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City of Victoria  
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Victoria, BC V8W 1P7

Attn: Mayor and Members of Council

December 13, 2019

Re: Re-zoning and Development Permit Application: 1400 Fairfield Road and 349/351 Kipling Street

Dear Mayor and Members of Council,

We are pleased to submit the enclosed revised Rezoning and Development Permit Application for an eight-unit townhouse proposal located at 1400 Fairfield Road and 349/351 Kipling Street. The original application was submitted on June 21, 2019. This revised application responds to the comments made by each City of Victoria department through their review, and a detailed summary of the revisions are included in the letter as **Appendix A**.

Our primary guidance for this rezoning and development proposal comes from the recently adopted Fairfield Neighbourhood Plan, which calls for diverse infill housing forms, and increased density in Fairfield. Sections three and eight of the Fairfield Neighbourhood Plan offer support for townhouses on this site and give direction on townhouse forms:

- **Section 3: 3.5.1.** Add opportunities for people to live on Frequent Transit corridors on Fort Street and Fairfield Road (see Chapter 6, 8).
- **Section 8: 8.11.10.** For infill housing along Fairfield Road, consider heights of 2.5 - 3 storeys (up to approx. 8.3 - 10.5 metres in height.)
- **Section 8: 8.13.1.** Development up to 1:1 floor space ratio and 2.5 to 3 storeys may be considered.
- **Section 8: 8.13.3.** A variety of housing forms may be supported. These include: c. Townhouses; e. duplexes.
- **Section 8: 8.13.5.** Reductions in parking requirements, as compared to other parts of Fairfield's Traditional Residential areas, should be considered to reflect the location of this area near shops, services, transit and amenities.
- **Section 8: 8.18.1.** Consider townhouses on lots with two frontages and lots with laneway access, and in the areas near Cook Street Village and along Fairfield Road (Map 11).
- **Section 8: 8.20.2.** Small lot subdivision is discouraged in the Cook Street Village area and along Fairfield Road, where more diversity of housing choice is desired.

## **PREAMBLE**

Breia Holdings Ltd. acquired 349/351 Kipling St. in 2015 and initially proposed the construction of a purpose built-group daycare was proposed to the community. While there was a recognized need for more daycare spaces, following community consultation and a CALUC meeting, Breia Holdings Ltd. decided not to pursue re-zoning of the property for this purpose. The feedback received from the community was that although the current site could be improved with new construction, a group daycare was not a good fit. Family-focused housing was recommended as an alternative to the daycare.

Breia Holdings Ltd. Subsequently acquired 1400 Fairfield Road in October 2018 and pursued plans to re-develop the consolidated site into ground oriented, family-focused residential housing.

After studying the neighbourhood, we engaged Sebastien Garon Architecture and Design to come up with some preliminary concepts for a townhouse proposal. This was presented to the Fairfield community at three meetings, which included an introductory meeting, a preliminary meeting, and a CALUC meeting. In addition to the CALUC meeting, more than 180 letters were sent to Fairfield residents, which invited input into the proposal. Based on feedback received from the neighbourhood and planning staff, we have made significant revisions to this proposal, which we feel, have improved its form, function, and design.

### **DESCRIPTION OF PROPOSAL**

This re-zoning and development permit application is requesting to re-zone two properties from R1-B (Single-Family Dwelling District) – currently a non-conforming duplex and single family dwelling, to a new site-specific zone to allow for six attached dwellings and a duplex. Each of the eight townhouse units proposed have 3-4 bedrooms, private garages, and are 1803 – 2047 sq. ft. in size. Here is a summary of unit varieties offered:

- Two 3-bedroom duplex units (3.5 bath)
- Six 4-bedroom townhouse units (3.5 bath)

The proposed townhouses are configured in two clusters, one cluster with two units (fronting Fairfield Rd.), and the other cluster with six units (fronting Kipling St. and Thurlow Rd. facing Robert J. Porter Park and Brooke St. Green). This unique configuration was selected to complement the elongated nature of the consolidated lots, sloped topography, and to accommodate driveway access restrictions fronting Fairfield Rd. The proposed buildings are three stories, with maximum heights of 8.22M to 9.34M, respectively, and a FSR of 0.87:1.0.

All three of the existing units are tenanted. Consistent with the City of Victoria Tenant Assistance Policy, a tenant assistance plan has been developed and shared with eligible tenants. The Tenant Assistance Plan accompanies this application.

### **CONTEXT**

This development site is located along Fairfield Rd., Kipling St., and Thurlow Rd. The properties included in this proposal are characterized by their proximity to the natural landscape of Robert J. Porter Park across the street to the North-West and Brooke St. Green across the street to the Northeast – which is why the project has been given the name ‘Le Parc’. The site is also conveniently located close to shops, services, schools, and public gathering spaces at Five Corners Village Ross Bay Village. Below is specific information related to nearby shops, services, schools, and green spaces:

- **Shops and Services:** This site is 350m from Five Corners Village and approximately 750M from Ross Bay Village.
- **Nearby Schools and Community Services:** The site is located across the park from Sir James Douglas elementary school, where there are currently 520 Kindergarten to Grade 5 students. It is also across the park from the Fairfield-Gonzales Community Center, which houses a preschool.

