

VIA EMAIL: zoning@victoria.ca

April 28, 2025

1 Centennial Square
Victoria BC V8W 1P6

RE: 1703-1705 Fernwood Drive & 1312 Balmoral Drive – Proposal for Missing Middle Townhomes

Dear Kasha:

Following extensive consultation with City Staff, we are pleased to re-submit a Development Permit Application for this Missing Middle proposal. The proposal involves consolidating three aging single-family homes to allow for the development of 19 townhomes. This application is guided by the Official Community Plan (OCP), the Missing Middle Housing Initiative (MMHI), the Fernwood Neighbourhood Plan, as well as the established development patterns within the Fernwood Neighbourhood. The proposal focuses on addressing housing attainability under the guidelines of the MMHI through a contextually appropriate form of development.

Development Services Division Comments

File Manager: Kasha Janota-Bzowska, Planner: T: 778.247.1076 or E: Kjanotabzowska@victoria.ca

Schedule P – Missing Middle Regulation

Section 2.3.a. of Schedule P says:

- As a condition of allowing additional density beyond 0.5:1 floor space ratio (FSR) pursuant to section 2.4.e., f., or g., the following amenity must be provided:
 - Highway dedication in accordance with Schedule "Q" – Highway Dedication Amenity Requirements, unless exempt under that Schedule (which Staff together with the applicant determined that the proposal is not exempt from this).

Staff have undergone a review of the previously requested 3.91m road dedication requirement for the frontage abutting Fernwood Road and our re-evaluation of building out this collector road determined that the road width could be reduced. We are now requesting a road dedication amount of 2.7m.

- The road dedication amount for Balmoral Road of 1.7m remains the same.

Applicant Response: Consistent with evolving conversations we've had with Staff with respect to the road dedications, the site plan has been updated with a dedication along Fernwood Rd of 2.7m.

Changes to the Fernwood road dedication triggers the following amendments:

- Please update your BCIS Survey to show the Fernwood Road dedication amount at 2.7m.
Applicant Response: The consolidation plan has been updated to reflect a 2.7m dedication and approved in principle by Engineering.
- You will need to re-submit the EPP Plan for Subdivision lot consolidation to our Approving Officer for their review and acceptance.
Applicant Response: This has been completed.
- Please update the Architectural, Landscape and Civil Plans to reflect this change.
Applicant Response: The architectural, landscape and civil plan have been updated.

Section 2.4.f. of Schedule P says:

- For corner townhouses, floor space ratio where the amenities have been provided pursuant to section 2.3.a. (maximum)

While the proposal may be under the prescribed FSR at 0.97:1, Staff continue to not be in support of Unit 19 as currently designed. We have reservations about the creation of Unit 19 in its entirety, as Missing Middle Housing is only meant to be for up to 18 residential units at a maximum. However, we have taken into considerations your concerns about the viability of the proposal without this final unit, which is why as a compromise our recommendation is to reduce the height of this unit to two storeys, as to mitigate the identified impact to neighbouring properties brought about by this residential unit. A Shadow Study is recommended to be completed, to accompany if you want to rationalize why Unit 19 should remain a three storey Townhouse unit, and the severity of the overshadowing impacts may be.

As it stands, Staff are not in support of Unit 19 as currently designed, and it will need to be amended. We are open to other alternative design solutions that you may have for our review and consideration.

Applicant Response: The site plan has provided a set back at unit 19 that more than doubles the minimum set-back required under the Missing Middle Guidelines. Shadow studies are provided that illustrate the impact to the eastern neighbour is negligible. The site plan will not accommodate any further reductions in unit count or height, or the provision of greater setbacks.

As discussed with Staff in person at our meeting on March 27, 2025, and illustrated in this package, the updated setbacks allow for landscaping along the southern property line, including trees, pathing and activation of the green amenity space in the rear corner of the site, which helps to mitigate this issue.

The first round of TRG comments from June 2024 did not recommend removal or reduction of Unit 19. The applicant would not have pursued this application if staff addressed the concern relating to 19 units at the beginning of this process (further, the maximum of 12 units under Missing Middle was presented as a variance in the TRG comments. The applicant was not informed that 19 units would be a significant sticking point for staff and note that the 448 Wilson Street project, which was approved under Missing Middle was 20 homes). This application has received support to proceed as presented at ADP (an ADP meeting being at the discretion of Planning) and has provided the requested dedications, tree replacement and open site space.

Section 4.1.b. of Schedule P says:

- The entire building must be within 36 m distance of at least two streets, not including a City lane

Staff continue to have reservations for the variance to increase the maximum allowable setback for a building to a street for corner townhouses from 36m to 42.6m for the interior North building.

