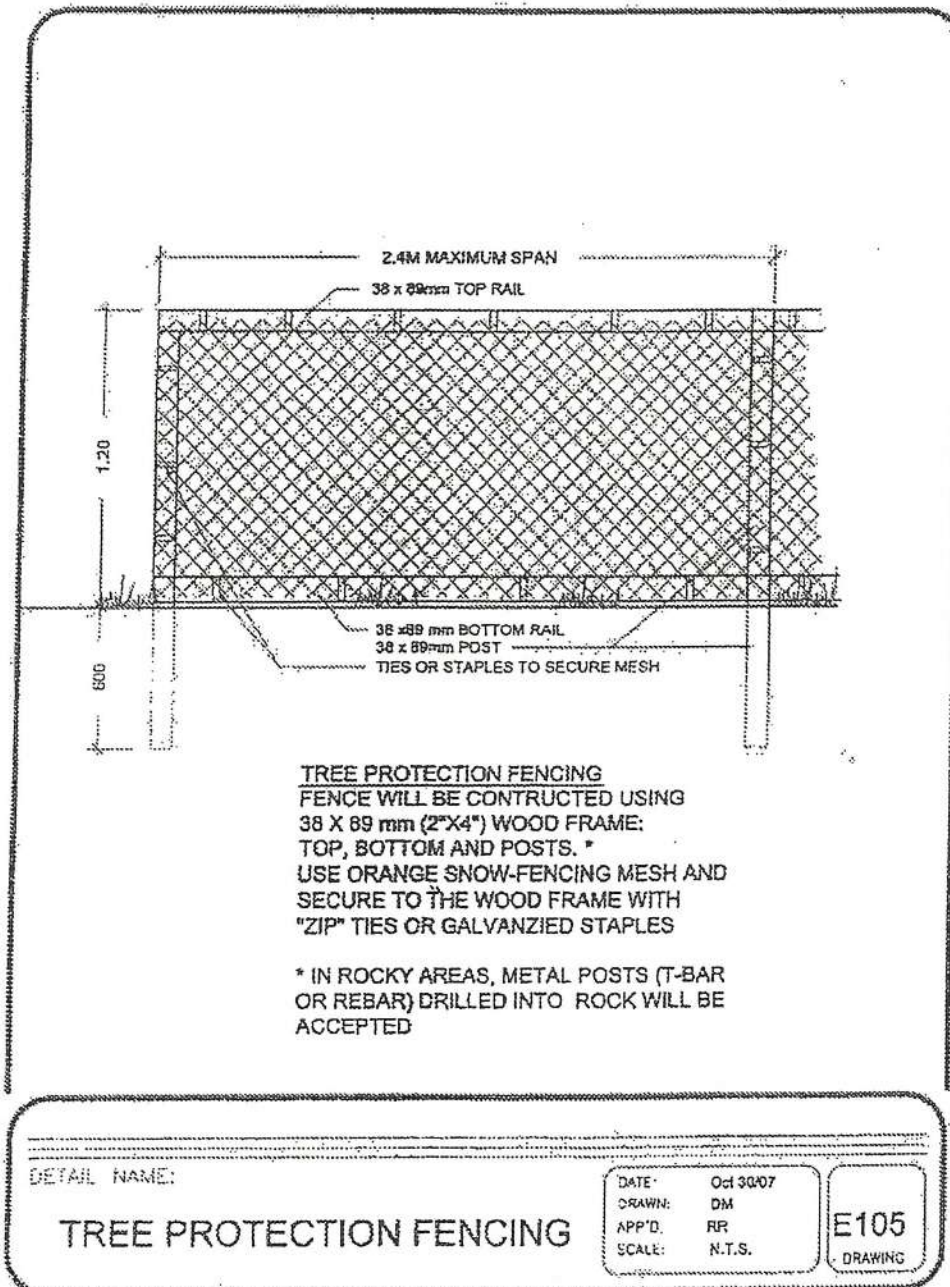
Diagram-Driveway or sidewalk with pavers crossing over Critical Root Zone



Specifications for driveway or sidewalk crossing over critical root zone

1. Excavate to a 6-8 inch depth, for the required driveway surface, under the supervision of an ISA Certified Arborist.
2. Excavation for area around structural roots with an Airspade or by Hydro Excavation to bearing layer of soil.
3. Backfill area around roots with coarse sand or a structural soil mix.
4. A layer of medium weight woven Geotextile fabric (Amoco 2002 or similar) is to be installed over the backfilled area of the driveway.
5. Construct base layer and pavers or other porous surfacing material over Geotextile layer to required grade.