In terms of zoning context, the site is bordered by 1.5 storey single-family homes to the southeast, two-storey buildings on Fairfield Rd., and a duplex across the street to the North on Kipling St. 1400 Fairfield

Rd. is part of the Fairfield Corridor a sub-area of traditional residential areas where development of up to three stories is to be considered (Fairfield Plan, September 2019, p. 83). One reason cited for this consideration in the Fairfield Plan is proximity to frequent public transit. In addition to being on a Frequent Transit Route with connections to major employment destinations, downtown, and at the University of Victoria, the #7 bus in both directions is located directly across the street from of 1400 Fairfield Rd. Route #1 is located nearby on Richardson St. (approximately 300m away from the site).

## **DESIGN**

When undergoing preliminary and conceptual designs for our development proposal, we consulted the *Design Guidelines for Attached Residential Development: Fairfield Neighbourhood* to ensure design was consistent with existing design guidelines for the neighbourhood. In the original letter to mayor and council, a line-by-line analysis of how we worked to align with each of the line items included.

The overall architectural approach taken in this proposal was to contribute to the emergent modern architectural form, which is present in recently constructed modern residences in the Fairfield neighbourhood, and while are not directly adjacent to the properties are particularly prominent along Fairfield Road. Modern architectural form in this project is expressed through cubic design, oversized windows, glass detailing, and flat roof forms. In addition to complementing other contemporary residences in the area, this design created functional living spaces that are full of natural light and allow for the inclusion of forward-oriented outdoor spaces in the form of rooftop decks, which look onto green spaces. Roof decks are generally not congruent with traditional building designs, which have peaked rooflines. Peaked roofs of more traditional designs also contribute to general overall building height, and would have resulted in a taller proposal.

Below are a few unique features of this project, made possible through contemporary design:

- **30-degree angled garages:** A response to the narrow lot width, this parking orientation hides parking at the rear of the buildings, and allows for the buildings to be set as low as possible given the natural slope of site, with the one-way entrance on Thurlow Rd. at the lowest point of the site, and the exit onto Kipling St. Garage doors are designed to be glazed with frosted glass, creating privacy and allowing natural light to reach the garages. The 30-degree parking orientation also has the benefit of enhancing safety, as it does not require a turnaround.
- **1.5 storey living room:** The rear oriented parking orientation results in street-oriented entrances near street level and a split level inside which allows for the incorporation of oversize 1.5-storey floor to ceiling windows overlooking Robert J. Porter Park and Fairfield Rd. This provides as much light as possible to the six of the units, which are north facing, and results in the units presenting as two stories from the Fairfield Rd. and Kipling St.
- **Generous roof decks with space for urban agriculture:** With parking situated at the rear of the structures to provide a friendly face to the street, private roof decks have been designed as the principal outdoor space for the units. The outdoor space provided to each unit in the form of the roof deck is more than double the amount of outdoor space that is available behind each unit (600+ sq. ft./unit), which is currently used for parking circulation, and offer considerable more light to residents, as well as park views. The ability to limit overlook by directing views away from private residences, towards neighbouring Robert J. Porter Park, and Brooke St. Green, were considerations in selecting this as a suitable outdoor space.

## PROJECT BENEFITS AND AMENITIES

This project will bring eight new well-designed family-oriented residences to the Fairfield Corridor in a form that is consistent with the Fairfield Neighbourhood Plan. In addition to providing additional housing this project proposes to provide a community oriented bench (located on the development site) on the corner of Kipling St., and Thurlow Rd. (see site and landscape plan for more detail). This bench overlooks Robert J. Porter Park and Brooke St. Green, and is designed for public use.

## NEED AND DEMAND

In Fairfield, Single Family homes and Apartments make up 87.3% of housing stock. There are relatively few housing options, which meet criteria of 'middle housing'. According to the Fairfield Community Profile (2016), only 1.5% of housing in Fairfield are townhouses, which are often referred to as 'the missing middle' between single family home and apartments/condos.

This re-zoning and development proposal aims to create eight additional family-oriented (2-4 bedroom) 'missing middle' housing units. This proposal responds generally to demands for additional housing to address population growth, and more specifically to increases in the number of families with young children in the City of Victoria. According to 2016, census data there are 2,940 residents aged 0-4 years old in Victoria, BC, an increase of 4.3% from 2011.

## IMPACTS

**Table 1**, below summarizes possible neighbourhood impacts associated with this development and associated mitigating factors and strategies employed:

**Table 1: Possible Impacts, Mitigating Factors, and Strategies to address impacts**

Possible Impact	Mitigating factors and strategies to address possible impacts
<b>Parking</b>	<p>Nine off-street parking spaces are provided in this proposal, which is compliant with Schedule C: Off Street Parking. It is our opinion that any additional parking resulting from service vehicles, guests, or even other residents will have limited impact on neighbors and park users for the following reasons:</p> <ul style="list-style-type: none"><li>○ <b>Residential neighbours:</b> There are no other houses located on the 300 Block of Kipling St.</li><li>○ <b>Frontage:</b> There is 239 ft. of street frontage on Kipling St. (including one proposed drive aisle) immediately in front of 349/351 Kipling St. and 1400 Fairfield Rd. Across the street from the proposed development street on Kipling St. is an additional 239 ft. of street frontage or 72.93 M (as per site survey).</li></ul> <p>Other factors impacting parking and car ownership more generally include:</p> <ul style="list-style-type: none"><li>○ <b>Proximity to bus access:</b> This site is located near major bus routes – Route #7 is located immediately in front of the development site on Fairfield Rd. (both sides of the street) and Route #1 is located one block away on Richardson St.</li><li>○ <b>Community profile:</b> Given the proximity to downtown and other employment hubs such as the Royal Jubilee Hospital, we expect that many residents will rely on alternative transportation methods for commuting to work, and residents looking to live in this central location may be seeking this to limit</li></ul>