Applicant Response: Following a reduction of the dedication along Fernwood Rd from 3.91m to 2.7m, the design team has pulled the North Building as close as possible to the western property line (towards Fernwood Rd.) The distance between the west and north buildings is 7m to accommodate on-site accessible van parking and maintain sufficient clearance between buildings and balconies for daylighting into this space and adjacent townhomes (less than 7m between 3-storey townhomes will create a tunnel effect and will not be suitable for residents). The shift of the north building has increased the eastern setback from 2m to 4.2m, as discussed above.

Additionally, the primary outlook for unit 19 is north and south. The north face of this home faces into a private, onsite park, not to the neighbouring property, which removes concerns regarding outlook. With respect to shadowing, a shadow study has been provided to illustrate the impact to the east neighbour's back yard is negligible with this updated plan. Screening elements, including a 6' fence, trees and shrubs are included along the eastern property line to further mitigate privacy concerns to the east.

- In order to re-site the interior North Building closer to the street, and to open up and connect the rear yard common outdoor amenity space, we recommend relocating the expanded landscaped amenity area, van accessible parking stall, and Zen garden seating area to the rear of the site. The image below is a rough idea of the recommended change. [Image removed in this response letter].

Applicant Response: As discussed in person, re-orienting the Van Accessible parking stall to this location would not work; however, based on the revised landscaping plan and sketches previously shared with Staff, we feel we have opened up the amenity space further into the site. As discussed above, the setback along the eastern property line has been expanded from 2m to 4.2m and now includes a meandering path, tree canopy and wild flowers, which extends the amenity space down the full eastern property line.

- Re-siting the North Building approximately 1.2m (or more) closer to Fernwood Road (based on a new road dedication amount of 2.7m and not 3.9m) would bring the interior North Building significantly closer to meeting the 36m setback requirement in Schedule P.

Applicant Response: The north building moves with the dedication reduction (1.2m), so the distance to the street (to the new property line) doesn't change. If the north building stayed, and the dedication was reduced, the building would be 1.2m farther from the street. The north building has to move more than 1.2m to reduce the overall distance to the street. The north building has been moved as close as practical to Fernwood Rd.

- If a variance is still required (which we anticipate but the request could be significantly reduced) for this setback requirement, a strong rationale identifying how any impacts to neighbouring properties have been mitigated, such as screening measures proposed.

Applicant Response: Following a reduction of the dedication along Fernwood Rd from 3.91m to 2.7m, the design team has pulled the North Building as close as possible to the western property line (towards Fernwood Rd.) The distance between the west and north buildings is 7m to accommodate on site accessible van parking and maintain sufficient clearance between buildings and balconies for daylighting into this space and adjacent townhomes (less than 7m between 3-storey townhomes will create a tunnel effect and will not be suitable for residents). Shifting the north building has increased the eastern setback from 2m to 4.2m, which is more than double the requirement under the Missing Middle Policy.

Additionally, the primary outlook for unit 19 is north and south. The north face of this home faces into a private, onsite park, not to the neighbours, which removes concerns regarding outlook. With respect to shadowing, a shadow study has been provided to illustrate the impact to the east neighbour's back yard is negligible with this updated plan. Screening elements, including a 6' fence, trees and shrubs are included along the eastern property line to further mitigate privacy concerns to the east.

DPA 15 F – Missing Middle Housing Design Guidelines

Staff review of the resubmission still interprets the design of the North Building as problematic in terms of number of units, building orientation, close proximity to the side yard setback, lack of landscaped privacy screening, overshadowing to neighbouring properties, and disconnecting the rear green space.

Part B: Typology Specific Guidelines provides additional guidance for specific residential typologies, such as for mid block and double row townhouses. We have identified that the proposal as currently designed does not align with one or more of the design guidelines for double row townhouses.

- Staff advised you of the identified North Building design problems in the Planning 2nd Resubmission Notes Letter for the November 5, 2024, resubmission package and Plans.

Section 7.2.4. Dwelling units located in the interior of a site (the North Building) should have rear yard and side yard setbacks sufficient to support landscaping and sensitive transitions to adjacent existing development and open spaces.

Applicant Response: The north building has a setback from the eastern neighbour of 4.2m, which is more than double the required setback. This setback area is now proposed to include more robust planting and trees to mitigate outlook and improve privacy, while improving the overall open site space. The north building includes at-grade private outdoor space for each home. The setback to the north exceeds the minimum of 5m.