Page 12



Page 13

Schedule "C"

LEGAL SURVEYS

MUNICIPAL ENGINEERING

LAND DEVELOPMENT AND MANAGEMENT



SINCE 1909
J.E. ANDERSON
& ASSOCIATES
SURVEYORS - ENGINEERS

May 15 2012

File No. 27581

City of Victoria
Planning and Development Department
Development Services Division
#1 Centennial Square
Victoria, B.C. V8W 1P6

Attention: Lucina Baryluk, Sr. Process Planner

Dear Maam:

Re: 2864 Cedar Hill REZ#00325
Proposed Restrictive Covenant

We submit the following letter report regarding the proposed restrictive covenant associated with the Giant Sequoia tree for the above-mentioned project.

As per Talbot Mackenzie & Associates letter dated October 13, 2011 (copy attached), mitigation measures are required within the Critical Root Zone (crz) of the existing 120 cm d.b.h. Sequiadendron giganteum. The crz is a radius of 8 m from the centre of the existing tree and is shown on the attached figure.


Mitigative measures may include, but are not limited to:

1. Barrier fencing of the crz until the proposed driveway is surfaced;
2. Exploratory excavations of the crz, in the presence of the project arbourist, where the house is to be constructed to determine the need for:
 - 2.1. Limiting the depth/elevation of the proposed house (i.e. no basement/crawlspace);
 - 2.2. Possible non-traditional footing (i.e. cantilevered);
 - 2.3. Installation of a root barrier;
3. Construction of a flexible driveway within the crz as per the project arbourist detail;
4. No servicing/infrastructure to be installed within the crz; and
5. Design/construction of works within the crz to be reviewed/supervised by project arbourist.

I trust that this letter meets your needs at this time. If you have any questions regarding this letter report, please contact the undersigned at your convenience.

Yours truly,

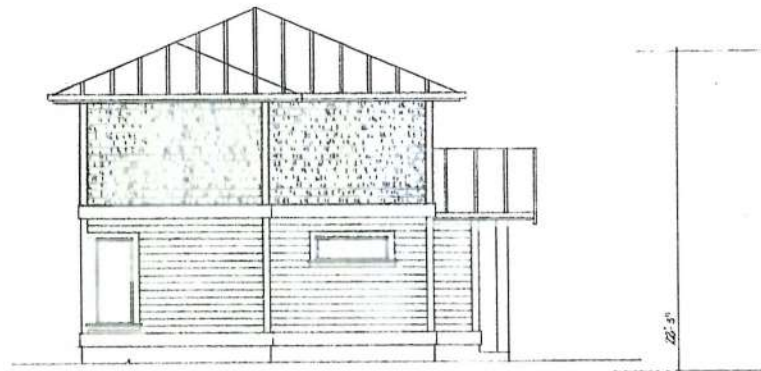
J.E. Anderson and Associates


Ross Tuck, P.Eng
Senior Project Engineer

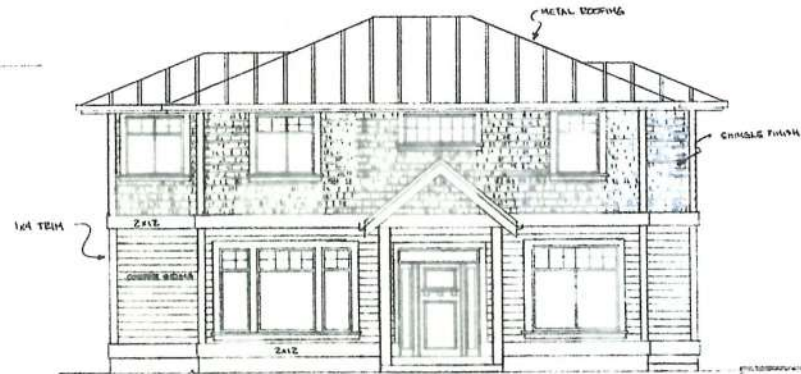
City of Victoria
Planning and Development Department
Development Services Division
#1 Centennial Square
Victoria, B.C. V8W 1P6