	<p>emissions. According to Statistics Canada (2016), 64% of people who live in the City of Victoria work in their community (the highest of any municipality in the CRD). Additionally, according to the Fairfield Community Profile (2016), 55% of Fairfield Residents walk, bike, or use public transit to commute to work, which is higher than the city of Victoria as a whole.</p> <ul style="list-style-type: none"> <li>○ <b>On-site bicycle parking:</b> This project exceeds bicycle-parking requirements.</li> </ul>
<b>Shadowing</b>	<p>A shadowing study has been completed for this project. At its highest point of 9.34 M, the proposed structure is taller than existing structures, however, due to site orientation, shadowing on neighbouring properties is relatively limited. Shadows are primarily cast onto Kipling St. and Thurlow Rd. The two immediate neighbours at 1408 Fairfield Rd. and 1407 Thurlow Rd. would be impacted by varying degrees of shadowing, which would begin at approximately 3pm onwards in the spring, summer, and fall (See <b>Shadowing Study</b> for details).</p>
<b>Privacy and Overlook</b>	<p>A window overlay has been completed for this project. When designing the proposed structures careful attention was paid to try to maintain privacy between the neighboring properties. The following design elements are aimed specifically at maintaining privacy:</p> <ul style="list-style-type: none"> <li>● <b>Unit orientation:</b> All unit entrances and principal windows are oriented towards the street.</li> <li>● <b>Outdoor space locations:</b> Usable outdoor spaces are oriented towards the streets and away from immediate neighbours. This includes: <ul style="list-style-type: none"> <li>○ Rooftop patios (with screening to prevent overlook);</li> <li>○ Shared yard spaces facing away from neighbours.</li> </ul> </li> <li>● <b>Window Locations:</b> Windows were strategically located throughout the design of the building with the intent to minimize and direct views or overlook into neighboring properties.</li> </ul>
<b>Safety and Security associated with density</b>	<p>This proposed development will increase safety in the area by increasing the number of eyes on the streets (Fairfield Rd., Kipling St., and Thurlow Rd.) and parks (Robert J. Porter Park and Brooke St. Green). All entrances and principal windows are oriented towards public streets. Other design elements that will improve safety and security include:</p> <ul style="list-style-type: none"> <li>● <b>On-site Lighting:</b> The principal entrances for each unit will be well lit. There will also be lighting located in the parking areas, retaining walls, and signage wayfinding purposes (See landscape plan for more details).</li> <li>● <b>Fencing and Gates:</b> Yards located on Thurlow Rd. and Fairfield Rd. will be completely fenced (see landscape plan for details).</li> </ul>
<b>Noise associated with heat pumps</b>	<p>Heat pump units are proposed to be located on the rooftop of each residence (greater than 15 ft. from neighboring property lines in all instances). According to best practices, “the roof is often the best location [for heat pumps] in terms of noise mitigation”. When sourcing heat pumps models will be selected to ensure compliance with the City of Victoria <a href="#">Noise Bylaw (03-012)</a>. According to the City of Victoria Noise Bylaw, in Quiet Districts (which includes the proposed development site), noise levels shall not exceed 55 dBA when received at a point of reception during the day and 45 dBA during nighttime. For reference, 45 dB is comparable to sound of birdcalls or the noise level within a library, while 55 dB is similar to the sound of a dishwasher in the next room.</p>

Source: Ozols-Mongeau, Lucas. (2017). <a href="#">“DOCUMENTATION OF URBAN DESIGN AND OUTDOOR NOISE BEST PRACTICES FOR AIR-SOURCE HEAT PUMPS”</a> Greenest City Scholars Program.
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## **SETBACKS & HEIGHT EXPLAINED**

The setbacks and building heights presented in the project table represent a few specific points on the site. Below is a detailed explanation of setbacks in this project.

**Side yard exterior setback (0.75M):** The North-west setback on the Kipling St. frontage is measured to the entry steps that are over 0.6M in height, not to the façade. The varied heights of the entry steps are in response to the slope of the lot, even with every second unit stepping down in height by 0.77M. For units 1-6, the distance to the principal façade is for Unit 1-6 is 1.5M, it is 2.12M to front windows of each unit, which comprises most of the frontage on Kipling St., and the front door is setback 2.41M from the property line. For unit 7-8, the principal façade is set 1.5M from the setback, with the exclusion of two minor protruding windows on the top storey of the duplex. The 1.5M setback to the building façade was driven by section 8.11.2 of the Fairfield Plan, which indicates support for side street oriented setbacks of 1.5 M for lots of at least 15 M wide.

**Side yard interior setback (3.91M):** This setback is measured to architectural screening which runs over top of and down the exterior stairs that provide access to the basement of Unit #8. On the site, the stairs span a distance of 5.35M on the lot, which is a total of 72.93M in length. With the exception of this one structure, all other building points are set back 5.0M to 5.14M from this property line. This is consistent with section 8.11.3. which prefers increased side setbacks for interior lot lines to respect privacy and sunlight in adjacent back yards.