Section 7.2.5. Sufficient building separation should be provided between buildings to maximize daylight and minimize shadowing and overlook. Consider increased setbacks on the north side of sites to reduce shadowing impacts on adjacent properties.

Applicant Response: The north building is exceeding the minimum setback requirements to the north. Further, this area is programmed with landscaping and screening to mitigate concerns on overlook.

Section 7.2.6. Buildings which do not front onto the public street should be sited to provide sufficient separation from share property lines and adjacent development in order to reduce overlook and shadowing, protect privacy from residents and neighbours, and provide space for landscaping.

Applicant Response: The north building is sited to provide a 4.2m setback to the eastern neighbour. This area alone will include approx. 550sf of landscaping, including medium sized trees and shrubs. The eastern most unit in this building (Unit 19) is positioned to front onto the private on-site park, not to the neighbours, further mitigating concerns with overlook. A shadow study has been provided to illustrate the impact of this home to the eastern neighbour is negligible.

Section 7.2.7. Consider lower heights and massing of buildings located to the rear of a site, compared to the front, where this would be mitigated impacts on neighbouring properties.

Applicant Response: The applicant team has reviewed and considered the height and siting of the north building. In balancing the provision of 3-bedroom townhomes, the design presented is meeting or exceeding all the required setbacks while providing 3-storey, 3-bedroom townhomes. Removing or lowering a portion of the north building, or changing the roofline, will create a break in the thoughtful architectural style and massing that has been proposed and supported at ADP. The consistent roof lines delineate each of the homes and create a rhythm that would be interrupted by lowering the roofline of Unit 19.

Section 7.2.8. Where parking access courts are included in a development, this area should be integrated into the overall development to create a welcoming space. Integrate landscape into these areas and provide features such as legible entries, windows or balconies for casual surveillance.

- Wherever possible, integrate one or more trees within or directly adjacent to a parking court or rear yard parking area, and consider landscaping areas associated with individual entries accessed from a parking court.

Applicant Response: The applicant doesn't agree this guideline applies – the proposed development has drive aisle access to individual secured garages, the site does not include a parking "court", as it's described in the guidelines.

Regardless, the proposal incorporates a green strip along the main entry (new feature), a zen-garden at the end of the main drive aisle, and a significant setback along the eastern property line (new feature) that incorporates trees and landscaping at the end of the east/west drive aisle.

Further, the development will include planters with greenery between each home to activate this area with more greenery.

Section 7.2.9. Consider varying garage and parking orientations to avoid drive aisles dominated entirely by garage doors. A mix of entries, patios, windows and landscape create a liveable and inviting space.

Applicant Response: Through the introduction of balconies, landscaping around the edge of the drive aisles, a central zen-garden, varying materiality, cladding and stepped massing, the central drive aisles are flanked by architectural detailing and landscaping to create an inviting space for residents.

Zoning Plan Check

The Zoning Plan Check (see attached) dated February 3, 2025, has identified information missing on the set of Plans dated January 27, 2025. If you need clarification on any of the items contained in the Zoning Plan Check, please contact the Zoning Administration staff as noted on the Zoning Plan Check.

Below is a list of required changes which must be made to the Plans per the Plan Check:

- The average grade shown on the north elevations does not match the calculations shown on sheet A101. Grade

points must be added to the west building around the electrical room. Revise and adjust average grades and heights on drawings and in project information table to suit. Please also add geodetic elevations at highest eave, and midpoint of all building for clarity.

Applicant Response: The average grades and calculations have been updated and are aligned between the calculations and Sheet A101.

Dimension building separation where the new balconies project from north and south buildings.

Applicant Response: The building separations from the new balconies has been dimensioned.

- Fence height must be reduced to 1.22m in front yard. Provide height for trellis that it is below the 1.83 max. height for side yard fences.

Applicant Response: The architectural drawings have been updated.

The following Variances have been identified on the Zoning Plan Check as required for the proposal.

1. Increase the number of dwelling units for corner townhouses from 12 units to 19 units
2. Increase the maximum all floor area from 1,410m² to 2,070m²
3. Increase the maximum setback distance for an entire building to the street from 36m to 42.6m for the North building to Fernwood Road
4. Reduce the front yard setback from 2m to 1.75m for the West Building
5. Reduce the side (south) yard setback from 2m to 0.76m for the portion of the West Building fronting Balmoral Road
6. Reduce the required amount of residential parking from 15 spaces to 13 spaces
7. Reduce the required amount of short-term bicycle parking from 18 stalls to 14 stalls
8. Reduce the required percentage of oversized long-term bicycle parking stalls from 15 to 0
9. Be relieved of the requirement of providing a Bike Facility

* Some of the variances shown in the Zoning Plan Check we understand will no longer be required based on the amended Site Plan provided on February 14, 2025, for review prior to providing us with a formal resubmission.