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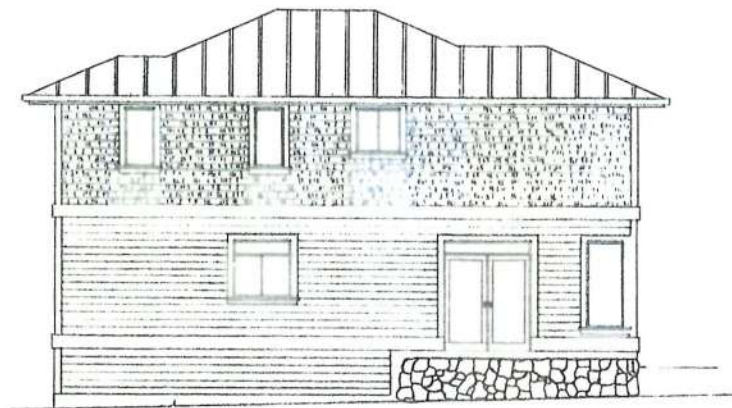
City of Victoria
Planning and Development Department
Development Services Division
#1 Centennial Square
Victoria, B.C. V8W 1P6



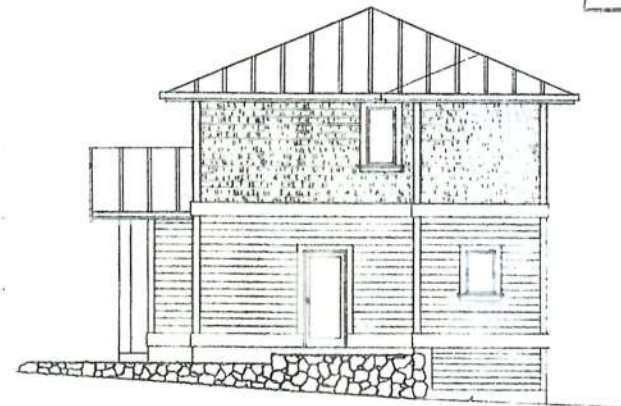
Side (West) Elevation
14'-10"



Front Elevation
14'-10"



Rear Elevation
14'-10"



Side (East) Elevation
14'-10"

Received
City of Victoria

SEP 29 2015

Planning & Development Department
Development Services Division

MR. JAMES TRUETT

T-SQUARE

T-SQUARE Design & Consult Inc. 2850 Lakemhurst Drive, Victoria, BC V8L 2C2

DATE: 11-08-15 DESIGNED BY: T.L.

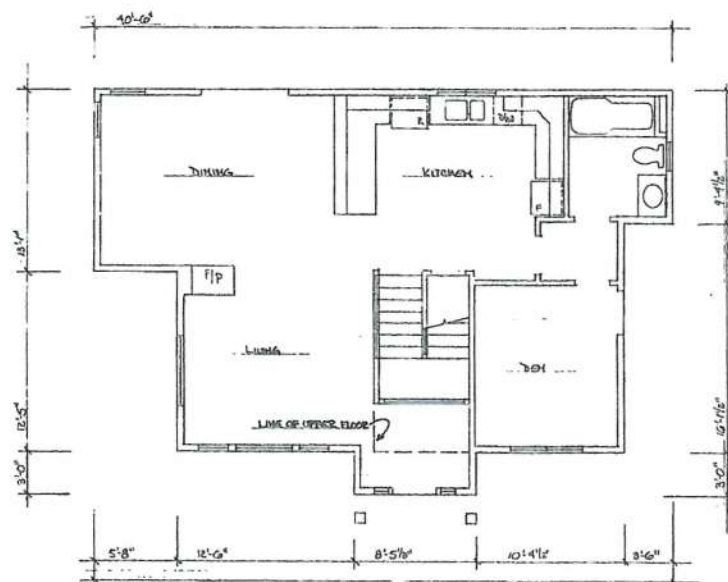
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DRAWING No: 067-1

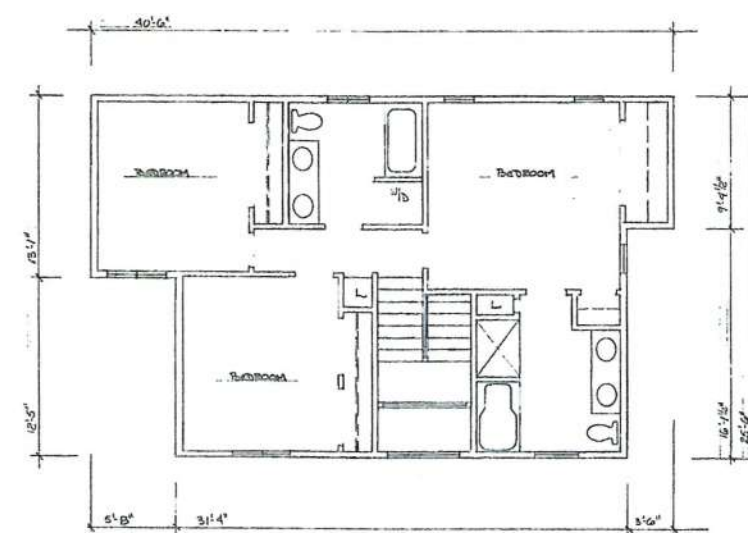
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City of Victoria