*Note: At all points on site the combined side yard setbacks are greater than combined side yard setbacks set out in current R1-B zoning.*

**Front yard setback: Thurlow Rd. (5.39M):** Similar to the interior side setback, the setback on Thurlow Rd. is measured to architectural screening which runs over exterior stairs and provides basement access to Unit #1. The setback from the property line to the building façade of Unit #1 is greater at 6.5M. The screening provided is included as a contemporary compliment to porches, which are present in several units on Thurlow Rd. Having the access to Kipling St. from the basement (rather than Thurlow Rd.) increases the utility of the common yard space on Thurlow Rd. This setback is consistent with section 8.11.1. of the Fairfield Plan which desire minimum front yard setbacks of 5-6M, and incorporate items such as patios and porches.

**Front yard setback: Fairfield Rd. (4.48M):** The southwest setback fronting Fairfield Rd. is measured to the architecturally designed post, which supports the overhang over the front door. The distance to the principal façade to the setback further at 5.7M. This setback is generally consistent with section 8.11.1. of the Fairfield Plan which desire minimum front yard setbacks of 5-6M, and incorporate items such as patios and porches.

*Note: In existing R1-B, zoning projections of 1.6M into the setback is allowed for porches, but is not included in this instance as a new zone is being requested. Several nearby houses have porches that project into setbacks, as per R1-B zoning.*

**Building Height:** The height of both building clusters is measured to the highest point above average grade, which is the top of the rooftop access hatches. For building cluster #1, this is 9.34M. For building cluster #2 this 8.23M. While the height of 9.34M is above the suggested height for traditional residential areas in Fairfield (which is suggested up to 8.3M), the heights of the units above average grade reduce to that height as they step-down the hill from Fairfield Rd. to Thurlow Rd. Located near the center of the consolidated lot, the tallest units are unit 5-6, which is 9.34M above average grade. Total height above average grade then reduces to 8.83M for unit 3-4, and 8.22M for unit 1-2, which are the units closest to Thurlow Rd. At a height of 9.34 M, this is 1.16M less than the suggested maximum height for sites situated on Fairfield Rd., which the site would become if consolidated through re-zoning.

### **SUMMARY**

We feel that this proposal will benefit the Fairfield Neighbourhood by providing additional family oriented housing options, and setting a high standard for future developments along the Fairfield Corridor in years to come. We look forward to presenting this project to council. If you have any questions or require further clarification of any part of this application, please do not hesitate to contact me directly.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Bart Johnson', with a long horizontal flourish extending to the right.

Bart Johnson  
Principal, Breia Holdings Ltd.

## Appendix A: Summary of Plan Revisions

December 13, 2019

Re: REZ No. 00702 & DP No. 000555 (1400 Fairfield Rd. and 349 Kipling St.)

Attn: City of Victoria Planning staff (Alec Johnston):

Thank you for providing a technical review of our application, providing feedback for consideration, and outlining the requirements to move this application forward in the re-zoning and development permit process.

Responses and actions taken in response to the review are addressed to each individual department in this letter, in the same order that they were presented to the applicant in the Application Review Summary. In addition to these responses, and revisions to plans, the following supplementary documents have been produced and are included in re-submission:

- *Arborist Review Report (Talbot Mackenzie & Associates)*
- *Window Overlay of Neighbouring Properties (1407 Thurlow Rd. and 1408 Fairfield Rd.) – Included in Plans*
- *Conceptual Site Servicing Plan (underground storm drain, sanitary sewer and water service connections) (Westbrook Consulting Ltd.)*
- *Pre-and post-development sewage flow rate analysis (Westbrook Consulting Ltd.)*
- *Legal Agreement: Statutory Right of Way (0.86M on Fairfield Rd.)*
- *Legal Agreement: Housing agreement, which ensures that a future strata cannot restrict rental of units.*

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## Development Services: Conditions and Responses

**Condition #1:** “The proposed use and density are consistent with the OCP’s Traditional Residential designation; however, the proposal for four storeys triggers an OCP amendment, which staff do not support given the scale of the proposed development relative to the existing and future context, a plan revision is required to reduce the height of the buildings.”

- **Applicant Response / Actions Taken:** The top floor of the proposed buildings has been entirely removed from both Cluster #1 (six units) and Cluster #2 (two units). This change has reduced the overall height of the both buildings. 9.34M is now the highest point above average grade on either building cluster. The average height of all eight units above average grade (measured in clusters of two) is now 8.66M. See **Table 1** for more information.
  - Averaging the maximum heights proposed for townhouses in the Fairfield Neighbourhood Plan (up to 10.5 M for 1400 Fairfield Rd. and up to 8.3 M for 349 Kipling St.), at 8.66 M the average height of all sections is .74 M lower than the average maximum height of 9.4 M.
  - If the height of each cluster is averaged  $(8.23 + 9.34)/2$ , the average height above average grade is 8.78M, which is also lower than an average of the maximum proposed height of the two sites outlined in the Fairfield Neighbourhood Plan.