** We do not generally support variances to bicycle parking requirements aside from relief from the bike facility. Please provide short-term bicycle parking and oversized long-term bicycle parking stalls as per Schedule C.

Conditions to be met prior to final approval:

- A 120% landscape bond for soft and hard landscaping is required to be collected as part of the Development Permit with Variance DPV00276 application.
 - Please have your retained landscape architect provide the cost estimates for both soft and hard landscaping (LADR Landscape Architects) for review and consideration.

Applicant Response: A cost estimate for hard and soft landscaping has been prepared by LADR Landscape Architects. The estimate is included in the DP re-submission package for review.

Engineering and Public Works Department Comments

Review comments provided below are divided into sections: Land Development, Transportation, Underground Utilities and Stormwater Management

Items that are recommended for Council consideration as a condition of rezoning and secured in a legal agreement (whether involving Land Development, Underground, Transportation, or Stormwater Management) are contained in the Land

Development Review section.

General

Land Development Review

Contact:

- Primary – Kevin Smitten, Sr. Engineering Technologist, at 250.361.0300, or email at ksmitten@victoria.ca or
- Secondary – Brent Molnar, Supervisor of Land Development at 250.361.0300, or email at bmolnar@victoria.ca
- General Engineering – 250.361.0300 Central email at eng@victoria.ca

It is recommended that, as a condition of the development permit with variances application, and secured in a legal agreement which is registered before final approval of the Building Permit:

- 2.7m road dedication along the Fernwood Road frontage.
- 1.7m road dedication along the Balmoral Road frontage.
- All TDM measures as requested by the Transportation Department to the satisfaction of the Director of Planning

The Requirements of the Sanitary Attenuation Report be secured (if necessary) and be registered in a legal agreement.

Applicant Response: The dedications have been provided as illustrated in the DP resubmission.

As the applicant is not requesting a residential parking variance, associated TDMs are not being provided.

For Information prior to Building Permit Submission/Approval:

- The applicant is financially responsible for frontage works to the centreline of the road to current City of Victoria standards (i.e., at the time of Building Permit), as per the Victoria Subdivision and Development Servicing Bylaw, and to the satisfaction of the Director of Engineering and Public Works.

Applicant Response: Noted

Transportation Review

Contact: Bronwyn Crowder, Transportation Planner at 250.361.0338 or at bcrowder@victoria.ca

Conditions to be met prior to the Committee of the Whole:

- Proposed bicycle parking in units 5,6,7 is not functional to access and store within the finished ground level of the units. in addition, does not meet Schedule C requirements for long term bicycle parking. Staff recommend providing secure long term bicycle parking including the required oversized spaces in addition to providing access to electrical outlets highlighting the dependency on alternate modes of travel for these units due to no vehicular parking availability within the site.
- Staff do not support of the bicycle parking variance requests.
 - Reduce the required amount of short-term bicycle parking from 18 stalls to 14 stalls
 - Reduce the required percentage of oversized long-term bicycle parking stalls from 15 to 0

Please amend the proposal to provide the Bicycle parking requirements as per Schedule C of the Zoning Regulation Bylaw.

Applicant Response:

18 short-term bicycle stalls have been provided.

12 Class 1 stalls, with 15% as oversized (2 total) are provided.

Underground Utilities Review

Contact: Anhad Jolly, Utility Planning Technologist, at 250.361.0263 or ajolly@victoria.ca

- Latest set of plans show a 25mm irrigation service, but its locations has not been dimensioned.
- The same area also contains City's fire hydrant, but no mention about it is made and in fact the shading used for the new sidewalk has covered it up. If it is to be retained in existing location it would be in the middle of the new refuge area.

Applicant Response: The final locations will be determined through Building Permit review.

For Information prior to Building Permit Submission/Approval:

- The details of the Sanitary Attenuation report will be required to be met (if approved).

Applicant Response: Noted

- The applicant is required to retain the services of a Qualified Professional for any project requiring excavation and disposal of any volume of soil for the purpose of characterizing the soil and determining a suitable disposal facility. The soil assessment must include samples from proposed service trench locations, with a report to be provided to the City. This is required to allow the City to provide the most accurate estimate and to install the new services most efficiently. Additionally, soil from a property with a current or former BC CSR Schedule 2 Activity must comply with provincial soil relocation requirements, including the one-week notification period prior to soil relocation.
 - A [Street Occupancy Permit](#) from Transportation Engineering will be required for work in the roadway.