SEP 29 2015

Planning & Development Department
Development Services Division



MAIN FLOORPLAN
JA 11-0
8/6/14



UPPER FLOORPLAN
JA 11-0
8/6/14

MR JAMES TRENT

T-SQUARE

T-SQUARE Design & Consulting design@t-square.ca
2850 Lakehurst Drive, Victoria, BC 250-382-2893

DATE 23 09 15 DESIGNED BY DL

SCALE 1/8" = 1'-0" DRAWN BY DL

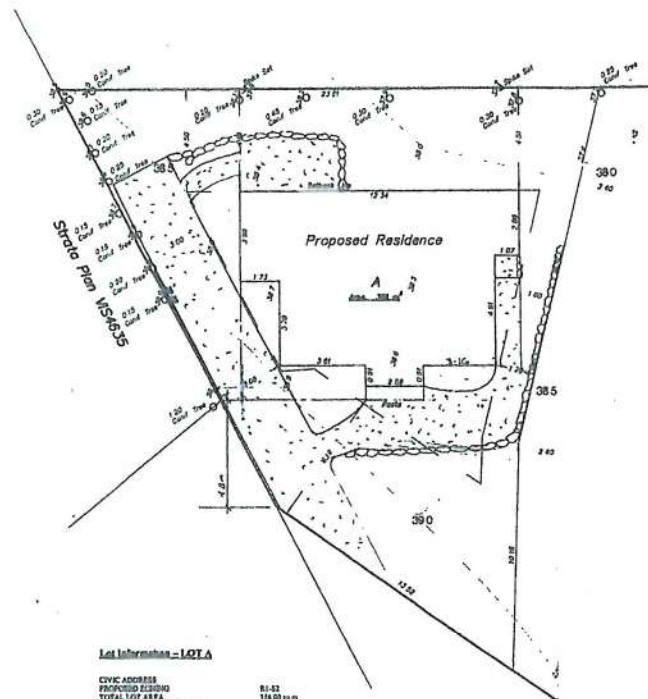
DRAWING NO 067

**Plan of Proposed Subdivision of:
Lot 1, Section 29-30,
Victoria District, Plan 8585.**

Collected 20th day of April, 2015

Distances shown are in metres

Scale = 1:100



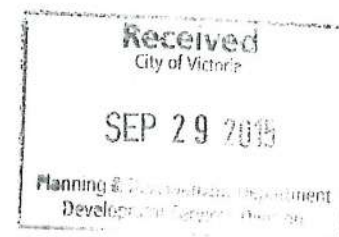
Lot Information - LOT A

CIVIC ADDRESS	80-81
PROPOSED ELEVATION	124.00 m
TOTAL LOT AREA	142.00 m ²
ALLOWABLE LOT COVERAGE	40%
PROPOSED LOT COVERAGE	40.17 m ²
ALLOWABLE F.A.R.	10.00
PROPOSED F.A.R.	10.00
ALLOWABLE HEIGHT	7.50 m
PROPOSED HEIGHT	7.50 m
LOT DEPTH	23.00 m
LOT WIDTH	17.00 m

ELEVATIONS

MAJOR FLOOR	124.00 m
AVERAGE GRADE	124.00 m

RICHARD J. WILBY & ASSOCIATES
Land Surveying Inc.
www.rjwilsurvey.com
#1-227-James White Building
Suite 202 Wm. 123
Burlington ON L7R 4B8
Tel. 888-888-8888





Received
City of Victoria
SEP 29 2015
Planning & Development Department

		MESA DESIGN GROUP INC. DESIGN CONSULTANTS	
		2025 - 4400 VICTORIA AVE. VICTORIA, BC 250-922-2225	
		DATE:	DESIGNED BY:
		SCALE:	DRAWN BY:
		DRAWING NO. 1	