**Table 1: Updated Building Height and Stories at different locations on the proposed development site**

Building Cluster	Existing Lot Location	Unit #	Total # Stories	Average Grade of building Cluster	Total Height (to top of roof hatch)	Total height of each unit above average grade
1	349 Kipling St.	Unit 1	3	12.76	20.98	8.22
1	349 Kipling St.	Unit 2	3	12.76	20.98	8.22
1	349 Kipling St.	Unit 3	3	12.76	21.59	8.83
1	349 Kipling St.	Unit 4	3	12.76	21.59	8.83
1	349 Kipling St. + 1400 Fairfield Rd.	Unit 5	3	12.76	22.1	9.34
1	1400 Fairfield Rd.	Unit 6	3	12.76	22.1	9.34
2	1400 Fairfield Rd.	Unit 5-6	3	14.72	22.95	8.23
2	1400 Fairfield Rd.	Unit 7-8	3	14.72	22.95	8.23
1 + 2	All Units	Unit 1-8	-	-	-	<b>8.66</b>

- At a maximum height (above average grade) of 9.34M, this proposal is notably lower than many townhouse developments that have been re-zoned and constructed in the City of Victoria. **Table 2** lists a few examples of recent townhouse developments, and one apartment in the City of Victoria. This lower height in this proposal has been achieved by designing the structures to work with the slope of the natural grade. Principally, placing parking at the rear of the structures so that it can be dug into grade from the sites lowest point, and dropping the development in sections of two, from Fairfield Rd. to Thurlow Rd. Working with grade on the lots to creates a split level main floor, this also resulted in the structures presenting as 2 stories from most street facing elevations.

**Table 2: Building Heights of recently re-zoned townhouse developments**

Address of Attached Dwellings	Height (above average grade)	# units / clusters	Stories	Re-zoned
1712/20 Fairfield Rd.	11.14M (to midpoint of roof)	20 (3 clusters)	3	2019
2816 Shelbourne St.	9.70M (top of flat roof)	5 (1 building)	3	2018
2910 Shelbourne St.	10.7M (flat roof + parapet)	6 (1 cluster)	3	2018
2636, 2638, 2642 Shelbourne St.	10.2M (to midpoint of roof); 10.65 to top of roof	12 (4 clusters)	3	2014
2330 Richmond Avenue	10.31 M to top of flat roof	7 Unit Apartment	3	2017

Note: Examples from other neighbourhoods are included as there have been few Townhouse Developments in Fairfield

**Condition #2:** *“The proposal may benefit from a reduction in density to better align with the OCP and design guidelines and improve the overall fit with the context.”*

- Applicant Response / Actions Taken:** The top floor of this development proposal has been removed. This has resulted in two fewer bedrooms and five fewer bathrooms in the revised plans. Total floor space for the development was reduced to .87:1:0 from the original submission which was 0.9:1:0.

**Condition #3:** *“The site planning is car dominant, with much of the site dedicated to vehicle circulation. This approach lacks consistency with the design guidelines, which encourage pedestrian oriented design and the provision of landscaped open site space. Consider a shared parking area in place of individual carports.”*

**Applicant Response / Actions Taken:** The following actions have been taken in response to this condition:

- 1) Adding additional landscape elements to the rear of the site.** To improve the transition to the neighbouring properties on Thurlow Rd. and Fairfield Rd. (which are adjacent to the proposed one-way drive aisle / parking access), arbours with vines have been added to the plans, which are suspended over the drive aisle and attach to the retaining wall (see Landscape Plan for details). This will create additional greenery, which are in addition to the proposed hedge. The trellis softens the appearance of the drive aisle from both Thurlow Rd. and neighbouring properties. A two storey ‘green wall’ was also added between cluster #1 and cluster #2.
- 2) Adding additional private outdoor space.** Recognizing the importance of usable outdoor space and on-site greenery, additional private outdoor space has been added to all of the units in the form of enlarged rooftop decks. In the revised plans, each unit has a private 620-699sq. ft. rooftop decks. This space exceeds the amount of usable private outdoor space, which is often provided in townhouse developments. For this proposal, due to the narrow lot width, the amount of space on the roof deck is more than double the amount of space, which is currently behind each townhouse unit; area which is currently used for parking circulation. A landscaped side yard was also added to Unit #8.

As privacy is often a concern with rooftop decks, efforts were, taken to minimize overlook by the inclusion of a 5’ frosted glass screen at the rear of Unit #1-6, which is in-set 1.37M from the edge of the building, which shares property lines with residential neighbours. All

views are directed away from neighbouring houses over Robert J. Porter Park and Brooke St. Green.

- 3) *Increased secure space for bicycle parking:* Individual carports were replaced with attached garages, creating additional secure spaces for residents to store bicycles, should they choose to use the space for that purpose.

*Note:* Grouped parking located near the center of the two properties on Kipling St. was considered in revisions; however, in modelling different options for a potential re-design, it was determined that taking this approach would adversely affect project feasibility.

**Condition #4:** *“The design guidelines encourage building design and window placement that limits potential privacy and overlook issues. Please provide a window overlay with your resubmission.”*

- **Applicant Response / Actions Taken:** A window overlay has been produced and has been provided with this re-submission. Overlook has been limited through window placement. There is only one small window where there is direct overlay. This particular window is an accent window (not principal window) – see image in **Figure 1** for details. There is also some overlay of the exterior front porch / mudroom entry door of 1407 Thurlow Rd., however, any views from Unit #1 would be limited to the exterior mudroom, not into the interior of the neighbouring residence at 1407 Thurlow Rd. The building is also set 5M back from the neighbouring property line creating separation from both the accent window and mudroom. The planting of the evergreen hedge along the property line will be 5-7M at maturity, which will virtually eliminate any overlook.

Figure 1: Windows at 1407 Thurlow Rd.



Source: Realtor.ca, 2018 (1407 Thurlow Rd.)