Applicant Response: Noted

- Prior to commencement of excavation or soil relocation, contractors shall be registered under Bylaw 14-071, Schedule G: Code of Practice for Construction and Development Activities. Contact Adam Steele, Stormwater Management Specialist, at 250.361.0318 or asteel@victoria.ca to register.

Applicant Response: Noted

Stormwater Management Review

For Information prior to Building Permit Submission/Approval:

- Please show the locations of all proposed on-site drains and their connection to the City storm drain main on the Building Permit plan submission.

Applicant Response: Noted

- If permeable pavers will be used, please include product specifications on the Building Permit plan submission.

Applicant Response: Noted

- Indicate on the Building Permit plan submission, in square metres, the:

- site impervious areas
 - permeable surface areas
 - rainwater management areas

Applicant Response: Noted

- Please submit the product specifications for any permeable materials used for review at the time of Building Permit plan submission.

Applicant Response: Noted

Parks Division Comments

Contact: Gregg Staniforth, Telephone: 250.361.1614 or at treepermits@victoria.ca

- Applicant must provide a Replacement Tree Plan. The Replacement Tree Plan must meet the requirements outlined in Schedule "E" of the Tree Protection Bylaw 21-035.

Applicant Response: A Tree Replacement Plan has been provided in the DP submission.

For Information prior to Building Permit Submission/Approval:

General:

- All new boulevard trees will require irrigation to be installed at the expense of the developer.

Applicant Response: Noted

- Please show a separate water service on the Civil Plan for irrigation of the trees in planting pits on both frontages. Installation of the water service to be at the expense of the applicant.

Applicant Response: Noted

- Please add Tree Planting in Boulevard Detail SD P4 to the Replacement Tree Planting Plan and the Civil Plan. The detail can be found in Schedule "B" Street Trees and Irrigation in the Subdivision and Servicing Bylaw 12-042.

Applicant Response: Noted

Please reflect the following details and inspection notes on the Civil Plan:

Street Trees:

- Proposed Street Trees must comply to City of Victoria Supplementary Specifications for Street Trees and Irrigation Schedule C, Bylaw 12-042, Subdivision Bylaw and the current version of the Canadian Landscape Standard. Planting details can be found in Schedule B3-4. The following tree inspections by Parks Staff are required by Schedule C.
- To schedule an inspection please contact Ross Wilkinson, rwilkinson@victoria.ca and also copy treepermits@victoria.ca 48 hours prior to the required inspection time.

Applicant Response: Noted

Tree Planting Inspections:

- Excavated tree pits, soil cells, root barriers
- Tree prior to planting (Parks staff can inspect trees prior to shipping at local nurseries. Photos can be provided from up-island and mainland nurseries. Trees must meet the spec upon delivery.
- Completed planting – tree planting, grade/guard, stakes, etc.

Applicant Response: Noted

Irrigation:

- Irrigation Systems on City property shall comply to City of Victoria Supplementary Specifications for Street Trees and Irrigation Schedule C, Bylaw 12-042, Subdivision Bylaw. Irrigation drawings must be submitted to Parks Division for review and approval 30 days prior to installation work.

Applicant Response: Noted

- The following irrigation and sleeving inspections by Parks Staff are required by Schedule C
 - The irrigation system and sleeving inspection requirements can be found in Schedule C of the Victoria Subdivision and Development Servicing Bylaw No. 12-042.
 - Irrigation Sleeving prior to backfilling*
 - Open trench Main Line and Pressure Test
 - Open trench Lateral Line
 - Irrigation system, Controller, Coverage test, Backflow Preventer Assembly Test Report required, Backflow Assembly is to have an inspection tag completed and attached.

Applicant Response: Noted

- Please Note: Parks is now requesting that 100mm SDR 28 pipes be used for irrigation sleeving under hard surfaces. Installations where a 90-degree bend is required should be installed using 100mm SDR 28 GSX (22.5 degree) long sweeps. Please install at 400mm depth.

Applicant Response: Noted

Fire Department Comments

Contact: Megan Sabell, Telephone: 250.920.3362 or at msabell@victoria.ca

Conditions to be met prior to the Committee of the Whole:

- Recommend residential sprinklers.

Applicant Response: Noted

CONCLUSION

The proposal outlined above is fully compliant with the Missing Middle Design Guidelines and Official Community Plan with respect to density and height and will provide nineteen ground-oriented homes for the Fernwood neighbourhood. We look forward to seeing this proposal approved as a Delegated Development Permit.

Sincerely,



Hassan Sayed
Frame Properties Ltd.