



1715 Government Street
Victoria, BC, V8W 1Z4

Mayor and Council
City of Victoria
No.1 Centennial Square
Victoria, BC, V8W 1P6

May 26, 2018

Re: Rezoning - 910 Government Street Street

Dear Mayor Helps and Council,

The DRA LUC has reviewed the application for the proposed rezoning and hosted a CALUC meeting on April 30, 2018 for the above mentioned application. Seven people registered their attendance at the door.

Based on the information presented by the applicant, the purpose of the rezoning is to replace the existing Land Use Contract with a new zone that recognizes the existing building as built. Land Use Contracts are being terminated by the Province of BC and regulation for this property will revert to the underlying zoning on this property (currently CA-3) leaving the existing property as "legal non-conforming". The existing CA-3 zone allows a maximum FSR of 3:1 for this site and the OCP designation for Old Town is also 3:1. The existing structure apparently represents a significantly higher FSR of over 4:1.

Comments and concerns raised by the attendees and Committee members are as follows:

- This building is much bigger than what is currently permitted in the OCP so it appears an OCP amendment (along with the larger 200m notification distance) may also be necessary for this application.
- Is this rezoning necessary to protect the existing owner's rights? Short of catastrophic destruction or damage to the building of over 75% of its value above its foundations, legal non-conforming buildings can be rebuilt to the same form as they currently exist ensuring ongoing protection for the owner's entitlements that were originally granted under Land Use Contracts. The current terms of the land use contract governing this site appears of little difference to a situation of legal non-conforming.

- Under the current Land Use Contract the applicant would still need to apply for a rezoning to redevelop this property in any significant way. Rezoning of this property to accommodate the existing situation would allow the property to be redeveloped in the future without the provision of community amenities or public consultation

Providing zoning entitlements that recognize this building as-built would appear to confer entitlements in excess to what is currently permitted under the more restrictive existing Land Use Contract. If Council does nothing and these buildings revert to legal non-conforming status, it would not be significantly different to the existing situation. This may be preferable to applying additional zoning entitlements that would unintentionally facilitate the properties redevelopment at a later date without further public input or Council discretion.

Sincerely,

A handwritten signature in black ink, appearing to be 'Ian Sutherland', written in a cursive style.

Ian Sutherland
Chair Land Use Committee
Downtown Residents Association

cc COV Planning