Image: Illustration of accent window with overlay

**Condition #5:** *“The guidelines encourage a contextual architectural response to consider and incorporates design features that compliment the form and character of the area. The proposed design lacks consistency with this direction. Please consider a design that better reflects the predominant form and character of the area.”*

- **Applicant Response / Actions Taken:** Contemporary designed residences are becoming increasingly common in this part of the Fairfield neighbourhood. The majority of residences that have been recently constructed near the proposed development site, or are proposed to be built near the proposed development site, are of contemporary or transitional designs. The contemporary design of this project proposal is intended to respond to new construction which has been emergent in the Fairfield neighbourhood. **Figure 2** provides illustration of nearby residences, which have been recently constructed, or designs, which are approved for

construction. **Figure 3** illustrates locations of these residences relative to the proposed development site.

Figure 2: Approved Designs & Recent Construction near 1400 Fairfield Rd. 349 Kipling St.

	
<p>1403 Fairfield Rd. (Constructed: 2017)</p>	<p>Lot D, E, F Moss Rocks (Approved Designs, 2019)</p>
	
<p>1303 Fairfield Rd.(Re-zoned, March, 2019)</p>	<p>1444/1446 Fairfield Rd. (Constructed: 2012)</p>
	
<p>1405 Fairfield Rd. (Constructed 2002)</p>	<p>1473 Faircliff Ln./1477 Fairfield Rd. (Constructed: 2013)</p>



Figure 3: Annotated Map of Highlighted Houses in Figure 1 (Relative to Proposed Development Site)



Red = Illustrated in Figure 1.

Below is a list of additional residences, which are of modern or transitional design and recent construction, but are not illustrated in Figure 1:

- 1494 Fairfield Rd. (Constructed 2010)
- 339 Masters Rd. (Constructed 2017)
- 240 Moss Rocks Place (Constructed 2008)
- 220 Moss Rocks Place (Constructed 2009)
- 1455 Clifford St. (Constructed 2019)

To provide a contemporary compliment to porches on more traditional homes in the area, vertical screening was provided over newly added stairs, which front Thurlow Rd. and are adjacent to 1408 Fairfield Rd.

**Condition #6:** *“Buildings on corner lots should address both street frontages. Blank walls facing streets are also discouraged. Please consider a design revision to both the duplex and the corner townhouse unit to better address the two street frontages.”*

- **Applicant Response / Actions Taken:**
- A basement level entrance was added to Unit #1 (corner of Kipling St. and Thurlow Rd.), adding an entrance visible from Thurlow Rd. Architectural screening was also added to the Thurlow façade, providing additional dimension to the Thurlow Rd. façade.
- Additional windows have been added to limit the amount of 'blank space' on street facing walls on the corner units facing Fairfield Rd/Kipling St. (Unit #7) and Kipling St./Thurlow Rd. (Unit #1).
- A 'Green Wall' has been added to the side of Unit #6, which faces the drive aisle, and is visible from Kipling St. (this is located in the space between the two building clusters). The proposed green wall is two stories in height. See landscape plan for more information.

**Condition #7:** *“Please consider providing a housing agreement with your proposal to ensure a future strata cannot restrict rental of units.”*

- **Applicant Response / Actions Taken:** A housing agreement has been drafted to ensure a future strata can not restrict rental units. This has been submitted for review with this re-submission.

**Condition #8:** *“The Tenant Assistance Policy is applicable to rezoning applications to redevelop or demolish any building that will result in loss of existing residential rental units. For any renovation or redevelopment that requires relocation of existing tenants, the property owner must develop a Tenant Assistance Plan.”*

- **Applicant Response / Actions Taken:** A Tenant Assistance Plan was created and provided to the Housing Planning Department upon original submission. We were informed that it was acceptable and has been submitted to planning.

## Transportation Department Conditions & Responses

**Condition #9:** *With regards to Fairfield Road, the standard right-of-way width for a collector street is 20.0 metres. To help achieve this minimum width on this portion of Fairfield Road, a Statutory Right of Way (SRW) of 0.86 metres will be needed. Staff will make a recommendation to Council that the SRW be a condition of rezoning. This will help fulfill Council-approved Official Community Plan objectives such as enhanced facilities for walking with sidewalks separated from the curb edge by a treed boulevard. Note that no permanent structures will be permitted in this area, nor is any required parking or turnaround area to be permitted within one metre of this area. Please indicate the SRW on the next plan submission. Note that the SRW documents are to be secured by legal agreement and registered on title prior to establishing a date for Public Hearing.*

- **Applicant Response / Actions Taken:**

- A SRW of 0.86 meters has been indicated in all plans associated with this re-submission.
- A draft legal agreement has been prepared and is included in this submission. We agree to register this on title prior to a Public Hearing Date being set.

**Condition #10:** Please illustrate a new 1.5-metre wide sidewalk on the Fairfield frontage adjacent to the internal SRW boundary, as well as new wheel chair ramps at the corner of Fairfield Road and Kipling Street, and indicate a new boulevard with street trees and grass between the curb and sidewalk. Please update all applicable plans, including the landscaping plans, accordingly.

- **Applicant Response / Actions Taken:** A new 1.5M sidewalk adjacent to the new boundary has been added to all plans. A new wheel chair ramp, new boulevard, and boulevard trees have been included in the revised plans.

**Condition #11:** The required long-term bicycle parking must be located in a secure area. Please see the Zoning Regulation Bylaw and Bicycle Parking Strategy for additional information. Please submit a revised plan indicating this change.

- **Applicant Response / Actions Taken:** All carports have been converted into individual garages to meet Bicycle Parking Requirements set out in Schedule C. Allocated spaces for bicycle parking are indicated for illustration purposes inside the private garages for each unit (x2 per unit).

## Underground Utilities Conditions & Responses

**Condition #12:** A change in zoning may allow for changes in permitted use and density resulting in increased sewage flow rates. The City's sanitary sewer system may not, at present, be sufficient to accommodate the increased flow rates. If the anticipated peak flow rate produced by the new development is greater than the estimated peak flow rate of sewage that would normally be generated by permitted development under the existing zoning regulation, then attenuation of flows will be required. Therefore, a report prepared by a qualified Engineer comparing pre- and post-development sewage flow rates must be submitted to the Engineering Department (attention: Deb Becelaere at dbecelaere@victoria.ca) prior to rezoning approval. The report is to include measures that the applicant intends to take to attenuate the sewage if required. Please contact Jack Hu, Sewer and Stormwater Quality Technologist, at 250.361.0551 or at JHu@victoria.ca, if further information is required.

- **Applicant Response / Actions Taken:** A pre and post development sewage flow report has been developed by Westbrook Consulting Ltd. and has been included in this re-submission. Based on sewer attenuation calculations conducted by Westbrook Consulting Ltd. there is not an identified need for sewer attenuation.

**Condition #13:** If it is determined, that sewage attenuation is required, the registration of a Section 219 covenant will be necessary to secure the commitment to attenuate sewage. Registration of the covenant is required prior to Public Hearing.

- **Applicant Response / Actions Taken:** Based on sewer attenuation calculations conducted by Westbrook Consulting Ltd. there is not an identified need for sewer attenuation.

**Condition #14:** Please provide a conceptual site-servicing plan for the proposed underground storm drain, sanitary sewer and water service connections. The services must not disturb or adversely affect existing trees, so please consider any impacts to existing trees and tree roots and ensure plans are consistent with comments from Parks Division staff.

- **Applicant Response / Actions Taken:** A conceptual site-servicing plan, which includes underground storm drain, sanitary sewer, and water service connections has been created and is included in this re-submission.

## Parks Division Department Conditions & Responses

**Condition #15:** The applicant must engage an ISA Certified Arborist with a Tree Risk Assessment Qualification (TRAQ) to undertake a tree inventory/assessment and provide a written report of a "Tree Preservation Plan" to assess potential impacts to trees on the municipal frontage, trees on the subject lot, and offsite trees with critical root zones extending onto the subject lot. The report must follow the "Terms of Reference for a Tree Preservation Plan." The Arborist must review the proposed building plans, all hardscape/landscape changes and all proposed or required underground or overhead utilities.

- **Applicant Response / Actions Taken:** A written report of a "Tree Preservation Plan" has been developed by Talbot Mackenzie and Associates and is included in the re-submission.

**Condition #16:** The Project Arborist should work with the design team to ensure that all options have been explored to retain trees that are suitable candidates for long-term preservation.

- **Applicant Response / Actions Taken:** Talbot Mackenzie and Associates have been engaged to explore options to retain trees suitable for long-term preservation and drafted a written report, which is included in this re-submission.

**Condition #17:** Some of the boulevard trees shown to be retained on the plans are in a state of decline and may not be suitable for retention through development. The Project Arborist should make recommendations for retention or removal based on the current health, structural condition, and species tolerance to disturbance.

- **Applicant Response / Actions Taken:** Boulevard trees, which are suitable for removal, have been outlined in the written "Tree Preservation Plan" created by Talbot Mackenzie and Associated (ISA Certified Arborist). Based on the report three municipal trees are not suitable for retention based on health (NT1 and NT2). NT4, is recommended for removal as it is considered to be located in an unsuitable location. It is unlikely that the City of Victoria planted that tree.

**Condition #18:** *Consistent with the arborist report, the Landscape Plan and Site Plan need to show tag numbers/reference IDs and critical root zones of all trees on the subject lot, municipal frontage, and offsite trees with critical root zones extending onto the subject property.*

- **Applicant Response / Actions Taken:** Critical root zones, tag numbers, and reference IDs have all been added the arborist report, which is included in this re-submission.

**Condition #19:** *Trees on the Landscape Plan have been identified as, “relocated.” Instead, they must be identified as “to be removed”.*

- **Applicant Response / Actions Taken:** Trees identified as being relocated have been removed in the plan.

**Condition #20:** *Remove species of proposed trees on the municipal frontage. Species selection is to be coordinated with Parks.*

- **Applicant Response / Actions Taken:** Species selection for proposed trees on municipal frontage has been removed to meet this requirement.

**Condition #21:** *Remove from the plans all proposed hedging, pavers, and pathways shown on the municipal frontage.*

- **Applicant Response / Actions Taken:** Upon further review from the Parks Department (September 23, 2019 email) hardscape for the purpose of connecting pathways from the front doors of the residences, fronting Kipling St. was indicated as being permitted on municipal frontage. All other hedging and pavers have been removed from municipal frontage.

## Summary of Revisions (since June 21, 2019 submission)

- Removal of top floor of living space on all units
  - Enlarging roof decks to increase usable outdoor space on all units;
  - Addition of privacy screening for roof decks
  - Layout change to all units with removal of top floor, including:
    - Converting 'den' to bedrooms on Unit 2,4,6 so that Unit 1-6 have three bedrooms on the top floor.
    - Removing top floor master from Unit #7-8 and converting the flex room in basement to a bedroom to make Unit #7-8 three bedroom units.
- Adding two exterior entrances to the basement areas of Unit #1 and Unit #8, with vertical metal screening.
- Adjustment of site siting and setbacks to accommodate bicycle parking, vehicle parking, and basement entrances. This includes:
  - Reducing Thurlow St. Setback from 7.55M to 5.39M to accommodate exterior stairs;
  - Reducing interior lot setback (east) from 5.0M to 3.91 M to allow for exterior stairs to the basement and additional dimension. The 5.0M setback remains for the majority of the site.
  - Reducing the setback (measurement only) on Fairfield Rd. to 4.48 M (5.7 M to façade); *Note: actual building did not move closer, measurement to support post for entry overhang.*
  - Reducing the setback (measurement only) on Kipling St. to 0.75M (from 1.5M); *Note: actual building did not move closer, measurement now includes stairs over 0.6M.*
  - Reducing area between Cluster 1 and 2 to 7.59M
  - Re-calculating setback on Fairfield Rd. to be measured to post in front of main entry as opposed to building façade.
- Addition of individual garage doors to all units which were previously carports (to comply with Bike Parking Requirements set out in Schedule C)
  - Removal of driveway gates, with addition of garage doors
- Adjustment of slope of the drive aisle (to comply with Schedule C)
- Removal of car share (to accommodate room for a separate garbage room and conform with Schedule C parking requirements)
- Removal of community corner bench on Fairfield Rd. and Kipling St. (with addition of SRW and sidewalk revision)
- Addition of Arbour with greenery over the drive aisle.
- Removal of bike rack near unit #8 to create more greenery. Addition of bike rack beside Unit #7 to provide guest bicycle parking for the duplex. Additional 2 bike parking spaces added on Thurlow.
- Addition of side patio near unit #8.
- Enlarged Kitchen windows on south facades (Unit #1-6); ensured windows did not align with neighbouring properties with production of a window overlay
- Addition of windows to North façade (unit #7);
- Addition of windows on South Façade and addition of a patio door (Unit #8); ensured windows did not align with neighbouring properties with production of a window overlay

- Addition of windows on East façade (Unit #1)
- Addition of dimension to all units with minor projections of upper floor bathroom windows and rear facing bedroom windows.
- Addition of overhangs to the front entryways of unit #1-6
- **Detailed landscape revisions are outlined on Page 20, and notated on bubbled Landscape Plan drawings**



### **Landscape Revision List**

1400 Fairfield and 349 Kipling

December 13, 2019

Drawing Revisions 2019-10-25 and 2019-12-12

1. Removal of shrub planting on municipal property and replacement with sod as directed by the municipality.
2. Revised sidewalk and boulevard on Fairfield as directed by the municipality to accommodate new S.W.R. Revisions include: removal of tree nt1 to accommodate new sidewalk location and replacement with two boulevard trees, removal of community bench and associated paving, relocation of project fencing, and deletion of visitor bike parking.
3. Removal of tree nt2 as recommended by Arborist Report and replacement with boulevard tree.
4. Removal of tree nt4 as recommended by Arborist Report.
5. Removal of tree nt5 by parks prior to construction and replacement with boulevard tree.
6. Note added: boulevard tree species to be coordinated with parks at building permit stage.
7. Revised front yard landscape at units 7 and 8 to include lawn areas, one large shade tree and one coniferous tree, and step-down fencing ht. from 6' to 4' from front building line to front boundary (front yard).
8. Revise landscape at unit 8 to include permeable paver patio, small shade tree, fencing and shrub planting for privacy screening.
9. Additional fencing to enclose unit 7 landscape from driveway.
10. Removal of sidewalk and utility area along west side of unit 6 and replacement with shrub planting and wire trellis with evergreen vines on blank portion of west wall.
11. Adjustment of unit entries and planting areas.
12. Relocation and enlargement of visitor bike parking areas to accommodate 8 bicycles and 2 bicycles.
13. Revised entry to common green space and enhanced shrub planting and addition of one large shade tree.
14. Custom metal arbors with evergreen vines over drive aisle.
15. Existing trees to be removed increased from 11 to 14; removal of 3 additional boulevard trees.
16. Total number of trees to be planted increased from 5 to 10.
17. Decrease in total number of shrubs to be planted from 515 to 461.
18. Change in tree and shrub species; pink Camelia deleted, replaced with pink Rhododendron; Emerald Green Arborvitae replaced with Portugal Laurel hedge.
19. Addition of rooftop decks
20. Addition of urban agriculture (movable rooftop planters)
21. New bike parking location (2 bike parking spots) and removal of shrubs.
22. Revised rooftop access – exterior stair.

END OF REVISIONS

## Past Revisions (January 24, 2019 – June 21, 2019)

Following Pre-preliminary CALUC meeting, preliminary CALUC meeting, community consultation, and CALUC meetings the following changes have been incorporated into the design:

- Reduced Total # of units from 9 to 8.
  - Increased setback on Thurlow Rd. from 6.5M to 7.55M
- Modified driveway access to have parking drive-through from Thurlow Rd. onto Kipling St. (as opposed to Thurlow Rd. to Fairfield Rd.).
- Further minimized overlook to immediate neighboring properties by eliminating all open viewing spaces (there are no rear windows) from top floor of units oriented towards immediate neighbours on Thurlow Rd. and Fairfield Rd.
- Added an on-site car share parking space
- Modified Colour Palette (to lighten colours)

Please let me know if you have any questions about any of the information submitted.

Kind Regards,

A handwritten signature in blue ink, appearing to read 'Bart Johnson', with a long horizontal flourish extending to the right.

Bart Johnson  
Principal, Breia Holdings Ltd.